

MINUTES  
Justice Coalition Executive Committee  
March 4, 2021

Members Present: Judges Tom Eagon and Patricia Baker, County Board Chair Al Haga, Sheriff Mike Lukas

Members Present by Video: County Corporation Counsel David Ray, County Executive Chris Holman, District Attorney Louis Molepske (joined meeting at 8:31 am)

Members Unavailable: Judge Robert Shannon, Public Defender Anne Renc

Others Present: In-Person: Justice Programs Department intern, Victim/Witness Coordinator Jane Iwanski, Bailiff Jerry Bodislaw. Virtual: Finance Director, Jenni Jossie

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

Chair Eagon called the meeting to order at 8:05 am in Circuit Court Branch 1.

1. Approve Minutes of December 3, 2020 Meeting

Members approved the December 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). Data included statistical comparisons between the years 2019 and 2020. Behnke discussed and highlighted the following from those handouts:

Relative to Day Report – Comparison of the Years 2019 and 2020

- Referrals in the Diversion Program have increased, while Department of Corrections (DOC) referrals have decreased significantly due to requiring participants to pay testing fees upfront.
- Condition of Bond (COB) participants have decreased due to Covid in 2020.
- Assessments decreased due to less referrals.
- In the year 2020, there were 744 check-ins; noting not all of those had case management.
- There were 12 high severity violations in 2020.
- There were 49 open cases with 10+ violation reports in 2020.
- Due to lack of referrals, successful and unsuccessful numbers were down in 2020.
- The average end of month participant number was 74.8 in 2020; up from 68 in 2019.
- The number of breathalyzers was down due to now assessing participants to determine their level of testing versus the level being court ordered. This indicates the County had been over-testing.
- There were 8 positive breathalyzers in 2020 and 18 in 2019.
- There were 474 missed breathalyzers in 2020, most due to Covid; as a result, not all misses were held against participants.
- There were 278 UAs / Swabs in 2019 and 693 in 2020.
- There were 115 positive UAs and 296 missed UAs in 2020, compared with 278 and 470 in 2019.

Relative to Pre-Trial – Comparison of the Years 2019 and 2020

- Average participants at end of month was 24 in 2019 and 23.4 in 2020.
- The number of breathalyzers was almost the same; noting, participants have always been assessed in this program.
- Number of missed UAs fell from 466 in 2019 to 124 in 2020.
- The number of UAs decreased from 167 in 2019 to 81 in 2020 due to participants now being assessed for their level of testing.
- 2020 case management check-ins were at 90 during Covid.
- 2020 saw 8 high severity violations and 4 open cases with 10+ violation reports.

Relative to Post-Sentence Supervision – Comparison of the Years 2019 and 2020

- 2019 had an average of 14 participants at month's end versus 14 in 2020.
- Of 827 total breathalyzers in 2020, one was positive and there were 20 misses.

- Total UAs in 2020 was 14.
- There was one high severity violation and zero open cases with 10+ violation reports in 2020.
- Successful discharges in 2020 was 17, with zero unsuccessful discharges as compared to 6 and 2 in 2019.
- Positive test results reveal most were THC at 115 in 2020, followed by 17 for methamphetamine, and 7 for amphetamine. It was noted some participants test positive for more than one drug.
- Total PBTs in 2020 was 5,265 versus 6,692 in 2019.
- In 2020, there were 18 with high severity violations and 44 with 10+ violation reports.

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

- \$422,180 saved in cost of days in Waupaca County jail
- \$1,121,777 saved in cost of days in Portage County jail

#### Relative to Portage County Jail Population – Year 2020

- Jail population numbers increased in January 2021 from numbers seen in 2020, but still not back to pre-Covid population numbers. The year 2020 saw jail population in the teens; whereas, the number was 40 in January 2021.
- Inmates being shipped to Waupaca holds steady with a contract in place.
- The juvenile population averages 4 to 6.
- The number of individuals on the Home Detention Program is in the lower to mid-teens.
- The “other” category had been 1-2, and currently it is at 7.

#### Relative to Justiceworks – Year 2020

- FLIC served 171 people in 2020.
- This results in fees going down. It was noted FLIC did not stop serving clients during Covid.

