

Committee Members

William F. Hue
Circuit Court Judge

Dwayne Morris
County Board Supervisor

Susan Happ
District Attorney

Paul Milbrath
Sheriff

Cindy Hamre Incha
Clerk of Circuit Court

Emily McFarland
Mayor – City of Watertown

Jeffrey De La Rosa
Public Defender's Office

Sarah Rogge
Department of Corrections

Ben Wehmeier
County Administrator

Kathi Cauley
Human Services Director

J. Blair Ward
Corporation Counsel

Lynn Forseth
Literacy Council Executive Director

Dale Lutz
Chiefs & Sheriff Assn. Representative

Barbara LeDuc
President/CEO-Opportunities, Inc.

Michael Wallace
President/CEO-Fort Healthcare

Gail Scott
Health Department Director

Kendall Wick
Child Support Agency Representative

AGENDA

**JEFFERSON COUNTY
COMMUNITY JUSTICE COLLABORATING COUNCIL (CJCC)**

Jefferson County Courthouse – Room #202
311 S. Center Avenue
Jefferson, WI 53549

***REVISED 06-25-2019**

Wednesday, June 26, 2019 at 12:00 noon

1. Call to order.
2. Roll call.
3. Certification of compliance with the open meetings law.
4. Review and approve minutes from May 22, 2019 meeting.
5. Public comment. (Members of the public who wish to address the committee on specific agenda items must register their request at this time)
6. Report from CJCC/Treatment Coordinator (Holler).
7. ***Discussion and Possible Action to Amend the Treatment Court Policies concerning Eligibility Criteria, Alternative to Revocation cases and Eligibility Screening and Entry Process.**
8. Update on Jefferson County Alcohol Treatment Court (JCATC) & Jefferson County Drug Treatment Court (JCDTC) outcomes. (Kristy Gusse)
9. Update on Secure Continuous Remote Alcohol Monitor (SCRAM) and Remote Breath. (Kristy Gusse)
10. Update from subcommittee on Alcohol Treatment Court Phasing Program incentives to increase participation.
11. Update on Recidivism Council. (Forseth)
12. Update on monthly jail data. (JESO)
13. Update on Opioid Litigation.
14. Future meeting dates:

July 24, 2019	12:00 noon
August 28, 2019	12:00 noon
15. Future agenda items.
16. Adjourn.

A quorum of any Jefferson County Committee, Board, Commission or other body, including the Jefferson County Board of Supervisors, may be present at this meeting.

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator 24 hours prior to the meeting at 920-674-7101 so appropriate arrangements can be made.

1. The Treatment Court team met on 06/22/2019 to discuss several policy related issues with the Treatment Court Programs. Following those discussions, the Team is recommending three policy changes.
 - a. The first involves defining which violent criminal offenses in applicants' criminal histories would exclude applicants from being eligible for both the Alcohol Treatment Court and Drug Treatment Court programs. The Team recommends the following language be adopted and added to the Treatment Court Manuals under Eligibility Criteria (Section VII) of the manuals as follows. Recommended changes are highlighted in yellow:

VII. Eligibility Criteria

Criminal Defendants must meet the following criteria to be considered eligible for the Jefferson County Drug Treatment Court Program:

- o Offender is a Jefferson County resident with a pending Jefferson County criminal case, unless otherwise approved. For non-county residents, the JCDTC Program will make every attempt to facilitate a transfer of their deferred agreements (including probation supervision where required) to an equivalent Treatment Court Program in their County of residence. Non-county residents with a pending Jefferson County criminal case who cannot be transferred may be considered for JCDTC if they meet the following criteria and program capacity allows:*
- o Offenders regularly work or travel through Jefferson County*
- o Offenders reside in adjacent counties*
- o Offenders must demonstrate the ability to attend all program related meetings, appointments, Court sessions, alcohol and drug testing, treatment sessions and support meetings*
- o The offender is approved by the Treatment Court Team.*
- o Offender is 18 years of age or older.*
- o Offender is not alleged to have committed a violent crime and does not have a history of violent crimes.*
- o There is evidence that offender meets High-risk/High-need threshold.*
- o There is evidence that offender is alcohol and/or drug dependent.*
- o Determined to be eligible by the Jefferson County District Attorney's Office.*
- o Determined to be eligible by the Jefferson County Drug Treatment Court Team.*
- o Offender voluntarily consents to the participation in the JCDTC Program as part of Deferred Agreement, or as an Alternative to Revocation of Probation/Parole/Extended Supervision.*

A "violent offender" who is not eligible to participate in or JCDTC is defined as a person who either:

1. *Is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding 1 year, during the course of which:*
 - a) the person carried, possessed, or used a firearm or a dangerous weapon,*
 - b) the person used force against another person, or*

c) there occurred the death of, or serious bodily injury to, any person, without regard to whether any of the circumstances described is an element of the offense or conduct of which or for which the person is charge or convicted;

2. Has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

3. Has a conviction for any of the following offenses. Persons with such convictions are either barred from eligibility for convictions listed below or may be eligible upon review of further information regarding a prior violent conviction(s). This information should include a review the criminal complaint when available and any other information or reports necessary. In such cases, the Treatment Court Team must affirmatively approve applicants with such prior conviction(s). These prior violent offenses are categorized below:

Mandatory Excluding Charges/Convictions Which Bar Program Admission.

