

LA CROSSE COUNTY NOTICE OF MEETING

COMMITTEE OR BOARD:	CRIMINAL JUSTICE MANAGEMENT COUNCIL	
DATE OF MEETING:	WEDNESDAY, JUNE 16, 2021	
MEETING PLACE:	VIA ZOOM PLEASE SEE INSTRUCTIONS BELOW ON HOW TO CONNECT	
TIME OF MEETING:	5:00 p.m. – 6:30 p.m.	
PURPOSE OF MEETING:	Monthly Meeting	
	<u>CJMC MISSION:</u>	
	The Criminal Justice Management Council seeks a just, coordinated and accountable criminal justice system for La Crosse County by promoting collaboration and engagement of criminal justice stakeholders and the community.	
1.	Call to Order	
2.	Approval of the May 19, 2021 minutes of the CJMC	
3.	Public Comment – Public is able to participate in this agenda item via zoom link	
4.	Welcome / Introduction / Update of New Citizen Members	
5.	Citizen Oversight Board – Next Steps	
6.	Introduction to July Case Breakdown Item & Purpose	
7.	Review of agency updates (written updates provided in packet)	
8.	Informational / Misc. items	
9.	Future agenda items	
10.	Adjourn	
NEWS MEDIA	OTHER	COMMITTEE MEMBERS
La Crosse Tribune	Brenda Strong	Tim Gruenke – Chair
WIZM/WKTY	Dennis Montabon	Araysa Simpson – Vice Chair
WKBH & WLFN	Jane Klekamp	Andrew Alvaro Rasmussen
WKBH – TV 8	Jenna Theler	Dr. Suthakaran Veerasamy
WLSU/WHLA	Jim Verse	Dr. Troy Harcey
WSM News	Judges Bjerke, Levine, Doyle	Jason Witt
WXOW-TV 19	Kate Holinka	Jayne Rifenberg
WEAU	Keith Belzer	Jeff Wolf
WPR	Lisa Fieck	Joseph Packard / Jenna Theler
Magnum Broadcasting	Mandy Bisek	Keonte Turner
COUNTY DEPARTMENTS	Mark Clements	Margaret Larson
County Administrator	Maureen Freedland	Monica Kruse
County Clerk	Mayor Timothy Kabat	Judge Horne / Judge Gonzalez
Facilities	Megan DeVore	Tina Tryggestad
Justice Support Services	Peter Kinziger	Tom Jacobs
Corp Counsel	Ryan Westpfahl	
	Shane Collins	Heidi Svee (awaiting appointment)
	Shawn Kudron	Vincent Loera (awaiting appointment)
	Teri Serres	Michael Sersch (awaiting appointment)
	Troy Miller	Heidi Allred (awaiting appointment)
	Vicki Burke	
	Vicky Gunderson	

A quorum of the Judiciary and Law Committee may also be present at this meeting

MEMBERS: If unable to attend, call Tiffany Cornell at (608) 785-6150.

PUBLIC COMMENT: The Committee may receive information from the public, but the Committee reserves the right to limit the time that the public may comment and the degree to which members of the public may participate in the meeting.

PERSONS WITH DISABILITY: If you need accommodation to attend this meeting, please contact Tiffany Cornell at (608) 785-6150 as soon as possible.

DATE NOTICE FAXED/MAILED/EMAILED AND POSTED:

This meeting may be recorded and any such recording is subject to disclosure under the Wisconsin Open Records Law.

