

MINUTES
Justice Coalition
September 23, 2010

Members Present: Dan Barth, Harvey Olson, Tom Eagon, Bernadette Flatoff, Michael Splinter, Judge Flugaur, Carrie Davies, Mike Baumhofer, Phil Idsvoog, Jeanne Dodge, Ray Przybelski, Mike McKenna, John Graettinger, John Charewicz, Jim Krems, Dave Medin, Stan Potocki, Bill McCulley, Zach Bishop, Shaun Morrow, Steve Olson, and Vance Underwood.

Others Present: Dwayne Wierzba, Plover Police Department; Kitty Munck, Justiceworks; Patty Dreier, County Executive; Doug Radtke, County Board Supervisor; Nancy Erickson, Intern – Justice Programs Department; Denise Ellis, Jail Inspector; Jenni Jossie, Finance Director; Amy Modrzewski, IT Department; Thomas Staack, Justice Coalition Citizen Advisory Committee; Ron Ledford, District Court Administrator; and Ellie Bruch, Michael Onan, Sally Olson, Cheryl Konopacky, advocates – River Point House for Women.

Staff Present: Kathy King and Paula Cummings, Justice Programs Department

Judge Flugaur called the Justice Coalition meeting to order at 7:55 am in Conference Rooms 1 and 2 of the County Annex.

1. Approval of the Minutes from the July 22, 2010 Meeting

Flugaur asked for comments regarding the minutes. Hearing none, the minutes were accepted by consensus.

2. Presentation on the New Oxford House for Women Established in Stevens Point – Katherine Munck, Marsha Van Ark, JR Wynne, Sally Olson, Tony Shika, Mike Onan, Cheryl Konopacky and Ellie Bruch

Munck stated the River Point House for Women would be opening in Stevens Point in November utilizing the Oxford House type approach. River Point House will serve women; whereas, the Riverside House, currently operating in Stevens Point, serves men. Both are addiction recovery houses. Generous individuals made this possible through contributions, as well as volunteers with a wide range of affiliations. Munck provided brochures on River Point, and referred those present to a video explaining the Oxford House approach.

Olson stated she is excited about River Point House and felt it a good example in Portage County of collaboration and effort. She has long awaited a women's facility. Olson said approximately one year ago she had lunch with Patty Cahill who started the Riverside House for men. With her help and that of JR Winn, who is a great resource, many individuals were brought to the table to discuss a women's facility, including the Justiceworks Board. At that time, the Family Crisis Center had an intern interested in grant writing and she was utilized for this project. Start-up funds were necessary, and between successful grants and local contributions, the money came in. Then Mike Onan stepped forward when a house was needed.

Bruch stated she is privileged to be involved in the River Point House project. She was pleased to see many women in the community step forward to assist with monetary donations, furniture, etc. Bruch noted a quilter's group offered to donate personalized quilts to residents of River Point House.

Konopacky stated she is in recovery and will be the River Point House mentor. As such, she will be actively involved with the resident referral process. The house will hold six women and will provide accountability. Residents must actively seek employment and be involved in the community. The house is self-governed, with a zero tolerance for alcohol and/or drug use, which if happens, will result in automatic expulsion from the house. Women coming into the house will know house expectations and several will hold roles including: president, secretary, duty coordinator, etc. Konopacky added she will help residents get involved with programs and provide guidance.

Flugaur asked where resident referrals will come from. Konopacky stated applications will be distributed once the house opening date is determined. Applicants will be interviewed, and policies and expectations will be explained. Referrals will come from treatment centers, jail, etc. As people become aware of the availability of this house, applications will increase.

Onan introduced himself as the Director of Finance at the United Way, which is how he learned of the River Point project. He was a bit familiar with the Riverside House. At the time, Onan was contemplating a real estate investment in the community and decided to gain a full understanding of the River Point project. From June through August 2010, Onan stated he looked at several houses because just the right house had to be found in order to meet various needs of the project. He located a 3-bedroom, 2-bath, 2-story house on Rogers Street. The bank closing is scheduled for October 19 and Onan hopes the house will be ready for occupancy before the end of November. An open house will be held prior to the actual opening so the community can see the facility.

Munck asked what could be done to help and Onan replied they could use donations of furniture, money and, of course, referrals. Success comes with occupancy.

Dreier asked the amount of necessary start-up money and Olson replied \$10,000.

McCulley asked if only Portage County residents will be allowed to occupy the house. Olson replied that Portage County's needs would be met initially. Residency will be challenging, but the house must meet the monthly rent amount to keep the doors open. Olson added a resident's length of stay is unknown.

Krems asked the neighbors' response to River Point House. Konopacky replied an open house for neighbors only will be held to introduce them to the process. Neighbors of Riverside House support that facility.

Olson asked about children of residents visiting and/or staying at the house; noting that some may be in foster care. Konopacky stated the house is self-governed and weekly resident meetings are held to address issues such as weekend visitation for children, which will need resident approval. Visits must be planned and respect must be given to other residents. Munck added women with 24/7 placement of children are not eligible to reside at River Point House. The opportunity for an overnight visit by children is available. Olson asked if a mother of a child in foster care would be eligible and Munck replied they would qualify for residency and would be screened for appropriateness.

Radtko asked, with requirements for being employed and paying rent, what happens if a resident cannot get a job. Olson described this as a huge barrier, and start-up funds should help. Women can rent weekly to daily, at \$11 per day. Munck noted that a house for women is complex; therefore, there are more houses for men. Also, a job mentoring program will soon begin with Justiceworks, which will offer a bridge to community resources.

Przybelski asked the accommodations available to a woman with a child(ren). Onan replied that six residents, all with children, would not work. There will be another room available to accommodate visiting children, and the house may not have six residents at all times, allowing room to be available.

Flatoff asked how long a resident can stay at River Point House and Konopacky answered a resident can stay as long as they abide by house rules. Flatoff questioned if the resident finds a substantial job, will they be asked to leave. Konopacky used Riverside House as an example, stating the house is used as a stepping stone so the individual does not go back into their old living situation or former house. The house provides a change in lifestyle, the ability to build and bond with a network of friends, and it offers a safe environment for residents.

Krems asked the expulsion rate at Riverside House for men and Munck replied she is unsure of the expulsion rate. Recovering addicts need the proper setting to recover and the house provides that stepping stone, although it does not work for everyone. You must be sober continuously in the house and if you “fall off the wagon”, you are out. Krems asked if there is a waiting list to get into River Point House and Konopacky replied not at this time, but there are people waiting to be able to apply. Flatoff felt local business people have a difficult time meeting their employment needs and a River Point resident may be exactly what they need. Barth mentioned a TEAM (Teamwork for Employment Access through Mentoring) Program that is beginning as a result of a grant to Justiceworks, which can be utilized by Riverside and River Point residents.

Flugaur stated community support does not surprise him. Many community members are touched by family and friends with alcohol and drug problems. He offered compliments and applause to those involved in the River Point project. He noted the Coalition has worked on programs dealing with the court system for the last 10 years; adding, with Day Report, you can see an individual’s transformation. After sentencing, the individual must leave old associates or they fall off and go back to old habits.

3. Discussion and Possible Action on the Future Budget for Justice Programs – by Judge Flugaur, Patty Dreier, and Ray Przybelski

Flugaur stated budget suggestions and ideas have been discussed regarding the proposed zero percent increase to the Justice Programs Department budget for 2011. Dreier said she is a person who believes in re-entry support and programs that work. Alcohol and drug related issues are not going away. The Justice Programs Department was given a zero percent allocation increase for 2011, but the budget as presented with that directive, would not work. As a result, Health and Human Services, Portage House, and Justice Programs Departments meet and talked with the Department of Corrections and the community. A solution presentation was brought forward, which evolved after discussions with the Judges. A proposed partnership with Portage House would allow more re-entry programming capacity and double the number of people served. Other integrations would take place as well. Dreier felt justice programs were dangling out there and not integrated and embedded in the community. Dreier stated she is looking for solutions to help be as successful as can be.

Przybelski said the proposed solution accomplishes expanding the number of people served and utilizes skills we have. The Justice Programs Department and jail programming with Dan Barth are on board to expand. This is a first step.

King noted she asked the Coalition to be a part of decisions being made by looking at data and then driving decisions from that. King brought up a few items that stand out, including the fact the Justice Programs programming budget has been at approximately \$200,000 for years and now it is \$10,000 less with triple the number of people going through programming. There is only so much that can be done with the money we have. Proposed decisions are a patch, with choices to be made at some point, including where to put the money available because the current infrastructure cannot support programming needs.

