

MINUTES
Justice Coalition Executive Committee
March 12, 2015

Members Present: Judge Tom Flugaur; County Executive Patty Dreier; County Corporation Counsel Mike McKenna; Sheriff Mike Lukas; County Board Chair Phil Idsvoog; Public Defender Anne Renc; and District Attorney Louis Molepske

Members Excused: Judges John Finn and Thomas Eagon

Others Present: Kate Kipp and Paula Cummings, Justice Programs Department; and Jason Hake, County Finance Department

Chair Flugaur called the meeting to order at 8:00 am in Conference Room F of the Portage County Courthouse.

1. Review of the Recent Jail and Justice Programs Statistics

Kipp provided handouts to all present containing various statistics (copy in original meeting file). Referring to the bar chart titled "Portage County Jail Population Census Taken on Last Day of the Month", Kipp noted Home Detention Program (HDP) participation has increased in the months of January and February 2015 with 15 to 17 offenders on HDP.

Kipp then referred to the page titled "Justiceworks, LTD" and noted she meets with Justiceworks staff every other month to keep up with program statistics and any possible concerns. The Volunteers in Probation Program (VIP) has found referrals scoring very low on their LS-CMI assessment. Those found to score very low are referred back to the District Attorney's office with a recommendation for them to be placed on the Deferred Prosecution Program (DPP).

Dreier questioned out-of-county referrals as relates to the VIP asking why an out-of-county offender would be in Portage County's VIP. Kipp replied, as an example, individuals from other counties, such as Wood, or the City of Wisconsin Rapids commit crimes in Portage County. Dreier questioned whether there would be value in a regional VIP.

Kipp noted DPP has a caseload of 20 at this point in time; with the contract allowing up to 25.

Kipp described the Family Law Information Center (FLIC) as an expanding piece of Justiceworks. In 2013, FLIC served 291 individuals, which increased to 450 individuals in the year 2014. Kipp said Justiceworks staff believes even more individuals will be served in 2015. Flugaur felt the number of divorces in Portage County is a fairly constant number at an average of 200 divorces per year. Many of these individuals need lawyers. Flugaur described FLIC as a tremendous service to the courts; noting that prior to FLIC, individuals would appear in court with incorrect papers, etc. After FLIC became available, most divorces are now completed in one visit to court.

In regard to the Community and Residential Program (CRP), Kipp described this regional model has experienced increased interest with individual asking to connect to Justiceworks' resources. Flugaur noted that a significant part of Justiceworks' programs are filled by volunteer mentors who work in the VIP and FLIC programs. The CRP component in Justiceworks is paid for by the State Department of Corrections.

Now referring to the handout titled "Attic Data", Kipp noted pre-trial participant numbers are down right now and HDP numbers are up. There was a recent concern with positive urinalysis, which was discussed with the District Attorney. The issue is under control at this time. Participants were found to be using fake urine, etc. to escape a positive read. Flugaur felt it most important that Day Report staff is aware of the possibility and is catching it. Some addicts in treatment can change; others cannot, so participants finding ways around testing positive is not a shock. It is part of the rehabilitation process. Again, catching them is most important.

Kipp referenced the average number of days in programming, which should be between 90-120 days on pre-trial, but the number is coming in at 270 days. She also noted that utilizing a Drug Court lowers the number of days because there is a short amount of time between the offender's appearance and sentencing. Kipp stated participant names will be randomly pulled to check their process as to why so many days on pre-trial are occurring. She described 270 as a big number compared to the intended timeframe.

3. A Discussion and Update of Jail Overcrowding Work Group, Including Expansion of the Home Detention Program Through the Use of GPS Monitoring and Soberlink, and Possible Use of this Equipment for Pre-Trial Supervision

Flugaur noted the upward trend for HDP and asked if the jail population is constant. Lukas replied today there are 58 people in jail, 52 being housed in Waupaca County, and 17 on HDP. Idsvoog asked that daily jail numbers be emailed to

him like they are to other justice system personnel. Flugaur noted the jail can house up to 87. Idsvoog asked the yearly cost for the Juvenile Detention Facility and Flugaur replied he is not certain; noting that keeping the facility here has been a philosophical decision. Flugaur stated that this same philosophical discussion needs to take place with the jail. Flugaur stated you can offer those housed here programming, etc. It has to be decided whether to spend money to build a jail and keep inmates here is more cost-effective than shipping. That is a County Board decision. Idsvoog stated Wood County has found shipping is cost-effective. Flugaur added that Waupaca County built a regional jail and Portage County is using it. Flugaur further added that several counties across the State overbuilt their jail facility as a result of jail studies being conducted throughout the State many years ago. After building, many jails were found to be at 50% jail capacity.

