

WINNEBAGO COUNTY SAFE STREETS INITIATIVE

April 20, 2018

Circuit Courtroom Branch 2

MEMBERS PRESENT:	Jon Bellows, Barry Busby, Todd Christie, Jennifer Delfosse, Paul Eisen, Bryan Keberlein, John Matz, Linda Meier, Carol Morack, Kate Meulemans, Karen Seifert, Bill Wingren, Scott Woldt
OTHERS PRESENT:	Rachael VanDyke, Larry Lautenschlager, Mike Norton, Kathleen Weinhold, Jolie Lizette

APPROVAL OF AGENDA:

Agenda approved.

APPROVAL OF MINUTES:

Minutes from meeting on January 18, 2018 approved.

PUBLIC COMMENTS:

Kathleen Weinhold, ESTER, questioned whether the Safe Streets Step-Up program was the same as the Stepping Up program. She reported that she attended a meeting at FVTC discussion incarceration costs and mental health needs of those incarcerated. She was directed to contact District Attorney Gossett to discuss those concerns further.

MENTAL HEALTH COURT:

A sub-committee was created to explore the possibility of a mental health court. The members are Sheriff Matz, Carol Morack, Jon Bellows, Judge Elect Teresa Basiliere, Paul Eisen, Linda Meier and Missy Woldt.

OVERDOSE FATALITY REVIEW

A facilitator has been hired who is/will be meeting with individuals on the committee.

STATUS REPORTS:

DRUG COURT:

The numbers for Drug Court and all other Safe Streets programs are attached.

Members recently attended the State training. They will be looking at incentives/sanctions and possible restructuring of the phases.

SSTOP:

Numbers are attached.

Guidelines are attached.

A question was raised about participants completing community service in lieu of paying fines. It was suggested that the request be made at sentencing. The relevant statute is attached.

24/7 PROGRAM:

There are approximately 26 participants in the Drug program and 90 in the alcohol program. Sheriff Matz reported that they are seeing an increase in compliance with the program.

DOMESTIC VIOLENCE DIVERSION PROGRAM:

No update available.

DRUG DIVERSION PROGRAM:

No update available.

DA PROSTITUTION DIVERSION PROGRAM

No update available.

STEP UP PROGRAM:

No update available.

RE: THINK

Meetings are held in the community with different groups to discuss the overdoses. The overdose review pilot program has begun. They are also looking at possible connections between suicides and overdose/addiction issues. They are also working with the Health Department to address alcohol and tobacco related issues.

Good Choices

The program is very sparingly used by Winnebago County and the City of Menasha.

DHS Diversion Program

Numbers attached. The plan is to share information with the Mental Health court sub-committee.

Teen Court

Numbers attached. Rachel reported that all schools are involved. They are trying to get more volunteers as many are graduating.

NEW BUSINESS:

Coroner Busby reported on the number of overdoses as well as the increase in violent crime associated with drug abuse. He also discussed the risk of HIV and hepatitis with infected needles, suicides, infant mortality and infants born with special health concerns. There was discussion regarding U-Chips petitions for unborn children and the status of the law.

Sheriff Matz gave an update regarding the jail study which includes a look at:

- Funding
- Diversion Programs
- Predicting Future Jail Population
- Expansion
- Type of Housing suggested

NEXT MEETING: Friday, July 13, 2018 at noon in Br. 4 courtroom (2nd floor).

(pizza – Paul Eisen; pop – leftovers)

Please advise if you are not able to attend the meeting.

Safe Streets Programs
2018 Stats

Drug Court

<i>Active Participants</i>	29
<i>Phase 1</i>	11
<i>Phase 2</i>	8
<i>Phase 3</i>	8
<i>Phase 4</i>	2
<i>Total Graduates</i>	112

Teen Court

<i>Active Participants</i>	6
<i>Females</i>	4
<i>Males</i>	2
<i>Offense Type</i>	
<i>Retail Theft</i>	1
<i>Disorderly Conduct</i>	3
<i>Possession</i>	1
<i>Other</i>	1
<i>2018 Referrals</i>	22
<i>2018 Accepted</i>	6
<i>2017 Referrals</i>	67
<i>2017 Accepted</i>	18

SSTOP

<i>Active Participants</i>	93
<i>Males</i>	63
<i>Females</i>	30
<i>Treatment</i>	39
<i>MOP: Education</i>	24
<i>Pending Assessment</i>	30
<i>2nd OWI</i>	48
<i>3rd OWI</i>	45
<i>Community Service</i>	
<i>Ordered</i>	3857
<i>Completed</i>	859
<i>Days Sentenced</i>	5364
<i>Stayed</i>	3857
<i>Imposed</i>	1534
<i>Days Saved</i>	1507

