

**PROCEEDINGS OF THE BROWN COUNTY**  
**CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County Criminal Justice Coordinating Board was held on January 26, 2017 at 8:00 am in the Truttman Room of the Brown County District Attorney's Office, 300 East Walnut Street, Green Bay, Wisconsin.

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**Present:** Chair Walsh, Sheriff John Gossage, Family Services Representative Angela Stueck, Jail Captain Larry Malcomson, Supervisor Brusky, TAD Grant/Treatment Court Coordinator Mark Vanden Hoogen, District Court Administrator Tom Schappa, District Attorney David Lasee, Supervisor Evans, Green Bay Police Chief Andrew Smith, Judge Zuidmulder, Division of Community Corrections Representative Michelle Timm

**Excused:** Citizen Rep Kathy Johnson, Citizen Rep Tim Mc Nulty, Human Services Director Erik Pritzl

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1. **Call Meeting to Order.**

The meeting was called to order by Chair Walsh at 8:02 am.

2. **Approve/Modify Agenda.**

**Motion made by John Gossage, seconded by Joan Brusky to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

3. **Approve/modify Minutes of December 8, 2016.**

**Motion made by Joan Brusky, seconded by David Lasee to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

4. **Mental Health/Detox Beds (Erik Pritzl).**

TAD Grant/Treatment Court Coordinator Mark Vanden Hoogen shared information on behalf of Human Services Director Erik Pritzl who was unable to attend the meeting. Bellin is currently providing detoxification services in Brown County and the County is also currently working on a contract with Willow Creek to provide detoxification services which should help address capacity issues. As of December 2016, there have been 17 detox admissions with an average length of stay of 1.76 days. There have also been six voluntary admissions and 11 holds. There were six referrals that were not admitted due to no shows, medical clearance issues or communication problems. GBPD noted there were three holds in December and all three went well.

GBPD Chief Andrew Smith noted that two officers have been selected to work fulltime on mental health issues which will hopefully lower the time officers spend on mental health calls. He noted that his department handled 695 EM1s last year at an average of five to six hours each. He is hopeful the two dedicated officers who have a talent for these cases and want to work them and know the system will be a game changer in reducing the amount of time the EM1s take. Smith explained the officers will have flexibility to work when the most EM1 calls come in which is typically mid-day. He said the perfect situation would be to have a County clinician paired with two police officers and also to double the number of mental health officers and he is hopeful that someday this will happen.

Supervisor Evans asked Smith to outline how a typical EM1 is handled. Smith explained that these calls typically come in as a radio call for a mental health crisis and noted that many of these people are "frequent flyers" that they see several times a week. Officers trained in this typically know the people, know who their relatives are and what connections they have and they take over the calls. The biggest problem is getting people admitted when it has been determined that they are a danger to themselves or others or when they are unable to care for themselves. Sometimes there is no space available, but the dedicated mental health officers are able to cut through the paperwork more quickly because they know the staff involved which typically makes things happen a little more

quickly. With Willow Creek, the number of trips that will have to be made to Winnebago should be greatly reduced as well.

Judge Zuidmulder said the mental health officers have also been a tremendous asset to the Mental Health Court. They come to court every Friday and know the court participants. He noted that prior to being in the Mental Health Court, many of the participants had very frequent police contact. It is phenomenally impressive at how the police contacts are reduced after these people begin the program. Judge Zuidmulder noted these are typically people that the criminal justice system is poorly equipped to handle, and tangling them up in the criminal justice system is counterproductive. The mental health officers have additional credibility with the EM1 people and have a little extra push sometimes when it comes to having someone admitted. Smith added the mental health officers they have are two of the best and have a knack for it, wanted to do it and competed for the job.

Sheriff Gossage indicated he would like to see a model that would allow Human Services to transfer some of the longer term clients over to Willow Creek from the CTC to free up some beds for weekends. This would help save trips to Winnebago and Mendota when there are capacity issues at busy times.