Idsvoog asked how program success is measured. King responded that current offender data allows us to look at the offender’s level of risk. Currently, Day Report has the lowest risk population, with the Volunteer in Probation Program having the highest risk population. Kathy noted she has an intern, Nancy Erickson, who is analyzing recidivism data, which is complicated to do. Current data is not well maintained and a data structure is being developed. King also noted that visitors from the National Courts were very impressed with Portage County’s programming. Idsvoog felt program evaluation must determine reliability.

Flugaur noted he asked for information on individuals using the OWI/ISP Program and the recent report has impressive numbers. They are dealing with OWI’s 3-6. He stated some offenders moved here from another County and their OWI 4 is in Portage County.

Flugaur said a few structural changes are being made to the Coalition, which is in discussion phase at this point. Some members have served on the Coalition for the past twelve years. There is different energy at different times. He stated there have been 100's of hours spent with Ad Hoc groups resulting in programs being eliminated, started, changed, and modified. He felt some members became "burned out" working on the recent referendums; noting Bill Meyer, former Justice Coalition Citizens Advisory Committee Chair, led sixty meetings himself. A lot of energy went into the referendums. The Justice Coalition focuses best on justice system related issues in Portage County.

Flugaur suggested the Coalition meet quarterly, with an Executive Committee meeting monthly for no more than one hour. The Executive Committee would be a smaller group that would include the Judges, Sheriff, County Board Chair, County Executive, elected positions, Przybelski, McKenna, etc. That committee would receive monthly reports on data, jail, juvenile detention, home detention, day report, etc. They would also look at recidivism and the budget.

Over the next year, we must look at the "biggest bang for the buck" and better identify needs and programs. Flugaur stated King works on so many things in addition to programming, and if King would ever leave her position, we need to have structure in place for the next person. A new 2011 meeting calendar will be distributed for the Coalition quarterly meetings.

Munck gave a brief overview of the TEAM Project, describing it as a bridge between resources in the justice system and the community. Those tied to the justice system are aware of the lack of resources, noting Slavin had asked if someone is involved in a 27-day in-house program, what happens to them on day 28. Munck stated this is a community program coordinated by Justiceworks.

4. Topics to be Considered at Future Meetings

No topics considered. With no further business to come before the Coalition, the meeting adjourned at 9:00 am.

Respectfully submitted,
Paula Cummings
Recording Secretary

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MINUTES
Justice Coalition
July 22, 2010

Members Present: Dan Barth, Harvey Olson, Thomas Eagon, Judge Finn, Bernie Flatoff, Michael Splinter, Judge Fleishauer, Judge Flugaur, Carrie Davies, Mike Baumhofer, Jeanne Dodge, Mike McKenna, John Graettinger, Melissa Dalkert, Dave Medin, Stan Potocki, Shaun Morrow, Patti Cahill, and Steve Olson

Others Present: Dwayne Wierzba, Plover Police Department; Kitty Munck, Justiceworks; Patty Dreier, County Executive; Don Jankowski, County Board Supervisor; Nicole Schrier, Intern - District Attorney's Office; Kelly Exner, Clerk of Courts Administrative Assistant; Joyce Barge, Portage County Purchasing; and Ellie Bruch, Michael Onan, Sally Olson, Cheryl Konopacky, advocates – Oxford Home for Women.

Staff Present: Kathy King and Paula Cummings, Justice Programs Department

Judge Flugaur called the Justice Coalition meeting to order at 7:53 am in Conference Rooms 1 and 2 of the County Annex.

Flugaur introduced Michael Splinter, County Board Supervisor newly appointed to the Coalition and Patti Cahill, Portage County United Way, who is a new Coalition member as well. Flatoff introduced Kelly Exner the new Administrative Assistant in her office.

1. Approval of the Minutes from the May 27, 2010 Meeting

Flugaur asked for comments regarding the minutes. Hearing none, the minutes were accepted by consensus.

2. Discussion of the New Judicial Rotation Plan and its Effect on the Criminal Justice System in Portage County, by Judge Flugaur, Judge Finn, and Judge Fleishauer

Flugaur referred to the "Rotation of Cases for Portage County – Effective Date: August 1, 2010" handout (refer to handout for exact details / also part of meeting file) provided this morning to those present. He explained the item is on the agenda because it will impact justice system stakeholders, most of which are members of the Coalition. The new rotation will become effective August 1, rather than January 1, which is when the rotation historically changed. Each year the three judges in Portage County rotate cases in order to each deal with different areas of the law. There are three major areas of court: Family, Criminal, and Civil, as well as subsequent areas including, juvenile, small claims, traffic, probation, etc. The number of criminal cases handled in Portage County has grown, resulting in the three areas no longer being split equally.

Finn began walking those present through the new rotation, noting a major change will be that intake will rotate every 4 weeks and will be held all day on Mondays. During that 4 week period, the intake Judge shall have exclusive scheduling of the District Attorney's Office for criminal cases.

Flugaur stated the rotation will also impact law enforcement, as well as the Clerk of Courts office, which will now have to prepare on Friday for Monday morning intake court. There will be few, if any, prison sentences handed down on Fridays. Currently, prison sentences are given on Fridays, which has an impact on the already busy weekend jail situation. Scheduling of cases will be clearer with this rotation because District Attorneys will know well in advance when they will be in court. There are 1,200-1,400 criminal cases each year, which will now be split between the three judges, as well as the 300 divorces that take place yearly. Flugaur explained that homicides will be split between the judges by a 1/3 random computer draw. He also noted the judges have to deal with the fact some of them have family members in local law firms, which can cause postponements as they recuse themselves.

Finn noted the judges have 980 sexually violent persons who petition yearly for release from supervision. These cases are a lot of work, and will now be assigned to one judge throughout the life of the case, which eliminates each of the judges having to read through years of paperwork to familiarize them with the case prior to addressing the petition. Flugaur stated there are a total of 5-6 petitions filed each year.

Fleishauer explained there will be a unified family court. As an example, an incest case could end up in all three branches of court because there could be civil, divorce, and criminal actions associated. The plan is to have all related cases go to one court branch; although complex, they will try to accomplish this. The criminal system will have one file that stays with the same judge until all pending criminal case files are closed, including traffic. Flugaur noted some individuals have 10-15 case files at one time. Also, if an individual is on probation, the case is still considered open and would stay with the same judge.

Flugaur said juvenile court will have one judge and court will be held every other Tuesday. This is easier to schedule, noting that one Assistant District Attorney handles juvenile cases. Juvenile cases have lengthy background reports completed/provided by Health and Human Services. Small claims will have one judge, as well as probate, mental health cases, and child support enforcement.

Flugaur stated the change in rotation has been reviewed by many and is set to be implemented. He is seeking Coalition endorsement. Hearing nothing negative, Flugaur found consensus by Coalition members. He also noted the exclusive use of various District Attorneys begins October 1, 2010 as part of this plan.

3. Discussion and Possible Action on Combining Members from the Pretrial Supervision and Jail Overcrowding Committees to Study Enhancement of Pretrial Supervision and Changes in Sentencing Policy, in OWI Related Cases, by Judge Finn

Flugaur reminded members the Jail Overcrowding Committee met over the winter, developed changes related to Intensive Supervision, Home Detention, etc., which were ultimately endorsed by the Coalition.

Finn said ten years ago talks took place with King and others regarding repeat OWI's. Since that time, a pretrial Intensive Supervision Program (ISP) has come into play in Portage County. A few other counties utilize this program now as well.

At the first bond hearing for OWI 3's, individuals are ordered to ISP as contracted out to ATTIC Correctional Services (located in the Law Enforcement Center basement). This program includes counseling from the start. There has been tremendous success with the program, which helps the individual identify and understand their problems. The ISP is being done while the individual is waiting for their case to go to court for sentencing. This program could save a person, in certain circumstances, from going to prison, if they are one year clean on ISP while waiting for sentencing. The program has expanded to other crimes as well.

Finn stated he and King made a presentation to the County Board on July 20 regarding OWI law changes that took effect on July 1, 2010. Changes impact OWI 1's who have a minor under 16 in the vehicle, OWI 3's have a minimum mandatory 45 days in jail (up from 30 days), OWI 4's are a felony, if there was a previous OWI within five years, and OWI 7 through 10 result in mandatory prison time.

Finn noted a change in the law that will impact the jail; namely, OWI 3's and above must report to jail the same day sentenced. Currently, they are sentenced to jail and arrange a start date, which could be up to 60 days after sentence. Waiting allows the jail to schedule in-coming and out-going offenders to avoid overcrowding as much as possible. With this change, the jail could see 4-5 offenders coming over to immediately begin their 45 day sentence.