#### Relative to the Diversion Program – April 2018 through December 2020

- 308 successful completions.
- Success rate of 89.97%.
- Current active caseload of 154, with 52 being revoked.
- Program fees paid total \$102,510 with a balance of \$20,195.
- Restitution paid totals \$77,988 with a balance of \$65,086.

#### Relative to Adult Drug Treatment Court – Current

- Currently, there are 10 participants, with 2 pending admissions and 1 under review.
- There were 6 graduates in 2020, with 2 graduations coming up soon.
- Six participants were terminated in 2020.
- Medium Security cost savings from 2014 to current is \$1.3 million dollars and cost savings in the Portage County jail totals \$1.6 million dollars.

#### Ineligible/Declined Participants for Drug Court – Current

- Six participants were found ineligible, 1 declined to participate, and 1 had an administrative discharge.
- The State asked that we change our data collection to be more complete regarding why individuals are being found ineligible or denied Treatment Court. Going back to the beginning of Treatment Court it was found that the highest percentage of denials was due to a current or prior offense for drug manufacturing/delivery/sale. Of the 6 people declined, 4 were not interested in treatment.

### 3. Update on Treatment Court

#### a. Conditional Jail Release

Behnke stated she and Judge Shannon met with State TAD staff regarding conditional jail release and found jail sanction is an option, but should be used sparingly. TAD staff was checking into whether a hearing was required to use this sanction and Behnke had not heard back to date. Judge Shannon thought a hearing was not necessary. Once an answer is given, a policy will have to be created, which would go before the Treatment Court Oversight Committee for approval.

Eagon felt the Treatment Court Judge would address all possible jail sanctions. Behnke noted if the participant would need an attorney, the immediacy of a jail sanction would be lost while waiting. Lukas felt participants sign-up for Treatment Court voluntarily and jail sanctions should be listed in documentation they sign when agreeing to treatment, and those sanctions should be addressed in Treatment Court. He further noted he has not seen hearings required in other Treatment Courts. Lukas stated sanctions are a part of Treatment Court. Baker noted in Marathon County, probation review hearings are held on Fridays and when sanctions are given, the individual goes directly to jail for the weekend. She offered this as a point of reference.

#### 4. Pre-Trial Programming

Behnke reported there is a standstill at this point due to continued pursuit of NCIC access. The Pre-Trial Subunit that was created received the okay, but a contract change for JusticePoint is needed. The Justice Programs Department/Portage County is not considered a criminal justice agency and cannot supervise JusticePoint. If the Justice Programs Department were part of the Sheriff's Office, there would not be an issue. Language has been developed with assistance of the County Corporation Counsel, which is being review at this time. The FBI may approve this language, and if approved, NCIC access would be granted. Behnke noted she spoke to other Pre-Trial Program staff in the State and found those counties have a release matrix, and use evidence-based practices, GPS, drug testing, etc. Other than the matrix, Portage County has all those things in place already. Ray commented that Behnke's description is accurate and acknowledged there was a learning curve on this complicated program.

#### 5. Discussion of the Agenda Items for April 22, 2021 Justice Coalition Meeting (Molepske joins the meeting virtually)

Eagon asked if anyone had items to be added to the April Coalition agenda.

Baker asked for an update on non-monetary bonds and noted she is doing intakes the same way as done in the past. She asked whether any policies had recently been put in place that should be addressed by the Coalition. Behnke explained the Non-Monetary Bond Work Group is now the Pre-Trial Work Group and work continues. Eagon added that access to NCIC is the issue holding this back. Behnke said after NCIC access approval, a policy would be created to allow individuals to be assessed before their court date so you could make bond recommendations and release decisions based on the assessment. Baker asked if the Work Group would talk about monetary and cash bond components and Behnke replied the Work Group was doing that and a release matrix is needed. Behnke offered to continue discussion with Baker after the meeting to bring her up to date.

Hearing no suggestions for agenda items and with no further business to come before the Justice Coalition Executive Committee, the meeting adjourned at 8:36 am.

Respectfully submitted,

Paula Cummings  
Recording Secretary