

## WINNEBAGO COUNTY SAFE STREETS INITIATIVE

April 26, 2019

Circuit Courtroom Branch 4

<b>MEMBERS PRESENT:</b>	Barry Busby, Jennifer Delfosse, Paul Eisen, Doug Gieryn, Christian Gossett, Joan Koch, John Matz, Linda Meier, Carol Morack, Chris Rose, Karen Seifert, Rachael Van Dyke, Chee Vang
<b>OTHERS PRESENT:</b>	Makenzie Reinke,

### APPROVAL OF AGENDA:

Agenda approved.

### APPROVAL OF MINUTES:

Minutes from meeting on January 18, 2019 approved.

### PUBLIC COMMENTS:

Paul Eisen reported that he testified in front of Joint Finance Committee in Green Bay to request funding for treatment alternatives and Diversion programs. A copy of his written statement is attached.

### OVERDOSE FATALITY REVIEW

- a. The committee attended a Statewide summit and presented about what the Winnebago County review board is doing
- b. They are looking at what Milwaukee is doing with heat mapping of deaths
- c. There was a meeting on May 1

### MENTAL HEALTH COURT:

District Attorney Gossett presented to the County Board regarding mental health needs and services available. There is no plan for a formal Mental Health Court. Data is being collected to assess the scope of the problem and there is a push to ensure continuity of care when someone is released from the jail and/or discharged from probation.

### STATUS REPORTS:

#### DRUG COURT:

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

There has been a decrease in the number of referrals to the program. There was a graduation on June 6 and another in July and 3 people are expected to graduate at each ceremony.

Participants have been active in the community including presenting at high schools.

The team will be attending the State Training in May.

#### SSTOP:

Numbers are attached and have remained consistent. There has been discussion regarding using the 24/7 program as part of the SSTOP program and as a transition to the ignition interlock device.

#### 24/7 PROGRAM:

There is an average of 26 participants in the Drug program and 109 in the alcohol program. The drug program is not as successful as the alcohol program in terms of compliance.

The District Attorney's office has received a grant for medication assisted treatment for opiates and this may be an alternative to the 24/7 drug program. The medication assisted treatment program may "piggy back" the LEAP program that the Oshkosh Police Department has begun.

DISTRICT ATTORNEY DIVERSION PROGRAMS:

The programs that were previously listed as diversion programs will now be included under a general DA Diversion Program update. The DA's office has a number of diversion programs that are offered (attached). Each individual that is offered a diversion agreement is assessed for their risks and needs and an individualized contract with conditions is created.

STEP UP PROGRAM:

No update available. Judge Seifert will contact Oshkosh Police Department for a representative to attend the Safe Streets meetings.

RE: THINK

No update available. Doug Gieryn (health department) or Melissa Pingel will be asked to report on this program in the future.

Good Choices

No new referrals. The program is still only used by Winnebago County and city of Menasha.

DHS Diversion Program

Numbers attached. There continues to be an increase in referrals to the program with individuals using internal and external services.

Teen Court

Numbers attached.

**NEW BUSINESS:**

Representative Gordon Hintz reported that the proposed budget may include funding for new and existing TAD programs. Winnebago County had given up a prior grant and is eligible to reapply for funding.

Justice Services is being utilized to assess mental health needs and services.

**NEXT MEETING: Friday, July 12 at noon in Br. 4 courtroom (2<sup>nd</sup> floor).**

(pizza – Sheriff; pop – Judge Seifert)

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

Paul Eisen, 1887 Delight Road, Kaukauna WI 54952 920-858-0081

2019 JOINT FINANCE COMMITTEE TESTIMONY

PAUL EISEN, DISTRICT 4 WINNEBAGO COUNTY BOARD SUPERVISOR FOR 13 YEARS RESIDING IN THE VILLAGE OF FOX CROSSING. MEMBER OF WISCONSIN COUNTIES ASSOCIATION JUDICIARY & PUBLIC SAFETY STEERING COMMITTEE.

