

MINUTES  
Justice Coalition  
April 21, 2011

Members Present: Harvey Olson, Tom Eagon, Bernie Flatoff, Judge Flugaur, Cory Nelson, Phil Idsvoog, Jeanne Dodge, Ray Przybelski, Mike McKenna, Dan Kontos, Melissa Dalkert, Sheriff Charewicz, Jim Krems, Sarah Halstead, Dave Medin, Stan Potocki, Bill McCulley, Kevin Ruder, Zach Bishop, Shaun Morrow, Judge Fleishauer, and Steve Olson

Others Present: Kitty Munck, Justiceworks; Patty Dreier, County Executive; Jenni Jossie, Finance Director; Rachel Semrow, New Directions Counseling; Ron Carlson, Justiceworks TEAM Program; Rochelle Kizewski, Day Report; Don Jankowski, Justice Coalition Advisory Committee, Robert Brush, UWSP Professor; Maggie Hogan, Public Defender's Office; and a member of Portage County Team Leadership w/Sheriff Charewicz

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 January 20, 2011 Meeting

Flugaur asked for comments regarding the January 20, 2011 minutes. Hearing none, the minutes were accepted by consensus.

2. T.E.A.M. Presentation by Katherine Munck and Ron Carlson

Munck introduced Professor Robert Brush who prepared "An Evaluation of the VIP Program in Portage County". Those present were provided a copy and Brush read aloud the entire report. Munck noted the promising program results related to the VIP and the fact there may be a VIP funding crunch as Federal funds run out. She described the program as laying a foundation for the offender to change their outlook, but she felt a bridge is needed between the VIP and other community programs dealing with successful re-entry.

Carlson described himself as a 32 year veteran of the Stevens Point Police Department. During that time, he found dealing with the same people again and again frustrating. He stated 1 in 31 adults are either in jail, prison, or on probation/parole. There is a \$52 billion dollar cost related to corrections across the United States per year. Each inmate in a Wisconsin prison costs \$30,000 per year. Forty-six percent of offenders recidivate within three years and 91% of Portage County inmates have been incarcerated previously.

Carlson stated he attended a conference relating to re-entry programs. Discussions included being tough on crime, soft on crime, and smart on crime. There are approximately 2.5 million people in prison, and when released, 95% come back to their community. Carlson was told by a former prison inmate that many people in prison cannot read or write.

Carlson referred to the TEAM project which began January 3, 2011 and currently has 13 people involved. As a police officer, Carlson felt he knew the people he arrested, but his involvement with the TEAM program has allowed him to "see the person's entire movie versus just the trailer". TEAM is a federally funded program and is not an employment agency. The TEAM program breaks down barriers by using mentors/coaches because many individuals have no support or role models in their lives. He described AODA issues as being huge. The program wants motivated people who have been clean for at least 3-6 months. He noted that housing is a barrier as well. Also, it takes time to work through the anti-social and negative thinking many have. Because of that, positive role models are very important. Carlson stated successful re-entry is necessary for the safety and welfare of the community. Munck added the grant is for two years and there are no appropriations included for 2012; noting every three months statistics are entered into a national database so outcomes can be evaluated.

Munck stated the Law Center has served 900 people. The Mediation/Restitution Program is conducted utilizing volunteer mediators. Victims are paid immediately and they negotiate and decide on a reasonable amount. The program alleviates victims from utilizing the court system and they do not have to relive the trauma in court. The program is expanding with the help of the Sheriff's Department.

Munck also stated there has been a good community response to the TEAM program, with presentations being made around the community. She is pleasantly surprised at the number of community business members responding. The program gives people a second chance. Idsvoog asked about 2012 funding. Munck replied money is needed for the staffing component; 1 full-time staff member handling 50 matches. She noted there are 35 unpaid volunteers. Idsvoog asked the cost to run the program and Munck replied she is not prepared with that figure.

Fleishauer invited those present to the April 25 Justiceworks annual meeting. Munck added the meeting will be held at 5 pm in Conference Room 5 of the County Annex. Walter Dickey and Ann Hoyt will be making a presentation on worker co-ops in Wisconsin for ex-offenders on May 25 at 5 pm at the Portage County Public Library.