Join Zoom Meeting

<https://wicourts.zoom.us/j/94632125414?pwd=M3RiNk1vaWpCMHRrMjBscWhSNi9hZz09>

Meeting ID: 946 3212 5414

Passcode: 817131

Dial in location:

+1 312 626 6799

Meeting ID: 946 3212 5414

CRIMINAL JUSTICE MANAGEMENT COUNCIL**MAY 19, 2021****MEETING HELD VIA: ZOOM****LINK TO RECORDING:**

https://wicourts.zoom.us/rec/share/97Saz0aC4NaHFv0BgMw_LsvWjAWtn9xqZhgmzDVdGk3iik7PKV6vgsZotIEumm6E.DZD9eW0TZNS0J0dm

MEMBERS PRESENT:	Judge Horne, Tim Gruenke, Captain Avrie Schott, Margaret Larson, Jean Young, Sutha Veerasamy, Jeff Wolf, Tom Jacobs, Araysa Simpson, Monica Kruse, Jason Witt, Tina Trygestad, Andrew Alvaro-Rasmusson, Troy Harcey
MEMBERS EXCUSED:	Jayne Rifenberg, Toya Reynolds, Keonte Turner
OTHERS PRESENT:	Mandy Bisek, Sara Wasserberg, Jim Verse, Mike Tighe, Brad Williams, Jenna Theler, Olivia Herken, Eric Timmons, Joella Striebel, Jane Klekamp, K Stein

CALL TO ORDER

Chair Tim Gruenke called the meeting to order at 5:01 pm via Zoom.

APPROVAL OF APRIL 21 MINUTES OF THE CRIMINAL JUSTICE MANAGEMENT COUNCIL

MOTION by Horne / Larson to approve the April 21, 2021 minutes of the Criminal Justice Management Council. **Motion carried unanimously**; Rifenberg, Reynolds, Turner excused.

PUBLIC COMMENT: No public comment

CITIZEN ADVISORY COMMITTEE REPORT: (Subcommittee Report Attached)

Monica Kruse presented the following information:

Recommendations & Summary Report – Creation of a Civilian Oversight Board
La Crosse County CJMC Subcommittee Report 2021

Proposal: CJMC to create a formal subcommittee tasked with finalizing a plan for implementation of a county-wide Civilian Oversight Board

“The American Medical Association (AMA) recently released its organizational strategic plan to address racial justice and advance health equity, which included naming chronic over-policing and police brutality as one of many symptoms of structural racism.”

<https://www.canva.com/link?target=https%3A%2F%2Fwww.ama-assn.org%2Fsystem%2Ffiles%2F2021-05%2Fama-equity-strategic-plan.pdf&design=DAEqjWxvyI>

What is a civilian oversight board?

A civilian oversight board can be defined as an agency staffed with and comprised of civilians charged with investigating civilian complaints of police misconduct, providing resources to community members experiencing police violence, and facilitating transparency and accountability in local policing.

General Recommendations:

- The Board should include CJMC members and municipality representatives (elected officials, survivor advocates, subject matter experts, directly impacted community members, criminal legal system researchers, civil rights and justice-focused practitioners)
- The Board should be tasked with meaningful oversight and not merely provide recommendations (advisory)
- The Board should provide assistance, support, guidance for community members
- The Board should be guaranteed protection from harassment by law enforcement officers and unions
- The Board's information, resources, and communications should include translations into Hmong, Spanish, and ASL when applicable
- The Board should function independently

Guidance from Madison Police Civilian Oversight Board's Keith Findley

- Include people most impacted
 - Expect pushback and challenges
 - Include a variety of viewpoints and perspectives on public safety and policing
- "My own view was that if one of our goals is to find a way to bridge the divides between those who are hostile with police those who feel that police do not hear them, the worst thing we could do is shut them out of this process." He said. "In order to build those bridges we had to make sure that they were there and I kind of saw this not as a challenge to the police so much as a gift to police, because we are giving them a mechanism for engaging actively with members of the community, including members who feel otherwise distrustful and hostile to them."*

Our Process

- Initial Task: We are tasked with preliminary research and exploration of existing policing oversight models and frameworks. We focused on bodies formed to investigate, increase accountability, and improve transparency.
- Research: We drew from an article in the Seton Hall Law Review written by Udi Ofer of the American Civil Liberties Union (ACLU)
<https://www.canva.com/link?target=https%3A%2F%2Fscholarship.shu.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1572%26context%3Dshlr&design=DAEqjWxvyI>
- Community Input: As a subcommittee, we received written input from community members regarding the formation of an oversight board. We also held a virtual listening session, where community members shared thoughts and perspectives.