An ignition interlock system is mandatory for OWI 3's and above. Finn explained this device will not allow the vehicle to start, if alcohol is present on the breath. The device is voice sensitive as well. He noted most do not install the system. The law now requires an OWI 1 with an alcohol level of .15+ to have a mandatory interlock system and all OWI 2's must have this as well. The system must be installed in all vehicles owned/registered to the offender and their family. The interlock device affects a person's operating privileges, no matter whose vehicle, including a work vehicle. The minimum sentence is one year. When an individual has an interlock device, the alcohol limit is reduced to .02 from .08, which effectively reduces OWI 2 and 3 to .02. This results in a new group of arrests. Because of the OWI law changes, the ISP needs to change as well. A new committee is needed that combines members of the Jail Overcrowding and ISP Committees to address these issues.

Flatoff asked the cost of an interlock device. Baumhofer replied the cost is \$75 per month, with a \$250 installation fee on each vehicle. Flugaur added that most individuals will not install the device, which is a crime. He noted OWI 2 and 3 could be on probation, and the Department of Corrections will develop programming for those individuals.

Graettinger noted when an individual is stopped, the interlock sentence will appear on their driver's record making law enforcement more aware of who should have the device installed; it will no longer be unknown. Morrow added that Probation/Parole staff will check to see if the device is installed, but we must keep in mind even if it is installed, if the individual does not pay the related monthly fee, it will not work.

Flugaur noted individuals will be contacted regarding their interest in being a member of the new committee.

Splinter asked if the Legislative vote was close on the OWI law changes and how our local representatives voted. Flugaur replied everyone was for the new law and, in fact, this is a watered-down version from the original proposal.

4. Discussion and Possible Action Regarding the Competitive Bid Process for Non-Residential Correctional Services for Adult Correctional Offenders in Portage County, by Kathy King

King noted the last Request for Proposals (RFP) on the current contract took place in 2003. Since that time, we have been able to keep the contract in the range of \$150,000 to \$200,000 a year. We may see a significant increase with a new bid. A competitive bidding process is needed and King will work with McKenna and Barge on the process. The contract figure is needed for the 2011 budget process, so turnaround time will be short.

Barge stated bid specs will be given to her to let and there will be a 2-month time period for letters of intent, interviews, etc. The County Corporation Counsel will check bids before they are let so that State Statutes are followed. The end result of the process will be a contract for services.

King noted a review team will be put into place and agencies will be involved. The plan will include services we do not currently provide.

5. An Update from Justiceworks Regarding Progress in the Establishment of Another Oxford/Riverside House, by Katherine Munck

Flugaur noted this item will appear on the September agenda to allow time for a more detailed presentation. Munck noted those with AODA issues are a part of the justice system, which can play out like a revolving door when those interested in making positive life changes end up with a slim chance to accomplish that when they return to the same environment. Five years ago, the Riverside House for men was established in Stevens Point and has proved successful. People have inquired as to where a facility is for women, which spurred a 6-month effort resulting in financial commitments from community members. They now have \$18,000 to put toward an Oxford-type House for women.

Munck introduced the following community members involved in the project: Patti Cahill, who with her husband Tom, own the Riverside House for men; Ellie Bruch, Michael Onan and Sally Olson, advocates; and Cheryl Konopacky who will be the mentor in the house. She reiterated that there will be a more detailed presentation at September's Coalition meeting.

6. Topics to be Considered at Future Meetings

No topics considered. With no further business to come before the Coalition, the meeting adjourned at 9:00 am.

Respectfully submitted,
Paula Cummings
Recording Secretary

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MINUTES
Justice Coalition
May 27, 2010

Members Present: Dan Barth, Jeff Morris, Harvey Olson, Ross Dick, Thomas Eagon, Bernie Flatoff, Carrie Davies, Mike Baumhofer, Jeanne Dodge, Ray Przybelski, Mike McKenna, John Graettinger, Jeff Heckendorf, Melissa Dalkert, John Charewicz, Dave Medin, Stan Potocki, Jim Krems, Mike Slavin, Bill McCulley, Jim Wiese, Shaun Morrow, & Steve Olson

Others Present: Dwayne Wierzba, Plover Police Department; Kitty Munck, Justiceworks; Patty Dreier, County Executive; Amy Modrzewski, IT Department; Don Jankowski, County Board Supervisor; Nicole Schrier, Intern - District Attorney's Office; Dan Wheeler, Stevens Point Police Department; Mike Clements, County Veterans Services Officer; and Paul Smith, Green Bay Veterans Center.

Staff Present: Kathy King and Paula Cummings, Justice Programs Department

Judge Flugaur called the Justice Coalition meeting to order at 7:53 am in Conference Rooms 1 and 2 of the County Annex.

Flugaur introduced Patty Dreier, newly elected County Executive, as well as those County Board Supervisors appointed to the Justice Coalition.

1. Approval of the Minutes from the March 25, 2010 Meeting

Flugaur asked for comments regarding the minutes. Hearing none, the minutes were accepted by consensus.

2. A Review and Discussion of Policies Concerning Jail and/or Electronic Monitoring (See Enclosure With This Notice), by Judge Flugaur

Flugaur referred to a report provided with the agenda packet defining two policies approved by the Justice Coalition relating to offenders who have successfully complied with requirements of the Pre-Trial Supervision Program (PTSP). The report described the policies as follows: 1) Offenders ordered to serve a jail and/or electronic monitoring sentence shall continue to comply with the PTSP until their sentence has been completed. This includes the time after the sentencing hearing, but prior to commencement of the sentence, through any jail and home detention; and 2) OWI offenders who have been successful in the PTSP will be sentenced pursuant to District 6 guidelines, with the statutory minimum mandatory time in jail and the balance on home detention with electronic monitoring (i.e. elimination of the 50/50 rule and plus 15, 30, 60 rule).

Flugaur reiterated the Justice Coalition reached consensus on the two policies. The second policy represents a significant change and was studied at length. PTSP is always ordered until completion of the sentence. All parties involved should now be aware of this, including the District Attorney, Defense Attorney, etc. Flugaur stated he feels those offenders not in compliance should be jailed immediately.

3. An update and Recommendation From the Juvenile Detention Study Committee, Relating to the Annual Review of that Facility, by Committee Chairperson Jim Krems

Flugaur noted the Juvenile Detention Study Committee met last week. Krems noted the last report of the Juvenile Detention Study Committee, as approved by the Justice Coalition, called for an annual review of the Juvenile Detention Facility (JDF). He acknowledged the JDF is expensive to operate at \$700,000. Krems brought up the fact Lincoln Hills may close, which will impact the JDF, including the possibility that some juveniles may be shipped to Wales. He felt our juveniles are not as "street-wise" as others, which is another concern. There is also the possibility of an increase in recidivism.

Krems brought up a decision being made by the State as to whether 17 year olds in the justice system will continue to be considered adults or will now be considered juveniles. The Portage County JDF should be kept open until we know the outcome of that decision. Krems also noted the crime rate is dropping, which also impacts the JDF; although it is uncertain whether that trend will continue. Krems stated the Sheriff's Department will be adding a door from the JDF to the adult jail, which will take up some jail bed space.

Krems said the Juvenile Detention Study Committee suggests the County hold off the possibility of closing the JDF due to many unresolved issues. If the JDF closes, there will be one less option for juveniles in this area. If closed, Portage County's juveniles would be looking at staying at Wales; especially in light of the fact there are no juvenile beds available at Marathon County. Also, shipping is expensive. Krems noted the system works here and several stakeholders, including Judges, like the JDF.

Flugaur noted an annual review of the JDF was scheduled to take place before County budget time, which has happened and findings will be reported to the County Board and County Executive. He added that stakeholders know the advantages of having a JDF in Portage County, but numbers and costs must be studied each year.

Krems noted the Juvenile Detention Study Committee recommends keeping the JDF open in 2011. Flugaur asked for comments on that recommendation, and hearing none, found consensus by those present.