Flugaur asked if the mentors for VIP and TEAM are the same. Carlson replied they are completely different, but if an individual utilizes VIP and TEAM, they can stay with the same mentor for both. Flugaur asked the number of mentors/participants at this time. Carlson replied 1 of 13 needs a mentor at this time. Flugaur asked Carlson to walk those present through the program process. Carlson explained an individual is referred (through a variety of resources), they complete a five page questionnaire (AODA, criminal problems), an assessment tool is used to determine their risk to reoffend (4% to 69.7% so far), a mentor match is made, case plans/goals are set, monthly reports are prepared, mentor/mentees meet once per week, and work begins with an employment agency. Flugaur asked if the mentor assists with writing a resume and the job interview process. Carlson stated Jim Dowling has conducted a resume writing/job interviewing class, with mock interviews, and there is a volunteer interested in conducting formal classes. Munck added individuals coming into the program are screened by a volunteer referral committee that meets monthly, and also reviews their assessments. Morrow noted the problem people coming from prison work camps have is in holding a job, not necessarily in finding a job. TEAM provides the opportunity to learn life skills and be able to hold a job.

### 3. Discussion and Possible Action Regarding Post Sentence OWI Intensive Supervision Program by Judge Finn

Flugaur explained Finn is unavailable for this presentation, which will be lead by Eagon. Recent law changes have caused hurdles and this is a proposal to address them.

Eagon explained current pre-trial supervision for OWI offenders includes: Day Report, programming, etc. New laws have created challenges, such as the requirement for those convicted of OWI 3 and above to report immediately from court to jail to be booked in. After checking into how that issue could be addressed, a program option of "County Probation" was found. If progress is made through pre-trial supervision, the offender could pass through to a post sentence supervision program. Post sentence supervision could be 6 months to 3 years. There would be a focus on OWI 3&4 with post sentence supervision of 12-18 months. If a person demonstrates motivation to change their lifestyle while on pre-trial supervision, they could utilize post sentence supervision. OWI 2's would not be included in this program because their recidivism rate is much lower.

Incentives include:

-OWI 3 has a 45 day jail mandatory minimum, with County probation it would be reduced to 14 days.

-OWI 4 includes a 60 day mandatory minimum, with County probation is would be reduced to 29.

This could be accomplished by staying the sentence and imposing reduced jail time, which results in jail bed days saved, if the offender complies.

In order to be eligible, the offender:

- Must complete a driver's safety plan.
- Must comply with jail/Huber rules.
- Must install ignition interlock.
- Must comply with program rules, including breath tests 3-14 times per week.
- Must pay program fees.
- Can work off one-half of their fees through Community Service Program.
- Case Manager will verify compliance.
- HDP eligible with sobriety.
- Comply with risk assessment tools.
- Meet with Case Manager 2-4 times per month.
- Case Manager will work with employers, family, treatment providers, etc.
- Must comply with programming determined with assessment tool.
- Must make pro-social contacts.
- Other rehabilitation needs must be monitored (i.e.: mental health, domestic violence, financial, housing, etc.)

Eagon described this as fairly intensive monitoring. Programs include cognitive thinking, Driving With Care, Seeking Safety/PTSD, AODA at Health and Human Services, AA/NA, etc. Violators will have their criminal reports given to the court, appear in court, and they will then be off post sentence supervision or remedial sanctions will be given. This program will not be unduly burdensome on the courts.

Flugaur asked about the term "County probation" and asked if the offender could be on State probation as well. Eagon replied yes. If the offender does well on pre-trial supervision the County probation option is available to them. If the court does not feel post sentence supervision is appropriate or the offender did not do well on pre-trial supervision, they will not be eligible. State Department of Corrections has high risk people on probation. Eagon stated the goal is to have no new victims.

Flatoff asked what happens with a situation where an OWI 3 has an OWI 4 pending. Eagon replied this program would fill the gap. Again, if pre-trial supervision goes well, post sentence is an option. You have to consider the flow of supervision.

Medin questioned whether there were enough incentives to participate, such as the jail reduction from 45 to 14 days. That would be avoiding one month in jail and he felt most offenders do not mind jail. Medin is unsure of the attraction. Eagon replied OWI cases run the spectrum of the community; many are repeat offenders and many are not. Another incentive is not dealing with the State Department of Corrections and having to pay their fees. Fleishauer added that OWI 4 has a 60 day mandatory minimum and guidelines allow much more time. King noted ATTIC is a non-certified program that costs less; this is an option to provide less expensive programming.

