

PORTAGE COUNTY CIRCUIT COURT, BR. 1

1516 CHURCH ST, STEVENS POINT, WI 54481
715 346-1355

Hon. Thomas B. Eagon
Circuit Judge

Catherine Sosnowski
Court Reporter

Vacant
Judicial Assistant

TO: Honorable Patricia Baker
Honorable Robert Shannon
Portage County Sheriff Mike Lukas
County Executive Chris Holman
County Board Chair Al Haga
Corporation Counsel David Ray
Public Defender Anne Renc
District Attorney Louis Molepske, Jr.

Andrea Behnke

FROM: Executive Committee Chair Thomas B. Eagon
DATE: February 22, 2021
RE: Notice of Meeting/Justice Coalition Executive Committee

The Justice Coalition Executive Committee will meet on Thursday, March 4, 2021 at 8:00 a.m. in the Branch 1 Courtroom of the Courthouse, 1516 Church Street, Stevens Point.

1. Approve Minutes of December 3, 2020 Meeting
2. Review Justice Programs Statistics from the Previous Quarter
3. Update on Treatment Court.
 - a. Conditional Jail Release
4. Update on Pretrial Programming
5. Discussion of Agenda Items for April 22, 2021 Justice Coalition Meeting

To attend:

Video (preferred):

<https://wicourts.zoom.us/j/92400845011>

Enter Meeting #: 924 0084 5011

Then follow the instructions on your computer.

Phone:

1-312-626-6799

Meeting #: 924 0084 5011

Pin/Id#: Just hit #

In Person:

Facial coverings (masks) and social distancing are **required**.

Notice: A quorum of the Portage County Board of Supervisors or any committee thereof may be present at this meeting. Any person who has special needs and plans on attending this meeting should contact the Justice Programs Department as soon as possible to ensure that reasonable accommodations can be made. Telephone: 715-346-1334.

MINUTES
Justice Coalition Executive Committee
December 3, 2020

Members Present: Judge Tom Eagon, Judge Tom Flugaur, County Board Chair Al Haga, Sheriff Mike Lukas

Members Present by Video: District Attorney Louis Molepske Jr. (began virtual and later joined in-person), County Corporation Counsel David Ray

Members Unavailable: Judge Robert Shannon, Public Defender Anne Renc, and County Executive Chris Holman

Others Present: Justice Programs Department intern (in-person), Kayla Szucs and Rachel Placeway (both virtual).

Staff Present: Andrea Behnke and Paula Cummings, Justice Programs Department

Chair Eagon called the meeting to order at 8:00 am in Circuit Court Branch 1.

1. Approve Minutes of September 3, 2020 Meeting

Members approved the September 3, 2020 minutes by consensus.

2. Review of Justice Programs statistics from the previous quarter

Behnke provided statistical data with the agenda packet to all members prior to the meeting (originals in meeting file). Behnke discussed and highlighted the following from those handouts:

Relative to Day Report – August-October 2020

- Day Report numbers are up.
- Individuals COVID (CV) positive fall under excused absences, but they still must call-in daily. CV testing documentation is required.
- There were zero Condition of Bond referrals in August/September/October and only a few Court Date Only (CDO) referrals during that same timeframe. There is confusion related to what is ordered for CDO individuals and this is being addressed.
- Missed check-ins have decreased due to case management (36 missed in August/9 in September/5 in October).
- There were three individuals listed with high severity violations in August and September.
- In the month of August, there were 44 missed breathalyzers, 63 in September and 16 in October.
- There were 28 missed UAs in August, 25 in September, and 8 in October.
- There are a couple of Diversion Program clients testing eight times a month for THC, which stays in the system for some time. Behnke noted she is unsure why this is occurring since Adult Drug Treatment Court participants are tested approximately 12 times a month for several drug types.

Relative to Pre-Trial – August-October 2020

- Participant total at end-of-month for October was 23, which is a steady number.
- There was an average of 200 breathalyzers a month in August-October.
- Noted an error on the chart related to high severity violations. The total should be zero for August and October, with one in September.

Relative to Post-Sentence Supervision – August-October 2020

- The average number of post-sentence participants was 13.
- The average number of breathalyzers for the same time period was 70, with zero misses.

Relative to Portage County Jail Population – August-October 2020

- Jail population decreased during the pandemic, with an average of 17 inmates in September and October.
- The number of inmates shipped to Waupaca has remained the same with a contract in place.
- The juvenile population increased.
- The number of individuals on HDP remained steady.

Relative to Costs Averted Through Day Report and Pretrial Supervision & Probation Sanctions – January–October 2020

- \$578,132 saved in costs of days in Waupaca County jail
- \$1,536,158 saved in costs of days in Portage County jail

Relative to Adult Drug Treatment Court – Current

- Approximately 16,000 days of participant programming in ADTC.
- \$1,300,972 saved in medium security incarceration.
- \$1,588,100 saved in Portage County jail days.

Referring to the ADTC summary, Behnke stated there are currently 10 active participants and one person pending admission. In the year 2020, there have been 6 graduations, 5 terminations, 5 found ineligible, 1 declined participation, and there was 1 administrative discharge.

Ineligible/Declined Participants for Drug Court – Current

- 48 total individuals have been found ineligible or declined program participation.
- Referrals to ADTC are down.
- One person overdosed/died while on an ADTC wait list (had been on wait list for one year).

