

Minutes
Trempealeau County Criminal Justice Coordinating Council
March 23, 2010

Members present: Dick Miller, Doug Winters, Barb Semb, Wally Geske, Judge John Damon, Jill Clark, District Attorney Jeri Marsolek, Sheriff Richard Anderson, Lt. Tonya Niederkorn, Pat Malone, Human Services Director Jeff McIntyre, Olin Fimreite, Victim/Witness Coordinator Deb Garson, and Probation/Parole Cherise Nielsen.

The meeting was called to order by Miller at 1:08 p.m. stating proper posting and notification has met open meeting requirements. Motion by Marsolek and seconded by Geske to accept the agenda as posted. Motion carried 12-0.

Miller questioned if there were any changes to the previous meeting minutes. Hearing none, motion by the minutes of February 23, 2010 meeting were accepted as submitted. Motion carried 12-0.

Define Roles, Liability, and Responsibility within Criminal Justice System

Miller advised in his opinion the Criminal Justice System is non-centralized because there are so many components to the system. Therefore, he would like to have a discussion to clarify roles, liability and responsibility within the system.

Judge Damon was asked who assumes responsibility/liability once an individual is sentenced to jail time. Damon advised when someone is sentenced to the jail the liability then falls onto the Sheriff. This includes individuals who are placed on the electronic monitoring program as they are still considered an extension of the jail. Judge Damon further advised that if an individual is out on a furlough the responsibility for that individual would again fall on the Sheriff. Sheriff Anderson advised that he would not grant an individual a furlough without authorization from the Judge, because of the liability risks. The Judge cannot specifically sentence an individual to serve their sentence through the electronic monitoring program. Eligibility for the electronic monitoring program is at the discretion of the Sheriff.

Probation does have the authority to require electronic monitoring even though it is not part of sentencing what so ever. They can also impose rules of supervision that may not be included in the original sentence.

It was discussed that inmates commonly break rules while in jail, on Huber or electronic monitor. This results in revocation of Huber and/or good time. In these cases the revocation order is signed off on by the Judge. The Judge determines if an individual is eligible for Huber but cannot set the rules for the Huber program. The guidelines for the Huber program are determined by the Sheriff. Miller advised that having the option of Huber is important. Niederkorn advised as of today's date there are only three individuals on Huber in the jail. All other individuals that qualify for Huber status are either on the electronic monitoring or Drug Court programs.

Sheriff Anderson advised that he recently spoke with Jane Klekamp of the La Crosse County Justice Sanctions Program. During that conversation Sheriff Anderson provided Klekamp with an overview of the programs that are currently offered in Trempealeau County as an alternative to incarceration. Sheriff Anderson then asked Klekamp to advise what programs are missing in Trempealeau County. At that time Klekamp advised that they could not think of anything that was missing but would think about that question. Sheriff Anderson has not had any additional responses from Klekamp at the time of this meeting; however she would be willing to setup a meeting to discuss potential differences.

Marsolek advised that when comparing the closure of the La Crosse County Huber Center to the use of Huber in Trempealeau County it is important to keep in mind that the Trempealeau County Huber dorm is not a separate facility as it was in La Crosse County and therefore does not require additional staffing as it did in La Crosse County.

Probation and Parole agents oversee individuals sentenced to probation by the judge and individuals who are released from the prison system. There are currently five agents working in Trempealeau County. They also supervise Trempealeau County residents who have not necessarily been convicted of crimes in Trempealeau County. All individuals supervised by Probation and Parole are under the direction of the Department of Corrections which is for the protection of the community. *For the next meeting Nielsen was asked to provide statistics on the number of individuals being supervised as a result of probation sentences from the court versus the number of individuals being supervised as a result of parole or extended supervision.*

Fimreite questioned where the large amount of DOC funding has spent. Nielsen advised she does not have that answer as that answer would have to come from someone above her. She further advised in her opinion they do not have enough funding for day to day operations.

The committee discussed that the more options that are available the more opportunities there are for the Criminal Justice System to serve and protect the community.

There was some discussion on the differences between the probation and parole system in Wisconsin versus that of Minnesota. The State of Minnesota Department of Corrections strictly deals with felony level cases. Some individuals with felony convictions and those individuals with misdemeanor convictions are supervised by county level probation and parole. This makes it extremely difficult to track who is on probation/parole. Also in the State of Minnesota the agents have **no** power for arrest and all sanctions must be done in front of the Judge with the assistance of the District Attorney. This puts a burden on the court system and creates a need for additional judges and District Attorney's office personnel.