DHS Diversion

<i>Total Participants</i>	132
<i>Successful Completions</i>	67
<i>Revocations</i>	26
<i>Active Participants</i>	39
<i>Females</i>	15
<i>Males</i>	24
<i>Referral Type</i>	
<i>AODA</i>	11
<i>Behavioral Health</i>	30
<i>Internal Services</i> <i>(Receiving Services at</i> <i>Human Services)</i>	11
<i>Types of Offenses</i>	
<i>Disorderly Conduct</i>	9
<i>Domestic Disorderly</i>	8
<i>Battery</i>	2
<i>Prostitution</i>	5
<i>Truancy-contributing</i>	1
<i>Possession</i>	3
<i>Theft</i>	7
<i>Criminal Damage</i>	2
<i>Other</i>	2

FOURTH JUDICIAL DISTRICT OWI SENTENCING GUIDELINES SECOND OFFENSE NON-COMMERCIAL

Citations issued after January 1, 2014

PAC	NON-AGGRAVATED	AGGRAVATED
Below .119	5 days jail \$350 + costs = \$1,379.00 12 Months Revocation & IID Alcohol Assessment	10 days jail \$400 + costs = \$1,442.00 14 Months Revocation & IID Alcohol Assessment
.12 to .169	10 days jail \$400 + costs = \$1,442.00 13 Months Revocation & IID Alcohol Assessment	20 days jail \$450 + costs = \$1,505.00 15 Months Revocation & IID Alcohol Assessment
.17 to .199	20 days jail \$450 + costs = \$1,505.00 14 Months Revocation & IID Alcohol Assessment	30 days jail \$500 + costs = \$1,568.00 16 Months Revocation & IID Alcohol Assessment
.20 to .249	30 days jail \$500 + costs = \$1,568.00 16 Months Revocation & IID Alcohol Assessment	40 days jail \$550 + costs = \$1,631.00 17 Months Revocation & IID Alcohol Assessment
.25 & Over (Refusal)	50 days jail \$600 + costs = 1,694.00 17 Months Revocation & IID Alcohol Assessment	60 days jail \$650 + costs = \$1,757.00 18 Months Revocation & IID Alcohol Assessment
*****	2 years Probation	2 years Probation

PENALTY RANGE

JAIL

5 days to 6 months jail (346.65(2)(am)2)

FINE / COSTS

\$350-\$1,100 Fine

Costs total \$475 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Justice Information Surcharge, Court Support Surcharge, Crime Lab/Drug Surcharge) plus a penalty surcharge equal to 26% of the fine

REVOCAATION

12-18 Months (343.30) (343.30(1q)(b)3)
45 day waiting period for Occupational License;

PASSENGER UNDER AGE 16

Double minimum and maximum fine and jail (346.65(2) (f))

REFUSAL

2 year revocation and 90-day waiting period for Occupational license, unless 2nd offense in 5 years, then waiting period is 1 year (343.305(10)(b)3)

Refusal (Continued)...

If no refusal hearing is requested, revocation period begins 30 days after the date of the refusal. If a hearing is requested, revocation period begins 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later. (343.305(10)(a))

If a minor passenger, length of revocation doubles (343.305(10)(b)4m)

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- Community service for defendant unable to pay the fine (346.65(2g)(ag)
- Interlock for not less than 1year nor more than 18 months (343.301(1)(a)1)

Court May Order:

- Safety plan to include effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine (346.65(2g)(a))
- Site visit that demonstrates the effects of substance abuse (346.65(2i))
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan (346.65(2e))
- Restitution (346.65(2r))

**FOURTH JUDICIAL DISTRICT OWI SENTENCING GUIDELINES
THIRD OFFENSE NON-COMMERCIAL**

Citations issued after January 1, 2014

PAC	NON-AGGRAVATED	AGGRAVATED
Below .119	45 days jail \$600 + costs = \$1,694.00 24 Months Revocation & IID Alcohol Assessment	50 days jail \$700 + costs = \$1,820 26 Months Revocation & IID Alcohol Assessment
.12 to .169	55 days jail \$700 + costs = \$1,820.00 26 Months Revocation & IID Alcohol Assessment	65 days jail \$800 + costs = \$1,946.00 28 Months Revocation & IID Alcohol Assessment
.17 to .199	70 days jail \$1,200 + costs (\$600 x 2) = \$2,452.00 28 Months Revocation & IID Alcohol Assessment	80 days jail \$1,400 + costs (\$700 x 2) = \$2,706.00 30 Months Revocation & IID Alcohol Assessment
.20 to .249	85 days jail \$1,800 + costs (\$600 x 3) = \$3,214.00 30 Months Revocation & IID Alcohol Assessment	100 days jail \$2,100 + costs (\$700 x 3) = \$3,595.00 33 Months Revocation & IID Alcohol Assessment
.25 & Over (Refusal)	100 days jail \$2,400 + costs (\$600 x 4) = \$3,976.00 33 Months Revocation & IID Alcohol Assessment	120 days jail \$2,800 + costs (\$700 x 4) = \$4,484.00 36 Months Revocation & IID Alcohol Assessment
*****	2 years Probation	2 years Probation

PENALTY RANGE

JAIL

45 days to 12 months jail (346.65(2)(am)3)