Flugaur stated the Department of Corrections has changed policies, including individuals on probation can now go to jail for 90 days without court time. Parolees can be sent to County jail for 6 months without going back to prison. This is the same practice the State of Minnesota has used for years. This results in less people in prisons, but more in County jails doing time in their own community. Flugaur stated the Portage County jail is small for our size County. Lukas stated HDP will increase with that practice. Flugaur noted that is why it is good GPS HDP is coming to Portage County. Lukas clarified he hopes to have GPS HDP units in use by June. The current HDP population is at maximum for the equipment we currently have available. Lukas stated he would like 25 additional people on HDP, which results in the need for an additional staff person to accomplish tasks related to that increase. Lukas also stated Probation/Parole clients in jail result in the State paying the County for housing them. That payment does not cover the cost of being housed in jail, but does cover HDP related costs. Flugaur noted the GPS HDP equipment does not require landlines, resulting in everyone being able to use it, if found eligible. Lukas stated the GPS equipment tracks the individual and reports through cellular service, and they utilize facial recognition used during the test blow into the equipment. This entire process can be conducted from the Law Enforcement Center.

Lukas also noted they are talking about using HDP for pre-trial as well. Flugaur added that individuals in jail on cash bonds were looked at by all judges who found they had 12 individuals per bench. It was determined some bonds would not be changed, but 3 to 4 could possibly utilize HDP pre-trial. Individuals would be ordered to stay at their home until trial. Flugaur noted other counties in the State do this now. In addition, those considered for HDP must have a risk assessment completed prior to being determined eligible. It is about keeping the community safe. These changes could result in 5 to 10 people pre-trial on HDP at any given time. Lukas noted that is why additional staff is necessary because there could be 40+ individuals on HDP at the same time.

Flugaur stated the Jail Overcrowding Work Group has been meeting often to develop protocol and procedures for pre-trial HDP. Bail hearings would take place within 24 hours and after risk assessment they may be on HDP. We do not want to do risk assessments on all offenders. In addition, the work group is taking suggestions from several justice system stakeholders.

McKenna noted that years ago risk assessment was looked at in the jail as he recalled. Flugaur felt McKenna was referring to inmate classification, which is done and assessments take place to determine classification. There is a difference between assessments on the risk to re-offend versus a jail classification type assessment. Lukas noted that a mental health assessment also takes place during the inmate booking process.

Flugaur stated this information will be reported out to the Justice Coalition, including Lukas' aggressive use of HDP. Dreier felt it was an eye opening moment when meeting with the GPS equipment vendor. Flugaur said there are a number of low risk offenders who could be confined to their homes. Many of them, if kept sober, are not a problem in the community. Lukas stated HDP results in home checks, random checks, etc., and to do it right, additional staff is needed. Lukas stated a staffing decision must be made soon for HDP to become available in June. The request for additional staff is working through various County committees at this time.

2. 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 Court Grant

Kipp noted Drug Court Work Group members have been watching good, interesting webinars that are necessary prior to the training in May. There has been good attendance at the work group meetings.

Kipp referred to a recent Federal grant process that opened in early March as relates to Drug Court. It has been decided not to apply at this time because the funding is geared toward those already trained, have policies and procedures in place, etc. We are not there yet and it is preferred to have a clean slate and be ready when applying for these grants.

Flugaur described the Drug Court Work Group members as dedicated. He had felt nervous and concerned the cart was being put before the horse by not having money allocated for a drug court, yet still going through the process. The group will receive training in May, and have momentum and be ready for the next round of funding. How much will Drug Court cost the County? We are not asking that at this point. We have infrastructure in place, but upgrades, testing, and staff will be needed for this "addiction" court. Grant dollars are necessary. Flugaur stated he is committed to do Drug Court for 2 to 3 years because he believes in it. Many individuals have addiction and those with a large addiction go to prison and come out only to become addicted again. Prisons do not work. Drug Courts have seen a 55% success rate. These individuals need support and a treatment team. He also noted when visiting Waushara County's Drug Court an offender stated that Drug Court changed her life; she was addicted to drugs.

4. A Discussion of Agenda Items for the April Coalition Meeting Agenda

Dreier asked if there would be value to the Justice Coalition to present the Space and Properties broad-stroke plan for physical space. Flugaur noted they were previously told to hold off on this presentation. Dreier clarified that now there is a conceptual plan and the Coalition could form a collaborative view and go on record regarding it.