4. An Update From Justiceworks, by Katherine Munck

Munck described Justiceworks as a non-profit organization offering the following services: Family Law/Pro Se Center, which assists 30-40 individuals per month; Volunteers In Probation Program, which has a caseload of 50 at this time; Victim Offender Conferencing for Youth, which is aligned and a good fit with Peer Court through the Boys and Girls Club; and Restitution/Mediation Program (provided those present with a Gazette article outlining this program) that brings victims and offenders together to "make it right", which has experienced a 100% success rate with regard to restitution in civil ordinance violations involving seven cases and \$2,000 being transferred. Wheeler thanked Justiceworks for this program because there was a recognized need for restitution/mediation. He explained, in the past, restitution was handled as an ordinance violation and there was a reluctance to see how victim's losses were paid back. Now officers and offenders work together, which begins with providing an information packet, followed by victim/offender mediation through Justiceworks. The officer writes a ticket one time, the victim gets their restitution quicker, and courtroom time is eliminated, thereby saving both time and money. Munck stated outcomes will continue to be measured. Munck then brought up the Justiceworks fund-raiser and handed out brochures. She stated Justiceworks depends on money from fund-raisers to supplement a case manager position, etc.

5. A Presentation and Discussion on Readjustment and Psychological Issues of Returning Combat Veterans, by Michael Clements, Portage County Veterans Services Officer and Paul Smith, Readjustment Counselor At The Green Bay Vet Center; and Iraq War Veterans/Coalition Members Mike McKenna And Dwayne Wierzba

Flugaur said Judges have discussed the possible need for a Veteran's Court in Portage County, and Clements felt it is not needed at this time. Flugaur stated it was then decided to discuss veteran's issues at the Justice Coalition; acknowledging there are many veterans in our community. Flugaur noted Justice Coalition members McKenna and Wierzba are Iraq Veterans. He then introduced Smith, a clinical Social Worker with the Green Bay Veterans Center. Flugaur stated most Coalition members have direct contact with returning veterans, and the more we know and understand issues facing them, the better we will be.

Smith began by thanking veterans present at the meeting for their service, and then offered thanks for being invited to speak about veteran's issues. He stated he was born in Wisconsin Rapids and raised in Madison. Currently, he lives in Stevens Point and works in Green Bay. His background also includes being a member of the Los Angeles, California Sheriff's Department and Madison, Wisconsin Police Department. After finishing grad school, he began employment with the Veterans Center in Green Bay.

Smith stated Veterans Centers are a part of the Veterans Administration (VA), yet separate, with different criteria. There are Vet Centers in Milwaukee, Madison, Green Bay, and in October 2010, LaCrosse. The Green Bay center serves northern and central Wisconsin. Vet Centers see combat veterans only; whereas, the VA sees all veterans. In addition, Vet Centers see family members too.

Smith's personal experience includes losing friends in Los Angeles in the line of duty in combat situations. Smith retired from law enforcement with post traumatic stress disorder (PTSD). Smith described himself as crashing, burning, having an alcohol addiction, going through a number of marriages, and receiving an OWI in Portage County. After being hooked-up with proper resources, he finished grad school, owns his own company, and became a counselor. Smith stated that is what becomes of people who receive proper tools and resources as soon as possible.

Smith stated Vet Centers see veterans after they reach a crisis level. Most veterans are not self-referred. He noted there is a stigma in the veteran population related to mental health issues and seeking help. Some veterans go to their Veterans Services Officer and are referred to the Vet Center. It is important to refer them as soon as possible.

Smith noted current returning veterans differ from veterans of World War II and Vietnam, which were young, drafted individuals. Currently, 52% of returning veterans are with the National Guard and 48% have seen active duty. There is a wide variety of combat veterans, with 50% of them being 23 years old. In addition, 50% of National Guard members are being deployed for the first time at age 43. These individuals are established in their community, and have jobs, families, and children. Smith provided the scenario that a 37 year old veteran with a family returns as a different person, and the children discover a different mom or dad who is distant and/or angry. Women represent 12% of returning veterans, which is by far the highest rate of female veterans. The high number of women veterans has also lead to an increased rate of sexual trauma in the military.

Smith reported 34% are deployed multiple times. He has seen veterans deployed up to five times and an increase of PTSD in those with multiple deployments. These veterans cannot feel comfortable in society and can no longer relate. They are more comfortable in combat and will ask to be redeployed where they feel they fit in.

All factors point to the importance of veterans being hooked-up with resources as soon as possible. Often times, due to being in a crisis situation, the veteran's initial contact is with Emergency Medical Services (EMS) or Law Enforcement personnel. Once the veteran comes to the Vet Center, Smith feels he can intervene. Military veterans have pride, purpose, respect, and wear a uniform, and they come home to no job, which equals no purpose and no respect. The veteran feels they make life and death decisions daily, yet cannot get a job once they return home. If they are stopped for drinking and driving, they may feel the officer talks to them as they would a child. Whereas, they feel they are at an even keel with the officer. Smith stated his main point to be made today, is for the veteran to get to the Vet Center as soon as possible. Clements felt Smith provided a good summary.

Smith reported the number one presenting problem is anger, compounded by substance abuse. Veterans report drinking makes dreams stop and pot smoking calms anxiety so they can go out in public. Veterans are not people we want to write off. You cannot expect a veteran to pull themselves up by the boot-straps and move on; that does not work. Once they get help, they are held responsible/accountable.

Clements felt most people ask what they can do to help a veteran. Law enforcement officers could ask if the person wants to see the County Veterans Services Officer. Individuals could be identified as veterans through the Justice System, District Attorney's Office, Sheriff's Department, etc. This way the veteran could be introduced to the veteran's system. Clements stated veterans in Portage County are treated fairly, but identifying them early would help. Veterans, prior to their military service, have no criminal record or they would not be accepted into the military. They are good citizens. They have served their country and we should do what we can to help them. Clements felt identifying the veteran at jail check-in would help so that he could visit with them and hang onto them in the veterans' services system. Davies stated when she reads police reports and identifies a veteran, she contacts Clements, and outreach is provided. She will also inform victims and offenders about available veteran services and most are receptive when help is offered.

Clements felt even little things can make a difference in sending the veteran in the right direction. Mental health issues are just the tip of the iceberg. Clements reported when he first sees a veteran they act macho, and one to two years later he may see them again, and they cannot deal with life. PTSD or other issues come into play. Clements plants a seed with them during their first meeting, but veterans do not admit weakness. They cannot admit weakness in the military because if they do, they become a liability. Veterans do not want to look "lower" than their friends.

Potocki stated he agrees a veteran needs resources before a crisis and asked how that can be arranged. Can they meet with psychologists before discharge? What signs are there to look for? Treatment would help before the veteran comes home and before a crisis situation exists. Smith replied a lot of that is done. Veterans are seen 30, 60, and 90 days after they are home. They are bombarded with pamphlets, and there is reaffirmation that resources are available and not just during reintegration; yet, most are at a crisis level even with the help available. He suggested during traffic stops, veterans could be identified, asked whether they have been deployed, and resources could be offered.

Potocki suggested training law enforcement officers on what to look for and Clements replied that was being discussed. Flugaur suggested EMS personnel be included in this training. McKenna noted he is aware of available training. He knows there are three different phases of service/resource reminders for veterans (pre-deployment, deployment, post-deployment). He further noted returning veterans from Operation Enduring Freedom and Operation Iraqi Freedom are largely made up of National Guard and Reserve Units. These veterans are more aware, but the awareness of services/resources is only 1 of 500 things to be aware of. Often times mental health issues have a delayed reaction. The National Guard has large outreach programs that include family members. Guard leaders emphasize these programs and are sensitive to PTSD and traumatic brain injury (TBI) issues.

McKenna stated he is a Judge Advocate in the National Guard, as well as Blair Ward and David Hickethier, who are also employees in the Portage County Corporation Counsel's Office. They are very aware of veteran issues, including legal issues, for which they provide assistance to veterans. As Judge Advocates, they are aware of the Wounded Warrior Program, as well as other programs. Many veterans are unaware of the Lautenberg Amendment, which makes it a felony for those convicted of misdemeanor crimes of domestic violence to possess firearms. Those convicted are no longer eligible to serve in the military or hold a law enforcement position, and if the domestic assault conviction happens while you are in the military, the veteran is discharged from the military. Judge Advocates assist the Bar and Court to work through that issue to avoid a conviction and remain eligible to serve in the military. Clements stated this happens in the civil arena when domestic battery arrests go before the judge and the Lautenberg Amendment must be dealt with.

McKenna added Judge Advocates deal with defense counsels who are unaware of the Lautenberg Amendment. The individual may be convicted while being unaware of the ineligibility possibility; whereas, a Veteran's Court can deal with this issue. McKenna provided a handout detailing the Rock County Veteran's Diversion Court. He described this court as being similar to a drug court. In Rock County, individuals are asked at jail intake whether they are a veteran. Veterans may be dealing with issues related to PTSD, anger, and/or alcohol/drug abuse. The veteran's defense counsel, the veteran, and the District Attorney decide whether they all agree the individual is eligible for Veterans Court. A plea is entered, not taken, and a probationary period is ordered including treatment through the VA. An eligible veteran, with an eligible offense, is a good candidate for Veterans Court.

