

MINUTES
Justice Coalition Executive Committee
December 11, 2014

Members Present: Judges Tom Flugaur, Tom Eagon, and John Finn; County Executive Patty Dreier; County Corporation Counsel Mike McKenna; and District Attorney Louis Molepske
Member Excused: Sheriff John Charewicz
Members Absent: County Board Chair Phil Idsvoog, and Public Defender Anne Renc
Others Present: Kate Kipp and Paula Cummings, Justice Programs Department; Dan Kontos, Portage County Sheriff's Office, Jenni Jossie, County Finance Director; Mike Lukas, Sheriff Elect; and Shaun Morrow, Dept of Corrections

Chair Flugaur called the meeting to order at 8:00 am in Conference Room F of the Portage County Courthouse. He explained the Executive Committee will meet the month prior to the Justice Coalition, allowing the Coalition agenda to be developed by the Executive Committee.

1. Review of the Recent Jail and Justice Programs Statistics

Kipp provided a handout to those present reflecting numerous jail and justice program statistics. The first chart, "2014: Jail Census Data" was reviewed and Kipp described the meaning behind various bar chart depictions, and noted the jail was a steady, full house in 2014. Kipp pointed out a spike in jail population in February 2014, which was also experienced by Day Report staff work flow. The increase in caseload at Day Report resulted in an increase to the contract with ATTIC Correctional Services, which became effective July 1, 2014. Finn asked if the Huber population number was included in the overall jail population number and Kipp replied yes.

Next, a pie chart, "Total Inmate Population March 12, 2014", was described as self-explanatory and depicts inmate population on that single day, as well as two other pie charts for the dates of September 22 and October 6 respectively. These pie charts were followed by another chart, "What Status/Statuses Kept People In Jail?" also for each of the three specified dates. Kipp pointed out that each offense for those incarcerated increases the status number; i.e. one person charged with 6 offenses would equal 6 under status. Therefore, the figures are not statistically accurate.

Flugaur asked if the jail could begin counting charges on each offender differently to determine the number of people on pre-trial; this would be more accurate (i.e. cash bond, sentenced, etc.). There are important decisions forthcoming, including possibly allowing pre-trial release on the home detention program (HDP) as done in other counties. The Jail Overcrowding Work Group will look at this possibility, which will require looking at jail data a bit differently. Flugaur asked if offenders should sit in jail whether they owe \$100 or \$1,000. Eagon noted the offender receives no jail credit when out on HDP. Molepske noted Wood County has more signature bonds, causing fewer offenders to be in jail. Molepske supports HDP. Finn stated there is no Day Report Program in Wood County, and our Day Report Program results in more bail jumping charges due to heavier offender monitoring. Flugaur added that Day Report is still a good program with good monitoring.

Kipp referred those present to the ATTIC Data chart for the period January 1, 2014 through November 30, 2014. She noted there were 289 total assessments during that time period, with 61 (24.4%) unsuccessful discharges. Those listed as unsuccessful were non-compliant, refused to participate, etc. The ATTIC contract had been written for 80 clients per month; whereas, they were working with 170 a month. Therefore, the request for a contract amendment for an increase was granted beginning July 1, 2014.

McKenna asked if the Day Report Program conducts supervised urinalysis and Kipp replied yes, about 90% of them are supervised. Ten percent are not supervised as a result of being short staffed for a short period of time, which does not allow the opportunity for staff to oversee the sample collection. Molepske asked if ATTIC had a lab for their urinalysis, and Kipp replied no, they conduct instant tests. Morrow added lab analysis is very costly. Molepske asked whether there was a contract with a lab, if the test is needed for court, and Kipp replied no. Morrow noted the lab analysis cost is \$50 each test. He further noted that some instant tests have false positive results. The Department of Corrections utilizes "last straw" contracted lab analysis for those who have one last chance to prove they are clean. Flugaur asked where that lab is located and Morrow replied it is Redwood Lab in California.

Flugaur suggested members visit the Day Report Center. He visits once every couple years to watch the operation. He found it institutionalized, professional, and able to handle a stream of people. Flugaur noted participants are court ordered and we should watch and know how it works.