Flugaur stated if there is going to be another referendum; he does not want to be involved in the planning. Is there going to be another referendum? Idsvoog replied that is unknown. Dreier said the Space and Properties Committee Chair has said no referendum, as well as media reports. Idsvoog felt it was not a decision that person could make. Molepske felt the Coalition should review the plan so they can form a unified front. He stated he is against a referendum. Molepske said the County Executive and Sheriff need to be in agreement on a plan. Flugaur reminded those present of the past jail planning process that involved many meetings and a lot of time devoted by the Justice Coalition Advisory Committee comprised of a large group of citizen members. They visited with several civic groups, etc. to educate the public on the need for a new facility. Flugaur stated he is unfamiliar with this round of facility planning and asked who could make the presentation. Dreier felt Chief Deputy Kontos and County Board Supervisor Don Jankowski could do that.

Molepske asked that a discussion regarding the State's proposed budget and its effect on us be added to the next Coalition agenda.

Flugaur noted the next Justice Coalition meeting is April 16 at 7:45 am.

With no further business to come before the Committee, the meeting adjourned at 9:00 am.

Respectfully submitted,

Judge Thomas Flugaur, Chair

Paula Cummings, Rec. Secretary

Date

MINUTES
Justice Coalition Executive Committee
June 11, 2015

Members Present: Judges Tom Flugaur, John Finn and Tom Eagon; County Executive Patty Dreier; County Corporation Counsel Mike McKenna; Sheriff Mike Lukas; County Board Chair Phil Idsvoog; Public Defender Anne Renc; and District Attorney Louis Molepske

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

Chair Flugaur called the meeting to order at 8:00 am in the Family Courtroom of the Portage County Courthouse.

Flugaur noted the Justice Coalition meeting has been changed from July 16 to July 9, 2015.

1. Review of the Recent Justice Programs Statistics from the Previous Quarter

Kipp provided handouts to all present containing various statistics (copy in original meeting file). Kipp referenced the increased use of the Home Detention Program (HDP) and the decrease in overall jail population during the month of May. She further noted ATTIC's client numbers were low in January and February, but are back up in April and May.

As relates to Justiceworks, Kipp stated Mike Champion was hired in the position previously held by Kurt Helminiak who recently retired. The Volunteers In Probation (VIP) program contract is for 30 participants, and they currently have 37 participants. The Deferred Prosecution Program (DPP) contracts for 25 participants, and currently there are 17, with 4 people awaiting intake. The Family Law Information Center (FLIC) served 208 individuals from January through April 2015. In 2013 the total served was 291, and the year 2014 total was 450. The Community and Residential Program (CRP) mentoring service provided by Justiceworks currently has seven participants. Mike Champion will receive training required by the Wisconsin Department of Corrections (DOC) in order to ensure skills and knowledge needed for CRP mentoring service. The DOC will pay for his training.

Molepske questioned the large increase in people utilizing FLIC. Kipp replied she is unsure why this happened. Flugaur stated that is an interesting question because the average number of divorces each year remains the same. Finn noted there are approximately 300 divorces a year; noting the change in fees to utilize FLIC may have contributed to the increase in participants. Lukas also noted FLIC's hours have expanded, which may have also contributed to increased usage.

Kipp noted there are 38 individuals on HDP at this time, versus 43 total in the year 2014. Assessments for individuals prior to participating in HDP take approximately 3 hours each; therefore, ATTIC and the Sheriff's Office are bursting at the seams with assessments. In addition, Day Report numbers have increased from 126 in February to 144 at this time, and Post Trial has seen an increase from 83 to 121 participants in that same time period. Kipp noted the number of individuals testing positive on the program is minimal compared to other violations that have occurred for those individuals.

Flugaur asked whether the number of days on these programs is being monitored because Pre-Trial Supervision was to be six months or less. Finn noted a combination of Pre- and Post-Trial participation equaling one year is okay. Kipp noted her handout indicates the average number of days on Pre-Trial is 270 and Post is 231. Kipp noted a conversation had taken place between ATTIC staff and Assistant District Attorney Constable regarding the fact when participants are charged with bail jumping, the process slows down. With a Drug Court in place, there would be a 30-50 day time period from initial appearance to Drug Court. Flugaur noted this was discussed during Drug Court training, which he described as good. Drug Court models note the sooner the better when it comes to time period between initial appearance and Drug Court participation. Flugaur noted this will be discussed with the other Judges and a possible Work Group would be created to look at this as well.

Lukas said when more equipment for HDP is available, more offenders will be on HDP. Renc noted there are long-term jail inmates who have just been sentenced.