McKenna felt, in Portage County, we are sensitive to veteran issues, as well as active duty and Guard being sensitive to those issues. Military members are trained to win wars. Suicide prevention and sexual violence awareness training programs are in place. There have been big advances in medical and mental health treatments. Resources are available throughout time served. McKenna felt it was not a perfect process, but it has been tightened through the years. The military is generally committed to solid caring.

Flugaur asked the number of people seen in Portage County with PTSD. Clements replied he receives at least two calls per day regarding veterans in crisis, and usually it is the wife or girlfriend that calls. Only 2% are self-referrals.

Eagon noted his experience with veterans in the criminal justice system is that they are not giving excuses for what has happened. They are willing to take consequences for their actions. Most want to plead guilty, and if they do, they do not get treatment to deal with the issue. Eagon asked the proper protocol in those cases. Should they be referred to Clements and/or the Vet Center? Smith replied a referral to either of those will work. Asking and being proactive will help the veteran. Smith felt things are better now for veterans than in the past. As far as confidentiality, a Vet Center is subject to confidentiality, as well as being subject to the Health Insurance Portability and Accountability Act (HIPAA). The VA does not have access to Vet Center records, which helps the veteran feel secure.

Smith cautioned the term PTSD has been tossed around and should be left to professionals to diagnose. There is a stigma attached to that disorder. The veteran may have readjustment issues, which are different from PTSD.

Clements felt the level of sensitivity is a challenge. Sensitivity and awareness must be worked into the justice system. Munck noted Justiceworks has seen veterans in diversion court. She is happy to work with Clements through a screening process. Clements felt it important that he sees these veterans too.

Smith stated the primary focus has been on Iraq and Afghanistan veterans, but 50% of those being seen are Vietnam veterans. Vietnam veterans are at retirement age and often suffer from alcoholism. The Vietnam War is something they have pushed down, but with new "time on their hands", the war is coming back to them. Many are dealing with those

issues for the first time in their lives. Vietnam veterans were pushed aside at their homecoming and are experiencing that now as well.

-4-

King felt many people at the meeting today have military family members and friends. She reminded those present not to assume the veteran or their family members know who to contact for assistance.

Clements noted a shift in attitude by the VA. Veterans with pending charges have not received treatment in the past, now the VA wants veterans to receive treatment while their charges are pending. The VA wants to see veterans earlier.

Flugaur invited those interested to stay after meeting adjournment to speak with Smith. He stated he wanted to introduce those present to veteran issues to increase exposure and learn what can be done through the court system. Flugaur said he finds veterans are most likely to plead guilty; no whining, no crying. He finds Clements helpful in court to divert and assist with convictions.

6. Topics to be Considered at Future Meetings

No topics considered. With no further business to come before the Coalition, the meeting adjourned at 9:00 am.

Respectfully submitted,
Paula Cummings
Recording Secretary

MINUTES
Justice Coalition
March 25, 2010

Members Present: Tom Eagon, Bernie Flatoff, Lia DeGroff, Judge Fleishauer, Carrie Davies, Mike Baumhofer, Ray Przybelski, John Graettinger, Jeff Heckendorf, Melissa Dalkert, John Charewicz, Don Butkowski, Dave Medin, Stan Potocki, Mike Slavin, Amy Marcott, Jim Wiese, Shaun Morrow, Steve Olson, Vance Underwood, and Kevin Ruder

Others Present: Don Jankowski, Jeanne Dodge and Doug Radtke, County Board Members; Rochelle Kizewski, ATTIC Correctional Services; Denise Ellis, Probation and Parole; Jenni Jossie, County Finance Director; Blair Ward, Deputy Corporation Counsel; and Jean Young, Department of Corrections

Staff Present: Kathy King and Paula Cummings, Justice Programs Department

Judge Fleishauer called the Justice Coalition meeting to order at 7:53 am in Conference Rooms 1 and 2 of the County Annex.

1. Approval of the Minutes from the January 21, 2010 Meeting

Fleishauer asked for comments regarding the minutes. Hearing none, the minutes were accepted by consensus.

2. A Discussion and Possible Action on Policy Change Recommendations from the Jail Overcrowding Committee, by District Attorney Tom Eagon

Eagon stated the Committee met several times to gain perspective as to why there are fewer offenders utilizing the home detention program (HDP) than first thought.

Eagon referred those present to a Committee report provided with the agenda packet. Three primary reasons why eligible inmates are not serving their sentence on HDP include: 1. the defendant decides to serve their sentence in jail; 2. the defendant tests positive for alcohol or drugs and becomes ineligible; and 3. the defendant fails to complete the LSI assessment. Eagon added that Penny Borski, who is a Corrections Officer in the Sheriff's Department, was a wonderful resource for the Committee.

Another section of the Committee's report dealt with recommended policy changes. Those recommendations include: 1. defendants who are sentenced and allowed to serve all or part of their sentence on HDP should report to jail immediately, report to the Day Report Program immediately, and through Day Report, complete their LSI assessment, deal with ignition interlock requirements, and report to jail clean; 2. those defendants successful in the pretrial supervision program, the statutory minimum mandatory jail sentence must be served in jail with the balance on HDP (eliminate the 50/50 rule, and the plus 15 or plus 30 rule); and 3. costs related to Huber and HDP will be the same.

Eagon stated defendants receiving the most assistance get through the process more successfully when they understand the process and know who to go to. Recommendation number 2 rewards offenders who are successful going through the pre-trial supervision program. These programs keep the public safer with cleaner more sober offenders out in the community.

Butkowski thanked Committee members for putting in extra time attending the meetings and for their willingness to work together. He stated he learned a lot through the meeting process, including legal and jail terminology.

Slavin asked whether the Committee made home detention program comparisons. Eagon replied they did look into that. Baumhofer stated they looked at Wood and Marathon Counties. They did not conduct a percentage comparison. Wood County has a higher number of inmates on HDP. Charewicz added that Wood County also has a higher number of jail inmates as well. Eagon noted Portage County is the only one with programming aspects. King stated other counties put inmates on HDP based in crime data, without much screening and assessment. The Sheriff decides unilaterally who is a good risk. Success and failure rates are studied. Other counties take more risks. Portage County wants people to be successful. Potocki inquired about Wood County's failure rate and King replied they do not have those numbers; rather, they have numbers for dedicated resources. Wood County has one full-time person, and Marathon County has several people through a contracted private firm. King noted Portage County's budget is tight. Eagon added that using cell phones or a similar device was found unreliable, even within the City. Eagon stated he was looking for a consensus on the policy change recommendations, and hearing no one against, found consensus of those present.

3. An Update on the April 6th Advisory Referendum for the New Courthouse Project; and Discussion by the Coalition Members Who Have Engaged in Public Speaking in Support of the Project; and a Request of Coalition Members to be named Publicly as Supporting the Referendum for a New Courthouse; by Supervisor Jeanne Dodge, and Jen Stewart
Dodge named a few places that presentations have been made on the proposed new courthouse, including the Towns of Hull, Plover and Stockton, Portage County Chapter of the Wisconsin Town's Association, League of Women Voters, etc. She also invited those present to the open house being held tonight. Dodge noted attendance has not been large at these events. Judge Fleishauer and Assistant District Attorney Dave Knappen made presentations regarding life in the current courthouse, which Dodge feels changed people's position on the need for a new courthouse. The economy seems to be the major issue, but the current economy translates into the prime time to build because contractors are looking for work and bidding low. Fleishauer added that audiences have been receptive. He felt people do not understand the need. Fleishauer likened it to the fact you build a baseball stadium for World Series attendance, not the average attendance. Outagamie County had a trial that brought 120 potential jurors to Portage County last month and all other courtrooms were also working at the same time. Jankowski added that Finn was looking for a courtroom that day because there was no space available. Fleishauer said the jury had to use the public bathroom that has three stalls, which took one hour of time. He further added that people misunderstand when they see empty courtrooms. Court cases used to be scheduled to force matters to a head. Now, 90% settle without using the courtroom for a trial.

Dodge stated information packets are available that include the resolution, a timeline, a synopsis of various studies, schematic/concept drawings, Supreme Court rules, and project and financial factsheets. Financial information is most important to people. Construction and non-construction costs include land, utilities, parking, evidence storage, etc. Portage County's current debt service has a tax rate of .53 cents. There is \$7.5 million dollars in reserves now. If the County were to borrow \$22 million dollars for a new courthouse, the debt service tax rate would be .46 cents. Dodge noted there is a levy limit for operational cost. If the County borrowed \$24.5 million dollars, over ten years, the debt service tax rate would be .55 cents.