**Motion made by Pat Evans, seconded by Joan Brusky to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

5. **Jail Population Numbers (Larry Malcomson).**
  - a. **Detail on population by offense.**
  - b. **Drill down numbers.**

Jail Captain Larry Malcomson informed that the jail is currently at 95% capacity. The reports generated by the jail management software system include the probation report and the bonds only report. The information is currently in the system for the bond only report, but it is still being worked on by the software company. There are currently 105 people in the jail on probation holds only. Judge Zuidmulder explained that some of the probation holds could be released in 72 hours, some are there that may or may not be revoked and then there are some in the jail where a determination has already been made to revoke, but if the person does not agree, they are entitled to an administrative hearing and they are waiting for that.

Judge Zuidmulder brought up the idea of forming a subcommittee of this group with representation of the Department of Corrections, DA's Office and Sheriff's Department to meet every couple of weeks to go over patterns of the numbers of people falling into these categories and discuss if there is anything that can be coordinated to impact and reduce those numbers. Regarding the bond people, Judge Zuidmulder also suggested the DA's Office, Public Defender's Office, Court Commissioners and Judges meet to see who these people are, where they are and whether or not they want to look at the bonds. If it is determined there are people sitting in jail for six to eight months waiting for a trial, then the DA's Office or someone should have an explanation as to why the people are waiting that long. Sheriff Gossage said many times it is a longer time frame if they are waiting for a hearing before an Administrative Law Judge. Judge Zuidmulder feels we need to get a better understanding of what that population is and if there are pieces of the population that we can do something about, he feels there is a responsibility to do something about it.

Sheriff Gossage said he recently looked at a case where someone had asked for a hearing before an Administrative Law Judge in October but the hearing has not been held yet. This is on the backs of the taxpayers and Gossage said that many times the Administrative Law Judges will release them on time served rather than sending them to prison. Michelle Timm said the time served ruling does not happen often.

Judge Walsh feels data is needed so we can determine how long people are sitting in jail waiting for an Administrative Law Judge hearing. He does not object to forming a committee for this, but feels that the data is necessary. The discussion continued on who would be the most appropriate to gather the data. Judge Walsh also feels there needs to be a bonding tool that can be presented to the Judges and Court Commissioners to get buy-in so they use it. There also needs to be someone available to administer the tool questions. He noted that Judge Griesbach in Federal Court has someone employed by the courts that administers the tool and then does a risk assessment and provides the information to the Judge, but the Circuit Courts does not have a person in a similar position. Judge Zuidmulder asked if Judge Walsh, the Sheriff and himself can get together and meet with the County Executive to explain all of this so the County Executive can provide funds to employ someone to get the tool in place. He feels if we do not get a handle on this, the jail is going to be popping at 100% and the County is going to have to start spending money shipping people out of the County. He feels it would be more prudent to get money now for a position that can help prevent sending people to other counties.

Judge Walsh informed that the Day Report Center (DRC) does preliminary screenings and the plan is for DRC staff to have contact with everyone coming into the jail at a certain level and he feels that perhaps DRC staff may be able to do the assessment. Gossage added that they do the classification at the jail and the DRC is teaming up with them on that. Judge Zuidmulder said given the current jail population, this is the time to make the argument that in order to avoid shipping inmates out, we need to do something. Supervisor Evans said this Board should define what we want and what data we have and then from there we can say what we need and then from there it can go to the County Board.

Judge Walsh recalled a conversation on a different committee that they want to get to the point that the DRC is overtaxed to show there needs to be more funding for the program. Currently the DRC is going out to the jail every day and screening everyone that comes in. He said it may be a good idea to pick a tool and give it to the DRC to see if they are willing to administer it. If the DRC is not able to do it with the current staff they have then we would need to go back to the County Board and ask for more money. Judge Zuidmulder said the reality is that the jail is building back up to being full and we have not engaged on what might be a way to avoid that, so that is something that needs to be done rapidly.

Sheriff Gossage asked about the screening tool being used by the DA's Office for bonding purposes. DA Lasee said currently they ask four questions. Judge Walsh added there are several different tools and suggested getting together with the DA, Public Defender and some of the Judges and Court Commissions as well as someone from the jail and DRC to look at the tools and select one so it can be pitched to the Judges and Court Commissioners. Judge Zuidmulder would like to be proactive about getting something in place to address this.

