

MINUTES
Justice Coalition
October 15, 2015

Members Present: Judges Tom Flugaur, Tom Eagon, and Robert Shannon, Trish Baker, Mike Wiza, Phil Idsvoog, Ken Wolfe, Bo DeDeker, Jeanne Dodge, Mike Lukas, Stan Potocki, Dave Medin, Perry Pazdernik, Shaun Morrow, and Zach Bishop. **Others Present:** Patty Dreier, County Executive; Jason Hake, County Finance Department; Martin Skibba and Pat Stanislawski, Stevens Point Police Department; Jamie Kiener, Justiceworks; Gurdon Hamilton, Citizen; Kate Gaines, NAOMI; and Jesse Jackson, Fernandez Center. **Staff Present:** Kate Kipp and Gayle Stewart, Justice Programs Department.

Judge Flugaur called the Justice Coalition meeting to order at 7:50 am in Conference Rooms 1 and 2 of the County Annex building.

1. Approval of the Minutes from the July 9, 2015 Meeting

Flugaur asked for comments on the July 9, 2015 minutes. Hearing none, the minutes were accepted by consensus.

2. Welcome and Introduction of the Honorable Robert Shannon by Judge Flugaur

Flugaur introduced Judge Robert Shannon who was recently appointed by Governor Walker to the position of Circuit Court Judge in Branch II after the retirement of Judge John Finn. Shannon stated he has met many of those in attendance today and hopes to be able to meet many others soon. Shannon is looking forward to working with everyone.

3. An update on the use of COMPAS in Pre-Sentence Investigation Reports in Light of Recent Appellate Court Challenges, by Shaun Morrow

Flugaur stated COMPAS is a risk-assessment tool used nationwide and by the Wisconsin Department of Corrections (DOC). Portage County has implemented COMPAS into everything from pre-trial supervision to home detention; adding DOC uses COMPAS extensively in pre-sentence reports. Flugaur stated COMPAS is undergoing a Court challenge and asked Morrow to provide an update.

Morrow reiterated COMPAS is used in other states. There have been legal challenges to COMPAS in other states, and COMPAS was upheld. DOC is still using COMPAS within their area; however, they are not putting it in the pre-sentence report. There will be no mention of the assessment in the report to the Court. Morrow stated they will keep all the assessment data and they are hoping this issue gets resolved within the next few months.

Flugaur asked if COMPAS is on hold for now and Morrow stated they will still use it for the revocations, but it will not be used for pre-sentence reports. Flugaur asked how long the COMPAS information has been out of the PSI's (Pre-Sentence Investigations), and Morrow stated it has been out just for the past two weeks. Flugaur asked Eagon if he remembers the specific challenge, and Eagon stated the defense wants access to all data used in compiling the COMPAS assessments and how they use that within the COMPAS Program. Eagon states this is probably proprietary and COMPAS does not want to give it up. Morrow said they also stated the questions were gender-specific; Morrow does not believe there are any gender bias questions. There are no gender specific questions except to ask if they are male or female. Flugaur stated it has been certified straight up to the Supreme Court and he does not have any doubt whatsoever that it will be upheld. Flugaur stated he has always referenced the COMPAS reports in the past, and if they were thrown out, he believes there would be thousands of re-sentencing hearings.

4. Update of Funding Status for the Portage County Pre-Trial Supervision Program for 2015, by Kate Kipp

Kipp stated she previously discussed with the Coalition a \$40,000 Department of Transportation (DOT) grant that had been received by her Department for well over a decade. This grant has been used to supplement the Pre-Trial Supervision Program. Kipp stated they were unsure about the funding status of this as the Governor moved the grant to the Department of Health Services (DHS), but had not moved any funding with it. She was preparing the 2016 budget without these grant funds. Kipp received a letter in September from the DHS stating they had funding for one additional year. This meant Kipp did not have to go to the County Board to seek additional money to cover the loss \$20,000 in 2015 revenues. In addition, with funding now possible for one additional year, \$20,000 will go toward the 2016 budget, which results in a \$20,000 loss in revenue. Kipp stated they looked at the numbers for Day Report and the daily population is about 140 people; they were contracted at 150 people. As a result, they were able to adjust costs without impacting or

cutting services. As long as the daily population stays at 140, they will be fine going into 2016. If the number jumps as it did in the winter of 2013, they will have to problem-solve what they are going to do because they would not be able to handle the amount of people under the adjusted contract. As for now, they have \$40,000 from DHS, with \$20,000 coming in 2015 for the period July through December, and \$20,000 in 2016 for the period January through June.

Flugaur stated a survey was conducted by for Justice Programs Director Kathy King years ago to determine, by ranking, what programs are the most important and, if necessary because of budget cuts, what programs would be cut. Flugaur stated the Pre-Trial Supervision Program was unanimously considered the most important program. Flugaur reiterated this is the program where people are on pre-trial release, receiving individual and group counseling, doing day reporting, giving random urine samples and breath tests, and is the program that has been a tremendous success. Flugaur added a number of counties have modeled their program after Portage County's program.

5. Discussion of the Justice Coalition Stakeholders Membership by Judge Flugaur

Flugaur stated this is an issue that came up when he was reading through the minutes. Flugaur noted at the top of the minutes where it states members present and others present, it is his feeling that a number of individuals that are considered others present are actually members. It is his recollection when they established the coalition they would have a large coalition and do things collaboratively. Flugaur noted Wood County has their coalition structured similar to Portage County's Justice Coalition Executive Committee; they have maybe 8 people on their coalition. Portage County wants to be overly inclusive and put as many groups on as possible. Flugaur stated Police Chiefs of Plover and Stevens Point, the Portage County Sheriff, and their respective designee(s), were all to be members; they should not be listed under the category of others present. In addition, the City Attorney should be a member.

Flugaur wants to form a work group to look over current membership. Flugaur has all the old archives and will be Chair of the work group. Flugaur stated they have always had a member of the clergy; the most recent being Pastor Olson from Trinity Lutheran Church. Pastor Olson has recently retired so they are looking for someone who represents the religious community. Flugaur stated if anyone is interested in attending a meeting to discuss membership, please let Kipp know within the next day or two. Flugaur stated if they need to invite more people, they will do that as well.