I ASK YOUR SUPPORT FOR A \$1 MILLION DOLLAR INCREASE TO TREATMENT, ALTERNATIVES, AND DIVERSION PROGRAM EXPANSION.

Creative judgement by our Winnebago County District Attorney has stabilized our jail population by introducing a variety of diversion programs. See Appendix 1 for a listing of his new diversion programs as well as a list of established TAD programs.

I ASK YOUR SUPPORT TO BOOST STATE PUBLIC DEFENDER PRIVATE BAR ATTORNEY RATE TO \$70 PER HOUR. THIS AMOUNTS TO \$8.6 MILLION DOLLARS IN FISCAL YEAR 2020 AND \$16.8 MILLION IN FISCAL YEAR 2021.

You all know too well that the current statutory rate of \$40 per hour is inadequate and creates problems.

I ASK YOUR SUPPORT TO PROVIDE 19.6 NEW ASSISTANT DISTRICT ATTORNEY POSITIONS AND INCREASE 6.9 PART-TIME POSITIONS TO FULL TIME. AND PROVIDE ONE TIME FUNDING OF \$307,300 IN FISCAL YEAR 2020 AND \$918,000 IN FISCAL YEAR 2021 FOR PAY PROGRESSION.

Ideally the requests of the Criminal Justice Coalition: (1) full funding of DA pay progression; (2) 60.85 additional DA's (3) Create & fund a Staff Prosecutors Council; (4) reimburse private rate defenders to \$70 per hour; (5) pay progression for Public Defenders; (6) loan assistance pilot program to locate defenders in rural areas; (7) invest in Crime Lab staffing; (8) analyst pay progression; (9) Convert Bureau of Computer Science contractors to 11 FTE positions; (10) allocate \$10,000,000 to reimburse counties for having increased their private attorney hires from \$70/hr. to \$100/hr.

I ASK YOU TO LEAVE ALL OFFICE OF EMERGENCY COMMUNICATIONS OPERATIONS WITHIN THE DEPARTMENT OF MILITARY AFFAIRS INCLUDING:

- (1) INTEROPERABILITY COUNCIL; (2) WISCONSIN INTEROPERABILITY SYSTEM FOR COMMUNICATIONS PROGRAM; (3) THE 9-1-1 SUBCOMMITTEE; (4) THE NEXT GENERATION 9-1-1 PROGRAM; (5) THE PUBLIC SAFETY BROADBAND PROGRAM; AND (6) THE LAND MOBILE RADIO PROGRAM.

In this biennium Emergency Communications was created and consolidated in the Military Affairs Department for efficiency and consistency. Let's keep it that way and deny the Governors' request to transfer the function to the Department of Transportation.

I ASK IN ADDITION TO THE GOVERNOR'S BUDGET ITEMS, TO PROVIDE \$7 MILLION DOLLARS FROM THE POLICE AND FIRE PROTECTION FUND FOR CREATION OF A PSAP (Public Safety Answering Points) GRANT PROGRAM TO ASSIST COUNTIES TRANSITION TO NEXT GENERATION 9-1-1.

The Police and Fire Protection Fund originated as a telephone surcharge to support 911 innovation. Past decisions changed to its name and uses the funds to support shared revenues. In as much as the money comes from telephone surcharge, reasonably it should support 9-1-1 modernization.