Why We Must Create a Civilian Oversight Board

- Clearly documented and persistent national, statewide, and local patterns of racial inequities in policing
- Abuses of power cause distrust, resentment, and fear of police violence
- Some smaller municipalities within our county have no existing mechanism of oversight
- Current methods of 'oversight' are internal and no independent accountability process is yet in place

Key Components of Effective Oversight Boards:

- Board membership and professional/personal backgrounds are diverse and justice-focused
- Transparency and accountability
- Board is given a broad scope for complaint review
- Independent investigative authority
- Regular audits of policies, practices, internal culture

- Independent and sustainable funding
- Due process protections for involved parties; insurance of civilian protection from police harassment
- Ease of public access to reporting and support

QUESTIONS AND CONVERSATION FROM COUNCIL:

Gruenke - clarifying that those on current subcommittee would not be those that would make up the next committee that creates this citizen oversight board

Kruse clarifies that CJMC could elicit interest on who might be interested in being part of the creation of this committee.

Gruenke asks, sense of how active this board might be? Subcommittee has had a lot of input from community members that had adverse acts happen to them. Unsure how many would come forward to the committee. Sited ideas of how to make citizen complaint process more accessible.

Gruenke - Considering the number of details listed that need to be figured out, what is the reality of how long it might take to create this oversight committee, considering this subcommittee's research and recommendation process took over 1 year.

Kruse - suggests, realistically, creation could take just as long if not longer.

Horne - what is the interplay between this body and Police and Fire Commission?

Kruse - believes it should complement one another, exist side by side, and potentially be looking at different things, such as citizen complaints.

Horne - clarifies what authority might exist for this oversight committee.

Kruse - next committee may need to reach out to Madison to get more guidance on this area.

Striebel - in the state of WI the oversight board would not have statutory authority, but rather make recommendations regarding discipline. More importantly, board would be available to citizens to navigate the process on how to make a complaint and be supported in that process.

Striebel - also comments on the membership of the subcommittee that explores setting up the oversight board would be those listed in the power point (i.e. mayors, County Board, etc.)

Horne - asks whether those familiar with police training might be a part of this board.

Horne - asks about subpoena power and if there is authority for this.

Kruse - references literature that this is important to have the ability to bring in witnesses.

Gruenke - shares that Keith Findley used Madison as an example of a site that does have this authority.

Alvaro - clarifies that the committee will dive deeper into the issue of disciplinary power.

Wolf - asks for clarification about those that are listed to be a part of oversight board vs.

Keith Finley's recommendations to not have law enforcement a part of the board.

Kruse - clarifies that there should be no current law enforcement involved on board.

Wolf - clarifies about confidentiality recommendations for citizens who make a complaint as this may be difficult to navigate given open records laws.

Wolf - clarifies discipline authority lies with Sheriff

Wolf - comments on recommendation for matrix to outline fair discipline as complex given circumstances.

Wolf - clarifies comment made on quotas - doesn't generally exist any more

Wolf - comments that this is a complex undertaking. States it is a lot of work to put together for potentially not a lot of complaints.

Schott - thanks the subcommittee for their work.

Schott - agrees with Wolf on the complexity

Schott - asks will the subcommittee continue to follow through with the survey completion to determine if this aligns with recommendations. Wants to ensure we are serving the La Crosse Community to the best of our abilities.

Kruse - clarifies that current subcommittee has completed its task. Next step will be to create a committee that will design the oversight board. Hope and expectation is that this next committee will have the survey information when it is complete to bring back to CJMC and incorporate into the work.

Alvaro - regarding the survey, hopes it can paint the picture of what our community wants.