Baker stated the Coalition was established by County Board Resolution and she believes it is important to have a copy of that resolution. Flugaur agreed and along with Idsvoog explained how the resolution was used to formalize appointments to the Coalition like any other County committee. Flugaur added it is important to include treatment providers and get their input on issues because offenders have a myriad of issues. Flugaur wants to hold this meeting within the next couple weeks and will report back at the next meeting. He will have a list of who will be considered members and others who are invited on a regular basis.

Flugaur addressed the 2016 meeting dates.

6. Discussion of Pretrial Justice in Portage County and the Creation of an Updated Portage County Criminal Justice System Map by Judge Flugaur and Kate Kipp (video length 17:50)

Flugaur stated one thing the Committee worked on within the last 6-8 months was pre-trial home detention, which is new in Portage County. Flugaur does not think anyone has been on it yet, but they have developed a procedure where defense Attorneys can appear before a Judge, if someone has a cash bond and is sitting in jail. Under appropriate circumstances, they could ask for a lower cash bond and ankle bracelet where they are confined to their home with a sober-link. Flugaur stated the defense bar has been invited to do that and he has had no requests; Judge Eagon has had one. Under procedures established through the work group, they are then to go for a risk assessment by Borski at the Portage County Jail. Flugaur stated they must not have come out well on the risk assessment because they never came back and asked for a lower cash bond.

Flugaur stated today's video talks about this particular issue and it is an area they need to continue to focus on because the presumption is that people should be released on bail because they are presumed to be innocent.

(17 minute, 50 second video viewed)

Flugaur described the video as a humorous way of portraying what they do in the Criminal Justice System, even though it was embellished a bit. Flugaur said there are no bail bondsmen in the State of Wisconsin. They were eliminated 30 or 40 years ago, and thankfully legislators have recognized all the problems associated with bail bondsmen.

Besides pre-trial services, one thing that resonated with Flugaur was when he was a Public Defender, clients who took a deal and plead guilty to get out of jail, even though they were saying they didn't do the crime.

Kipp believes 2016 is going to be an exceptional year for all in the Criminal Justice System. The Drug Court Work Group will be finishing up a lot of things. They will have two opportunities to apply for grants to bring a Drug Court to Portage County. In late summer, she will be sending out a request for proposals for the Day Report Program. They have an opportunity as a Coalition and work group to see if they want to redesign things such as if they want to take some of the elements they are doing now and expand them.

Kipp stated they have done system mapping in the past and she believes this is a great moment in time to go back to that. They need to understand what they are doing now, who the players are, who the decision makers are, what the numbers look like, and from there look at where the pieces might fit. Where does a Drug Court fit in, where does expanding pre-trial justice fit in, and how can they better serve the community and each other by understanding what the system looks like as a whole.

Kipp referenced a Power Point presentation and explained system mapping. (Original in meeting file.)

Kipp stated the goal is to sit down and form a work group to do this and present it at a future Coalition meeting so everyone can better understand the system.

Flugaur stated this is an excellent idea and from time to time they need to sit back and reorganize so they know where they are, where they've been, where they're headed, and have a better picture of what all these groups look like that are ongoing every day in the Criminal Justice System. Flugaur asked volunteers to participate and to contact Kipp.

7. Topics to be Considered at Future Meetings

Medin requested a discussion at a future meeting about prisoners that are close to their release dates and what is done to help them have some community connection when they are released. Medin explained that he lived in a building near where the jail is located and he would see guys come out of jail looking like deer in headlights. Medin believes the people need to have services and have people work with them prior to release to prepare them to be a productive member of society. Medin believes there are a number of people that don't have a good strong connection and they are stuck going back to a bad situation.

Wolfe stated everyone he has a chance to meet with goes through a re-entry list asking them where they're going to live, are they interested in accessing mental health or AODA services, and if so, they will have established appointments for them to meet with a counselor. In Stevens Point, if someone wants to meet with an AODA counselor, it would be rare that they could not get in within a week to see a counselor. If someone has an interest in residential treatment, they have good collaboration with the treatment center for people that need that level of care. Wolfe stated they go through that checklist where people will have established appointments and can be provided with specific information on how to do these things. Wolfe stated a critical component for individuals is to connect with the AODA community. What they have in place now is the Bridge-the-Gap Program where someone that is well versed and involved with recovery will meet with an individual in jail before they leave, to begin that connection with the NA or AA fellowship their first day out of jail. Wolfe reiterated the first day is critical to healthy decision making.

Wolfe will bring information to the next Coalition meeting.

With no further business to come before the Coalition, the meeting adjourned at 8:50 am.

Respectfully submitted,
Gayle Stewart
Recording Secretary

MINUTES
Justice Coalition
July 9, 2015

Members Present: Judges Tom Flugaur, Tom Eagon, and John Finn, Trish Baker, Ray Przybelski, Mike Wiza, Phil Idsvoog, Mike McKenna, Ken Wolfe, Bo DeDeker, Jeanne Dodge, Dan Kontos, Mike Lukas, Dave Medin, and Dave Knaapen

Others Present: Patty Dreier, County Executive; Jenni Jossie and Jason Hake, County Finance Department; Dan Ault, Village of Plover Police Chief; Andrew Beveridge, Stevens Point City Attorney; Martin Skibba and Pat Stanislawski, Stevens Point Police Department; Rocky Boulder, Juvenile Detention Superintendent, Sheriff's Office; Gurdon Hamilton, Citizen; Elizabeth Kitzow, ATTIC Correctional Services; Denise Ellis, Jail Inspector; Ron Ledford, District Court Administrator; Amy Modrzewski, County IT Department; and a representative of the Stevens Point Journal.

Staff Present: Kate Kipp and Paula Cummings, Justice Programs Department

Judge Flugaur called the Justice Coalition meeting to order at 7:50 am in Conference Rooms 1 and 2 of the County Annex building.

1. Approval of the Minutes from the April 16, 2015 Meeting

Flugaur asked for comments on the April 16, 2015 minutes. Hearing none, the minutes were accepted by consensus.