**Motion made by Pat Evans, seconded by Judge Zuidmulder for Judge Walsh to put together a small task force to look at screening tools and report back. Vote taken. MOTION CARRIED UNANIMOUSLY**

*Although shown in the proper format here, Items 8 & 9 were taken at this time.*

**6. TAD Grant Programs: Case Manager new hire for Treatment Court (David Lasee).**

TAD Grant Coordinator Mark Vanden Hoogen said an offer will be made today to an individual for the Case Manager position. The candidate has a background of working at Options Treatment with the probation population as well as at ASPIRO and St. John's Homeless Shelter. Vanden Hoogen said the offer will be extended to the hands down best candidate there was who is very passionate and career driven. He is hopeful the candidate will accept the position and start in the next two weeks.

Vanden Hoogen added that a webinar was recently held concerning the TAD grant and it basically covered some changes in the reporting as far as match funds is concerned.

**Motion made by Pat Evans, seconded by Joan Brusky to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

7. **Day Report Center (David Lasee).**

Angela Stueck of Family Services reported on the Day Report Center. Things are going well and there have been about 50 people referred to date since they opened in November. They have completed 43 intakes and Stueck explained that the process includes sitting down with the individual and looking into their complete background and doing a mini evaluation/assessment and then making a recommendations back to the court as far as what the DRC feels they should be doing. This includes the frequency of their visits. Some participants come daily while others come in several times a week. The DRC also looks into what type of case management services are required and this is based on the intensity level that they bring as far as their background and current needs. Stueck also said they have a number of educational and evidence-based groups including anger/aggression, AODA, parenting and life skills. There are currently 55 people participating in the groups and that number is higher than the number of participants because some people are in more than one group to help occupy their time and keep them structured. Stueck believes there are at least three or four participants who are on treatment court waiting lists and she also indicated there have been two accepted into the treatment courts.

Evans asked if there were any capacity issues with the DRC. Stueck responded that they originally felt they could serve 75 – 100 people comfortably but since they have added the jail screening process it is taking a little more time and they continue to navigate through to see if that system is helpful in the process. She also said the classification process has been fantastic in getting the DRC what they need and helping them identify who they want to quick screen every morning and they are able to get that information back to the DA's Office and Court Commissioners for afternoon court sessions. Only a small handful of the people they have screened have made their way to the DRC and they are still trying to work out some kinks. The quick screen only takes about 10 minutes and they are looking at the information provided by classification. They also ask a few questions as to their level of needs and if they will participate with the DRC. Stueck said there have been some really belligerent responses and they advise the Court of this, but ironically some of these people have ended up at the DRC and are actually doing well. Judge Walsh wanted to be sure that DRC realizes the Judges are open to feedback and she said they continue to find their way and work through things to find how to be the most impactful. Stueck said the screening process takes a lot of time and noted they did the same process in Winnebago County but said they did not do as much hands-on programming there as they are targeting to do here. They find that hands down what is coming to them are very significant AODA issues and in some cases they cannot even meet all of the needs. In those situations they hook the people up with other community resources.

Stueck continued that they are continuing to work through all of the kinks to make the program as effective as possible. Lasee said if it is shown that the program works, we should look at putting someone at the DRC instead of being put on probation, but this is a bigger budget issue. This would be something to look at in the long term. If the person is successful at the DRC, probation may be avoided altogether for some of the low level offenders.

Evans asked who makes the determination as to how long someone goes to the DRC and Stueck responded that DRC staff makes recommendations back to the Court on this. Brusky asked about the staffing at the DRC and Stueck said they currently have full-time staff members as well as a vacant half time position that they are holding until they see the future needs to be sure it is targeted effectively. Hours at the DRC are 9:00 am to 5:00 pm, but it was noted that there is some flexibility in those hours when needed.

**Motion made by Pat Evans, seconded by Joan Brusky to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**8. Mental Health Court (Judge Zuidmulder).**

Judge Zuidmulder informed there are currently 13 – 17 participants in the Mental Health Court and the people involved are doing quite well. There is a waiting list and he is hopeful that with a new case worker the numbers can be pushed up to 25 – 30.