There was also some discussion on the differences between the jail/prison populations in Minnesota versus Wisconsin. One difference is the difference in philosophies between the two states so in order to make a change there would need to be a change of philosophy throughout the entire state. Nielsen advised that State of Minnesota places more emphasis on community corrections and treatment facilities within their state. The committee also discussed the importance of keeping in mind the prison population in southeast Wisconsin when looking at our state's jail/prison population as that area accounts for a large percentage of this population.

Clark advised that they oversee the community service, mediation (small claims & victim/offender) and Teen Court within their office. It was noted that the county is liable for those individuals sentenced to and/or completing community service.

Garson advised her job is to explain to victims why the offender is not in jail/prison or why they are placed on the electronic monitoring program. Garson advised victims are angry because people are not being punished even though they, as victims, have been personally violated. She advised that victims also feel fear after their experience and often have a difficult time moving on.

There was discussion on the VINE program which is currently available. At the county level anyone can register for the automated telephone service that allows individuals to receive notification when an inmate is released from jail or the incarceration status changes. On the state level only victims are able to register

for such notification. Sheriff explained the system was implemented through a grant, with funding scheduled to run out sometime this fall, however the equipment is in place.

McIntyre advised that the IDIP program will be evaluated to determine if it has been beneficial. Participants in the program pay a fee at the start of their participation. Oversight of this program is contracted through an outside organization so county staff time is very limited. Time for completion of the program ranges from four to six months and involves random drug/alcohol testing, treatment and community service. Participants choose to enter the program in exchange for reduced jail sentences. Individuals who are convicted of OWI which results in the injury or death of another individual are not eligible for this program.

System Deficiencies

Judge Damon questioned what services can be offered to victims to assist in the healing process. Garson advised victims are referred for counseling services but there is limited funding for specific cases. The limited funding is only available for those individuals who are physically injured as a result of the crime(s) committed against them.

This is one of the areas of concern as it seems victims are frequently forgotten about within the system. There was also discussion on transportation services for victims to and from court.

McIntyre advised they sent out letters to victims for an OWI Victim Impact panel but they received zero response. Garson states in many cases victims do not want to participate in victim/offender mediation because they do not want face or listen to the individuals that have violated them.

Marsolek advised there seems to be a misconception about the types of individuals who are actually sentenced to serve jail time. She further advised that there are statutory sentencing requirements for OWI cases but in all other cases jail is only requested for those individuals who pose a risk to society. It was further discussed that jail is part of the rehabilitation process.

Fimreite advised at the previous meeting there was discussion about transportation for individuals on Huber status. He states he contacted one of the drivers for seniors who advised there are over 60 drivers for that program. McIntyre advised that those individuals funding for that program is through DOT and Department of Aging, further stating that use of those funds is restricted to specific programs.

District Attorney Misdemeanor Diversion Program Grant

Marsolek advised that there is nothing new to report at this time. Interviews for the coordinator position are scheduled to take place within the next two weeks.

Risk Assessment Tools

Risk assessment tools are currently being utilized by Probation and Parole and Human Services. It is important to note that DOC is working on revising their risk assessment tools to create a standardized assessment that will include domestic violence and sexual offenders as the current tools do not. The risk assessment tools used by Probation and Parole are based on evidence based practice and used to determine level of supervision.

Due to time restraints the risk assessment tool being used by Human Services will be discussed further at next month's meeting.

As a result of their study in October the National Institute of Corrections suggests that a jail/justice system population analysis be conducted as part of an overall needs assessment to determine which programs will be most cost effective with the greatest number of population. This is where having good

information from the jail and probation will be critical. NIC would not recommend developing any specific program until it was discovered, *who is in the jail and court system and why are they there*. Getting empirical evidence to support the development and cost of the program is the key to success. Getting good analysis on the population to be served is the first step.

Values and Proposed Operation Rules

This discussion has been tabled until the next meeting.

Set Next Meeting Date/Time

For the next meeting Miller requested committee members to determine the amount of time spent on alternative programming within each department along with associated costs.

Fimreite was further requested to contact La Crosse County to determine how many beds they have in their current jail facility versus how many beds will be available once their new addition has been completed. Fimreite was further requested to obtain information on how many individuals are incarcerated in the La Crosse County Jail on a daily basis and their average jail population.

At the April meeting the group will also continue to discuss the needs and deficiencies within the system.

The next Trempealeau County Criminal Justice Coordinating Council meeting will be held on Tuesday, April 27, 2010 at 1:00 p.m. in the Tremple Room. The committee also tentatively scheduled meetings for May 25, 2010 at 1:00 p.m. and June 29, 2010 at 1:00 p.m.

Miller adjourned the meeting at 2:35 p.m.

Rebecca Suchla
Trempealeau County Sheriff's Department
Office/Fiscal Manager