Flugaur noted the Coalition would first address agenda item #4.

4. A Discussion and Recommendation Regarding the Use of Electronic Monitoring for a Portion of a Jail Sentence, when there has been a Revocation of Probation, by Judge Eagon and Judge Flugaur

Flugaur noted 100% of his misdemeanor cases are imposed and stayed, and if revocation takes place, they are back to jail. In addition, currently, if the Home Detention Program (HDP) is not initially addressed, they are ineligible; although the Sheriff can make the offender eligible for HDP.

Eagon referred those present to a handout (original in meeting file) titled "Proposal for Home Detention on Stayed Sentences Served After Probation has been Revoked", which he read through. Briefly, the handout states: 1. if HDP was considered and denied the offender, then they are ineligible for HDP; 2. if the crime is domestic related with a surcharge, or sexual assault/child abuse related, the offender is ineligible for HDP; 3. after 30 days of detention, the Sheriff may deem the offender appropriate for HDP; 4. if HDP is found inappropriate under the HDP protocol, or if the offender is not interested/unwilling to participate in HDP, then the offender is ineligible; 5. the Sheriff will send requests for HDP authorization to the sentencing Judge and others, and each party will have 5 working days to register an objection or concur (a standard form to be developed for referral); 6. the Judge may base his/her decision on the record alone, without further hearing; and 7. unless otherwise ordered by the court, the standard order granting HDP will allow for ½ the sentence to be served on HDP after the first 30 days have been served in jail, which will be credited toward the in-custody portion of the sentence.

Eagon added that HDP does allow the opportunity for community supervision at home with absolute sobriety. If that is not the case, the offender goes back to jail. The offender is given the opportunity to learn to behave.

Flugaur asked if the offender is revoked, should they be eligible for HDP. This is a big question and decided that they should be given the opportunity. Some offenders have 6-9 month sentences with ½ in jail and ½ on HDP. If HDP is earned, there is a transition into the community on HDP.

Finn noted Lukas indicated to him that he can supervise offenders better with HDP than when they are out on Huber. With HDP, you know where the individuals are. Lukas added that with the new HDP monitors, HDP is going really well. Baker inquired about the new HDP monitors. Lukas explained the new HDP monitors include a Global Positioning System (GPS), as well as a sobriety test. Baker asked what would happen if the offender failed the sobriety test. Lukas replied that would be immediately determined - the sobriety test has facial recognition. Baker asked if an offender was sentenced to 6 months in jail, how much jail time would they serve, if HDP eligible. Eagon replied the HDP eligible offender would serve the first 30 days in jail, with the remaining days ½ in jail and ½ on HDP. Medin asked if the offender would be credited day-of-day on HDP and Eagon replied yes, and they would receive credit for good time as appropriate.

Referring to step 4 of the proposal, Wiza asked about HDP protocol, and Eagon clarified the offender is not even asked about HDP, if they have committed one of the crimes in step 2. Dreier asked why the offender is even given the choice (ineligible if not interested/unwilling) to participate, and Eagon replied the law allows the offender to refuse HDP.

Flugaur asked if there was consensus by the Coalition relative to the new HDP proposal. Hearing no further comments, Flugaur found consensus. Flugaur noted an authorization form still needs to be created and asked that this form, in draft, be emailed to all courts.

5. A Discussion of the Use of Electronic Monitoring for Inmates with Huber Law Privileges, by Sheriff Lukas

Lukas noted offenders with Huber privileges leave the jail to go to work and return to the jail after work, resulting in 8 to 12 hours of unmonitored time. He further noted HDP has guidelines more strict than Huber. Idsvoog stated HDP makes a lot more sense. Flugaur noted it is more punitive to be in jail. He also noted some jails allow all offenders on Huber to be out on HDP, which allows their jail beds to be rented out as a revenue source. Flugaur explained Portage County has not adopted that philosophy and felt Portage County can and should talk about this. Lukas noted some offenders on Huber are in jail due to revocation. Dreier noted without having prisoners coming and going in and out of the jail, the jail is a safer place and it also allows staff efficiencies because jail staff can work on other tasks. Lukas agreed. Flugaur reiterated appropriate staff should get together to flush this out from a philosophical standpoint.

2. A Discussion and Update of the Drug Court Work Group, Including the National Drug Court Institute's Drug Court Training, by Judge Flugaur and Kate Kipp

Flugaur noted a group of Portage County stakeholders attended Drug Court training in Wisconsin Dells in May along with several other individuals from areas outside of Portage County. He noted Portage County attendees were singled out and recognized as the "stars of the training". He thanked those who participated, adding he has pushed for a drug court. He also noted the District Attorney's Office is fully on board with a drug court.

Kipp presented a power-point (original in meeting file) describing the referenced training. She said the training involved a large, diverse work group, with attendees being active and engaged. The training involved 10 key drug court components.

Flugaur stated the Post-Plea model was chosen, which serves 15-20 high risk/high need people. The model has incentives, including: no prison, no long-term County jail, and allows possible expungement. Flugaur noted drug court is confidential; it is not a court of record and not opened to the public because it is considered a treatment record. Drug court is all about treatment for addiction. Baker questioned the slide that had a question mark in the "misdemeanor" box. Kipp replied felonies and misdemeanors can be considered for the program, but the group's choice was felons – the hardest individuals we can find; the most addicted. Participants would have committed crimes due to their addiction. This includes drug crimes and drug motivated crimes.

Dreier asked if the drug addicted mentally ill would be allowed in the program and Kipp explained participants must be mentally stable before being allowed in Drug Court. Validated risk assessments would also be necessary before becoming Drug Court eligible. Kipp stated Drug Court results in reduced time between arrest, sentencing, and Drug Court, which equals better success – 50 days between arrest and Drug Court is possible. Flugaur stated with a strong case against the defendant, and defense agreeing they could move quickly, that timeframe may happen. The client's rights are protected and both the State and defense are in favor of that.