Flugaur asked Coalition members if they endorse the post sentence supervision program. King noted the program is modeled after Winnebago's program, which has five full-time staff. We want a half-time person involved in this 6-month pilot project. Over that period, we can see the number of eligible offenders and how the Judges will utilize it. This will also allow a track record to evolve before the 2012 budget when the County Executive and County Board will prioritize County programs. Action by County Board on a budget adjustment will take place in June for this program. Cost savings need to be proved over this period, as well as a substantive impact. Eagon asked how cost savings will be monitored and King replied she will be working with Jossie on that. Idsvoog asked where the money will come from. King answered she is not sure right now and the Finance Department will help look into it.

Flugaur asked, without the funding issue, do Coalition members endorse the program. Hearing no comments, Flugaur found consensus in the Coalition's support of a post sentence supervision program as described.

4. Strategic Plan Update by Kathy King

King explained the strategic planning process will look at cost efficiency, program effectiveness, data analysis, program alignment, cost benefit analysis, etc. It also involves community engagement and support. Justice Programs Department strategic planning will be presented to the Justice Coalition Executive and Judicial General Government Committees.

5. Topics to be Considered at Future Meetings

Flugaur noted strategic planning will be on the next agenda of the Justice Coalition Executive Committee. They will also look at monthly jail data and Day Report program reports. He also noted the Juvenile Detention Committee, which meets annually to review and make recommendations on the Juvenile Detention Center operations, will meet soon. Changes in the Governor's budget included closing Wales and taking those juveniles to Lincoln Hills.

With no further business to come before the Coalition, the meeting adjourned at 8:55 am.

Respectfully submitted,  
Paula Cummings  
Recording Secretary

MINUTES  
Justice Coalition  
January 20, 2011

Members Present: Tom Eagon, Bernie Flatoff, Michael Splinter, Judge Tom Flugaur, Mike Baumhofer, Phil Idsvoog, Jeanne Dodge, Jim Krems, Dave Medin, Stan Potocki, Mike Slavin, Amy Marcott, Bill McCulley, Zach Bishop, and Vance Underwood

Others Present: Dwayne Wierzba, Plover Police Department; Kitty Munck, Justiceworks; Patty Dreier, County Executive; Jenni Jossie, Finance Director; Amy Modrzewski, IT Department; Sally Olson, Family Crisis Center; Rachel Semrow, New Directions Counseling; Ron Carlson, Justiceworks TEAM Program; Cory Nelson, Portage County Jail; David Hickethier, Assistant Corporation Counsel; and Tim Karcheski, Chair, Town of Plover.

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 September 23, 2010 Meeting

Flugaur began by complimenting Justiceworks on its recent Martin Luther King Day celebration, which he described as an amazing community gathering that was well done, and had a fantastic turnout and speaker.

Flugaur asked for comments regarding the September 23, 2010 minutes. Hearing none, the minutes were accepted by consensus.

2. Discussion and Proposal to Form an Ad Hoc Committee to Establish Procedures for Pleas and Sentence Structure for Individuals Charged with OWI – 3<sup>rd</sup> and 4<sup>th</sup> Offense Under the New Laws – Judge Flugaur

Flugaur stated the Intensive Supervision Program (ISP) is a significant program in Portage County, which has undergone several changes over the years as it responds to program needs. The program has promising results that will be presented this morning during a report on recidivism.

Flugaur reminded attendees of a presentation Eagon gave the Coalition in July 2010 prior to changes in OWI laws taking effect. Currently, during the time between being charged and sentenced on an OWI 3 & 4 offense, the person goes to jail book-in to obtain a start date that is based several factors, including the jail's schedule, population, etc. Under the new law, with an OWI 3 or 4, the person reports to jail directly from court to begin their jail sentence immediately. He provided an example of a person sentenced to jail yesterday who was utilizing ISP, group treatment, etc., but with the 4<sup>th</sup> offense being a felony, they are not eligible for the Home Detention Program (HDP). For this person, there was 20 years between their 1<sup>st</sup> and 4<sup>th</sup> OWI. The person did very well on ISP and would have been sentenced to 60 days in jail with the remaining sentence on HDP, but now the new law results in a mandatory sentence of 6 months in jail. The new law suggests no house arrest (HDP), which will result in our jail population exploding in the near future. Those in ISP will no longer have an incentive.

