



# DODGE COUNTY SHERIFF'S OFFICE

Dale J Schmidt Sheriff Scott Mittelstadt Chief Deputy

## FOR IMMEDIATE RELEASE

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### Housing of Huber (Work Release) Inmates During COVID-19 Pandemic

The sheriff of each county is given the authority by the Constitution of the State of Wisconsin and Wisconsin State Statutes to manage the jail and determine housing of the inmates in the custody of the sheriff. The sheriff is charged with the safety and security of those inmates while they are in custody.

There are a variety of types of custody that are permissible by law. The first type of custody is someone who is actively in the jail on a full-time basis and they are not allowed to leave. The second type of custody is called Huber, which allows inmates to leave the custody of the jail for work release, medical appointments and other appointments as approved by the courts. The last type of custody is called electronic monitoring in which inmates are equipped with a GPS monitoring device and they are restricted to their home. They may be allowed to go to work or other appointments similar to a Huber inmate. We set up exclusionary zones utilizing the GPS which restricts the movement of those inmates. Entering that zone will set off an immediate notification to law enforcement. It is a very strict method of controlling individuals sentenced to jail, while not having them physically in jail.

The decision to allow an inmate to have Huber privileges is the sole decision of the judge in their case. The sheriff may suspend the Huber privilege when a rule has been violated until a judge can review it.

Electronic monitoring decisions are made at the discretion of the sheriff as the sheriff determines appropriate housing for each inmate. In the Dodge County Jail, guidelines have been set for staff to follow when approving or denying electronic monitoring and those guidelines are followed unless special circumstances are presented to the sheriff. Ultimately, the decision for each inmate being released on electronic monitoring is the sheriff's responsibility.

As you are all aware, COVID 19 has had an impact on all of our lives. It has also had an impact on the operations of the jail. As we are responsible for the safety of our inmates, we must also be cognizant of the pandemic. One of the changes that was made was to limit the flow of inmates in and out of the jail. This limits the exposure of the entire jail to the virus. To date, we have not had a positive case in the jail and we are hoping to maintain a virus-free environment as long as possible. We limited the flow of inmates entering and exiting by placing most working Huber inmates on GPS monitoring so that they would not be coming and going from the jail daily. There are a few who we continue to keep in jail because of the offenses in which they were convicted and the risk to the public. These are not our normal procedures but are necessary for the safety of our employees and inmates.

Recently, former Mayville Police Officer Mark Forster was convicted of 3 counts of Misconduct in Public Office and sentenced to 9 months in the Dodge County Jail. The court authorized him to have Huber privileges for employment and also to assist

with child care. He was not ordered into custody by the court immediately, but permitted by the court to report to jail on July 20, 2020, after an extension was granted by the court delaying his mandatory report in date. Furthermore, Forster was never remanded to custody during his trial and remained free on a signature bond for over a year during that process. During that time no criminal or inappropriate activity took place that the sheriff has been made aware of.

Upon his report date, Forster's case was reviewed. As he was granted Huber privileges by the court and as the charges in which he was convicted were non-violent, low-level felonies, he qualified for electronic monitoring just as any other inmate under the same circumstances would. To continue our efforts of limiting our jail population to exposure of COVID-19, Forster was placed on electronic monitoring and remanded to his home except for allowable employment, court-ordered child care responsibilities and other Huber privileges allowed by the court.

Sheriff Dale Schmidt would like to make it clear that he does not condone the actions of Forster. Forster's actions are a black eye on the law enforcement profession. No law enforcement officer or public official should ever be permitted to abuse their position for such unlawful means and those who do must always be held accountable. The sheriff would also like to make it clear that Forster received no special treatment and this incident was handled the same as any other inmate under the same circumstances.

Further, Sheriff Schmidt would like to remind the public that unfortunately, COVID-19 has changed many things and we must do what is necessary to hold those convicted of crimes accountable while also keeping our jail employees and inmates safe from this virus. The community has entrusted the sheriff to make difficult decisions such as this one, but rest assured, anyone who violates the restrictions that have been set up while on electronic monitoring, will be held accountable for those violations.

Finally, it is unfortunate that public statements have been made by some in community leadership positions regarding the housing decisions of jail inmates. These statements were made absent of making contact with the Sheriff to find out the reasons why decisions were made. The Sheriff would like to thank those who did take the time to reach out as those conversations were very productive. All citizens and leaders are welcome to contact the Sheriff at any time with questions. You will always get a straight answer.

Questions may be directed to Sheriff Dale J. Schmidt.

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