Kipp described there are 5 phases to Drug Court: 1. Acute stabilization (60 days); 2. Clinical stabilization (90 days); 3. Pro-Social habilitation (90 days); 4. Adaptive habilitation (90 days); and 5. Continuing care (90 days). This equals one year in Drug Court, if all goes well without struggle or relapse. Flugaur cautioned it is common to see relapses; drugs are a tough opponent. He noted the "gold standard" is test, test, test, and Day Report is not that type of testing. Flugaur further noted that training included faculty members who did not believe in Drug Court, but after training are now believers.

Dreier asked if HDP and Drug Court work together and Knaapen replied to avoid manipulation of testing, Drug Court participants are observed; whereas, Day Report is not always observed. Dreier noted HDP holds people accountable. Lukas replied only as relates to alcohol. Dreier asked if there was technology to allow at-home drug testing and Flugaur answered no.

Kipp noted the human component is important to a Drug Court and can include: verbal praise; small, tangible gifts; symbolic rewards; posted accomplishments; supervised day trips; travel with approval; larger tangible items; ambassadorships; a commencement ceremony, etc. Flugaur reiterated the importance of tokens of accomplishment.

Flugaur felt Drug Court requires a special Judge to do it; it deals with treatment vs. court and involves treatment providers and social workers. He stated he is willing to be the Drug Court Judge, and acknowledges he will have disappointments and be emotionally involved, which is not for every Judge. He went on to state that after 21 years on the bench, he has seen what addiction can do. The person is not bad, they are addicted.

Dreier noted Kipp established connections for the Drug Court training without charge to the community and those who participated had to watch a series of webinars and complete homework. She thanked everyone who participated. Hamilton concurred. He stated Drug Courts work, and politically and socially, those involved in financing this court should know that. Dreier asked if budget parameters have been discussed. Kipp replied that is being worked on with a representative from the Siemens Corporation, as well as coordinator expenses, etc. Kipp noted attending this training and Portage County's preparedness move us up on the federal grant application priority list.

3. A Discussion on the Probable Loss of Grant Money from the State for the Pre-Trial Supervision Program, by Kate Kipp

Kipp noted the Department of Transportation, Bureau of Transportation Safety, OWI/Intensive Supervision Program grant that has been received by the Justice Programs Department for many years will no longer be funded, resulting in \$20,000 in 2015 unrealized revenues, and \$40,000 for the year 2016. This cut impacts the Day Report Program, the jail, and community safety. Flugaur described this as a challenge to address. Day Report Pre-Trial Program had long ago been prioritized to the number one program we do in Portage County. Baker asked when the funding is gone and Kipp replied, with the State budget timeline, June 30, 2015. Baker asked if the County was going to make up this decrease. Kipp answered that she will bring this issue to her governing committee and Dreier, once the Governor signs the new budget where this loss of funding is included. Flugaur commented that Kipp is a wonderful asset as Justice Programs Director.

6. Recognition of the Honorable John V. Finn's 27 Years of Service to the Community and 20 Years of Service to the Justice Coalition

Flugaur thanked Finn for his many years of service, presented him with an engraved pen/pencil set, and noted the Day Report Program is Judge Finn's "baby". After a brief address by Finn, cake and conversation followed.

7. Topics to be Considered at Future Meetings

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
April 16, 2015

Members Present: Judges Tom Flugaur and John Finn, Trish Baker, Cory Nelson, Perry Pazdernik, Shaun Morrow, Phil Iidsvoog, Mike McKenna, Anne Renc, Stan Potocki, Bo DeDeker, Tony Patton, Louis Molepske, Jr., Jeanne Dodge, Dan Kontos, Mike Lukas, David Knaapen, and Ken Wolfe

Others Present: Don Jankowski, District 13, Supervisor; Patty Dreier, County Executive; Jason Hake, County Finance Department; Dan Ault, Village of Plover Police Chief; Andrew Beveridge, City Attorney; Denise Ellis, Probation/Parole; Nolan Pluke, citizen; Pat Stanislawski, City Police Department; Todd Neuenfeldt, Facilities Director; Reid Rocheleau, citizen; Karla Campion, ATTIC Correctional Services; and Cintya Bocangel, Justice Programs Department Intern

Staff Present: Kate Kipp and Paula Cummings, Justice Programs Department

Judge Flugaur called the Justice Coalition meeting to order at 7:50 am in Conference Rooms 1 and 2 of the County Annex building.

1. Approval of the Minutes from the January 15, 2015 Meeting

Flugaur asked for comments on the January 15, 2015 minutes. Hearing none, the minutes were accepted by consensus.

2. A Report and Recommendation from the Jail Overcrowding Work Group Including: Expansion of Electronic Monitoring By Use of GPS and Cellular Technology; the Use of Electronic Monitoring For Pre-Trial Release On Bond; Proposed Changes to the Pre-Sentence Investigation Policy; By Judge Flugaur and Sheriff Lukas

Flugaur noted the Work Group met several times (six) during the months of January-April 2015, and last week finalized the Pre-Sentence Investigation (PSI) policy. He referred those present to a handout listing Work Group members and procedural/policy changes that have been or will be implemented in an effort to reduce inmate population in the jail. The following five items were listed:

A. Judicial calendaring – More weeks within the month to schedule with Assistant District Attorneys (ADA's). More contact with ADA's results in less court delays and in turn, less days in jail.

B. 90-day confinement notices from jail administration to the Judges. Currently, the report comes to Lukas from Nelson, who then forwards it to the Judges and Kipp. Flugaur stated others interested will now be forwarded this report.