Flugaur suggested forming a workgroup in which Judge Finn would be Chair. This group would study whether the sentence structure needs to be adjusted to comply with legislation. Flugaur felt those active in treatment for months deserve a break, which as been in place for years. There are ways to work with pre-trial and post convictions. A number of things need to be looked at, including making sure those being sentenced on an

OWI 3 or 4 are prepared for jail and the jail is prepared for them. Also, ignition interlock is required within 14 days or Huber is revoked. Flugaur described ignition interlock as a difficult, costly process. It is important to be certain everything is in place with no surprises for the jail or the offender. Law enforcement will provide information to those with an OWI 1<sup>st</sup> regarding ignition interlock and how it affects them. Ignition interlock must be installed in all vehicles in the person's name at a cost of \$1,000 per vehicle, per year. The offender is responsible for this fee.

Munck asked the statutory reference for the new OWI legislation and Eagon replied it is found under Act 100 from 2010, which affects several statutes.

Splinter clarified the cost as \$1,000 per vehicle and Flugaur replied that is correct and ignition interlock is required for a minimum of one year. Splinter suggested a news article be submitted regarding this process because he felt it would be a deterrent. Idsvog asked if an ignition interlock is required for motorcycles as well and Flugaur responded yes, but that process is not easy because the person must test while driving, the tests are intermittent, and the tests require you to hum prior to blowing into the device. If you do not respond, while driving a vehicle, the lights flash, the vehicle stops, and you cannot restart it. Flugaur felt the Stevens Point Journal could do a series of articles on the new OWI laws. Splinter also suggested Statewide driver's education in order to educate kids on what an OWI can do to the family.

Slavin asked how treatment is handled with the new law. Flugaur replied the offender must follow-through on treatment and if they do not, they go back to jail. There is a minimum mandatory, and if any jail time remains, they must finish that in jail.

Flugaur asked for members interested in being a member of the workgroup, in addition to representatives from the District Attorney, Public Defender, ISP, and jail. Currently, the ISP is distributing information to offenders, but a checklist is needed. The workgroup would look at sentencing possibilities to continue ISP incentives. ISP has seen good results in Portage County and he wants that to carry by utilizing a reduction in the minimum mandatory sentence as an incentive. Flugaur suggested an ignition interlock representative from the jail should be a member of the workgroup.

3. A Report from the OWI Intensive Supervision Program – Kathy King and Judge Flugaur  
(Copy of power-point presentation in original meeting file.)

Flugaur noted King prepared a power point presentation on the ISP as directed by County Executive Dreier, which describes who is in the program, what has been done, and where the participants are now. He added the information is not 100% accurate.

King stated the presentation information has been drawn from a variety of different databases. She has done her best with the calculations being presented and will take comments, corrections, etc. from those present. She has worked with an analyst from the Department of Transportation (DOT) on the numbers presented. King noted Wisconsin does not have a database to search for recidivism and there are no control groups due to our program being mandatory. Most programs in Wisconsin are voluntary, resulting in the ability to have control groups. The DOT did compare Portage County with Sheboygan County and will provide us the comparison information. Flugaur reiterated that Portage County's program is mandatory versus others that are voluntary. Voluntary programs have a lower rate of success and would not be to Portage County's advantage. King described the ISP as one variable in the local equation of strategies, including jail treatment and groups such as Alcoholics Anonymous.

King began the power point presentation reading through the slides one-by-one. Slide 1 – Judge Fleishauer chaired the Electronic Monitoring Workgroup and former Jail Captain Evan Hansen provided the data. The year 1999 was used as a benchmark. HDP was used for OWI 2 (not above). Slide 2 – King read through goals of the project as presented. Slide 3 – King noted a trend toward fewer convictions in Portage County