******Persons with any of the following convictions regardless of how old are barred from the program.***

940.01 – First Degree Intentional Homicide

940.02 – First-Degree Reckless Homicide

940.03 – Felony Murder

940.04 – Abortion (Exception Under 940.04(5) – See Statute)

940.05 – Second-Degree Intentional Homicide

940.06 – Second-Degree Reckless Injury

940.07 – Homicide Resulting from Negligent Control of Vicious Animal

940.08 – Homicide by Negligent Handling of Dangerous Weapon, Explosives or Fire

940.09 – Homicide by Intoxicated Use of Vehicle or Firearm

940.10 – Homicide by Negligent Operation of a Vehicle

940.11 – Mutilating or Hiding a Corpse

940.12 – Assisting Suicide

940.19 – Aggravated Battery

940.195 – Battery to an Unborn Child; Substantial Battery to an Unborn Child; Aggravated Battery to an Unborn Child

940.201 – Battery or Threat to a Witness

940.21 – Mayhem

940.22 – Sexual Exploitation by Therapist; Duty to Report

940.225 – Sexual Assault-1st Degree, 2nd Degree & 3rd Degree

940.235 – Strangulation and Suffocation

940.24 – Injury by Negligent Handling of Dangerous Weapon, Explosives or Fire

940.302 – Human Trafficking

940.305 – Taking Hostages

940.31 – Kidnapping

940.32 – Stalking

941.20 – Endangering Safety by Use of Dangerous Weapon

941.296 – Use or Possession of a Handgun and an Armor-Piercing Bullet During Crime

941.32 – Administering Dangerous or Stupefying Drug

941.375 – Throwing or Discharging Bodily Fluids at Public Safety Workers

06/24/2019

943.32 – *Robbery – Use of Force*
946.03 – *Sedition*
946.43 – *Assault by Prisoners*
948.02 – *Sexual Assault of a Child*
948.025 – *Engaging in Repeated Acts of Sexual Assault of Same Child*
948.04 – *Causing Mental Harm to a Child*
948.05 – *Sexual Exploitation of a Child*
948.051 – *Trafficking of a Child*
948.055 – *Causing a Child to View or Listen to Sexual Activity*
948.06 – *Incest with a Child*
948.07 – *Child Enticement*
948.075 – *Use of a Computer to Facilitate a Child Sex Crime*
948.08 – *Soliciting a Child for Prostitution*
948.081 – *Patronizing a Child*
948.085 – *Sexual Assault of a Child Placed in Substitute Care*
948.095 – *Sexual Assault of a Child by School Staff Person or a Person Who Works or Volunteers with Children*
948.10 – *Exposing Genitals, Pubic Area, or Intimate Parts*
948.12 – *Possession of Child Pornography*
948.23 – *Concealing or Not Reporting Death of a Child; Not Reporting Disappearance of a Child*
948.30 – *Abduction of Another's Child; Constructive Custody*
948.51(3)(b) – *Hazing – Great Bodily Harm to Another*
948.51(3)(c) – *Hazing – Death to Another*

Charges/Convictions Warranting Review Before Admission Into the Program - Felony

346.04(3) – *Felony Fleeing*
940.19 – *Battery; Substantial Battery*
940.20 – *Battery: Special Circumstances*
940.203 – *Battery or Threat to Department of Revenue Employee*
940.207 – *Batter or Threat to DSPS or DWD Employee*
940.208 – *Battery to Certain Employees of Counties, Cities, Villages, or Towns*
940.23 – *Reckless Injury*
940.25 – *Injury by Intoxicated Use of a Vehicle*
940.285 – *Abuse of Individuals at Risk*
940.29 – *Abuse of Residents of Penal Facilities*
940.295 – *Abuse and Neglect of Patients and Residents*
940.30 – *False Imprisonment*
940.43 – *Intimidation of Witnesses; Felony*
940.45 – *Intimidation of Victims; Felony*
941.01(1) – *Negligent Operation of a Vehicle*
941.12 – *Interfering with Firefighting*
941.21 – *Disarming a Police Officer*
941.24 – *Possession of Switchblade Knife*

941.26/941.27 – *Machine Guns/Other Weapons*
941.28 – *Possession of Short-Barreled Shotgun or Short-Barreled Rifle*
941.29 – *Possession of a Firearm*
941.291 – *Possession of Body Armor*
941.295(1) – *Possession of Electronic Weapon*
941.30 – *Recklessly Endangering Safety*
941.31 – *Possession of Explosives*
941.31(2)(b) – *Possession of Improvised Explosives*
941.325 – *Placing Foreign Objects in Edibles*
941.327 – *Tampering with Household Products*
941.37 – *Obstructing Emergency or Rescue Personnel*
941.38(2) – *Criminal Gang Member Solicitation of a Child*
943.02 – *Arson of Buildings; Damage of Property by Explosives*
943.03 – *Arson of Property Other than Building*
943.04 – *Arson with Intent to Defraud*
943.06 – *Molotov Cocktails*
943.10, 943.10(2)(a), 943.10(2)(b), 943.10(2)(c), 943.10(2)(d), 943.10(2)(e) – *Burglary, Aggravated (Victim Present at any Point of Burglary)*
943.20(1)a & (3)d(5) – *Theft of Firearm*
943.20(1)a & (3)e – *Theft from Person*
943.20(1)(c) – *Theft of Firearm*
943.32 – *Robbery – Threat of Force*
946.415 – *Failure to Comply with Officers Arrest*
947.015 – *Bomb Scares*
948.03 – *Physical Abuse of a Child*
948.20 – *Abandonment of Child*
948.21 – *Neglecting a Child*
948.51 – *Hazing*
948.605(2)(a) – *Possess Firearm in School Zone (Felony and Misdemeanor)*
951.02 – *Mistreating Animals*
951.06 – *Use of Poisonous and Controlled Substances*
951.095 – *Harassment of Police and Fire Animals*
951.097 – *Harassment of Service Animals*
951.08 – *Instigating Fights between Animals*
951.09 – *Shooting at Cage or Staked Animals*
961.41(1) – *Distribution of a Controlled Substance While Armed*
961.41(1m) – *Possession of a Controlled Substance with Intent to Distribute While Armed*