C. Revised policy for ordering PSI's, which will result in quicker sentencing hearings for those in custody. Flugaur stated Judges rely on the District Attorney (DA), Department of Corrections (DOC), and others to bring forward information such as offender history, etc. Historically, PSI's have been ordered on all felonies in Portage County. Morrow informed the Judges of PSI statistics across the State and found that Portage County orders more PSI's than any other County. On average, other Counties order PSI's on 20-25% of felonies and Portage County orders 2-3 times more than that. Flugaur questioned, if there is no prison or jail time on the table for the offender, why order a PSI. PSI's are typically 20-25 pages long and take 30-50 days to complete versus conducting a record review on the offender. PSI's involve talking with the offender, their parents, the victim, their spouse, as well as checking the offender's background. This is a very in-depth report. Whereas, an offender "record review" looks at prior record and correctional history; no recommendation is made, only facts are offered. Recommendations could be made during a record review, if an offender has a previous PSI file. A "record review" option has been approved by the DOC, and Portage County is a pilot program utilizing record review in the State. The "primary driver" for a record review versus a PSI will be the offense itself. A PSI will not be ordered for low level felonies. Flugaur noted there had been a short list of crimes qualifying as a felony, but now that list is long. Previously, misdemeanors were 5:1 over felonies; now they are almost equal in number. Knaapen noted an issue in the DA's Office is the deadline related to when a PSI must be filed because not everyone sets a deadline. He is asked whether deadlines for PSI completion could take place to allow sufficient time for review. Flugaur said he already sets deadlines and would ask the other Judges to also do so. Morrow noted some PSI's are sent electronically. Flugaur asked if the local DOC office sends them electronically too and Morrow replied they do not utilize that here, but he has seen it done in other Counties. He felt they may receive notice to do it here as well. Baker added that all forms are sent to the DOC electronically now. Flugaur stated this practice would involve the Judges as well, and he noted concerns about confidentiality.

D. Expansion of Home Detention Program (HDP) by use of new technology: GPS and Soberlink, and the creation of a full time position to manage this group of inmates. Lukas clarified the plan is to obtain approval for one full time equivalent (FTE) position to manage the HDP. The FTE request is moving through County committees at this time.

E. Expansion of Home Detention Program for pretrial release on bond. Lukas noted, currently, the number of inmates on HDP had to be reduced due to the need for staff. If a new FTE is approved, the expanded HDP should be up and running by the end of June 2015.

As relates to pre-trial offenders, it is felt there are people sitting in jail that could be out on HDP. Flugaur referred those present to a flowchart titled "Process for Pre Trial Home Detention with GPS Electronic Monitoring" and noted Portage County does not utilize HDP for pre-trial, while others do. The flowchart indicates once an attorney files petition for a bond modification, an initial appearance and/or bond modification hearing is held. If the motion is denied because the crime is too serious and cash bond only is ordered, then bond is continued. If the motion is under consideration, an assessment is completed, and a continued hearing is scheduled. Risk assessments are completed and given to all parties involved. The Level of Service Indicator (LSI) assessment is given – this assessment will move to the COMPAS Pre-Trial Assessment in time, which is a shorter version of the full COMPAS. Once the assessment is completed, the bond modification hearing is held with possible results of motion denied/bond continued, or motion granted/placed on HDP with bond conditions.

Knaapen asked who will conduct the assessment and what will the turnaround time be. Kipp replied ATTIC would conduct the LSI assessment, but who would conduct the COMPAS Pre-Trial has not been decided. Either assessment would be completed in a week. Nelson asked if the defendant would be charged for the assessment and Kipp replied yes. Flugaur felt there would not be a lot of people on this; most will be released on signature bond. On the other hand, a person with a serious offense, without a prior record, could be confined to their home pre-trial.

Lukas also noted the land-line HDP units can still be used. The County is able to lease the GPS HPD units, which include facial recognition. The price of this lease is unknown at this time, with two companies having two different per day costs for the units. The GPS units use cell towers for monitoring, and the individuals themselves would be monitored daily by the new FTE position being sought.

Flugaur stated the Soberlink device looks like a cellphone. Breath samples can be ordered anytime, randomly, and will include facial recognition as the person is blowing into the device. Knaapen asked if this can be ordered as a condition of bond. Flugaur felt that could be done beginning in June. Dreier applauded efforts of the Work Group, and asked if jail bed day savings are being tracked so information can be communicated to the public as relates to investments made and savings realized. There should be a formula or methodology to track that information. Lukas responded the use of HDP has increased by 10-20 offenders versus housing/transporting them elsewhere, so yes, we have tracked that information. Dreier asked the average days on pre-trial and Lukas said they could get to that figure. Nelson commented that IT tracks that information for the Public Safety Committee. Flugaur added that PSI's will have a quicker turnaround time, but it is uncertain how to measure that. Molepske noted bond days could be added up. The number of offenders on Pre-Trial Supervision may change as a result of individuals being out on a sobriety. A change in the number of participants may result in a change to the ATTIC contract.

3. A Discussion and Update of the Drug Court Work Group Including: Preparation For the National Drug Court Institute's Drug Court Training; and the Office Of Justice Programs/Bureau Of Justice Assistance Adult Drug Court Grant, By Judge Flugaur and Kate Kipp

Kipp noted a group of 12 from the Drug Court Work Group will be attending a 3-day drug court training in Wisconsin Dells in the month of May. Prior to attending the training, those individuals have been watching a series of National Drug Court Institute required webinars. These are providing foundational knowledge as we plan for Portage County's possible drug court. Kipp noted she has been developing a jurisdictional snapshot with assistance of the Stevens Point/Plover Police Departments, Portage County Sheriff's Office, and Amy Modrzewski in IT. Kipp thanked them for their assistance. In addition, there had been a group discussing mental health/AODA issues (through a listening session) in Portage County so that information could also be a part of the Portage County snapshot. The last webinar will be viewed by the Work Group on May 1.

Kipp also noted a federal drug court grant opened in March. The application process was reviewed with Flugaur and Dreier. A completed drug court handbook was necessary in order to apply for funds. Since Portage County is not in the position of having/creating a handbook at this time, it was decided the timing was not right; we are not ready. Stakeholders will attend the training and be more ready to design what we want as we will know more. Not applying for this grant has not changed the momentum of the Portage County Work Group; there remains the desire to help those with addiction in Portage County. Flugaur noted there are a lot of people committed to this process and we are six months into it. The webinars have been technical and people have been engaged as we watch them. He also noted there are four other Counties attending the training in May.

Referring back to agenda item 2, Flugaur asked for consensus by the Coalition of the Jail Overcrowding Work Group's policy and procedure changes as outlined. Hearing no reply to the contrary, Flugaur found consensus.