**Motion made by Pat Evans, seconded by John Gossage to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**9. OWI Court: Referral from County Board.**

Judge Zuidmulder distributed a copy of the minutes taken at a meeting held on January 23, 2017 to discuss the formation of an OWI Court, a copy of which is attached. The meeting was very productive. He noted that the public education piece is having an impact because there has been a drop in first offense OWIs, however, the scary thing is how little movement there seems to be on the second, third, fourth and above offenses. They talked about this and will be looking at different models, but what they are thinking is looking at a BAC of above .20 for third to sixth offenses. He noted that as of January 1, 2017 all fourths, fifths and sixths are felonies and noted that the seventh and above carry a mandatory three years of initial confinement. Judge Zuidmulder continued that the first thing the group wants to do is see how many people fall into the category of .20 or above for fourth, fifth and sixth offenses to see if an OWI Court will have capacity for the number of people who fall into this category. From there they will look at other criteria such as how many people would qualify and if the people are willing to do it and they would also want to be sure that there is a sufficient number for a Court and then design criteria to fit that. He feels 20 – 25 people would be a good target. Judge Zuidmulder said an OWI Court in Brown County would replicate successful programs elsewhere and noted that participants would be on probation and would be supervised by a probation agent and a case manager. He has had some conversations with Sheriff Gossage and informed him that the Court would have to be equipped with sober links so participants can be monitored 24 hours a day. A budget also needs to be put together to include the cost of equipment like GPS units and sober links, case managers and treatment services and this would then be put into a proposal to come back to this group and then on to the County Board for consideration. He is very optimistic that this is going well and the only issue he feels there may be is recruiting another Judge to do this. There are already four judges involved in treatment courts so they would have to persuade another judge to do the OWI Court. Judge Zuidmulder feels those of us who have lived here all our lives know this is an area that we really have to take some action on. He said that statistically there is a high rate of accidents and deaths that are alcohol related and he feels that an OWI Court is something we need to do to help this out. He will continue to work on this with the committee that has been formed and would like to add someone from corrections to the group. Judge Zuidmulder would also like to get some scholarship money for the alcohol assessments because often people are not able to come up with the money for an assessment.

Judge Walsh indicated this matter was referred to this Committee by the County Board and asked if Judge Zuidmulder would be the designee of the Criminal Justice Coordinating Board to address the Public Safety Committee. Judge Zuidmulder said he will keep the Public Safety Committee updated and also asked that the minutes he passed out at this meeting be forwarded to the Public Safety Committee.

**Motion made by Pat Evans, seconded by Joan Brusky that the Criminal Justice Coordinating Board is in support of the formation of an OWI Court with recommendations to follow. Vote taken. MOTION CARRIED UNANIMOUSLY**

10. **Heroin/Drug Court (Judge Walsh).**

Judge Walsh reported that the Heroin/Drug Courts are doing well. There is currently a waiting list but the people on that list are using the services at the DRC until they can get into the treatment court.

**Motion made by Pat Evans, seconded by Joan Brusky to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

11. **Future agenda items, if any.**

Sheriff Gossage informed that the National Institution of Corrections will be conducting jail and justice system assessments in March. He feels the findings will be interesting to this Board and this is something that can be addressed in greater detail at an upcoming meeting.

Green Bay Police Chief Andrew Smith would like to see a discussion on the next agenda regarding the changes on immigration under the new federal administration.

**Motion made by Pat Evans, seconded by David Lasee to place discussion regarding changes with regard to immigration under the new federal administration on the next agenda. Vote taken. MOTION CARRIED UNANIMOUSLY**

12. **Such other matter as authorized by law. None.**

13. **Adjourn.**

**Motion made by Pat Evans, seconded by David Lasee to adjourn at 8:59 am. MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Therese Giannunzio  
Recording Secretary

## Minutes from Meeting on January 23, 2017

### Consideration of Implementing an OWI Treatment Court

**Present:** Judge Zuidmulder, District Attorney Lasee, Sheriff Gossage, Capt. Knoebel, Attorney Enli, Attorney Viel, Mark Vandenhoogen, Lori White, Barbara Jordan, Adam Busalacchi.

1. List of OWI Treatment Court Committee Members and contact information distributed to members.
  - a. Representative from Department of Corrections is needed on the Committee. Judge Zuidmulder will find out who the representative will be and add to Committee.
  
2. Discussion:
  - a. OWI data from Clerk of Courts Office distributed to all members.
  - b. Discussion as to different models and the requirements needing to be met to determine which individuals may be accepted into this treatment court. Mark V. asked to find out how long the OWI treatment courts in other counties have been in existence and the eligibility requirements.