Finn asked about results of trace amounts in urinalysis vs. breathalyzer tests. Kipp replied that could be a variable. If traces are found, the participant is considered "dirty" right away. McKenna asked if there is a cut-off score for heavy THC, etc. Kipp clarified the result is you are either dirty or not when tested. Molepske questioned the two weeks to retest, if found positive. Finn noted if an offender shows up dirty at jail, their Huber is revoked; there is no grace period. Kontos noted there is time for the offender to become clean prior to booking into the jail; they know how to time the tests. Flugaur said it is up to Day Report to make participants report in the morning or afternoon. Participants function in the community and work. They can report after work. He provided an example of an offender who could not drive to work in the morning because their ignition interlock device would not allow it, yet they would Day Report clean after work; participants can definitely time their tests. Morrow added that some offenders report to Day Report in the morning and afternoon each day. Kipp stated if an offender arrives to Day Report with a .02 reading, they are flagged and the Sheriff's Office comes to get them in order to use their test equipment.

Kipp referred to the stats on Pre-Trial Supervision and noted the participant number is large at 1,503, with only 21% (42) participants being discharged unsuccessful. When looking at violations, there are 69 individuals listed under the "other" category, which includes individuals with an arrest unrelated to a positive urinalysis or breathalyzer. Kipp then noted the very low number (5 of 160 participants) of violations in the Post-Sentence Supervision Program.

Eagon noted the Post-Sentence Program involves programming/groups for participants and those stats reported are good. Kipp added those who do not show up for programming are going to be disciplined further. Finn added that Post-Sentence participants have at least 3 OWI's and he described the numbers as amazing. Kipp noted she has watched both the Pre-Trial and Post-Sentence participants during group sessions and found the Pre-Trial participants to be a bit crankier because of not wanting to be there; whereas, Post-Sentence participants are more emotional, have their jobs back, etc. The groups are very different. Molepske brought up the "carrot/stick" component. Is this the driving factor or less jail time? Kipp felt it comes down to motivators or the program being seen as a hassle. People do not like the hassle, but comply to get it done.

Kipp referenced the final handout, which is a narrative on the Community and Residential Program (CRP) as written by Zach Bishop, Portage House Director. She noted the University of Cincinnati will be visiting to collect and analyze data on CRP. There are three years of data necessary to develop useful statistics. They will be looking at group and content of CRP. The narrative also points out that a bed being held for an offender is considered a full bed. Kipp has also attended CRP groups and found them impressive, with good leaders. Participants are in the Thinking for A Change (T4C) program and actively engage in the role playing component. Flugaur asked for an example. Kipp replied they work in groups discussing positive choices, identify conflict, and act out those situations. She described it as awesome that they were so engaged. Morrow said T4C is the evolution of the Breaking Barriers program. It is easier for people to admit they have an AODA problem than a thinking problem. The program is doing well in changing their thinking. Kipp noted tension between rehabilitation and habitation. Groups are needed, jobs are needed, and participants are practicing skills. Morrow stated offenders are not pushed to work; the focus is on programming first.

Flugaur described the Pre-Trial program as busting at the seams and asked if they are still accepting referrals. Kipp replied yes.

Molepske noted the narrative states 42 clients (58%) successfully completed the program and 30 (42%) were unsuccessful. Morrow replied that clients can be at 6, 12, or 18 months out, but CRP is only one year; he is unsure how Bishop used this in his analysis. Kipp referenced the 30 unsuccessful clients, and noted this group involves high risk people; THC use vs. very dangerous, high risk behaviors.

2. A Discussion and Update of the Drug Court Work Group and the Need for Grant Money for Professional Training and Programming

Flugaur stated the work group has met once and the meeting was poorly attended. There is another meeting tomorrow involving a visit to the Waushara County Drug Court as recommended by Judge Dutcher who stated Waushara County visited various drug courts prior to starting their own. Flugaur stated the Work Group will not go to Waushara County, if there is a lack of support for a Portage County Drug Court. He noted a Portage County Assistant District Attorney (ADA) is against a drug court and asked Molepske whether that had been resolved. Molepske replied he will be attending the Waushara County visit. Molepske supports looking into a drug court, and the official word comes from him and he supports it.

Kipp brought forward an email she received in October from the National Drug Court Institute (NDCI) regarding an upcoming training to help drug courts get up-and-running. Portage County considered applying for a drug court grant, but the timing did not allow the application to be completed. Two weeks ago, Kipp was left a voice message from Megan Wheeler, NDCI, encouraging Portage County to participate in this training at no cost. The training is being held in Wisconsin Dells, May 20-22, 2015. Kipp has discussed this possibility with Dreier, Jossie, and Flugaur. The training could allow attendance by large stakeholders from Portage County. Finn asked if this would be held with other counties and Kipp replied yes. Finn noted drug court personnel are trained every two years. Flugaur clarified if you do not have training, you do not have a drug court. He also noted the State Treatment Court Conference being held in March 2015. Kipp noted that is being held March 25-27, 2015 and at this point in time, there is a rough agenda that includes drug court "101". Flugaur stated we may attend that as well. He also noted, in reference to the Waushara County drug court visit, attendees will also meet with treatment team members prior to drug court taking place.

