

Minutes of the Waukesha County Criminal Justice Collaborating Council
Wednesday, January 27, 2010

The meeting was called to order at 8:35 a.m.

Present: Jim Dwyer, Peter Schuler, Marcia Jante, Dan Vrakas, Sam Benedict, Larry Nelson, Brad Schimel, Kathy Madden, Dan Trawicki, Paul Geiszler, Karl Held, and Joanne Huelsman.

Absent: Judge Mac Davis.

Also Present: Mike Giese, Sarah Spaeth, Rebecca Luczaj, Sara Carpenter, Linda Witkowski, Clara Daniels, Julianne Klimetz, Laurel Walker, and Karen Phillips.

Klimetz, member of the CJCC Education and Public Relations Committee, took a group photograph of the Council for use in the CJCC informational brochure.

Approve Minutes of November 18, 2009 Meeting

MOTION: The minutes of the November 18, 2009 meeting were approved with unanimous consent.

Update on CJCC Membership Change & Succession Plans for UW-Extension Director

Jante, who is retiring, stated her position as the UW-Extension Director would be filled as of October 1st. Her position on the Council will be left vacant until that time.

On behalf of Judge Davis and the entire CJCC, Dwyer sincerely thanked Jante for bringing her knowledge, enthusiasm and professionalism to this group, as well for all of her contributions to Waukesha County.

Update on 2009 Day Report Center Program Outcomes

Carpenter reviewed the Day Report Center (DRC) Program statistics for 2009, as outlined on the handout she distributed. She stated that staff completed a total of 249 assessments in 2009. New referrals included 78 direct court, 80 Huber and 6 probation/ATR referrals. The majority of the participants were male (153), and of those participants 50 were between the ages of 18-25. The increased usage of SCRAM and associated fees were discussed. There were 126 successful DRC Program completions (81%), and 29 discharges for various reasons of non-compliance. Carpenter concluded with a review of the DRC Program components, including average length of stay (50 days), referrals, direct assistance and sanction type statistics. She said that the next DRC Program report would include court referrals versus probation participant statistics.

Carpenter noted that WCS staff member Melissa Emberts has begun providing employment assistance to Huber inmates and the program is going well thus far.

Update on OWI Legislative Changes & Discussion of Potential Impacts

Schimel reviewed the handout titled *Comparison of Provisions in Current Law with Provisions in Senate Version of 2009 Senate Bill 66 as Amended by Assembly Amendment 1 to the Senate Version*, a summary prepared by a Legislative Council member. The summary included Fines, Jail Term and License Sanctions, Ignition Interlock Device (IID) Provisions, Probation and General Sentencing and Other Provisions. Schimel went over a comparison of current law and the changes that will be effective as of July 1, 2010. He discussed the potential impact some of these changes could have on Waukesha County, including the following:

- A third offense OWI has increased minimum term of imprisonment to 45 days – this could have an impact on the ATC Program.

- A fourth offense OWI with a prior offense within the previous 5 years becomes a class H felony. Schimel did not have exact numbers, but predicted this would cause a significant increase in felony prosecutions.
- OWI causing injury – for persons with a prior OWI conviction, offense becomes a class H felony with a maximum 6-year prison term; fines and prison term double if there is a minor in the vehicle.
- Absolute sobriety violation – for offenders where there was a minor in the vehicle, this offense will be a criminal misdemeanor with a \$400 fine maximum. This will require the DA to draft a long form criminal complaint and the offender must appear before a court commissioner for transcribed proceedings. Schimel does expect an increased caseload related to this violation.
- Ignition interlock device (IID) – mandatory order for all repeat OWI offenses and a first OWI offense with a blood alcohol level of 0.15 and above; seizure and immobilization options eliminated. Schimel stated that the offender will be required to submit proof to the court that they have the ignition interlock installed and the County will retain the imposed \$50 IID surcharge. Failure to install, altering or tampering with an IID will be a misdemeanor. Further discussion continued on this issue.
- Probation allowed for 2nd and 3rd offense OWI in addition to 4th offense OWI –Schimel stated that the DOC would be required to provide probation supervision, assessment, treatment and other community treatment options for 2nd and 3rd OWI offenders with no waiting list. This could potentially amount to an additional 1300 offenders (approximate number of 2nd and 3rd OWI offenders) who would be eligible for probation. Many new probation officers would be required to handle these additional cases.
- Winnebago sentencing option – in the pilot program implemented in Winnebago County, 2nd and 3rd offenders who complete a probation period that included a treatment program are eligible for alternative sentencing with reduced minimum and maximum terms. Schimel stated that he will need to learn more about the details of the program. Luczaj stated that Winnebago County is hosting an open house in February or March, which will showcase their program in action. She will forward further information on the open house.