2. Program Updates for Portage House's Community Residential Program and ATTIC's Intensive Supervision Program and HDP Assessments

Kipp noted the CRP program had been evaluated by the University of Cincinnati (as requested by DOC) in December 2014, and results are in. The evaluation provides recommendations on how to improve the program. Kipp noted the DOC did not inform stakeholders of the growth and alignment of the program versus the resulting evaluation "report card". The Portage County Corrections Program Oversight Ad Hoc Committee will meet to discuss the report card, which will then be presented to the full County Board. The evaluation noted leadership at Portage House is incredible, and results in high quality assessments.

Flugaur asked that results be presented at the July 9 Justice Coalition meeting as well. Dreier felt the report was interesting. She wished the DOC would have told us what they were exactly looking for in our CRP program prior to the evaluation. Portage County will pick it up now, move forward, and shore up as necessary. Flugaur added the CRP project was developed by Ross Dick, former Justice Programs Director, with DOC leading the way. The DOC has now evaluated themselves by using the University of Cincinnati's program evaluation process. Idsvoog described the process as dysfunctional; DOC created the model, didn't fit the model, and then DOC is critical of their own program.

Kipp noted a proposal in Governor Walker's budget to move the OWI/ISP Program from the Department of Transportation oversight to that of the Department of Health Services without the Statewide \$731,000 funding, of which Portage County receives \$40,000. The State Joint Finance Committee supports the move. If this actually takes place, the Justice Programs Department will be \$20,000 short in revenue for the year 2015 and \$40,000 short in 2016. She further noted there is not a lot of optimism that funding will be restored. Finn felt that ridiculous in light of OWI/ISP being so successful. Flugaur stated looking back 10 years at Portage County's program, which includes OWI's 3 to 5, we have seen a low 17% recidivism rate. Dreier noted there are several fights to fight related to the State budget proposal and suggested those who want to voice their opinion on this funding cut should do so, but she does not see this as her number one fight because the proposed State budget includes significant negative impacts elsewhere too. As an example, Idsvoog pointed out the Governor does not want to appear to raise taxes. Therefore, the State may end up with \$500 million in bonded indebtedness. The proposed budget also includes a 5 cent per gallon increase in gas tax. Molepske noted local highway road aids are proposed to be cut as well.

Molepske sought clarification that the OWI/ISP Program funding being removed is not yet confirmed, and asked what steps are being taken. Kipp replied the funding cut is part of discussions with ATTIC due to their contract with Portage County. Those discussions include looking at how to be more manageable; i.e. looking at whether daily urines are necessary or whether Day Report hours of operation can be cut back. Lukas noted HDP staff will be trained on COMPAS assessments and could help. Dreier felt this situation could possibly be turned into an opportunity versus a problem. Flugaur noted the OWI/ISP grant funding to Portage County had been larger in the past.

3. Discussion of National Drug Court Institute Drug Court Training Initiative

Molepske described the training as well done, with good speakers. The Drug Court "bible" provided good examples and help was offered to Portage County. Molepske sees a place for Drug Court in Portage County; adding the public is interested in alternatives. He does see an issue with the staffing component.

Renc stated Portage County had a concern with how Drug Courts were run in the 1990's. Time and effort has been put in since that time to determine what does and does not work. She said she is more confident about the Drug Court process now; it is more evidenced based as well. There are more tools available to have a successful Drug Court.

Molepske described that offenders must be ranked. As an example, drug sellers versus drug users. Portage County does not currently do this. Molepske cautioned that some offenders are manipulative.

Idsvoog asked whether there was a component of Drug Court to get individuals back to work and what have been the results of that effort. Have participants been skilled, educated, etc. He described that if an individual stays sober, but still has no job, they may feel useless. He believes a work component is necessary to a successful program. Kipp replied there are 5 phases and employment is addressed. Idsvoog mused what may happen to the program, if pot is legalized in Wisconsin. Kipp noted that was discussed at the training, and most felt that would not be a positive change in the law.

Flugaur described the training as hands-on; not esoteric. The training included guidance as to how to formulate and build a Drug Court, and it was noted as essential that law enforcement be part of the Drug Court team. During discussions among Portage County participants, it was decided to work with convicted people. It was further noted during training that: 1. Drug Court is confidential, not opened to the public, but rather closed proceedings due to the person already having been sentenced; 2. Portage County was found impressive in that many resources are already in place to begin a Drug Court; and 3. Portage County has the infrastructure, and Probation and Parole may have money (resources we may not have to pay for). Portage County will need upgraded testing, a full-time equivalent case manager, and assessments to put a Drug Court in place. Drug Court will focus on high risk individuals. Flugaur agreed participants will be high risk, high need; not low risk.

Dreier ask the timeline for the proposed Drug Court, without a grant cycle. One year to organize? Six months? Flugaur replied 3-4 months once all resources are in place. Kipp agreed. Molepske added that, based on Wood County's Drug Court, the number of participants in Portage County's court would be capped at 15-20.