Charges/Convictions Warranting Review Before Admission Into the Program - Misdemeanor

940.19(1) – *Misdemeanor Battery*
940.225 – *4th Degree Sexual Assault*
941.23 – *Carrying a Concealed Weapon*
940.42 – *Intimidation of Witnesses; Misdemeanor*
940.44 – *Intimidation of Victims; Misdemeanor*

- 944.17 – *Sexual Gratification*
- 944.20 – *Lewd and Lascivious Behavior*
- 946.41 – *Resisting an Officer*
- 948.55 – *Leaving/Storing a Loaded Firearm within the Reach of a Child*
- 948.605 – *Gun Free School Zones*
- 948.605(2)(a) – *Possess Firearm in School Zone (Felony and Misdemeanor)*
- 948.61 – *Dangerous Weapons other than Firearms on School Premises*
- 951.02 – *Mistreating Animals*
- 951.095 – *Harassment of Police and Fire Animals*
- 951.097 – *Harassment of Service Dogs*
- 941.20(1) – *Endangering Safety by Use of a Dangerous Weapon*
- 943.50(1m)(d) – *Retail Theft (Modifier/Enhancer – While Armed)*
- 947.01 – *Disorderly Conduct While Armed*
- 951.08 – *Instigating Fights Between Caged Animals*
- 951.09 – *Shooting at Caged or Staked Animals*

- b. The Treatment Court Team is also seeking a test case to explore the possibility of allowing probation offenders facing revocation, with no new criminal charges, to enter the Drug Treatment Court program as an Alternative to Revocation. To date, potential cases have not worked out. More cases are being reviewed for consideration by DOC.

Due to language in the Drug Treatment Court manual allowing only for Alternative to Revocation cases to enter the program if they have new pending charges, it is requested the CJCC move to allow for 1-2 tests cases as Alternative to Revocation cases with no new charges to explore this possibility.

- c. The third recommendation is to amend the language for the Eligibility Screening and Entry Process (IX) in the Alcohol Treatment Court Manual to match the language in the Drug Treatment Court Manual. The Alcohol Treatment Court has been accepting applications from multiple sources since the fall of 2018 and the policy language in the manual should reflect this change. This language will be amended for review and possible action for the July, 2019 meeting.

Current language states the following:

“Alternative to Revocation Agreements: In Alternative to Revocation Agreements (ATR), participants currently on probation/parole/extended supervision with the Department of Corrections (DOC) receive new criminal charges. They will be placed on a DDA, DPA or PSA on the new charges and will enter into an ATR with the Department of Corrections. Participants who successfully complete this ATR will not have their supervision revoked by the DOC for those violations. They will also benefit on their new charges in the manner explained in their agreement. Participants who are terminated from the program will result in a

decision by the DOC to initiate revocation of their supervision and will not receive the benefits of their agreement.”

2. The Treatment Court Team is changing the urine testing practice for Alcohol Treatment Court participants. Currently, drug testing for ATC occurs on a more targeted basis based on participants' substance use history, criminal history, and patterns of use while in the program. The Team is adopting a random system for ATC participants where all participants, regardless of history, will call both an alcohol testing line and a drug testing line daily. Currently ATC participants only call the alcohol testing line. ATC participants will be tested at least monthly with each participant having a 30% chance of being called in for testing twice during the same month. Participants who use controlled substances while in the ATC program will be subjected to more frequent testing, similar to DTC participants (2+ times per week) for a period of time determined by the Team.
3. Jefferson County will begin the process of developing a Peer Support Group in an effort to provide new and struggling participants with guidance and mentorship from past program graduates. The initial program structure is as follows:
 - a. Jefferson County will seek a trainer to provide more flexible Certified Peer Support Specialist training to our graduates. Waiting for a group to open up and for our graduates to be selected has not been successful.
 - b. There will be monthly groups.
 - c. Groups will be mandatory for Participants in Phase 1 & 2 and could serve as a Therapeutic response for some violations for all other participants.
 - d. There will be 2 Co-facilitators per group consisting of 1 Team Member and 1 or more graduates. This arrangement is dependent on all Team members being approved for such activities by their individual agencies. The prosecutors, public defender's office, Sheriff's representative and Judge would not be asked to co-facilitate groups.
 - e. Curriculum will be developed with the assistance of graduates to identify topics and discussion items which might have the greatest impact on attendees. These topics will not be 12-step based, but program specific.
 - f. There may be time at each group for open discussion with no Team Member present. The intent would be to foster unfiltered questions and comments.
 - g. Participants can submit questions/topics they would like to explore at the next group.
 - h. Groups count as Support Meetings.