Schimel discussed additional funding provisions, which include an additional \$8.8 million appropriated by the State to be divided among district attorneys, the State Public Defender's Office and Director of State Courts. An appropriation of \$6.6 million has been created for DOC to provide community probation supervision, to staff and fund a monitoring center, and to fund enhanced community treatment for 2nd and 3rd OWI offenders. It is unknown at this time exactly how these funds will be dispersed and whether the funds will be sufficient to cover actual costs. Schimel said that he and his staff have until July 1st to have new policies and procedures in place. He will meet with Held to determine how to proceed once more information is known about the budget for probation and parole staff.

Dwyer thanked Schimel for his informative presentation.

Update on CDBG/CJCC Reentry Employment Services Contract

Luczaj reviewed the RFP process for the Reentry Employment Services contract. Three proposals were received and evaluated by a four-member evaluation committee. After evaluations and subsequent interviews were completed, the contract was awarded to WCS. The program, which provides employment services for offenders in the Huber facility, began operating on January 4th with six participants enrolled. Performance measures will include job placement and 45-day retention on the job. The contract is a combination of cost reimbursement and pay-for-performance

for job placement and retention activity. Luczaj will schedule WCS to return in July with an update of the outcomes of the program after 6 months in operation.

Update on Office of Justice Assistance (OJA) Misdemeanor Diversion Program Grant Application & Drug Prosecutor Grant

Schimel commended Captain Chuck Wood for his extraordinary efforts in writing the grant application. The Sheriff's Department is the recipient of the grant award in the amount of \$218,595. Schimel explained that this grant would fund a drug prosecutor in the District Attorney's Office for approximately 3 years. An additional prosecutor will provide the opportunity to be more aggressive in drug prosecutions, notably with the increasing number of opiate cases. The position is also expected to help reduce the time needed to prosecute drug offenders in Waukesha County. The drug prosecutors will be taking an active role in the Drug Free Communities Coalition and the 180° Diversion Program.

Schimel stated that Waukesha County was not awarded the Misdemeanor Diversion Program Grant through OJA.

As a future agenda item, Dwyer suggested inviting Captain Wood to give an educational presentation on the growing drug problems facing Waukesha County.

Update on Bureau of Justice Assistance (BJA)/Center for Substance Abuse Treatment (CSAT) Grant Application

Luczaj distributed a handout of the application summary for the Bureau of Justice Assistance (BJA)/Center for Substance Abuse Treatment (CSAT) Grant, due February 11, 2010. The grant of up to \$1,275,000 (\$300,000 from BJA and \$975,000 from CSAT), would run for three years, from October 1, 2010 to September 30, 2013. The grant requires a 25% cash and in-kind match for the BJA portion of the funding only. An additional 150 participants (50 each year) would be served over the three year period, targeting 4th offense OWI offenders and eliminating the waiting list of 3rd offense OWI offenders. Luczaj continued with a review of the grant components as outlined, including Case Management, Screening & Assessment, Treatment Services, Medication-Assisted Treatment (MAT), Wraparound Services, Evaluation and Staff Training. Matt Hiller will assist in the writing of the grant application. Luczaj anticipates news of the grant awards by early September.

Update on Plan for CJCC Coordinator Maternity Leave Coverage

Luczaj distributed an outline of the plan for her maternity leave coverage. She expects to be off approximately six weeks and will work part-time from home in an effort to maintain the flow of the CJCC committees and subcommittees. While on leave, Luczaj continue working with committee chairs to prepare agendas, prepare necessary handouts for meetings, post and email agendas, coordinate with County Board staff for meeting coverage, edit minutes, schedule subsequent meetings and respond to emails. When his schedule permits, Schuler will attend the CJCC committee meetings in place of the CJCC Coordinator.

The meeting adjourned at 10:00 a.m.