4. An Update From Justiceworks; By the Board President Attorney David Knaapen, and the Family Law Information Center Director Jamie Kiener

Knaapen stated participant numbers are on track from the past as relates to the programs conducted through Justiceworks. He then announced the resignation of Kurt Helminiak from the Volunteers in Probation (VIP) Program. Knaapen clarified the Justiceworks office has moved to 1573 Strongs Avenue, which is where the April 23 Annual Meeting will be held beginning with a 4:45 pm social, followed by a 5 pm program. They occupy space with the 2617 Club due to a connection with the population both programs serve. In addition, the building can accommodate other programs as well.

Referring to the Family Law Information Center (FLIC), Knaapen indicated utilization numbers are steady or increasing. FLIC is in need of volunteers. Flugaur asked if VIP was also in need of volunteers and Knaapen replied no volunteer would be turned away – they have 50 mentors at this time.

5. Presentation and Discussion of the Proposed Portage County Jail and/or Courts Facility by Sheriff Lukas, Chief Deputy Dan Kontos and Facilities Director Todd Neuenfeldt

Kontos began by stating the Space and Properties Committee made the proposed jail and/or courts facility a priority of long term facility planning. In 2014, the County Board approved money to be allocated toward a concept design of a new facility to house courts, Sheriff's Office, and ancillary departments. A work group, with several participants, was created and a consultant came on board to design a facility. What is being presented today is not a final plan; no final plan decisions have been made. Kontos provided a handout of the design as compiled by the consultant, and he also presented an aerial photo display of the possible downtown facility location.

Jankowski noted a Space and Properties Committee meeting being held a week from today at the Aging and Disability Resource Center building to talk about all three concepts: a downtown option, a green site option, and a "do nothing" option. Flugaur noted six years ago, after much discussion, the County Board decided on a downtown campus concept. Jankowski replied currently all options have been looked at as described, and the County Board resolutions of the past will play a part in the decision process. It was decided to give all options a chance at this time. Flugaur recalled a "battle" for a downtown location, including the fact that many attorneys have located practices in proximity of the current Courthouse/downtown location.

Potocki asked whether State law requires the Sheriff's Office to be located in the County seat (City of Stevens Point). His understanding is the jail can be outside of the County seat, but not the Sheriff's Office, which limits building sites. Kontos clarified that courts must be located in the County seat, not the Sheriff's Office. The jail can also be out of town. He also noted the County Board has passed a resolution that everything would be located in one place. Jankowski said if a green site is chosen as the concept, they must begin looking, and if a downtown concept is chosen, they can move forward.

Rocheleau stated when circumstances change, plans change. The County Board went with a downtown site and had been eager to build in the downtown. They have not moved off of that, but are studying the entire matter. He said he was encouraged by that. He is also encouraged by the discussion on alternatives to incarceration. This process has taken time, and things have changed. Rocheleau stated he believes, firmly, that shipping inmates is cheaper than facility building.

Molepske noted the last time this study was conducted, a lot of effort was put in, but when it went to referendum, the public said no. He asked if there will be a referendum this time around. Jankowski answered no, the County Board has been elected to make a decision, and we are going to do that. The public can vote us out if they want. Jankowski added that he believes another referendum would fail as well. Jankowski said this issue has been "bounced around" for 20 years. At this point the County can bond for building costs, but cannot add staff. We must be careful where and how we build in order to utilize shipping money to be most cost effective.

Ault noted he came to the Village of Plover from a County breaking ground/building on this same issue. He felt it all boils down to cost in the taxpayer's eyes. The County Board defined the cost, made a decision, and there have been no political ramifications. He stated there is a lot to learn from others who did this over the last five year period. He suggested Portage County look at others for efficiency, and he noted Oconto County officials may be willing to come to Portage County to discuss their process. Flugaur added that during the last planning process, various Counties had been visited. Ault said Oconto bought land to build rather than renovate their current jail.

6. Topics to be Considered at Future Meetings

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
January 15, 2015

Members Present: Judge Tom Flugaur, Trish Baker, Zach Bishop, Cory Nelson, Ray Przybelski, Perry Pazdernik, Shaun Morrow, Phil Idsvoog, Mike McKenna, Stan Potocki, Louis Molepske, Jr., Dan Kontos, Mike Lukas, Mike Slavin, Steve Olson, Dave Medin and Ken Wolfe

Others Present: Rocky Boulder, Portage County Sheriff's Department; Gurdon Hamilton; Martin Skibba, Stevens Point Police Department; Jason Hake, County Finance Department; Ron Ledford, District Court Administrator; Dwayne Wierzba, Plover Police Department; Elizabeth Kitzow, ATTIC Correctional Services; Dave Knaapen, Asst District Attorney/Justiceworks; Melissa Dalkert, Portage County Legal Aid; and Denise Ellis, Probation/Parole

Staff Present: Kate Kipp and Paula Cummings, Justice Programs Department

Judge Flugaur called the Justice Coalition meeting to order at 7:50 am in Circuit Court Branch III, Portage County Courthouse.

1. Approval of the Minutes from the October 16, 2014 Meeting

Flugaur asked for comments on the October 16, 2014 minutes. Hearing none, the minutes were accepted by consensus.

Flugaur noted the next Justice Coalition meeting is scheduled for April, with the Coalition Executive Committee scheduled for March. At the recent Executive Committee meeting, Kipp provided status on various justice system programs, jail population, etc. Flugaur felt the Coalition has been kick-started again with several work groups discussing various projects.

2. A Final Report from the Work Group Studying How to Meet the Needs of People with Mental Health Needs Incarcerated in the Portage County Jail, by Captain Cory Nelson

Nelson reported the work group met twice in 2014. The first meeting was held with a large group, while the second meeting involved a smaller, more focused group of stakeholders. Nelson felt members learned there are a lot of programs already in place in Portage County. The work group keyed in on topics, resulting in Renc and Wolfe developing a protocol at book-in. (refer to protocol handout in original meeting file).