Behnke stated this circumstance will be used as a learning tool as to why ADTC candidates should have expedited Court hearings. This individual was on the wait list due to the pandemic, which resulted in Court dates being pushed back. Flugaur questioned if this person had a Court appearance and Eagon replied they would have to look at the specific case. Flugaur noted, without pointing fingers, in such cases the Judge should be spoken to about the plea; and that is not to say the person would not have overdosed and died if they were in ADTC.

Relative to Justiceworks – January–October 2020

- FLIC has served 305 people during that timeframe.
- Relative to mentoring, the Portage House is not full and has an 8-person maximum due to CV concerns.
- End-of-month participant numbers have been between 8 and 9 people.
- Shifting Gears is not up and running during the pandemic.

Relative to the Diversion Program – April 2018–November 2020

- 304 successful completions.
- Success rate of 90.3%.
- Current active caseload of 134, with 49 being revoked.
- Program fees paid total \$98,595 for an 85% collection rate.
- Restitution paid totals \$141,927 for a 53% collection rate.

Eagon asked for clarification as to whether Probation/Parole had changed its policy related to sanctions available for ADTC participants. Behnke replied the policy says that if a person is not successful in ADTC, without a new felony charge, the person is not necessarily revoked and sent back to prison. This relates to individuals not in ADTC and ADTC participants on an Alternative to Revocation (ATR). Eagon asked if that meant there is no jail sanction available and Behnke said it was twofold. Due to CV, the jail is not allowing ADTC participants into the jail for non-violent offenses. The only option ADTC has to sanction participants that is similar to jail is to put the participant on HDP. If the participant violates HDP, the Treatment Team keeps the participant on HDP until the participant is compliant. No other stricter sanction is available.

Secondly, the Department of Corrections has changed their practices on how they sanction and incarcerate their clients. In the last couple of years, the DOC has used a matrix to determine sanctions, which includes jail. Prior to CV, ADTC participants had been sanctioned to jail through PO holds. Throughout the last couple of years, the length of the PO holds has decreased from seven days to three days. Additionally, to receive a three-day sanction requires a more severe violation than it did in the past. Judge Shannon has explored the idea of using conditional jail release rather than PO holds. Behnke spoke with the TAD Program Manager and was told that conditional jail release cannot be used for treatment courts. Judge Shannon has asked to speak with TAD regarding this issue. Behnke has emailed the TAD Program Manager and is waiting to hear back. Eagon expressed concern for ADTC participants because if they are unsuccessful in the program, they should be in prison, and that is being ignored.

Molepske noted the Department of Corrections had stated guidelines would be out by October 1, but nothing has come forward to-date. He agreed this is a valid concern. Lukas added that Danna Hibbard of Probation/Parole said the probation hold policy is true. He noted CV was a concern in the beginning, but he has now seen more PO holds. Eagon asked for clarification that PO holds were now being accepted and Lukas replied yes, and they would back sanction holds for ADTC. Behnke commented that some ADTC participants ended up being terminated in the beginning of the pandemic because no jail sanction was available. She added that one individual who was terminated from ADTC is doing great at the Portage House.

3. Update on Treatment Court Transitions - Behnke

a. Stevens Point Police Department

Officer Pat Stanislawski is no longer on the Treatment Team and Officer Mike Schultz has taken his place.

b. Assistant District Attorney

Two ADAs are now representing the DA's Office on the Treatment Team: Krista James and Jedidiah Dodge.

c. Public Defender

Two Public Defenders are now representing that office: Anne Renc and Max Bergner.

d. Drug Testing Company

Cordant Health Solutions, out of Colorado, will be taking over ADTC drug testing on January 1, 2021.

4. Update on Non-Monetary Bonds Work Group

Molepske handed-off discussion to Behnke who noted the group had met a couple times and decided on the following: Behnke and JusticePoint staff are to come up with a program and present it to the entire Work Group, including assessments and a GPS program for Pre-Trial participants. There are good documents available on what does and does not work. A best practice that works includes calling to remind individuals of their Court date and telling them how to get to Court, where to park, etc. This has been found to increase compliance. Eagon asked the timeframe and Behnke replied she will meet with JusticePoint staff and complete the recommendation within three months. In addition, they will meet with several others, including staff at the jail, Public Defender, District Attorney, etc.

5. Discussion of the Agenda Items for January 7, 2021 Justice Coalition Meeting

Eagon noted staff will check whether there are sufficient agenda items to hold a January 2021 meeting.

Molepske suggested discussing Court operation after CV vaccinations are available. Eagon commented that jury trials have not started because there is an issue trying to manage large groups coming together.

Haga informed those present the County has invested money needed to address changing the air quality in County buildings to tackle issues with circulation, bacteria, etc. Air exchange has increased, fans are running, etc. There have also been discussions relative to back-up generators. Eagon asked if these changes take out the CV virus. Haga replied the process charges air particles, which causes them to fall to the ground rather than being suspended. Johnson and Johnson is working on the project with Portage County at a cost of \$300,000. This project will impact cold and flu viruses resulting in better air quality than you would find in your home. Eagon expressed thanks for taking appropriate steps to use technology to address air quality.

With no further business to come before the Justice Coalition Executive Committee, the meeting adjourned at 8:45 am.

Respectfully submitted,

Paula Cummings
Recording Secretary