4. Discussion of Sentencing After Probation Revocation, and Establishing a Policy for Serving a Portion of the Sentence on a GPS Monitor

Flugaur noted there is a group of people who regularly have their sentence imposed and stayed, and are placed on probation as well. For individuals who have their probation revoked and are sitting in jail, a process needs to be put in place to determine whether some of the jail time can be served on GPS/HDP.

Flugaur felt if the offender is qualified, they should earn GPS/HDP; it should not be automatic. Finn suggested if revoked, there could be the possibility of half their sentence being served on HDP, and the Sheriff could make that determination. Lukas gave an example of someone on Huber being found not to be at work, which results in Huber being taken away for 30 days, with a re-evaluation taking place. Lukas also stated they could do 15 days rather than 30 days. Those with long sentences on Huber, could be on HDP. In addition, he could talk to the Judges about by-the-book Hubers becoming HDP eligible. Idsvoog asked the rationale behind the length of time; what is the magic of 30 days? Flugaur replied the timeframe is discretionary. Lukas provided an example of an individual on Huber leaving the jail at 8 am for work, which involves no monitoring. You cannot 100% verify where that individual is. With HDP, there is full monitoring 24-hours a day. Molepske asked if an individual can be on Huber at work with an HDP monitor and Lukas replied no, due to additional fees, etc. McKenna asked for clarification that Huber is not used only for work privileges, and Lukas replied correct, Huber can be utilized for medical reasons, child care, school, etc. Renc stated the granting of Huber and HDP is the ultimate authority of the Sheriff.

5. A Discussion of Items for the July Justice Coalition Meeting Agenda

The following items were suggested for the Coalition meeting agenda:

-Discuss whose jurisdiction out-of-county offenders on HDP fall under.

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

Respectfully submitted,

Judge Thomas Flugaur, Chair

Paula Cummings, Rec. Secretary

Date

MINUTES
Justice Coalition Executive Committee
September 10, 2015

Members Present: Judges Tom Flugaur and Tom Eagon; County Executive Patty Dreier; County Board Chair Phil Idsvoog; and District Attorney Louis Molepske

Others Present: Ryan Drengler, Public Defender; Penny Borski, Sheriff's Office Home Detention Program; Kate Kipp and Paula Cummings, Justice Programs Department

Chair Flugaur called the meeting to order at 8:00 am in Conference Room F of the Courthouse.

1. Review of Justice Programs Statistics from the Previous Quarter

Kipp provided handouts to all present containing various statistics (copy in original meeting file). She read through all statistics with Committee discussion focusing on the following: Kipp referred to the jail's end of month population statistics, which indicate the census is down. The population is at its lowest as indicated in the chart covering the period January 2014 through August 2015. She said, even though the population is down, work in the jail has increased due to high maintenance inmates. Flugaur noted juvenile detention has increased as well, with several problem individuals. Dreier asked if the juveniles were all from Portage County and Flugaur replied he was uncertain.

Flugaur asked if the Home Detention Program (HDP) After Revocation Policy has been utilized. Kipp replied she has been working with Eagon on creating forms relative to that policy. Soon the proposed forms will be sent to various stakeholders, followed by a meeting to discuss questions they may have. With that being the case, Kipp felt the program will go live soon.

Flugaur asked Borski if she is getting a lot of individuals with revocation on imposed and stayed sentences. Borski replied some. She has been told to write the Judge if an individual wants HDP with imposed and stayed status. Those who are revoked and come back to serve time are candidates for shipping, if they have no job, etc. Flugaur noted when he does an imposed and stayed sentence, he also then decides if the individual is eligible for HDP. HDP can be approved based on results of a risk assessment and jail administration. If the offender is found HDP eligible, half the sentence is served in jail and half on HDP. He further noted domestic violence and child abuse cases are not eligible for HDP. Kipp added that at the June 2015 Justice Coalition Executive Committee meeting, Sheriff Lukas talked about having Borski and Mindy Ciseski do HDP assessments versus all of them being done by ATTIC. Both Borski and Ciseski were trained on COMPAS assessments in July 2015. As a result, transition related to that will be coming soon. Kipp further added that Elizabeth Kitzow of ATTIC was also trained at that same time and will do assessments.

Kipp pointed out, on the ATTIC assessment statistics report, condition of bond/pre-trial is the largest offender category (114 assessments), and HDP is second with 54. Referring to Day Report statistics, Kipp stated the current ATTIC contract includes 150 offenders to be served each month, and the average served between January and August 2015 has actually been 140. Year-to-date positive UA's equal 21% of offenders served. Flugaur noted the number of UA's has decreased and Kipp stated that is based on population and need.