Wolfe noted protocol utilizes a collaborative effort at book-in to meet the needs of those with mental health issues, including medical/medicine requirement. Wolfe, as Jail Social Worker, will be involved from the start, if the offender answers yes to any questions asked at book-in. If the offender answers no to all questions, they will only see Wolfe as requested. There are mental health and AODA group opportunities/resources to meet their needs. Wolfe noted this is not the case in most other communities. If the inmate has prescription medicines needed during their jail sentence, including controlled substances, the Jail Registered Nurse (RN) works with the pharmaceutical provider. Wolfe's handout included a GAINS Jail Re-Entry Checklist for Inmates Identified with Mental Health Service Needs., which he felt meets the needs of those affected.

Knaapen stated the issue he has heard from various people, including attorneys, is that some prescriptions are not allowed in the jail. Nelson replied that is true, but there are alternate medications for those drugs that are allowed. Having controlled substance type prescription drugs in the jail directly impacts the safety and security of the facility. If the person must take the exact prescription, they are kept in administrative segregation, which then does not help the person with mental health issues by being kept separate from other people. Knaapen asked how changing medications to an alternate drug has worked. Nelson replied the individual is monitored and tested weekly, if there is an extended jail sentence involved. Alternate medications have little impact on those with a short jail stay. In addition, the RN confers with the doctor on the exact type of alternate medicine available. If the individual has a social worker at Health and Human Services, alternatives are discussed there too. The doctor can be told ahead of time what not to prescribe. Wolfe added drugs such as Xanax are not allowed (anti-anxiety). In that case, he meets with the individual to discuss behavioral techniques and tools to use in and out of the jail.

Baker asked if the protocol will solve the problem within the jail. Nelson replied it will help, not solve. The protocol will help describe an individual having mental health needs in the jail.

Ildvoog asked criteria used to tell when someone is or is not mentally ill. Nelson replied offenders have some good days and some not so good days while in jail.

Flugaur stated he appreciates the protocol being put in place. Judges are making changes to expedite the process and possibly they will not be kept in jail as long. Judges are concerned about mental health issues in the jail as well. He stated the Judges only know what they are told. They do not have interaction with the offender like the defense attorney does. You may find the person already has a social worker in the community and a good defense attorney will bring the social worker with them to court. Utilizing the protocol will result in the District Attorney being notified of the individual's needs and be able to respond as appropriate. Flugaur noted some attorneys are out of town and they do not have a high level of interaction, so this protocol/evaluation can help determine mental health issues.

Molepske asked whether a psychiatrist is involved, and Nelson replied with commitments they are involved. Molepske asked if the public defender will be notified of any issues. Flugaur answered that communication is important and can help. He also clarified there is no expectation of extra work being required by the District Attorney's Office as a result of this protocol. Flugaur stated Portage County is lucky to have a social worker within the jail.

3. A Report and Recommendation from the Work Group Studying the Current and Future Authorization of Warrants for Unpaid Forfeitures, by Judge Thomas Eagon and Clerk of Courts Trish Baker

Baker stated she felt it good practice to review procedures to determine how they are working, including the warrants procedure. As a bit of history, Baker noted in 2006 the jail experienced overcrowding, so it was decided to stop issuing warrants for unpaid forfeitures; while still issuing warrants on crimes. As a result of this, revenues dropped. In 2011, Baker approached the Judges to reinstate the process of issuing warrants for unpaid forfeitures; justice requires it. In 2012, it was decided to begin the process of issuing warrants for unpaid forfeitures, which could result in increased jail bed use. Blessinger hearings were put in place to help reduce that possibility. In addition, concurrent stays would be used to help reduce jail bed days.

Baker said the work group studying this process met in December 2014 and held a vigorous conversation whether the process was good or not. Since issuing warrants was put back in place, 1,489 total commitment warrants were authorized. There were 1,100 authorized and issued, with 203 being cancelled after being authorized, but before being signed by the Judge. Baker referred to this as the "sweet spot" because of the minimal action required prior to payment. In addition, there were 908 cancelled once paid in full after a Blessinger hearing.

Based on those numbers, it was concluded that:

1. The amount of offenders jailed as a result of this process is small; less than 1%.
2. There was money collected on these warrants, which is an important number.
3. County Board members felt justice requires this process be in place. It is not fair for some, not all, to be paying.

Based on these conclusions, it was recommended that:

1. Issuing warrants on unpaid forfeitures would continue.
2. There would continue to be an annual review of the process in conjunction with jail inmate numbers to understand its impact.
3. Warrants would continue to be issued for chronic non-payers, with the hope they comply in time.

Flugaur noted some individuals will pay with the help of friends or family and some have Blessinger hearings. He also noted that some come in with a lawyer in the morning and want to make payments. They are told they must have a Blessinger hearing, but are not on the Blessinger hearing schedule for that day; therefore, they must go to jail. This is an issue that must be fixed.

Baker felt there were two issues:

1. The Blessinger hearing list is generated at 7am with 1:15 pm hearings. If you come in at 9 am, you are not on the list for the Blessinger hearings that day. That issue has not been worked out.
2. Payment plans can be set up without a Blessinger hearing, with authorization of the Clerk of Courts to cancel the warrant. That policy is in place, and some individuals are not in favor of that.

Lukas asked the percentage of warrants that went to a payment plan. Baker replied several were set up on monthly plans paying anywhere from \$50 to \$100. There is a payment grid they follow based on money owed. Flugaur noted there is no grid in court. Lukas asked to see the grid.

McKenna asked why the person coming in after the Blessinger hearing list is generated, cannot be scheduled for the 1:15 pm hearings that same day. Baker replied that is because the court reporter wants notice of who will be in those hearings. McKenna questioned why those cannot just be recorded and transcribed, if necessary. Flugaur felt it would require a policy change. Nelson noted the Blessinger list is faxed over at 7 am. Baker noted some individuals feel those coming in the morning should be accommodated. McKenna questioned whether those hearings deal with simple stuff and Nelson replied yes, but Blessinger hearings are not held daily. Do we hold a hearing for just one individual without notice? It is difficult to pull the necessary resources together with that short notice. Flugaur stated the Judges will talk about this process/policy. Dalkert noted Blessinger hearings she has covered happen once in four days.