Dodge said she was listening to a radio program this morning that had all three County Executive candidates as guest speakers. When asked how they would vote on the courthouse referendum, Maslowski and Gifford said they would vote for the courthouse and Dreier stated she would vote against it.

Olson asked about the open house this evening. Dodge replied the open house is being held from 6-8 pm at the Aging and Disability Resource Center. Barth noted he attended the presentation at the Town of Hull regarding the proposed courthouse. Facts, designs, cost figures, funding options, etc. were presented, but he feels what swayed people was facts on courthouse safety and space issues as presented by Knappen. That discussion hit home for people and he believes it changed their minds. Dodge felt that happened at the League of Women Voters presentation as well. She further added the economy is a big issue, but now is the time to build. Dodge also felt the lack of trust in government is an issue. Fleishauer said he talked about safety issues, the segregation of different people within the courthouse, and scanning for weapons. These are essential for safety in the court system and the current courthouse is not conducive to accommodating changes to address those issues. Potocki felt it crucial to write open letters for publication in the Stevens Point Journal in order to get information out to the public.

4. An Update from Madison on New or Pending Legislation Affecting the Court System, by Senator Julie Lassa and Representative Louis Molepske

Fleishauer noted Senator Lassa would not be in attendance. Word came that Representative Molepske would be attending, but would be arriving late.

Charewicz stated the jail assumes costs related to inmate medical bills. He noted the cost of areas recently needing replacement or repair in the current jail, such as a control panel for \$250,000, nine new showers at \$18,000, remodeling the Huber and juvenile areas to accommodate adults, etc. All of these items are paid for with jail assessment dollars garnered through a surcharge on traffic arrests. Law sets guidelines for these dollars that are to be used solely for jail maintenance, capital improvements, and the welfare of inmates. If legislation changes to allow these dollars to be used for medical bills, maintenance of the jail will be lost. He will have to go back to the Board and the use of the Capital Improvements process to keep the jail going. Fleishauer asked whether the bill includes prioritizing the use of these dollars and Charewicz replied no. He noted some individuals find a way to come to jail when they need medication and to deliver their babies; both of which are costly. Currently, \$60,000 is budgeted for medication, and if those costs are shifted to the assessment dollars, the jail will be hard-pressed to have money for necessary improvements, maintenance, and renovations. Graettinger stated a percentage of inmate commissary money goes to inmate welfare, one-half of Barth's

salary, games, and half to medication costs. The remainder is funded by tax levy. He also noted jail assessment money is not used up every year and can be banked for larger projects. Costs related to medications increases every year, causing depletion to the fund and no way to build revenues.

At this time Eagon noted a letter of support for the courthouse referendum is available for those interested in signing today to publicly state their support. Fleishauer read the letter aloud, which was then passed through the audience for signature. Potocki asked if a County Board member can sign the letter and Eagon replied yes, it is your first amendment right.

5. Topics to be Considered at Future Meetings

King brought up the process of preparing and submitting grant applications. Justiceworks is seeking letters of support for a grant they are writing. A memorandum of understanding is necessary from the Judicial General Government Committee and the County's process makes it difficult to answer the call for support. Grants are generally due 6-8 weeks after coming out, making responses difficult. We have to look at how we respond to grants to have any sort of competitive chance at the Federal level. Grants usually have a cash or in-kind match, and it is difficult to respond or find an effective response method. This should be on the next agenda.

Fleishauer noted Justiceworks is going to sponsor TEAM, which is an effort to support recovering offenders through a mentor process. Justiceworks would provide the mentors. Employment and mentoring are strong considerations to help offenders change their lives.

8:45 am – Molepske arrives

Molepske said additional money has been allocated by the State for the Defense Bar/Public Defenders Office. The current rate had been set in 1985 and since then, indigence standards have changed. A person now has to be destitute to qualify for a Public Defender. He noted people are asking why additional funding did not go toward District Attorney Offices. This happened because everyone has the right to defense, attorneys must be provided. This has been signed into law and the focus on courts will continue.

Molepske discussed Federal money being available to deal with how juveniles are being housed. Juveniles are treated differently; they are not housed with adults. Frequent sexual assaults take place when the juvenile is not segregated. Potocki noted that adults and juveniles are never housed together in Portage County. Fleishauer noted this deals with 17 and 18 year olds.

Molepske noted no approval took place for additional staff in District Attorney Offices. This issue gets down to the State budget, which is tight. The State is getting close to statutory reserve.

As relates to OWI offenders, Molepske noted people have an opportunity to get their driver's license back sooner under work release, if deemed by the Sheriff. More than two violations in a five year period equals one year without a driver's license. There is a problem between punishment and rehabilitation. An individual may wait a year to work; especially, when self-employed or housed in jail in an area without public transportation. A third OWI results in a two year suspension.

Molepske stated he introduced legislation unifying all OWI laws regarding recreational vehicles, including ATV's, snowmobiles, boats, etc. Currently, it is legal to have alcohol in your system under the age of 21, if driving a snowmobile, but on an ATV, it is illegal. Penalties are all different as well. Individual recreational vehicle offenses are not combined and with the proposed legislation, they would be combined. Various recreational vehicle groups are in support of this legislation. Molepske noted an "Oshkosh Option" where the offender may elect treatment versus penalty at the County level. They would receive less time, if electing treatment. Also, recreational vehicle offenses would affect the driver's license too. Wisconsin has fewer trails than Minnesota and Michigan, but Wisconsin's death and injury rates with alcohol consumption are higher.

King asked if recreational vehicle offenses are separate from cars as relates to a driver's license. Molepske replied there is limited tie-in. If your license to drive a car is revoked, you cannot operate a recreational vehicle either – it goes both ways. King asked how a driver's license check was provided for on a recreational vehicle stop. Molepske answered according to the Department of Transportation the opportunity is there. The legislation goes before the Public Protection Committee on Tuesday and to Joint Finance after that. There is a \$22,000 appropriation to assist in the effort. This

should go to the Senate before the session ends. At this time there is no opposition. The Association of Wisconsin Snowmobile Clubs is neither for nor against it; whereas, local snowmobile clubs do support it. The Association wants money for trail maintenance, with a portion of the trail pass going toward a fund. This cannot be done to get them on board.

Young referred to the OWI legislation and the focus on treatment. She asked if money has been allocated for this. Molepske replied the County must opt in for the Oshkosh Treatment formula. There is no total on possible additional revenue. Young referred to Act 28 – Sentence Reform, which allows earlier prison release and asked if treatment money has been allocated to communities. Molepske replied there is no substantial new money. They are looking at non-violent offenders who are close to their release date. Young offered that if you want the offender to be successful, resources are needed at all levels. There is a fiscal impact. How are we to continue to make them successful?

Radtke said he sees increases in punishment, levels of offense, and jail time, which increases the number in jail coming from Madison lawmakers, and asked if they are looking at ways to reduce. Molepske replied Act 28 does not reduce. There are 23,000 offenders in prison at a cost of \$32,000 a year to incarcerate. It is hard to sell reduced incarceration to the public for all classes of offenders. Minnesota has half as many in prison, but their county correctional system is different than in Wisconsin. There is an emphasis on local incarceration and there are more treatment opportunities. Molepske also noted Wisconsin's sex assault laws are in the top five in the country.

Charewicz brought up Assembly Bill 633 regarding the jail assessment fund he brought up prior to Molepske joining the meeting. This Bill will drain assessment funds if used toward inmate medical expenses. Molepske stated the Bill allows counties to be more flexible on how the money is used. Charewicz countered that the fund is necessary to keep the jail functioning. Molepske stated he sees it as adding flexibility. As to medical costs, the County MAY use it for that, not SHALL use it; it is up to the Board. Charewicz felt the County Board would go after that money and when we need to come before them for money, they will have no money to give. Molepske stated he usually supports bills where more control is given to the local level. Charewicz stated if no one pays for jail improvements, they do not happen. He went on to bring up several scenarios. Molepske added the Sheriff's is a Constitutional Officer and the County Board should listen to him; he does not see a problem. This Bill allows the County an opportunity to opt in; it does not cause a safety issue. Molepske said he would not support the Bill, if it caused a safety issue. Potocki felt if the money is there, people will use it for everything the law allows in the guidelines. He disagrees with the legislation.