Striebel - comments on Wolf's statement of 1 use of force complaint, which outlines an example of a reason for need for this oversight board. Striebel has heard of 5 complaints through the time on this subcommittee. Important these complaints are making their way to law enforcement leadership to be aware.

Veerasamy - comments on the argument of complexity around the creation of this oversight board. Pushback by police members of council speaks to the need to have this board. Of all the things that CJMC has talked about, maybe this is the one thing we are getting right, given the pushback. Perhaps this board is preventative in nature for police.

Gruenke - seconds Veerasamy's comments to say that having a place for citizens to trust and turn to when they have concerns. Conduit between the community and the police for those that are afraid to go to the police is helpful

Schott - comments on the board being a place for citizens to go to assist them in walking through the formal process, and support. Board can also offer suggestions or ideas to the police on how they could do different, train better, engaging communities, building relationships, etc.

Simpson - comments that we want to determine what we want this board to look like.

Board that assists citizens in the complaint process vs. true oversight board like Madison.

Authenticity and respect is important – don't get that if we don't understand our purpose or scope.

Theler - seconds Simpson's comments and question. How do we ensure we do not have a "weak board" if we don't have authority?

Kruse - this needs to be more than advisory.

MOTION:

Kruse: CJMC establishes a committee, approved by CJMC and Co Board, tasked with research and creation of a Civilian Oversight Board.

2nd: Larson

DISCUSSION:

Schott – hopes to have surveys available to guide this work for this committee. Suggests tabling until we have this information to move forward.

Simpson – Confusion around wording when we use "committee" to create a "committee/board". Also supports having all information available (surveys) before moving forward.

Alvaro – Current subcommittee has reached its completion and passing along to the next body. Next formal committee should pick the work up as soon as possible so it doesn't go stagnant, which could mean working with UWL to have the survey information available as soon as possible. Pausing may be detrimental to the process. Committee could begin researching additional information on statutes, blueprints, etc.

Kruse – Committee will likely want to conduct their own surveys, listening sessions, etc.

Found in current subcommittee that the results of the survey were not necessary to make their recommendations for the CJMC tonight.

Schott – Clarifies task of current subcommittee

Kruse – Clarifies subcommittee's task was to research and better understand whether CJMC should recommend the creation of a Civilian Oversight Board.

Gruenke – clarifies the motion is to create a larger committee that will further research the details required to create the Civilian Oversight Board.

Kruse – confirms Gruenke’s comments

Wolf – what if there isn’t buy-in from a jurisdiction? Would that be a task of this current committee to research this as a County wide model?

Kruse – heard from Onalaska, Sheriff, and others, but did not hear from all municipalities in the County. Kruse clarifies task of this current subcommittee was to research what an oversight board could look like.

Simpson – ensure clear language in the motion

Simpson – clarifies that this committee will better define the scope and authenticity of the board that is created

Horne – clarifies language and intent of motion. Comments on the benefit of creation of a board such as this for the marginalized members of our community to have a voice.

Credibility in this board for making recommendations to those with authority. Supports the research needed around authority and principles of the board that are supported.

VOTES

In favor- 11

Opposed – 0

Motion passes

Next agenda – bring ideas for who might be nominated to serve on committee

CITIZEN MEMBER RECRUITMENT STATUS:

Bisek – updates the council that Angel Lee has chosen to leave the Council

Kruse – updates the council on status of recruitment process. With Angel, we have 3 positions open (2 are specialized positions, 1 with mental health advocacy, 1 with victim advocacy) 14 citizens stepped forward with interest. Of the 14 have narrowed to 5. Ask citizen members to be a part of the interview process of future members.

Horne – any thought been given to the gap Lisa Kruse left with specific specialization in data collection, analysis, and research. Feels it is important to have that background attached to the Council in some way.

