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[00:00:18] **Speaker 1** Turning to homelessness for thousands of people in the state without stable housing. Knowing where to turn for help can be a big question mark. Oftentimes, local law enforcement respond to calls involving someone needing help, perhaps a bed, medical attention or any number of other services. Recently, the city of Eau Claire has raised concerns about law enforcement in nearby counties whereby they, quote, drop off unhoused individuals in neighboring communities without a receiving facility, without probable cause, and we believe, without lawful authority. Eau Claire City attorney Steven Nick wrote that in a letter to the state seeking guidance on this practice. He joins us now. Thanks very much for being here.

[00:01:06] **Speaker 2** Thank you for covering this important issue.

[00:01:07] **Speaker 1** So is it your sense that the city of Eau Claire has become a, quote, dumping ground as law enforcement from another county described it?

[00:01:17] **Speaker 2** Well, we think it's an area of concern both with the city and the county, that this is a dangerous and detrimental practice. We know that the issue of homelessness and is an important one, most specifically for those individuals experiencing lack of shelter and care, and that this is not a best practice and that there are better options and that we are asking the attorney general to provide advice and counsel and direction to statewide law enforcement, since we know it's an issue not only in Eau Claire but around the state.

[00:01:53] **Speaker 1** So what exactly is happening and to whom?

[00:01:59] **Speaker 2** Well, there are transports and it's not a particularly new issue, but one that we think is is timely to raise now. But individuals that are and how is they're being transported from other cities, but in our region, from other counties that that have this type of same type as the state provided options that we do here in Eau Claire County into the city of Eau Claire Clair County and not connected with care. So these are transports that, as we raise them, are being suggested by law enforcement in other counties. And then individuals are being taken here and not connected with care beds left in future parking lots or and sidewalks. And in all the instances that we raised were never connected with care.

[00:02:49] **Speaker 1** Why are they doing that, to your knowledge?

[00:02:53] **Speaker 2** Why why they're doing that, I guess, would be, you know, a question for them. And we think there are better options, especially in county seats. And certainly part of the point is even when those options aren't good and they often are very difficult in these situations, I think we need to be clear that this is not a good option to to drop somebody off who is not familiar with Eau Claire, you know, or whatever that new community might be, and that connecting them with care. And so if there aren't sufficient options within a county or a city, that we be clear that they this isn't a good option. So better options are developed locally and regionally.

[00:03:37] **Speaker 1** Because what should those other jurisdictions do if there are not in fact other options where they are.

[00:03:45] **Speaker 2** Right. And it is often difficult, but there are. You know, facilities. We selected specifically other county seats. So there are county facilities. There's Department of Human Services that law enforcement is very familiar with working. We have those same sort of core response. So you have human the ability to connect with human services. A lot of times it's mental health or ADA services. There are short term shelters, whether those are hotel facilities or nonprofit facilities in many communities, and there probably need to be more. But in the instances we cite, hotels were an option and communities need to know that transporting to another facility is not a best option if they're not connected with care so they can work on the same sort of agreements we have in Oakland to make sure that our local hotels as needed, if our shelters are full, can provide emergency short term care. How well.

[00:04:48] **Speaker 1** How have you seen the homeless population grow in your area?

[00:04:53] **Speaker 2** It is growing and I'm not an expert in that area, but it is growing. I think, you know, nationwide it is certainly growing regionally. There is a point in time survey that was conducted just last evening and you know, the broader region, it didn't include just city of Eau Claire, but actually a several county area and numbers were up considerably. I believe the numbers cited were about twice as high as last year. The one agency shelter facility we have in Claire, while it was recently expanded, still has capacity typically for 53 individuals Last evening, while with the cold temperatures the short term exceeded that and had, you know, somewhere in 80 or more individuals there. But that capacity is full. And so when other jurisdictions bring individuals and these examples were cited because even in two of them where they called ahead again, there was no connection with shelter or care. And two of those individuals were out overnight. They did not connect with the emergency shelter and eventually had to receive medical care and treatment.

[00:06:05] **Speaker 1** So, as you mentioned, you have asked attorney general call for legal guidance on this practice. What exactly would you like his opinion on here?

[00:06:18] **Speaker 2** But as we note in the letter, we think there are both legal and policy issues. Applicable. And so there's the legal issue of whether jurisdictions have the ability to maintain a custodial transport outside of their jurisdiction. And what that simply means is most law enforcement officers have that awesome responsibility of arrest and detaining individuals only within their jurisdictional limit, only within their city or their county. And it doesn't extend beyond that unless they're in fresh pursuit. They're actively pursuing a crime or criminal that is moving beyond their borders. And that's definitely not occurring here. So, one, there's the legal point of whether there's authority to do this. And we do want law enforcement and we think all law enforcement, including in these instances, are positive act, you know, good actors trying to do the best in difficult situations. So let's clarify that point. So if it's clear that it's not permissible. Better lawful options that protect the individual rights and liberties of those being transported are pursued. Second would be policy guidance. So our attorney general also has a law enforcement role and advises informed teaches law enforcement on best practices. And so we ask that the attorney general and his office take steps to assist law enforcement in finding better options. And again, our our firm belief is that this is not a good option. And if we're clear that it's not been a permissible or best practice, the difficult work can move forward to provide better options in communities and regionally throughout our state.

[00:08:05] **Speaker 1** What has Josh Karl told you about whether or not he expects to give you guidance on this legally or policy wise?

[00:08:13] **Speaker 2** I have not had any contact directly with the attorney general call or his office yet. That's typical. We've asked previous opinions. They typically take some time. You know, it's a busy office. Yeah. I have seen has been asked by reporters and indicated, you know, that he was reviewing the issue. I know it is an issue around the state and colleagues, my fellow city attorneys, corporation counsel have reached out to express shared experiences and support. And so I hope that that those voices are raised in other portions of the community because it most certainly is an issue. And in the Madison area and Mohawk here in Fox Valley, Wausau, Stevens Point, Lacrosse, all are having these same types of challenges.

[00:09:01] **Speaker 1** Well, Steven Nick, Eau Claire, city attorney, thank you very much.

[00:09:06] **Speaker 2** Appreciate it. Thank you.

[00:09:12] **Speaker 1** Thank you. Yeah, it's really interesting. It is. And I'm sorry you're having to deal with it.