FINE / COSTS

\$600-\$2,000 Fine; if PAC ≥ .17, fine doubles; ≥ .20, fine triples; ≥ .25, fine quadruples (346.65(2)(g))

Costs total \$475 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Justice Information Surcharge, Court Support Surcharge, Crime Lab/Drug Surcharge) plus a penalty surcharge equal to 26% of the fine

REVOCAION

24-36 months (343.30(1q)(b)4)

45-day waiting period for Occupational License

PASSENGER UNDER AGE 16

Felony conviction, plus minimum and maximum fine and jail double (346.65(2)(f))

REFUSAL

3 year revocation and 120-day waiting period for Occupational license, unless 2nd offense in 5 years, then waiting period is 1 year (343.305(10)(b)4)

Refusal (Continued)...

If no refusal hearing is requested, revocation period begins 30 days after the date of the refusal. If a hearing is requested, revocation period begins 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later. (343.305(10)(a))

If a minor passenger, length of revocation doubles (343.305(10)(b)4m)

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- Interlock for not less than 1 year nor more than 36 months (343.301(2m))
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

Court May Order:

- Safety plan to include effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine (346.65(2g)(a))
- Site visit that demonstrates the effects of substance abuse (346.65(2i))
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan (346.65(2e))
- Restitution (346.65(2r)(a))

346.65(2e)

(2e) If the court determines that a person does not have the ability to pay the costs and fine or forfeiture imposed under sub. (2) (am), (f), or (g), the court may reduce the costs, fine, and forfeiture imposed and order the person to pay, toward the cost of the assessment and driver safety plan imposed under s. 343.30 (1q) (c), the difference between the amount of the reduced costs and fine or forfeiture and the amount of costs and fine or forfeiture imposed under sub. (2) (am), (f), or (g).

(2g)

(a) In addition to the authority of the court under s. 973.05 (3) (a) to provide that a defendant perform community service work for a public agency or a nonprofit charitable organization in lieu of part or all of a fine imposed under sub. (2) (am) 2., 3., 4., and 5., (f), and (g) and except as provided in par. (ag), the court may provide that a defendant perform community service work for a public agency or a nonprofit charitable organization in lieu of part or all of a forfeiture under sub. (2) (am) 1. or may require a person who is subject to sub. (2) to perform community service work for a public agency or a nonprofit charitable organization in addition to the penalties specified under sub. (2).

(ag) If the court determines that a person does not have the ability to pay a fine imposed under sub. (2) (am) 2., 3., 4., or 5., (f), or (g), the court shall require the defendant to perform community service work for a public agency or a nonprofit charitable organization in lieu of paying the fine imposed or, if the amount of the fine was reduced under sub. (2e), in lieu of paying the remaining amount of the fine. Each hour of community service performed in compliance with an order under this paragraph shall reduce the amount of the fine owed by an amount determined by the court.

(am) Notwithstanding s. 973.05 (3) (b), an order under par. (a) or (ag) may apply only if agreed to by the organization or agency. The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored. Any organization or agency acting in good faith to which a defendant is assigned pursuant to an order under this subsection has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant. The issuance or possibility of the issuance of a community service order under this subsection does not entitle an indigent defendant who is subject to sub. (2) (am) 1. to representation by counsel under ch. 977.

(b) The court may require a person ordered to perform community service work under par. (a) or (ag), or under s. 973.05 (3) (a) if that person's fine resulted from violating s. 346.63 (2), 940.09 (1) or 940.25, to participate in community service work that demonstrates the adverse effects of substance abuse or of operating a vehicle while under the influence of an intoxicant or other drug, including working at a treatment facility approved under s. 51.45, an emergency room of a general hospital or a driver awareness program under s. 346.637. The court may order the person to pay a reasonable fee, based on the person's ability to pay, to offset the cost of establishing, maintaining and monitoring the community service work ordered under this paragraph. If the opportunities available to perform community service work are fewer in number than the number of defendants eligible under this subsection, the court shall, when making an order under this paragraph, give preference to defendants who were under 21 years of age at the time of the offense. All provisions of par. (am) apply to any community service work ordered under this paragraph.

(c) If there was a minor passenger under 16 years of age in the motor vehicle or commercial motor vehicle at the time of the violation that gave rise to the conviction, the court may require a person ordered to perform community service

work under par. (a) or (ag), under s. 973.05 (3) (a) if that person's fine resulted from violating s. 346.63 (2), (5) (a) or (6) (a), 940.09 (1) or 940.25, or under s. 973.05 (3) (a) if that person's fine resulted from violating s. 346.63 (1) (am) and the motor vehicle that the person was driving or operating was a commercial motor vehicle, to participate in community service work that benefits children or that demonstrates the adverse effects on children of substance abuse or of operating a vehicle while under the influence of an intoxicant or other drug. The court may order the person to pay a reasonable fee, based on the person's ability to pay, to offset the cost of establishing, maintaining and monitoring the community service work ordered under this paragraph.