NOMINATIONS OF CJMC VICE CHAIR:

Kruse nominates Araysa Simpson for Vice Chair

Jacobs seconds

Simpson appointed Vice Chair

AGENCY UPDATE REPORT REVIEW:

Kruse updates the Council that the County Board passed a resolution declaring Racism as a Public Health Crisis. Felt the need to get to work right away and established a committee and had first meeting to create a racial equity plan for La Crosse County. Will report to Council on the status of this.

Witt updates Council that with Audra Martine leaving Human Services to become Director of La Crosse County Health Department, he has appointed Mandy Bisek as Deputy Director of Human Services.

INFORMATIONAL / MISC:

Young introduces new DOC Sex Offender Supervisor Sara Wasserberger joining the meeting.

Kruse highlights Chief Ashbeck's departure from the Council

Gruenke comments that he represented the Coulee Region Chief's Association. Chief Ashbeck will go to the Chief's Association to ask for a volunteer to replace him.

FUTURE AGENDA ITEMS

Gruenke asks Council to think about anyone they believe would be an asset to the committee that will be formed as discussed in the above motion.

ADJOURN: There being no further business, Chair Gruenke adjourned the meeting at 6:29 pm

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.

Recorded by Mandy Bisek

Recommendations & Summary Report Subcommittee on Creating a Civilian Policing Oversight Committee

Proposal: We propose the Criminal Justice Management Council create a formal committee to move forward with finalizing the plan to create a county-wide civilian oversight board.

Framing the conversation:

The American Medical Association (AMA) recently released its organizational strategic plan to address racial justice and advance health equity, which included naming chronic over-policing and police brutality as one of many symptoms of structural racism. See: AMA Equity Strategic Plan (<https://www.ama-assn.org/system/files/2021-05/ama-equity-strategic-plan.pdf>)

A **civilian oversight board** can be defined as an agency staffed with civilians charged with investigating civilian complaints of misconduct by police officers. It gives civilians a meaningful voice in discipline of officers - changes the relationship between police and civilians, provides an external check on police.

General Recommendations:

This committee should be made up of CJMC members, representatives of the municipalities in the county – mayors, village board members/presidents, county board members, city council members, victim advocates, representatives of disproportionately impacted communities, subject matter experts, criminal legal system researchers, representatives with legal, civil rights and law enforcement expertise. It's important that this be an oversight board, not just an advisory committee.

This oversight board should be charged with providing assistance, support, and guidance to community members who wish to file complaints against police officers in order to help them navigate the process. The members of the committee creating the oversight board, as well as the eventual Civilian Oversight Board members, must be guaranteed protection from harassment by law enforcement officers and law enforcement unions.

All information/communication originating from the Oversight Committee must include translations into languages prevalent in La Crosse County communities – Spanish, Hmong, etc.

The Civilian Policing Oversight Committee should function independently and separately from the existing Police and Fire Commissions. Civilian members should be provided a variety of reporting options, as well as confidentiality of reports.

Guidance from Keith Findley of Madison's Police Civilian Oversight Board

It's important to keep in mind that this committee should include people impacted by adverse encounters with police, as articulated by Keith Findley of the Madison Police Oversight Committee.

During the period in which the creation of the board was being discussed in Madison, there was pushback to the idea from people who assumed it would be filled with 'police haters,' Findley said. But he reiterated that it was valuable that the board include members who might be considered hostile to police.

"My own view was that if one of our goals is to find a way to bridge the divides between those who are hostile with police, those who feel that police do not hear them, the worst thing we

could do is shut them out of this process,” he said. “In order to build those bridges we had to make sure that they were there and I kind of saw this not as a challenge to police so much as a gift to police, because we are giving them a mechanism for engaging actively with members of the community, including members who feel otherwise distrustful and hostile to them.”