## Existing Diversion & Treatment Programs

- (1) **Drug Court:** Built upon a unique partnership between the criminal justice system and drug treatment community, one that structures treatment intervention around the authority and personal involvement of a Drug Court Judge. Drug Courts are also dependent upon the creation of a non-adversarial courtroom atmosphere where a single judge and a dedicated team of court officers and staff work together toward a common goal of breaking the cycle of drug/alcohol abuse and criminal behavior.
- (2) **Safe Streets Treatment Option:** Works to lower recidivism rates, save the county jail bed days and court time by working with participants to not have further traffic violations. Participants must complete community service, pay off their fees/fines, complete recommendations of Driver Safety Plan of treatment or educational classes and meet monthly with the SSTOP case manager.
- (3) **24/7 :** To provide a comprehensive and intense sobriety program with immediate consequences which assists our clients with understanding the burden that addition has in their lives. Staying sober allows clients to be productive and make good life choices.
- (4) **Domestic Violence Diversion Program:** To provide early intervention services for individuals facing misdemeanor charges related to family violence and address their specific needs with additional intervention services.
- (5) To provide early intervention services for individuals facing misdemeanor charges related to substance abuse and addressing their specific needs with additional interventions services.
- (6) **D.A. Prostitution Diversion Program:** To provide early intervention services for individuals facing prostitution charges and addressing their specific needs with additional interventions services
- (7) **Oshkosh Police Step -Up Program :** A partnership between the Oshkosh Police Department and the local Boys and Girls Club. The program addresses early gang intervention and education program. The program provides mentoring to at-risk youth by the police officers in hopes of building trust and preventing gang involvement.
- (8) **Department of Human Services Diversion & Teen Court :** A program for Youth who have committed an ordinance violation or a misdemeanor crime. Youth may choose to come to Teen Court instead of paying a fine and /or appearing in Juvenile Court. The youth offenders must admit to the offense in order to be eligible for Teen Court. It is then up to the youth jury to determine an appropriate sentence for the youth offender. If the sentence is complete and there are no further law violations, the charge or ticket will be dismissed. Gives offender a second chance.
- (9) **Good Choices Program:** To create an educational diversion program to give low level offenders an opportunity to reduce the negative implications of poor choices on their future and on the community as a whole.

Safe Streets Programs  
2019 Stats Quarter 2

Drug Court

<i>Active Participants</i>	31
<i>Phase 1</i>	6
<i>Phase 2</i>	5
<i>Phase 3</i>	11
<i>Phase 4</i>	9
<i>Total Graduates</i>	108

\*Graduation scheduled for June

Teen Court

<i>Active Participants</i>	9
<i>Females</i>	3
<i>Males</i>	6
<i>Offense Type</i>	
<i>Retail Theft</i>	1
<i>Disorderly Conduct</i>	4
<i>Battery</i>	1
<i>Other</i>	3
<i>2019 Referrals</i>	25
<i>2019 Accepted</i>	11
<i>2018 Referrals</i>	64
<i>2018 Accepted</i>	22

SSTOP

<i>Active Participants</i>	81
<i>Males</i>	62
<i>Females</i>	19
<i>Treatment</i>	34
<i>MOP: Education</i>	15
<i>Pending Assessment</i>	32
<i>2<sup>nd</sup> OWI</i>	42
<i>3<sup>rd</sup> OWI</i>	39
<i>Community Service</i>	
<i>Ordered</i>	4170
<i>Completed</i>	225
<i>Days Sentenced</i>	5990
<i>Stayed</i>	4406
<i>Imposed</i>	1796
<i>Days Saved</i>	2610

## DHS Diversion

<i>Active Participants</i>	59
<i>Females</i>	31
<i>Males</i>	28
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<i>Referral Type</i>	
<i>AODA</i>	31
<i>Behavioral Health</i>	42
<i>Internal Services</i> <i>(Receiving Services at Human Services)</i>	8
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<i>Types of Offenses</i>	
<i>Disorderly Conduct</i>	14
<i>Domestic Disorderly</i>	8
<i>Battery</i>	4
<i>Prostitution</i>	1
<i>Truancy-contributing</i>	6
<i>Possession</i>	11
<i>Theft</i>	8
<i>Criminal Damage</i>	1
<i>Other</i>	6