On year-to-date Pre-Trial Supervision statistics, Kipp referenced an 82% successful discharge, which speaks to the level of programming/treatment received. In addition, 6 of 6 (100%) successful discharge for those on Post-Trial Supervision. Eagon felt a program with 100% success can be worrisome because it begs the question whether the correct offenders are being served. Kipp noted Post-Trial program participants are motivated individuals; whereas, Pre-Trial participants are there before being sentenced. Molepske asked what makes participants unsuccessful and Kipp replied that could have to do with new charges, losing Huber privileges, etc. Molepske referred to the "Measure for Justice" group asking for data from District Attorney Offices relating to offender information from charging to case completion in order to compare Wisconsin information with that of other states. Kipp replied she has heard of that group and there have been red flags raised regarding their data collection.

Idsvoog asked the amount of time between offender arrest and going before a Judge. Flugaur replied if the OWI is 3+, they are seen within 48 hours; otherwise the time period can be 2-3 weeks.

Kipp referred to the average number of days participants stay in programming, noting this is the first time that average has decreased – pre-trial from 285 to 228 days and post-trial from 242 to 224 days between January and July 2015. Flugaur felt a scheduling change allowing cases to move through the courts quicker has contributed to this decrease. Drengler felt some offenders removed from Pre-Trial programming because they are not interested in it could also skew that number.

2. Discussion of Funding Status for the Portage County Pretrial Supervision Program for 2015

Flugaur stated the OWI/ISP program has been moved from the Wisconsin Department of Transportation-Bureau of Transportation Safety to the Department of Health Services (DHS) and program funding did not move with the program. Kipp stated as a result of the revenue loss, she was prepared to submit a resolution to the Judicial General Government Committee regarding being \$20,000 short in revenue for 2015 (and \$40,000 short in 2016 budget), but yesterday afternoon she was notified by DHS that funding had been reinstated for State fiscal year 2015-16 (fiscal year runs July 1, 2015 through June 30, 2016) only, which results in no loss of revenue in 2015, and a \$20,000 loss in 2016. In order to try and accommodate the \$20,000 loss in 2016 revenue, the ATTIC contract will be scaled back to reflect their actual average number of offenders being served. That will solve the budgeting issue in 2016, and Kipp is uncertain what 2017 will be. Flugaur stated he hopes for more funding in the future. Dreier stated the funding has gone toward good programs for which Portage County has been recognized.

3. Discussion of Justice Coalition Stakeholders Membership

Flugaur stated he has been reviewing the Justice Coalition membership list, which has changed over the years as people have moved on/been replaced for various reasons. The Justice Coalition has been in existence for 18 years and it is time to review memberships, develop a "new member" packet of information as appropriate, etc. The information Kipp provided members today includes the Charter of the Coalition for review. Flugaur referred to Wood County's Coalition, which has a small membership as compared to Portage County's. Flugaur stated he will be asking the Justice Coalition to form a new Work Group to study Coalition membership, as well as compiling a "new member" packet to bring someone up to speed. Dreier felt possible adjustments may be necessary to the Coalition's charter.

4. Discussion of National Institute of Corrections' Pretrial Training Institute and 5. Discussion to Form a Work Group to Complete an Updated Portage County Criminal Justice System Map

Flugaur stated Kipp recently attended this training and will be talking about it at the Coalition meeting. Flugaur stated he wants to include a short, relevant video presentation. Kipp stated the training included looking at pre-trial and bond, with bond not being about the money, but about safety, rights, etc. Pre-trial could be enhanced so as to avoid court congestion, etc. Portage County had previously mapped its criminal justice system, and it is time to reengage that effort. Kipp noted her handout at the beginning of the meeting included LaCrosse County's map of the flow of offenders through the criminal justice system. The handout also included a map of how COMPAS assessment is used by the Department of Corrections. These can be used to guide and inform our community mapping process. Flugaur stated with expansion of Portage County's use of HDP, we have started working on additional Pre-Trial Supervision. Lukas has been more aggressive in that regard. There had been one offender-generated request so far to be on HDP, but no one has asked for an assessment. Flugaur noted during drug court training they had to do a map of how long it would take an offender to actually get to drug court - the earlier the better was encouraged. Idsvoog said he agreed with that, but if it is okay to keep an individual out of custody for 4-5 months before being sentenced without programming, what is the point if they were good during those months. Eagon described that as a defense attorney's argument. Flugaur said there just needs to be a punishment, and pre-trial could result in some jail time, but it also offers rewards as well.