With no further business to come before the Coalition, the meeting adjourned at 9:15 am.

Respectfully submitted,
Paula Cummings
Recording Secretary

MINUTES
Justice Coalition
January 21, 2010

Members Present: Tom Eagon, Judge Finn, Bernie Flatoff, Lia DeGroff, Judge Fleishauer, Judge Flugaur, Mike Baumhofer, Phil Idsvoog, Ray Przybelski, Mike McKenna, Jeff Heckendorf, Melissa Dalkert, John Charewicz, Don Butkowski, Stan Potocki, Mike Slavin, Jim Wiese, Shaun Morrow, Steve Olson, Vance Underwood, and Zach Bishop

Others Present: Mark Maslowski, County Executive; Katherine Munck, Justiceworks; Jenni Jossie, Portage County Finance Director; Amy Modrzewski and Craig Flagel, Portage County IT Department; Tom Staack, Justice Coalition Advisory Committee; Dwayne Wierzba, Plover Police Department; Jeanne Dodge, Doug Radtke, and Jim Gifford, Portage County Board Supervisors; Jim Dowling, Stevens Point Police Department; Patty Dreier, Citizen; and Jennifer Stewart, University Extension.

Staff Present: Kathy King and Paula Cummings, Justice Programs Department, and Jeff Schuler, Planning and Zoning Department

Chairman Flugaur called the Justice Coalition meeting to order at 7:53 am in Conference Rooms 1 and 2 of the County Annex.

1. Approval of the Minutes from the November 19, 2009 Meeting

Flugaur asked for comments regarding the minutes. Hearing none, the minutes were accepted by consensus.

2. An Update from the Building Review Committee for Public Safety Needs Regarding the Courthouse Project. by Jeanne Dodge

Dodge stated two resolutions have gone before the County Board of Supervisors regarding a courthouse project. One resolution related to the courthouse project itself, with 23 County Board Supervisors voting aye in support of the project and 2 voting nay. The other resolution, related to funding and the referendum language, passed by a vote of 21 ayes and 4 nays. During this process, County Board members shared how they felt about the project and why they voted as they did. Dodge then read through the referendum question for the April 2010 election.

Flugaur noted County Board members took a public vote on supporting this project; whereas, they did not take a public vote on the referendum related to the Justice Center project, which failed. Idsvoog stated the County Board made a public statement of support, by majority vote. Members recognized the need for the courthouse and support its construction. He agreed that for the last referendum the County Board took no position publicly. Flugaur added that during the last referendum process, because the County Board did not take a public vote on the project, people thought members did not support it, which is what he heard from citizens. Idsvoog noted the courthouse project was worked through systematically by the Building Review Committee. Several meetings were held, the need was determined, and Portage County is in a good position financially at this time. Flugaur referred to an article in the Stevens Point Journal regarding construction costs associated with UWSP's Hyer Hall. Construction was estimated at \$27 million dollars and, due to the economy, bids came in at \$18 million. Due to difficult times, people are concerned about a referendum, because referendums usually correlate with an increase in taxes. Project timing and bonding issues must be explained to and understood by voters. Idsvoog stated Portage County, at this time, can take money from reserves and bond for construction without raising taxes for this specific project. Jossie explained that in 2012, the County's existing debt matures and the County becomes debt free. Flugaur stated, as he recalls from the County's former Finance Director, Bo DeDeker, a percentage of County tax always goes toward bonds. Jossie said there are levy limits and levy rate caps. The courthouse project does not reach the levy cap; therefore, the mill rate should remain approximately the same.

Potocki stated he feels the \$29.5 million dollar referendum will be shot down without educating the public. He added, while campaigning he visited approximately 40 homes and discussed the courthouse project. The question asked by people he talked to was, if the project is not increasing taxes, why is there a referendum. Flugaur noted the Stevens Point Journal wrote an editorial saying the referendum was not needed. Dodge stated the timeline worked through by the Building Review Committee ends with the referendum and she felt the editorial would have been more appropriate at the beginning rather than the end of the process. Flugaur said he echoes what Potocki said. With bond retirement, low construction costs, and money in reserves, he also heard from people what Potocki heard.

Dodge stated she has been working with Jen Stewart and Jeff Schuler on a one-page factsheet to hand out to neighborhoods and organizations. They are looking to provide a short one-page explanation. A draft was provided to those present.

3. A Discussion and Possible Action by the Coalition Supporting the Courthouse Proposal

Flugaur asked if anyone present does not support going forward with the courthouse project. He noted the Coalition had supported the Justice Center project and the courthouse is a smaller scale. Eagon replied that he has a concern. He feels the courthouse should be tied to the jail; studies indicate this is best and this fact should not be lost. The County must be committed to building a jail in close proximity to the courthouse, and he would not be opposed, if they are tied together. Flugaur noted he feels the public sees Coalition members as having more information on the project than most people. He asked members to talk to the public. If the County builds later, the project could cost twice as much. Finding consensus for support of a courthouse proposal, Flugaur noted a formal endorsement will be prepared.

Olson gave an affirmation of the draft factsheet; noting it was easy to read and helpful. Dodge noted Finn suggested adding a statement regarding having three Judges and a full-time Family Court Commissioner.

Flugaur asked for volunteers to work on a courthouse project endorsement letter; Judge Finn volunteered. Finn noted an error on the factsheet. The reference to 1.5 Judges should be changed to 1-1/3. He further noted there are only two courtrooms for three Judges because the County Board room is used as a courtroom. He added when he is asked about the new courthouse, he makes a 1958 comparison; the year the courthouse was built. At that time, UWSP had two dorms and there were no traffic signals in town; it is very different now.

Flugaur stated this is the first draft of the factsheet and corrections/additions are being sought. He further stated that often there are four courts in session utilizing the two courtrooms, the County Board room, and a conference room. Dodge stated there will be a framed box added to the factsheet regarding funding and building costs. Flugaur said studies have shown one-page fliers work the best because most people spend 10 seconds reading it, and if their attention is grabbed, they will read up to one minute.

4. An Update and Discussion of Portage County's Conversion to C.C.A.P. (Circuit Court Automation Project) by Craig Flagel and Judge Fleishauer

Flagel stated the County realizes it needs to move to CCAP; referring to Portage County as an island. He stated Judge Fleishauer and Flatoff approached the State of Wisconsin two years ago regarding Portage County's conversion to CCAP. Negotiations broke off due to problems, but now we are working with the State again and hoping for implementation in 2011. Portage County's current system will be abandoned and put into CCAP. Integration between the courts, District Attorney, etc. will continue. The State has assured Portage County this will work.

Dalkert asked if only new Portage County records will be put on CCAP, or will back-loading of older data take place. Flagel replied that is a decision by the State and he is not sure. Dalkert noted the CCAP website is accessible to anyone with an internet connection. You load someone's information, such as first name, last name, and date of birth, and their court cases appear. CCAP goes back to 1993. She feels it is a very complete system, with only confidential hearings being unavailable.

Fleishauer stated there are advantages and disadvantages to CCAP. The County cannot afford to maintain a like-system. He is hopeful problems will be minimized with CCAP. Currently, under Portage County's system, you cannot look up information without coming to the courthouse, and on CCAP, we cannot control that. Portage County will not have as much control with a program operated at the State level. Currently, when someone needs something on the County's system, they contact the IT Department. Under CCAP, a special request for information must go to the State. Flugaur noted the other 71 counties in Wisconsin are currently using CCAP.

5. An update from Justiceworks, by Katherine Munck

Munck stated Justiceworks has been compiling data for outcome measures. They have found the following:

- Family Law Center serves 30 clients per month. Resources have saved \$2,453 a month or \$29,434 per year. There are additional savings related to reductions in court hearings and personnel.

- Volunteers in Probation (VIP) offers mentoring for typically 1-2 years. The recidivism rate is 9% rather than 62% for those without participating or who leave the program. Varying risk levels are accepted into VIP based on appropriate resources and mentors. The LSI-R indicates those participating fall into the low to medium-high risk to reoffend. Outcomes will continue to be measured with more offenders and over a longer period. There have been both successes and failures in the program, but a positive mark has been left even on those who fail as evidenced by a letter Munck read from a re-offender.

Flugaur stated "keep up the good work". When he was involved in criminal court in 2008-2009, he saw those on VIP succeed. He then complimented VIP mentors.

6. A Panel Discussion on the Changes in the O.W.I. Laws Including: Key Changes; Positives; Concerns, and a Discussion of Whether the Coalition Should Study Strategies to Address Concerns

NOTE: A copy of the PowerPoint being presented was given to those in attendance and is in the original meeting file.