- i. The possibility of a per-group stipend for graduate mentors is being explored. There are several considerations that must be considered before this is decided.
 - j. Participating Team members will rotate as facilitators. Most would conduct 1 group per year.
 - k. Groups will likely take place at recurring dates/times/locations instead of moving to different location and dates/times.
 - l. This group format is being developed in lieu of a more robust 1 on 1 mentorship program due to the Team's inability to provide adequate oversight to the graduate mentors. Matching participants with graduates without the proper supervision and support for the mentors may cause harm to both mentors and participants.
4. The Treatment Court Team will begin surveying participants to identify non-candy related small tangible incentives. Many participants decline to take these incentives and alternatives will be sought.
5. The Treatment Court Team is continuing to explore changing the type of notice given to participants contesting sanctions. Guidance is forthcoming from the Department of Justice stemming from mixed communications on this topic at the WATCP conference in April.
6. We are awaiting final word on the SAMHSA grant application submitted last winter. Human Services was having difficulty with the account.
7. The Treatment Court Team has tentatively finalized recommended timeline for process for ATC offers. This was part of the effort to reduce defendants delaying resolution of their pending OWI cases during the late fall and early winter seasons. A final recommendation should be available for CJCC review at the July meeting.
8. The next Graduation Celebration is scheduled for July 17, 2019 at 3:00 pm in Branch 3. State Public Defender Keli Thompson will be the featured speaker at this ceremony in which there may be as many as seven graduates recognized.
9. DOJ CORE Reports features are still not available.

IX. Eligibility Screening and Entry Process

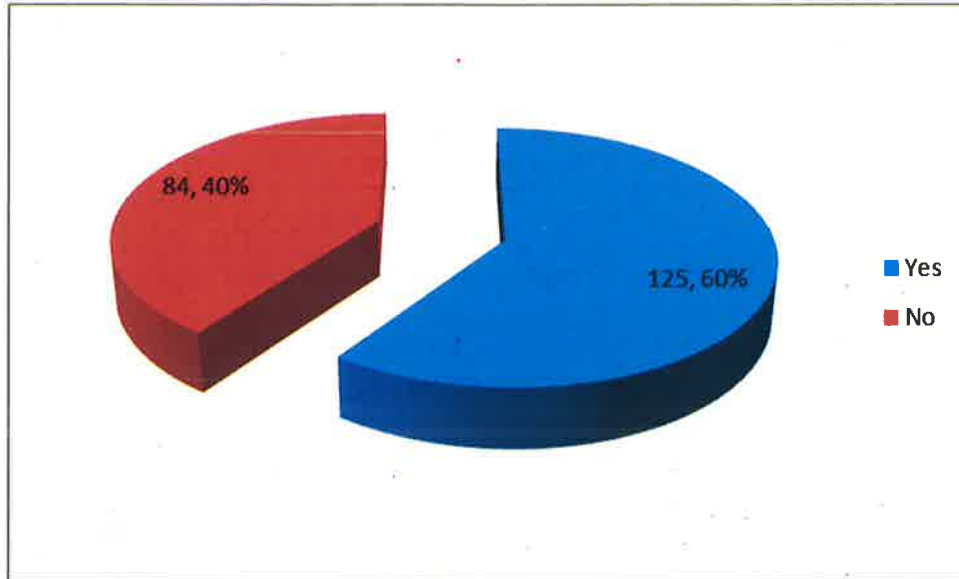
The eligible participant pool for the JCATC, those arrested for alcohol-related or restricted controlled substance-related OWI-3rd through OWI-6th, will flow through custodial intake court within 24-48 hours from arrest. As a result of experiencing the triggering event of an arrest, offenders may be more open to admitting substance abuse problems and pursuing treatment because the consequences of alcohol and drug abuse are much more obvious at that time. Eligible participants can be promptly advised about the program, and eligibility screening, based on established written guidelines and criteria and accomplished by trained professionals, can be completed quickly. Potential communication of the program may come from the initial assessment by the Human Services Department, District Attorney, Defense Attorney/Public Defender, Law Enforcement, Court and Case Manager. The District Attorney completes the initial screening of the candidates to ensure they meet the established eligibility requirements. If the District Attorney determines the offender to be eligible for JCATC during the initial screening, the District Attorney will make a referral to the JCATC.

The defense attorneys work with offenders to inform them of the JCATC process, protect JCATC participants' rights, and encourage participants' commitment to JCATC. Defense counsel shall review all relevant JCATC materials and counsel eligible candidates. Treatment court is a serious commitment for participants so it is essential that defense counsel review and speak with offenders about case and treatment court documents. Treatment court eligible participants should also be made aware of court rules, the benefits of treatment court participation, what rights will be temporarily relinquished, the benefits of long term sobriety, non-treatment court alternative courses of action, and the need to be honest with the court and treatment providers about alcohol and controlled substance use.

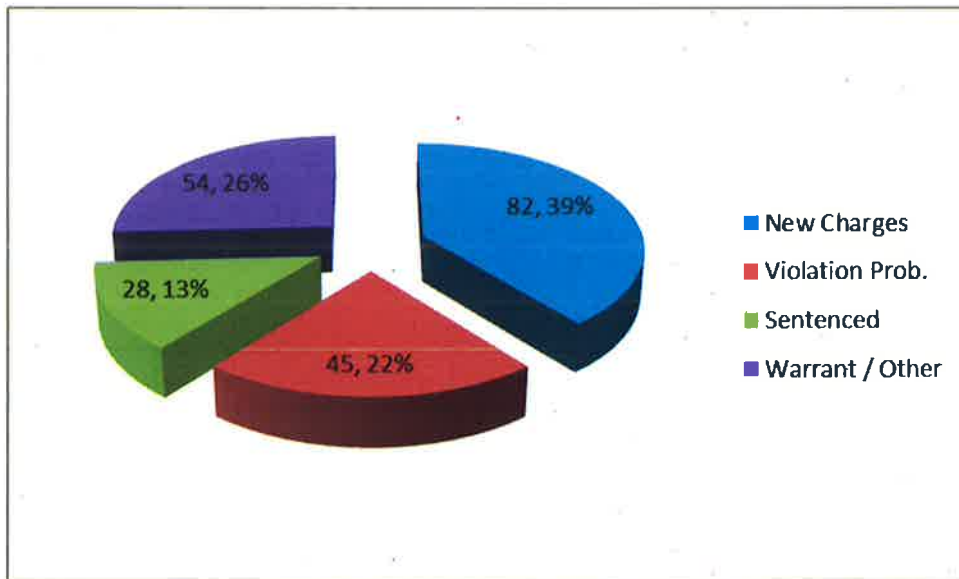
Defendants must fill out an application and send it to WCS. A WCS case manager reviews application and conducts an interview during which the defendant undergoes risk assessment to confirm eligibility for the JCATC. The case manager will share the results of the risk assessment with the JCATC staffing team. The staffing team makes the final determination about admission to JCATC.