Good Choices

<i>Total Referrals</i>	24
<i>Passed</i>	18
<i>Failed</i>	6
<i>Male</i>	12
<i>Female</i>	12
<i>Offense Type</i>	
<i>Retail Theft</i>	2
<i>Disorderly Conduct</i>	4
<i>Poss. of Drug</i>	14
<i>Paraphernalia</i>	
<i>Trespassing</i>	3
<i>Other</i>	1
<i>Referrals</i>	
<i>Winnebago Co Sheriffs</i>	13
<i>Menasha PD</i>	11



## **Failure to Pay Child Support Diversion Program**

The primary goal in prosecuting Failure to Pay Child Support is often to encourage payment of child support. Deferred Adjudication Agreements are offered to offenders that are able to pay at least half of the amount owed due to non-payment of child support. Offenders who are able to pay, prior to disposition, all of the child support owed, will be offered a Deferred Adjudication Agreement on a misdemeanor level charge. Conditions of these Deferred Adjudication Agreements will include payments of child support and arrears, and that the defendant remain crime free.

## **Post-Charge Drug Diversion Program**

DDP is a post-plea diversion program offered to defendants in drug motivated offenses that meet evidence-based qualification criteria. The program is a 12-month commitment which involves an AODA assessment, completion of any recommended follow up treatment, remaining crime free, and six consecutive months of clean urinalysis tests.

## **UW-Oshkosh Drug Diversion Program**

This program is a pre-charge Deferred Prosecution Agreement offered to UW-Oshkosh students for on campus drug related incidents. The program is a 12-month commitment which involves an AODA assessment, completion of any recommended follow-up treatment, remaining crime free, and six consecutive months of clean urinalysis tests.

## **Pre and Post-Charge Healthy Interactions Group Diversion Program**

This program is converting from a standing diversion program to a condition within our general diversion program. This program was formally the Family Violence Diversion Program. This program now utilizes an independent counselor that administers cognitive behavioral therapy to participants. A participant is required to complete a comprehensive needs assessment and 16 weeks of combined cognitive behavioral therapy in a group setting. Participants must remain crime free, and avoid violent, threatening, or abusive contact with any victim(s).

## **Pre and Post-Charge General Felony or Misdemeanor Diversion Program**

For these programs, contracts are individualized for each person entering a diversion program based upon the needs that were identified during screening. The length of the program will vary depending on each individual participant. There are approximately 85 different conditions the program coordinator can choose from, however that number is constantly changing depending on the changing needs of individuals. There are two-three conditions that will remain the same. Those conditions are; remain crime free, pay all program fees, and (if applicable) pay all court costs, as well as, court appointed attorney fees. The conditions of each contract are tracked by a computer system unique to Winnebago County called DMS (Diversion Management System).

### **Post-Charge Overdose Diversion Program**

This program was created under statute 961.443 which requires a deferred prosecution agreement with a treatment program be offered to an individual that has overdosed. This program is an 18 month long program that requires the individual to attend AODA treatment and follow-up, have six consecutive months of clean urinalysis tests, remain crime free, and various other conditions based on the individual's needs.

### **Driver License Recovery Diversion Program**

The Driver License Recovery Diversion Program was created in response to the high numbers of Operating After Revocation(OAR) offenses that the District Attorney's Office was receiving. This program will provide an individual with the assistance they need to take the necessary steps in recovering their license. An individual will have 9 months to obtain their driver license. If they obtain their license within those 9 months they have the possibility of having their charge dismissed. There is no cost to participate in this program.

### **Worthless Check Diversion Program**

This program will provide an alternative to criminal prosecution of individuals who issue worthless check(s) to merchants and businesses. This program will provide that the victim is paid full restitution from the offender who has issued the worthless check along with financial training for the first-time offender. Financial Crime Services (FCS) will assist the District Attorney's office and victims in obtaining full restitution for check or other orders of payment falling under the statutory definition as set forth in Wisconsin Statute 943.24. FCS is responsible for managing pertinent case files and conducting financial education classes for offenders. The program will also assist law enforcement agencies in obtaining records to assist in the investigation and prosecution of individuals issuing worthless checks.

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