Molepske noted with a high blood alcohol content "repeater", we ask for cash bond, etc. Statutes also reference a "need" for enhanced oversight through the court with cash bonds because high cash bonds cannot always be posted. Some individuals under cash bond through a pending case, could be on HDP. The Legislature made it more likely the individual would be incarcerated. Flugaur added legislation requires an OWI 3+ offender to report immediately to jail after being sentenced.

6. A Discussion of Items for the July Justice Coalition Meeting Agenda

Flugaur reiterated he will be presenting a brief video at the next Coalition meeting. With no further business to come before the Committee, the meeting adjourned at 8:40 am.

Respectfully submitted,

Judge Thomas Flugaur, Chair

Paula Cummings, Rec. Secretary

Date

MINUTES
Justice Coalition Executive Committee
December 1, 2015

Members Present: Judge Tom Flugaur, County Executive Patty Dreier; County Board Chair Phil Idsvoog, District Attorney Louis Molepske; Corporation Counsel Mike McKenna; and Public Defender, Ryan Drengler

Others Present: Dan Kontos, Sheriff's Office; and Kate Kipp and Paula Cummings, Justice Programs Department

Chair Flugaur called the meeting to order at 8:00 am in Conference Room F of the Courthouse.

1. Review of Justice Programs Statistics from the Previous Quarter

Kipp provided handouts to all present containing various justice programs' statistics (copy in original meeting file). The first page included data on the Portage County Jail Population – Census Taken on Last Day of the Month. Kipp noted the following points: the juvenile detention center population has been disruptive; Penny Borski, with Sheriff's Office Home Detention Program, is doing a good job with those out on home detention; and there have been two court referrals for the pretrial Home Detention Program (HDP).

Flugaur said newly appointed Judge Shannon is not as familiar with HDP and suggested defense attorneys should argue for it. Drengler noted he has found a 50/50 split on offenders receiving HDP and has experience with Judge Shannon utilizing HDP in his courtroom. Flugaur felt HDP utilization is low. Kipp stated Borski will be presenting/educating on HDP during an upcoming Wisconsin Bar Association meeting. Flugaur asked Drengler to provide HDP information to other Public Defenders. Kontos stated there are 6 offenders on HDP, with 7 in the "pipeline". Kipp also offered that Borski enjoys her position with the HDP, which includes visiting homes, etc. Flugaur noted a recent article in the Stevens Point Journal regarding HDP and felt it was nicely done.

Page 2 of Kipp's handout provided ATTIC's statistics on assessments, Day Report, Pretrial Supervision, and Post-Sentence Supervision. Kipp described the transition between Borski and the Department of Corrections as going smoothly as relates to HDP assessments, in which several hours of ATTIC staff time have been saved by Borski providing assessments. Kipp noted ATTIC hours were adjusted down approximately 8% (limited to serving 140 clients after the adjustment) in order to make up the loss of OWI/ISP grant funding in 2016.

Kipp further noted an increase in positive UA's. Flugaur asked if the individuals had 30 days to clear out and were still positive and Kipp replied yes. McKenna asked if the UA's are unsupervised and Kipp replied due to staffing issues/gender coverage requiring two staff people every day, which cannot happen financially, UA's are unsupervised. Kontos noted the Sheriff's Office does conduct spot checks during UA's, if Sheriff's Office staff is available.

Idsvoog asked for clarification on whether someone currently using THC and considered an addict, would no longer be considered an addict, if THC were to become legal. Flugaur replied the individual would still be considered an addict and subject to laws regarding driving while under the influence/impaired. Kontos added that it would need to be determined whether the impairment was due to alcohol or drugs. Flugaur asked if a field sobriety test would take place and Kontos replied yes. McKenna noted medical THC laws would impact us. Drengler added with individuals driving through Wisconsin with an out-of-state medical THC prescription, impairment would have to be determined.

Next, Kipp discussed the Post-Sentence Supervision statistics. An employee left ATTIC employment due to not doing the job at the level required. This person's replacement has been working with offenders by offering them one month to become compliant. Four offenders have challenged this and will be sent to Court for Post-Sentence Supervision termination. Remaining participants are back on track at this time. Flugaur asked the number of individuals on Post, and Kipp replied 14. He then asked the number on Pre-Trial and Kipp responded 29 OWI, and 10 non-OWI offenders.

Page 4 reflected statistics from Justiceworks, which Kipp read aloud to those present, noting the leadership transition taking place in VIP from Kurt Helminiak to Mike Champion. She noted Champion is providing VIP statistics collected on a monthly basis. VIP has 28.5 average participants with a 276.4 day average length of participation.