according to the DOT. The slide depicts an increase in OWI I, with a decrease in others. In 2009, a decrease was common across Wisconsin even though no change in law occurred. Slide 4 – Interns were used to compile recidivism information. They checked records through the County’s court management system on the AS400 and the Circuit Court Access Program (CCAP). The chart does not represent everyone in the program and some individuals were in the program for only a short time. Interns found that no one committed three new OWI’s. King noted only two reports have been compiled on OWI ISP programs in Wisconsin, and Portage County’s report compares favorably. King said Portage County’s program is more complex than others. Flugaur pointed out 83% of participants have not reoffended, which is good. He has heard offenders say in court that they are not coming back and they have learned so much while in the program. He described results as fantastic and wants to be able to continue incentives allowed OWI ISP pre-trial participants. Portage County does not want to lose ground. Slide 5 – King noted information in this slide was prepared by Modrzewski with the Portage County Information Technology Department. The chart includes all OWI’s (with injury, homicide, etc.). Eagon noted the 2002 figure of 14,007 jail days ordered related to the 511 convictions represents 47-48% of jail bed days available in Portage County, which is expensive. King noted that is why OWI’s are the targeted group. Flugaur noted these convictions involve HDP as well. He further noted the significant reduction of convictions/jail bed days during the period 2002-2009. Nelson asked if the 372 convictions in 2009 include OWI I and Modrzewski replied yes. Eagon added there is no jail sentence with a first offense. Baumhofer noted almost half of the 7,180 jail days ordered in 2009 were served on HDP. Slide 6 – King noted this slide represents HDP people on ISP as well. She stated, we bring these offenders back and require treatment/services, which allows us to “keep our hands on them”. She further noted numbers always differ from those of Jail Captain Baumhofer because they are not all OWI offenders in Day Report/ISP. Former Jail Captain Hansen and King started reporting these figures in 2002. Also, jail bed day costs differ depending on where the individual is shipped and the agreement in place. The \$5 per day administrative and transport costs are not always loaded in the costs presented on this slide; estimated costs were used. Slide 7 – addresses cost-effectiveness. King noted the program is changing lives, which is most important. Slide 8 – titled “we did it”! King reiterated Portage County is making a difference in the lives of participants. Slide 9 – noted additional impacts. Idsvoog asked if AODA and mental health treatment costs could be analyzed. King replied yes that could be done by aligning with Health and Human Services. Idsvoog felt those costs have to be in the bottom line. King noted the cost is not to the program, but to the County. Jossie asked for the opportunity to go through the calculations presented with King prior to distribution. King agreed and noted corrections and/or changes will be shared. Slide 10 – portrayed concerns lying ahead. Slide 11 – King stated if the offender is not motivated to participate in the program or thinks they do not have a problem, we do not use resources on them; we are careful how the money is used.

Flugaur noted members are welcome to say after the meeting to ask King any questions they may have. There will be a follow-up report and final remarks at the April 2011 Justice Coalition meeting.

#### 4. An Update from Justiceworks – Katherine Munck

Munck gave a brief status report on program areas in Justiceworks. As to the Family Law Center, the number of users is up. The restitution/mediation program brings together the victim and offender. The program is successful and participants are satisfied. Victims receive their restitution upfront. River Point House has four residents since its November 2010 opening. She referred those present to the Justiceworks website for more information. Restorative Youth Conferencing is a sentencing option offered through Peer Court and Health and Human Services. The Volunteer In Probation Program has capped at 50 cases and after checking participant data, preliminary results indicate a 9% recidivism rate. A new program, Teamwork for Employment Access through Mentoring (TEAM) is a re-entry program to motivate ex-offenders and help reintegrate them into the community. Ron Carlson works exclusively for the TEAM Program, which began January 3, 2011.

Carlson reported the TEAM Program is all about changing lives and he is excited to become a part of Justiceworks. While being a member of the Stevens Point Police Department, he had little one-on-one interaction and looks forward to personal contact with program participants. He stated he is overwhelmed by the number of Justiceworks volunteers and their sincerity. Justiceworks staff is very dedicated and he described the process as eye-opening.

5. An Update from the Executive Committee Regarding Its Meetings and the Request by that Committee for Monthly Reports – Judge Flugaur

Flugaur reported the Committee's first meeting was adjourned promptly after it was decided their meetings should be properly noticed to comply with open meetings law. It was Eagon's opinion the Committee should comply with that law and meetings are now properly noticed. At the second meeting, the Committee decided a monthly report on ISP and jail data is necessary. Eau Claire County reports were used as a starting template for the reports. These reports will be shared with the Justice Coalition as well. Flugaur reminded those present the Coalition now meets every four months, with the next meeting scheduled for April 2011. He also noted Captain Baumhofer is retiring April 6, 2011.

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