Entry into the JCATC program is effectuated through a binding plea agreement in a criminal OWI 3rd-6th case. A prospective JCATC participant is placed on probation and agrees to participate in the JCATC as a condition of probation. The offender, his/her Defense Counsel, and the District Attorney must agree to the terms of the plea agreement. Prospective participants must be referred and approved for admission to the JCATC before the plea and sentencing hearing. Criteria-eligible offenders are admitted to the JCATC upon sentencing.

RE- INCARCERATION MAY 2019

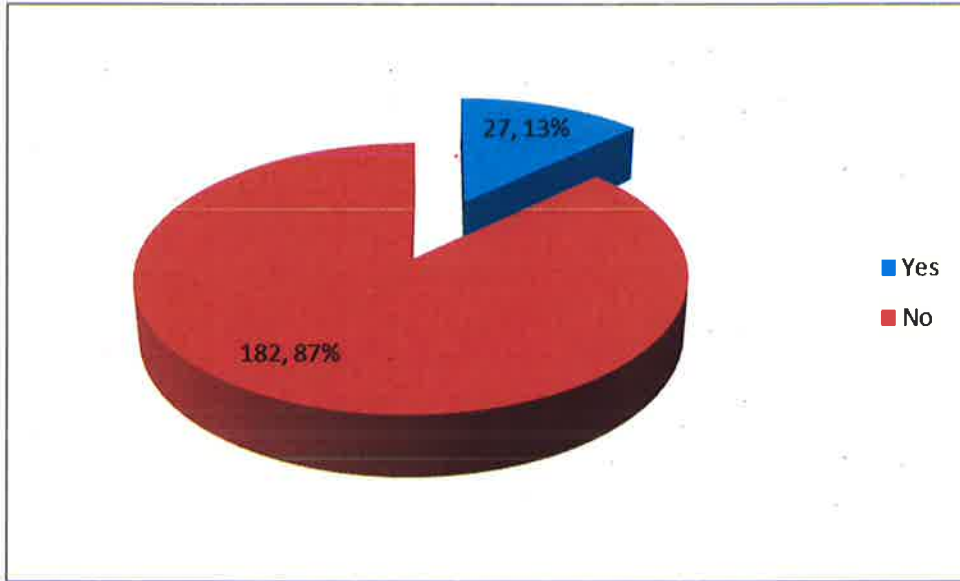


BEEN INCARCERATED WITHIN LAST 3 YEARS

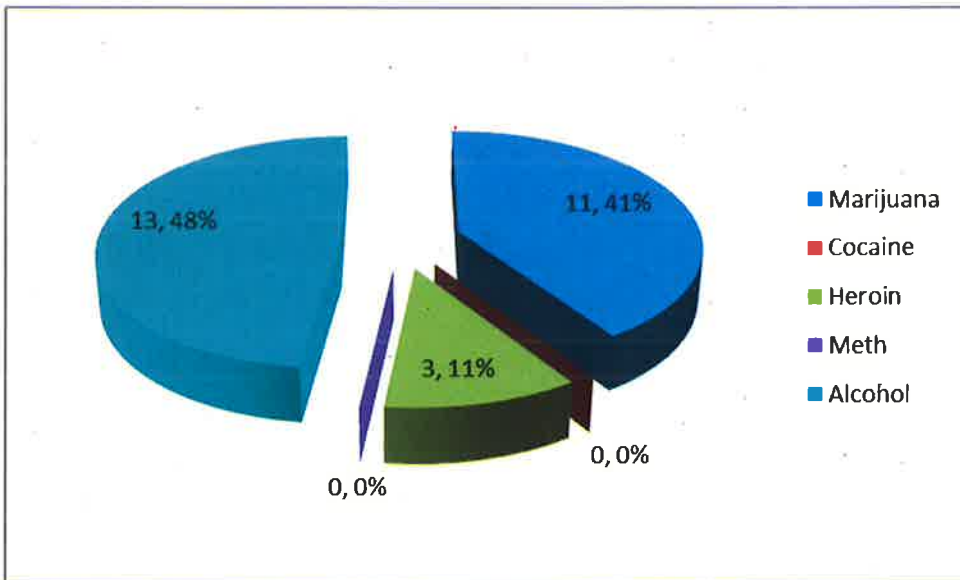


REASON FOR INCARCERATION

RE- INCARCERATION MAY 2019