Discussion as to the population of individuals that may be eligible for this treatment court: what number of offense for individual, time period between each offense, alcohol based offenses and high blood alcohol levels.

Consider other strategies for a broader approach for individuals that may not meet the eligibility requirements.

- c. Mark V. and Lori W. to request handbooks from other counties and to look at fiscal issues to be considered such as case manager position, monetary assistance for individuals to obtain assessments, cost of Soberlink monitors.

Sheriff Gossage can provide information on Soberlink monitors.

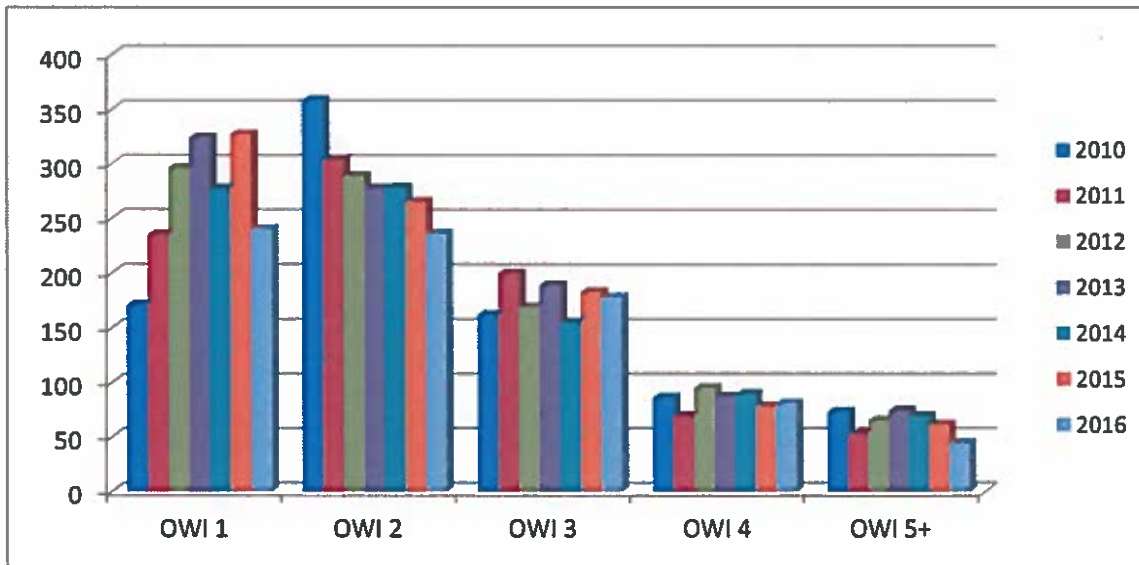
Judge Zuidmulder will request the Department of Corrections representative obtain a copy of the memorandum of understanding used in other OWI treatment courts and bring to next meeting.

District Attorney Lasee to review 4<sup>th</sup> offense cases from 2016, for blood alcohol levels of .20 or higher.

**Next meeting:** Monday, February 20, 2017, at Noon in Room 280, Branch 1 Jury Room.

# OWI Convictions Brown County

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
OWI 1	171	235	296	324	277	327	240
OWI 2	358	303	289	277	278	265	236
OWI 3	162	200	169	189	155	183	178
OWI 4	86	69	95	87	89	78	81
OWI 5+	73	52	65	74	69	61	44
<b>Total</b>	<b>850</b>	<b>859</b>	<b>914</b>	<b>951</b>	<b>868</b>	<b>914</b>	<b>779</b>



Statute # 346.63(1)(a)



OWI Treatment Court Committee Email List

Judge Donald R. Zuidmulder	Donald.Zuidmulder@wicourts.gov
Supervisor Nicholson	<u><a href="mailto:Vote4Nicholson@aol.com">Vote4Nicholson@aol.com</a></u> or 465-3564
Sheriff John Gossage	<u><a href="mailto:Gossage_JR@co.brown.wi.us">Gossage_JR@co.brown.wi.us</a></u>
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Lt. John Mitchell	<u><a href="mailto:Mitchell_jw@co.brown.wi.us">Mitchell_jw@co.brown.wi.us</a></u>
DOC Representative	Unknown at this time