Flugaur advised members to ask questions during the PowerPoint. Changes to the OWI laws will impact justice system stakeholders.

Eagon read through each slide, which generated the following questions/discussion:

Slide 1: In regard to an OWI 1 being criminalized, if there is a child under age 16 in the vehicle, Eagon felt this would impact many younger drivers because they are more likely to have friends in the car. A violation of Underage Absolute Sobriety being criminalized, if there is a minor passenger under 16 years old in the vehicle will have the same impact. Dalkert stated Public Defenders are expecting more cases with this law change.

Slide 2: In regard to an increase in mandatory minimum jail time for OWI 3 from 30 to 45 days, Eagon provided statistics on 3rd offense OWI's in Portage County as: 52 in 2007 and 39 in 2008. With jail bed days increased by 15 days per offense, it equals 585 additional bed days per year using 2008 stats. He hopes this will be a deterrent. He further noted, years ago, with the jail full, an offender could not immediately begin their sentence and they would be given credit as time served prior to being booked into the jail. This law change requires immediate booking after conviction and will cause additional problems at the jail. Baumhofer added that at \$45 per day for the additional 15 days, the cost is an additional \$675. He agreed that booking into jail directly from court will be a challenge. Finn added that Judges try to be efficient in court. As an example, there could be five OWI 3 cases in one day, with immediate book-ins necessary, and with that, he feels requests for continuances will increase. Eagon replied that is exactly right; court calendaring will be more difficult. Dalkert added that in Wood County, all OWI 3's start their jail sentence the day of conviction. They have to get a plea date, but not until they have an assessment done, have a job for Huber privilege, etc. If the offender has a job, they can pay for the jail bed. Eagon noted that currently, without an assessment, there are no Huber privileges.

Eagon said an OWI 4 is currently not a felony. Making it a felony, if committed within 5 years of a prior offense, will provide more incentive for delay and fighting a conviction. Fleishauer asked if it was correct that electronic monitoring is not an option with an OWI 4 and Eagon replied that is his understanding. Currently, the person can do half their sentence in jail and half on electronic monitoring (house arrest). Eagon feels that is a good practice because it allows the offender to experience being at home while being unable to drink. Flugaur added that OWI 4's under the Intensive Supervision Program are doing well, and one-half or more are on electronic monitoring. Eagon stated an OWI 4 felony with presentence investigations with the Department of Corrections totaled 23 in 2007 and 18 in 2008.

Slide 3: In regard to treating a first offence Prohibited Alcohol Concentration (PAC) in the .08-.099 range the same as all other PAC violations, Eagon stated there will be more court activity. The law also requires OWI 7, 8, and 9 to serve a mandatory minimum prison term of 3 years. Flugaur asked whether early release would come into play with the 3 year mandatory minimum and Morrow answered they are not eligible for early release. Flugaur asked if the offender would be eligible for Positive Adjustment Time and Morrow replied yes. Flugaur then asked if they would be eligible for a Risk Free reduction. Morrow replied, as he understands, yes; although there are several criteria to meet for early release. Flugaur commented that "truth in sentencing" is truly dead and we are back to the old system. Morrow noted the Earned Release Board (former Parole Board) plays a role in early release. Fleishauer noted how often sentencing has been changed over the years and commented that messing with sentencing discretion in the courts is wrong. Eagon added that in 1989, they began counting all OWI's for life.

Slide 4: In regard to making an OWI that causes injury a felony, if the offender has a prior OWI conviction, Eagon noted the law allows 6 months to 6 years imprisonment; whereas currently it is 30 days to 1 year. In 2008, Portage County had 4 such cases.

Slide 5: In regard to allowing probation as a sentencing option, Eagon felt it affects the Department of Corrections (DOC) the most. Eagon stated you cannot do probation for 6 months for appropriate treatment. Morrow noted that Probation/Parole is \$97 million dollars in the hole and they are raising fines and fees to cover it, even though collections are down. Funding is a great concern. He added an AODA program through ATTIC Correctional Services will expand. Dalkert stated OWI related operating after revocations (OAR) are up, which increases the workload. Morrow added that this will affect everyone in the court/justice system. It will be challenge for all. Eagon stated drunk drivers are a serious issue, but what they are doing is not practical with real-world funding.

Slide 6: In regard to Ignition Interlock Devices (IID), Flugaur asked if there were consequences for not having the IID. He noted there have been a couple thousand OWI 3's and above ordered to have an IID and maybe 30 actually do it. Most just get in the car and drive. He further noted that most first offenders are pro-social and law abiding.

Slide 7: In regard to requiring the court to order IID's, Eagon noted many offenders have no license and that does not stop them from driving.

Slide 8: In regard to prohibiting OWI offenders who fail to pay IID surcharges or who fail to comply with an IID order from obtaining an Occupational License, Eagon noted if the offender has no vehicle, there is no IID. The Sheriff's Department scans to see if the offender owns a vehicle. Charewicz noted even if the offender does not have a vehicle, all offenders have family members with vehicles. He further noted you can only seize their vehicle, if it is registered to them; therefore, they drive other people's vehicles.

Slide 9: In regard to establishing PAC of .02 for persons subject to an IID order for the duration of the order instead of .08 after conviction of OWI 1 or 2, Eagon said they do not want an IID at different levels. Vehicle seizure had been possible, but not practical. This law eliminates vehicle seizure/forfeiture and immobilization as sentencing options for OWI offenders. Charewicz stated you could not take the car if it was registered to the offender's wife, etc. This area needed to be tightened.

Slide 10: In regard to IID costs, Flugaur asked who determines whether an offender is low income as defined in this. The Judges? Eagon replied he was unsure.

Slides 11 and 12: In regard to criminalizing non-compliance with IID court order, and removal, disconnection, tampering or circumventing the operation of the IID, Eagon stated there currently is no penalty.

Slides 13 and 14: In regard to other provisions that include increased fees and license revocation for OWI beginning on conviction date and extended by number of days sentenced to jail/prison, Eagon felt the increases would cause greater problems because offenders cannot pay now.

Slide 15: In regard to supplemental appropriations creating millions of dollars for affected State agencies and DOC, it was noted no appropriation is given to local jails for bed space, which is greatly impacted by the changes in OWI laws. Eagon stated he was not holding out hope that any money would come into Portage County in the State appropriation, but sees it headed more for Dane and Milwaukee Counties. DOC is asking for money for additional costs related to treatment, etc. He also noted the State just gave Public Defenders \$4 million more for their budget.

Eagon noted there is recognition for alternative sentencing that Winnebago County is currently doing as a pilot program, which is similar to an alcohol court. King said she contacted Winnebago County regarding this program and found it was 100% funded by the County and run by County staff. The program has been around for approximately two years, so there are no strong recidivism reduction rates. She further noted she will be involved in upcoming meetings regarding OWI law changes and what they mean to counties from a program and treatment standpoint. King offered materials for those interested.

Charewicz stated he did come out criticizing this new legislation because it does little or nothing to keep drunk drivers off the road from a law enforcement standpoint. In 2009, in Portage County (including Portage County Sheriff's Department, Stevens Point Police Department, and Plover Police Department), there were 363 drunk driving arrests, and only 14 were OWI 4 or above. Portage County had 8 OWI 2 and 5 OWI 3. Charewicz said first time offenders cause most of the problems. This legislation has a major impact on the jail. Jail bed days are going to go up, but he noted the County Board has said as long as jail beds are needed, the County will pay for them. He is not concerned about people showing up the day of conviction because they are shipped anyway. Another big issue is the fact Portage County is not putting people in jail for unpaid fines because it costs more to keep them, than they are "sitting off" on a daily basis. We do not have the room to hold them at \$45 a day to sit off a \$25 a day fine.

Charewicz noted a rumor circulated that Portage County was doing alcohol checkpoints on Highways 10 and 66, and County Road HH, on New Year's Eve, which caused so much concern amongst the drinking public that OWI arrests were down this year. The threat of alcohol checkpoints does more than any legislation. In 2004, there were 42,000 drunk driving arrests in Wisconsin; that was the last time those statistics were published. Multiplying that by the extra \$153 the State will collect under the new legislation equals \$6.4 million dollars. This legislation does not address what Portage County faces on a daily basis, which is people continue to drink and drive because the first offense is still not a big deal. Adding, OWI 2 isn't even a big deal.

7. Topics to be Considered at Future Meetings

None considered.

With no further business to come before the Coalition, Flugaur adjourned the meeting at 9:05 am.

Respectfully submitted,
Paula Cummings
Recording Secretary