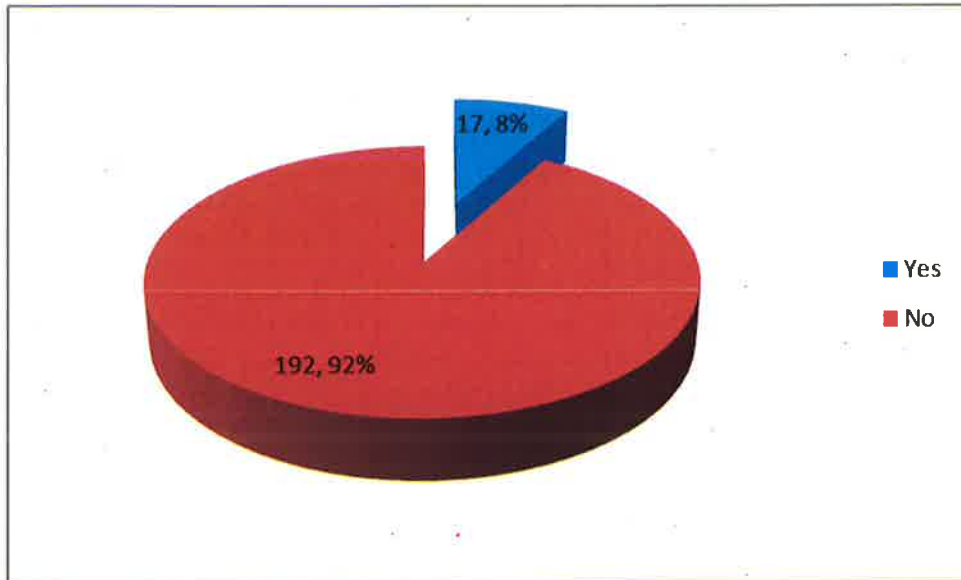


DRUGS OR ALCOHOL RELATED

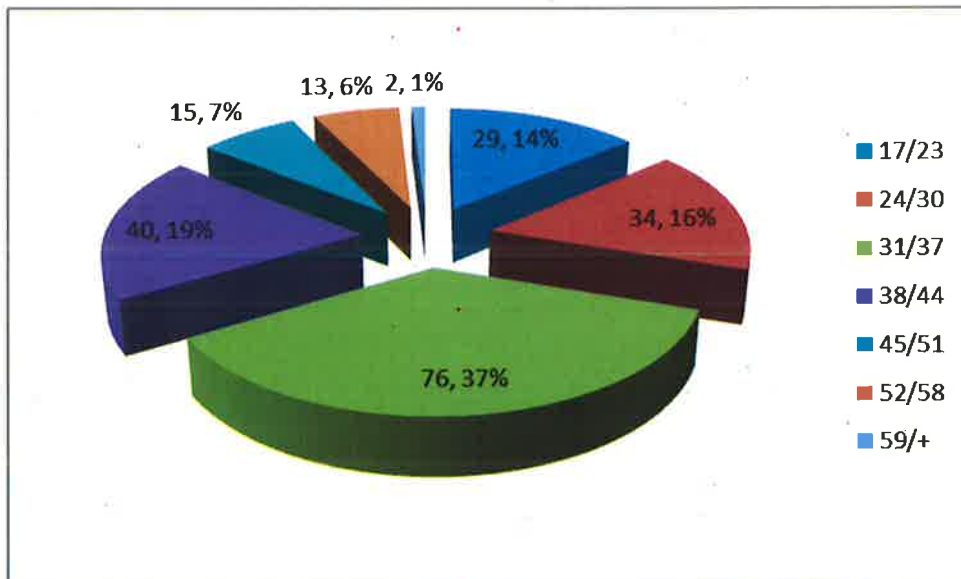


TYPE OF SUBSTANCE USED

RE- INCARCERATION MAY 2019

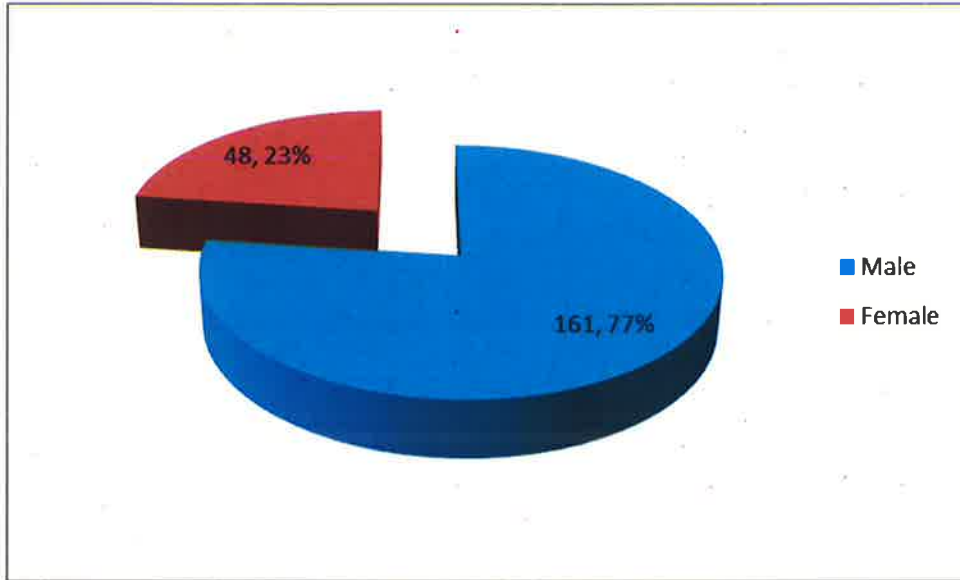


UNDER INFLUENCE AT BOOKING

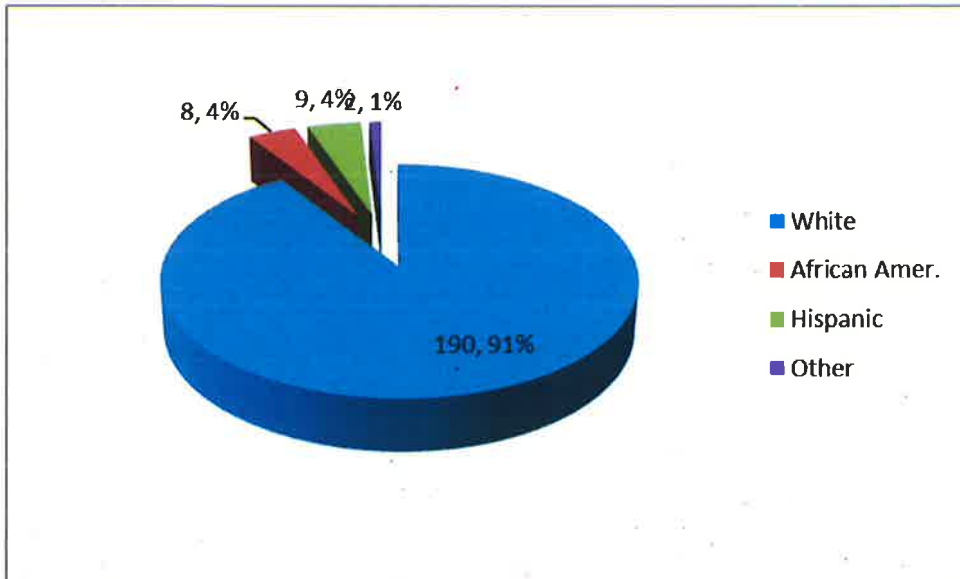


AGE PROFILE

RE- INCARCERATION MAY 2019

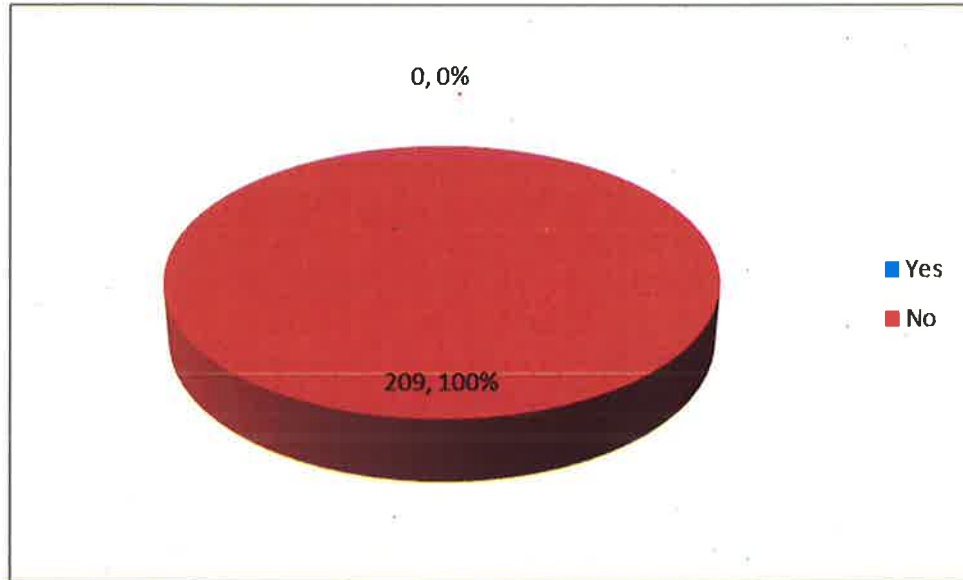