4. A Report from the Work Group Studying the Current Jail Overcrowding Situation, by Judge Flugaur

Flugaur noted this work group had not met for four years, prior to meeting in October 2014. He also noted the Judges' calendaring change should help with delays, etc. All Judges will be taking criminal cases with the District Attorneys available.

Flugaur stated the Department of Corrections has asked that Judges not issue as many Pre-Sentence Investigations (PSI's) because it delays cases. Morrow noted Probation/Parole agents will make a presentation regarding this issue at the Judges' meeting next week. Flugaur said the PSI is a lot of work for the agents and results in a document 20-25 pages long. It is time consuming; taking 40 hours to complete. This delays sentencing. The current policy states there will not be a PSI on Felonies I and H, and if the Judges would stick to that, it would help.

Flugaur said the work group is meeting again on January 28 at 1:30 at the Law Enforcement Center. Nelson noted a representative from BI Industries will make a Home Detention Program (HDP) presentation (GPS monitoring) at that time. Flugaur stated there were 20-24 people on HDP 20 years ago; now there are 8-9 people. He felt Portage County is in the dark ages on how we do HDP. Due to several issues, including payment, people are choosing jail over HDP. State Statutes give the Sheriff authority to allow sentences to be served at home. He also noted that Dodge County does not let offenders sit in jail, if they can be out on HDP; they rent beds to Federal inmates. Portage County is looking at changing the HDP capabilities to eliminate the landline type of unit. Lukas stated BI Industries will be bringing equipment with them as part of the presentation. Flugaur clarified that equipment can be bought or rented. He also stated that County Board members have asked why Portage County does not make offenders serve time on HDP, if they are sentenced to serve that way. Why are they given the choice? All Operating After Revocations (OARs) can be on HPD, which is cheaper than sitting in jail. We must discuss incentives versus dis-incentives. There will be a lot of discussion at the work group level. In addition, those on Huber can be on HDP as well, yet less than one-half are.

Nelson stated that in December 2014, there were six inmates eligible for HPD and four utilized it. Typically, HDP is disqualified due to the fact the offender tests positive for THC when they show up. Also, for a variety of reasons, offenders choose not to go on HDP. Flugaur noted the Level of Service Indicator (LSI) assessment tool helps determine who qualifies for HDP. He felt our numbers are low. Knaapen asked if low participation is due to the Portage County system, and Flugaur replied yes, that and financial reasons. Molepske said the Sheriff has control of the jail. Is there a HPD policy at the Sheriff's Office? Lukas stated the LSI or COMPAS assessment tools are utilized. He has been reviewing those within the last 6 months and has learned reasons for disqualifications. Molepske asked if Portage County was more stringent and Lukas replied he will study that.

Flugaur stated the Coalition decided years ago that the Judge (with input from the District Attorney, defense counsel, and Probation/Parole) would decide how much time, if any, of a jail sentence could be served at home on HDP. Rather than leaving the Sheriff "holding the bag", if an issue arises while an inmate is on HDP. Nelson clarified that there are exceptions to this general policy, where the Sheriff will exercise his statutory authority and allow certain inmates (e.g. a seriously ill person) to serve a sentence at home.

5. A Report from the Work Group Studying the Possible Creation and Implementation of a Treatment Court (Drug Court), by Judge Thomas Flugaur and Kate Kipp

Flugaur noted the work group has met twice, with the first being an organizational meeting. The group decided to visit a treatment court, which resulted in a trip to Waushara County to view their process. A treatment team meets prior to court to review weekly reports, which include group attendance statistics, drug testing results, and recommendations or sanctions. The individual then comes to court to stand before the Judge. The visit was found to be informative and educational to those able to attend. In addition, Wood County's drug court was visited by Kipp.

Kipp agreed it was an educational piece for those who were able to attend Waushara County. Kipp went on to describe a training grant offered by the National Drug Court Institute (NCDI). Applying for the training grant has been endorsed by the Finance and Judicial General Government Committees, and will not need to go before the County Board for action to participate. The training is free and will be held in Wisconsin Dells in May 2015. Once trained, the County can begin financial planning for a treatment court. The State Department of Justice notified Kipp of another grant opportunity with funds in the range of \$200,000-\$300,000 being released in August. She has begun working on data relative to that grant opportunity.

Molepske felt the Waushara County treatment court, run by Judge Dutcher, was very informal, which surprised him. The Judge was robed, but the individual came to the podium to have a conversation with the Judge regarding what they have and have not accomplished. The treatment group discusses this with them. Molepske described it as effective.

Flugaur noted all participants are convicted; most are felons on probation. Treatment court is a "carrot" to assist in less jail stay. All participants are addicted; that is their issue, and not all are eligible. Participants are nonviolent. If Portage County proceeds with a drug court, standards must be developed.

Baker said while watching the Waushara County drug court, she saw two individuals she previously prosecuted. She also noted the District Attorney in Waushara County supports drug court. She believes facing the treatment group/committee is the most difficult part for the participant; visitors could see this. Participants struggled in front of them. She described the treatment group as supportive, but demanding. Flugaur said the treatment group involved the District Attorney, Public Defender, Sheriff, provider, etc.

Idsvoog stated he attended the alcohol court in Marathon County and is concerned with participants who came before the Judge. One individual was in back of the room snickering with friends before he came before the Judge. The individual admitted he had lied and was then thanked for telling the truth. He questioned how far participants can go through the system while bluffing their way through. He noted the individual was ultimately sanctioned. Flugaur stated while participating in treatment courts, drug testing is necessary and you cannot lie about that. Idsvoog said the participant was lying about their whereabouts and it appeared to him, if they were good at lying, they could pull it off. Kipp noted that HDP could be used as sanctions as well. Portage County would need to decide that. Idsvoog clarified there was no treatment group involved in what he saw; only the Judge was there.

Flugaur stated Portage County is under pressure from the Supreme Court to develop a drug court. He also noted drug courts have a 53-54% success rate – addiction is difficult.

6. Topics to be Considered at Future Meetings

With no further business to come before the Coalition, the meeting adjourned at 9:02 am.

Respectfully submitted,
Paula Cummings
Recording Secretary