2. An Update of the Work Completed on the Coalition Stakeholders Membership

Flugaur stated Kipp, Cummings, and McKenna met with him regarding Coalition membership, and the results were provided to those present. The membership list was formulated by position, not by person. The list is separated by members versus interested parties. Flugaur noted the Coalition's charter was also updated and both will be provided to members at the January 2016 Coalition meeting.

3. Discussion on an Updated Portage County Criminal Justice System Map

Flugaur stated Judge Eagon is chair of a work group discussing mapping of the criminal justice system. Kipp stated the group has met one time so far; last Friday. The work group began by reviewing an old system map done while Kathy King was Justice Programs Director. They are mapping from the time of arrest to diversion programs. She noted a Drug Court will change the systems map. Flugaur discussed looking at all programs in a one page "snapshot". This would answer: What are the programs? Who is administering the programs? Flugaur encouraged members to visit the County Day Report center, and to attend pre-trial groups, victim impact panels, etc.

4. Discussion and Possible Action Regarding the Need for the Continuation of the Domestic Abuse Alternative Program

Flugaur described the loss of the Domestic Abuse Alternative Program (DAAP) as a catastrophe and an embarrassment. He is unaware of any County without DAAP in the State. He noted 90% of defendants in court have substance abuse issues, and the next largest category of cases involve some level of domestic violence – all the way to juvenile and CHIPS cases. Kids in a violent home are 10 times more likely to be in the criminal justice system. CAP Services discontinued DAAP due to lack of funding and Flugaur wants "all hands on deck" to get it back up and running in Portage County. He was unaware of the program shutdown.

Dreier asked the cost to run DAAP. Flugaur replied he is uncertain the actual cost, but noted offenders co-pay. Health and Human Services (HHS) does not have funds to cover DAAP; noting HHS co-facilitated DAAP for three years. What we do know is the funding stream at CAP Services for DAAP has ended. Flugaur further noted that Shaun Morrow with Department of Corrections (DOC) felt some money may be available there for DAAP, and David Knaapen felt Justiceworks could possibly be involved with the program. Flugaur feels DAAP is definitely an issue for the Justice Coalition to work through.

In addition, Flugaur said Judge Eagon is concerned that there may not be enough referrals to DAAP because of plea agreements entered into by the District Attorney's Office, where the DOC is determining whether DAAP should be utilized.

Flugaur stated there still are a fair number of trials for battery where jurors sort out the conflict. Flugaur stated a work group needs to be formed soon. Reason(s) for discontinuing DAAP should be determined; was it due to low referrals or loss of funding. Other counties should be contacted to determine their DAAP referral numbers.

Flugaur noted United Way currently provides funding for the Family Crisis Center, but they are reluctant to offer offender treatment-type funding. In the past, offenders needing to complete community service were sent to the United Way volunteer center. Community Service referrals took place for about a year, but they no longer take community service referrals. He would be surprised if United Way would agree to fund any offender treatment program.

Flugaur noted Judges attend a domestic violence conference where they are told that anger management has nothing to do with domestic violence. He was told the worst thing to do in a domestic violence case is send the person convicted of domestic violence to anger management. It makes them worse, because the offense is about power and control

Molepske stated Nolan Pluke, who managed DAAP for CAP Services, called about a year ago and told him the DAAP numbers were down and asked whether the DA had changed policies about sending people to DAAP. Molepske told him no, the main goal remains to get people into DAAP. If we were to bargain, we may recommend less jail, but we want them in DAAP's 20-week program. The main issue is the cost to participate in DAAP increased from \$125 to \$900 per person. He asked CAP Service to forward him program financials, but he has not received them yet. Pluke stated costs went up per person as fewer were referred while associated program costs did not decrease. For an indigent person, \$900 is a lot of money. Molepske stated solutions will be sought.

Kipp noted CAP Services had a financial audit in late summer, and she understands CAP Services would continue to provide DAAP, if a funding source was found.

5. An Update and Discussion of the Progress of the Drug Court Work Group

Kipp stated she had a timely submittal of the required handbook and policies/procedures manual to the National Association of Drug Court Professionals. Treatment And Diversion (TAD) grant funding for 2017 was discussed at the Criminal Justice Coordinators meeting in Madison. There are 34 competitive spots available, with an expected 50-60 proposals being submitted. The 34 available spots could be split between new and legacy programs, but percentage of split has not been determined. This funding is available across the continuum of treatment platforms. Geography may also be considered in the grant process, which is seen as a positive for our location because there are few treatment courts here. Leveraging County dollars will be critical in the grant process as well.

6. A Discussion of Items for the January Justice Coalition Meeting Agenda

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

Respectfully submitted,

Judge Thomas Flugaur, Chair

Paula Cummings, Rec. Secretary

Date