GENDER PROFILE

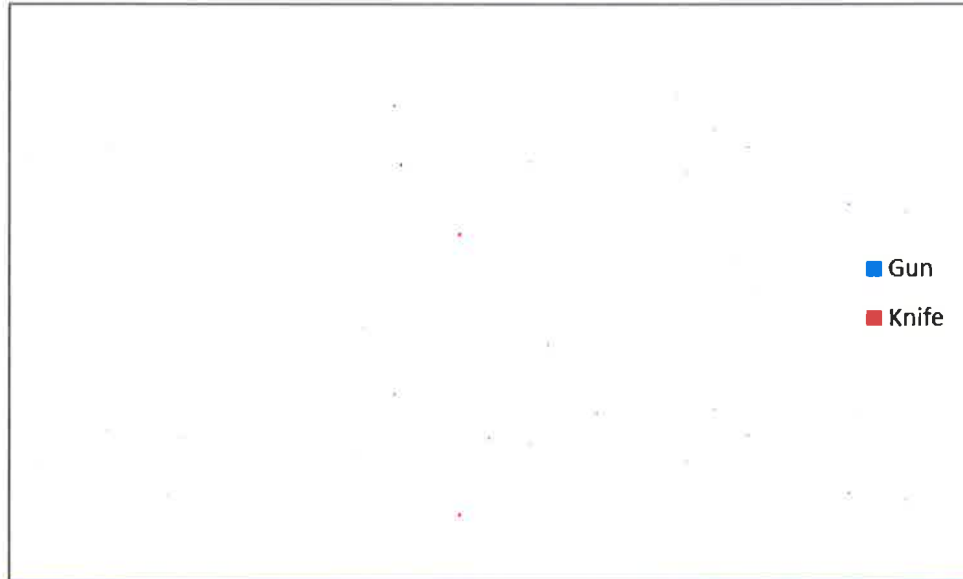


ETHNIC PROFILE

RE- INCARCERATION MAY 2019

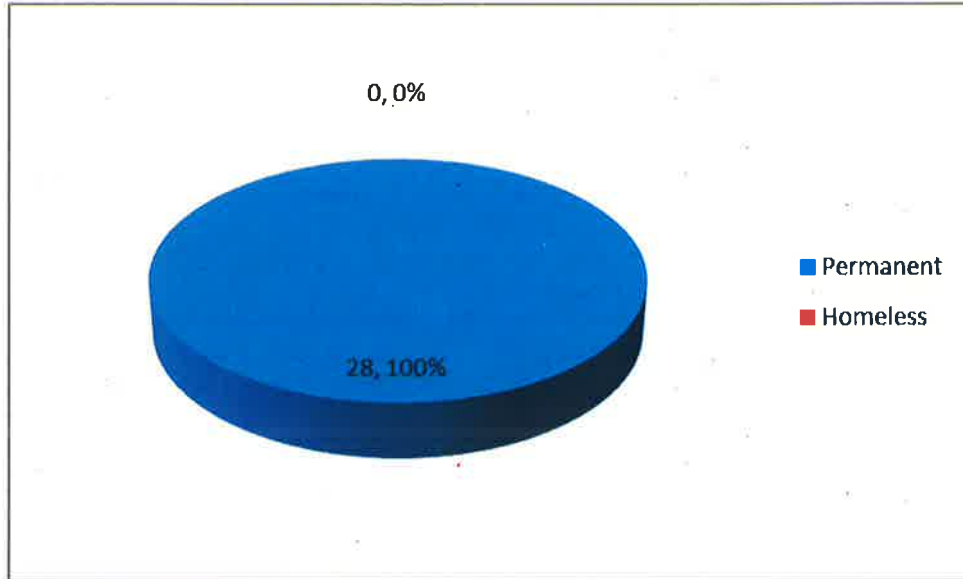


WEAPONS USED

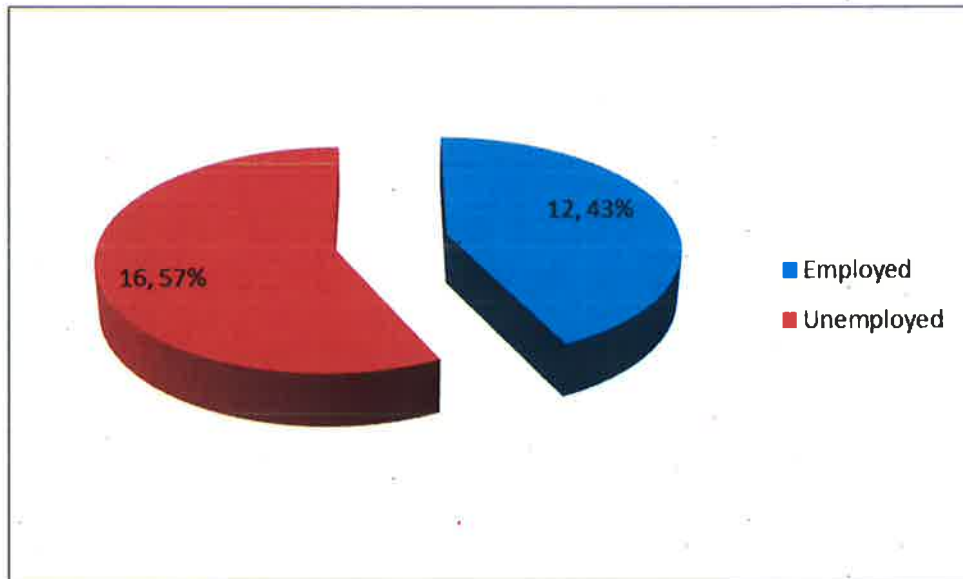


TYPE OF WEAPON

RE- INCARCERATION MAY 2019

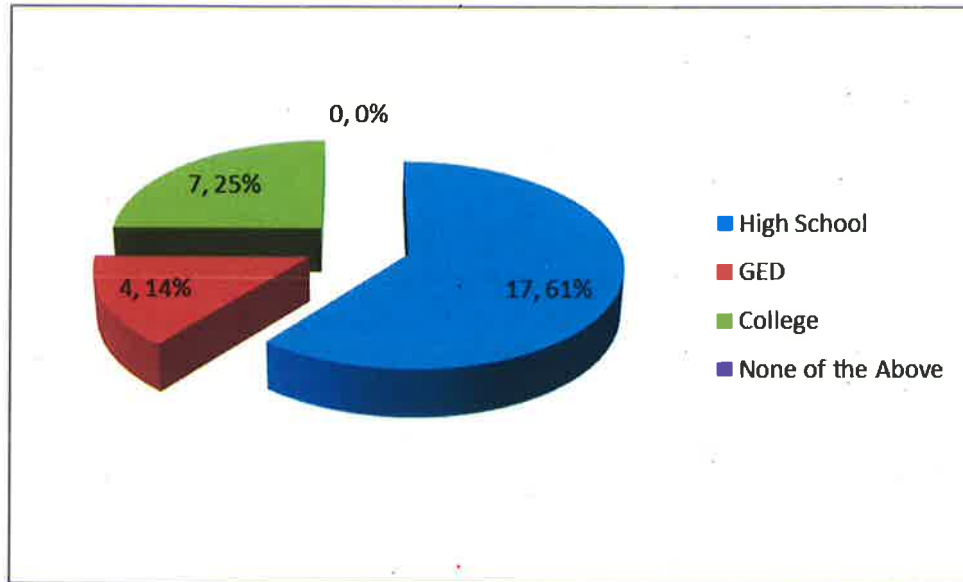


HOUSING



EMPLOYMENT STATUS

RE- INCARCERATION MAY 2019



EDUCATION LEVEL