From: [Madison Police Oversight Board Offers Template for La Crosse – The La Crosse Independent](#)

Our Subcommittee Process

The task of the CJMC Policing Subcommittee on Creation of a Civilian Oversight Board was to explore existing model civilian oversight boards and make recommendations regarding the establishment of such a committee in La Crosse County. We focused on civilian boards with powers to investigate police misconduct, suggest and supervise discipline when misconduct is determined and implement mechanisms to monitor existing systemic problems. A recurring theme was the importance of board independence from police departments and politics, with board membership selected by civic and community organizations, with a fiscal source independent from the police budget.

The suggestions for creating a civilian oversight board cited here are derived from a summary of articles, but draw mainly on [Getting It Right: Building Effective Civilian Review Boards to Oversee Police by Udi Hofer, American Civil Liberties Union of New Jersey](#)

We gathered community input in a variety of ways including requesting feedback, perspectives, lived experiences etc. through email submissions, as well as holding a virtual listening session for community members to share their thoughts.

Why independent oversight of local policing is necessary

- Unjustified deadly force against civilians is a documented pattern in U.S. policing, as well as persistent national, statewide, and local racial disparities in impact
- Mundane transgressions and abuses of power that create resentment, lead to lack of trust and cause cumulative damage
- Need for an agency or unit within police departments charged with reviewing data to discern patterns in policing practices that reveal broader problems
- Traditionally, civilian oversight boards – like La Crosse’s Police and Fire Commission - have reported to the police commissioner who makes formal disciplinary determination – this sets them up for failure
- Current methods of oversight are internal with no formal, independent accountability process

Greatest barrier to structural improvement = most oversight boards do not have disciplinary authority.

Key components of effective Civilian Oversight Boards

- Board majority nominated by civic organizations (remainder by mayor and lawmakers). Nominees' backgrounds might include legal, civil rights, social justice, racial equity, criminology, social work, and/or justice-centered professional and personal experiences.
- Transparency and accountability are essential.
- Broad scope to review complaints - excessive use of force, abuse of authority, unlawful arrest, unlawful stop, unlawful searches, stop and frisk, sexual assault, discourtesy/disrespectful behavior, offensive language, theft, discriminatory behavior.
- Civilian oversight boards must have independent investigatory authority - subpoena power, which is important to counteract the 'code of silence' (officers refusing to testify

against other officers, refusal to cooperate with investigators, etc). The Blue Wall of Silence treats any reporting on a fellow officer as an act of betrayal.

- Ensure discipline sticks - make board findings binding for the head of the police department, use meaningful pre-negotiated discipline matrix to determine punishment.
- Audit policies and practices - make formal recommendations of policy reforms, review underlying policies that may allow abuses, such as quotas. Discern developing trends in the district - [high rates of juvenile arrests](#), for example. Grant ability to make policy recommendations.
- Provide secure funding - ensure funding is not dependent on politics. Budget should be sufficient to finance essential personnel – which may include an executive director, investigators, attorneys, analyst/auditors, overhead.
- Due process protections for all parties involved in review and complaint process - including safety insurances for civilians against harassment by police agencies, individual officers, and professional police associations
- Public access/reporting - it should be easy for the public to file complaints via a website, in-person, email, phone, fax. Office hours should allow for maximum availability; monthly public meetings, public hearings, quarterly/annual reports with data on policing practices, complaints, etc.
- Smaller communities/municipality Police & Fire Commission laws

A weak civilian oversight board is worse than none at all, because it gives an illusion without substance and pays lip service to transparency.

References

https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/29/law-enforcement-violence?fbclid=IwAR0P5G1Nq_MqBlpTJ599qbSQxybJ4cbPFnjYuSSEPxy55xOp-gdiQErtOU

<https://www.ama-assn.org/system/files/2021-05/ama-equity-strategic-plan.pdf>

<https://www.oaklandca.gov/topics/reimagining-public-safety#about-the-taskforce>

<https://www.npr.org/2020/11/07/931806105/across-the-country-voters-approve-more-civilian-oversight-for-police>

<https://www.lacrossecounty.org/humanservices/docs/JJA-DMC%20Full%20Report.pdf>