3. A Discussion and Update of Jail Overcrowding and the Work Group Studying this Issue

Flugaur stated the work group has met the last couple of years. There will be a new Judge rotation schedule, which would allow working with the District Attorney's Office having monthly contact vs. every three months. This will allow quicker turnaround and less time in jail for offenders.

Flugaur stated Probation and Parole has questioned Portage County's Pre-Sentence Investigation (PSI) policy. He has talked to the Judges briefly. Portage County orders more PSI's than other counties. Portage County orders PSI's for all felonies. Most counties order PSI's in relation to a homicide, robbery, or when significant prison time is possible. It was noted if the Portage County PSI policy of 10 years ago was followed, there would be half as many PSI's ordered. Flugaur stated this week he did not order a PSI on a felony H and I. He has invited the DOC to fine tune the Portage County's PSI policy.

4. A Discussion of Agenda Items for the January Coalition Meeting, Including:

a) The Need for a Report from the Jail Mental Health Work Group; b) The Need for a Report from the Unpaid Fines Execution Warrants Work Group AND 5. Other Topics to be Considered for the Next Coalition Agenda

Flugaur stated in addition to agenda items noted above, an update on drug court will be on the Coalition agenda in January. He further stated that once Sheriff Elect Mike Lukas is in office, HDP will be looked at, including discussion of GPS. This will define barriers and options for individuals relative to HDP. Judges must keep track of those offenders ordered for HDP so data gathered can be analyzed later. Lukas said he talked with Jail Captain Cory Nelson and there are only 7-8 inmates eligible for HDP of those ordered. He asked where is the mix-up; why is that the case. Flugaur noted Sheriff Charewicz made decisions on who is eligible or ineligible for HDP. Judges choose who is eligible, and then the jail does a level of service indicator (LSI) assessment and makes the final determination on eligibility. If eligible (low risk) they should be on HDP. This should be discussed in early January 2015. We should also check on pre-trial release on GPS.

Dreier asked how much choice should an offender have if ordered to the HDP? How much say? If the system imposes it, there should not be a choice for the offender as to whether they want it or not. Flugaur noted several County Board members asked the same question. There is a cost to stay in jail and there is a cost for HDP; the offender should not be able to choose.

Dreier asked about utilization of the community service program and whether it was up and running. Offender can work off some of their jail time and build skills. Is this program routinely offered? Finn said this program is used to reduce jail time; 12 hours worked equals one day in jail. Dreier asked how often this program is utilized. Flugaur stated a discussion on this program will be added to the Coalition agenda. Dreier noted that at a recent Highway Committee meeting, County Supervisor Stan Potocki suggested contacting the jail for inmates to work for the Highway Department. Dreier described these as break through opportunities and community service should be in the mix. This is fair, right, and responsible. Kontos stated there is less interest from offenders to perform community service; although, the Park Department has utilized this program for years.

Flugaur suggested, as part of the Jail Mental Health Work Group, protocols should be set, involving nurses, doctors, District Attorney, Public Defender, etc. to work on mental health concerns. He asked if Social Workers at Health and Human Services are involved. In addition, Flugaur noted the Warrants Work Group is meeting next week to decide if we should continue the warrants for unpaid fines.

Flugaur asked if there would be an update from Venture Architects in time for the January Coalition meeting. Kontos replied there is a meeting today with Venture, and he would recommend it not be discussed at a January Coalition meeting – it is too soon.

Flugaur stated Molepske has a question about the Deferred Prosecution Program (DPP). Molepske stated Bishop is interested in no longer conducting assessments for this program. If Bishop is not going to do these assessments, someone else has to, and the District Attorney Office cannot. Molepske suggested Justiceworks could be contracted with to perform this function. He clarified Bishop will continue to conduct assessments until this issue is resolved. Kipp responded that this has been discussed and the DPP has been mapped. We are looking for alternatives. Bishop performs about 20 assessments a year and receives a revenue average of \$300 from offenders who can actually pay for the assessment.

With no further business to come before the Committee, the meeting adjourned at 9:03 am.

Respectfully submitted,

Judge Thomas Flugaur, Chair

Paula Cummings, Rec. Secretary

Date