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 Tuesday, January 31, 2012 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

Present: Judge Kendall Kelley-Chair, Brian Shoup, Pat Evans, Jason Beck, John Gossage, Jed Neuman, Larry Malcomson
Excused: Tom De Wane, Jim Aerts, John Zakowski, Lesley Green
Citizen Reps: Tim McNulty

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1. **Call Meeting to Order.**
The meeting was called to order by Chair Judge Kendall Kelley at 3:40 p.m.

2. **Approve/Modify Agenda.**

Motion made by Patrick Evans, seconded by Jed Neuman to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

3. **Approve/Modify Minutes of October 25, 2011.**

Motion made by Patrick Evans, seconded by Brian Shoup to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

4. **Board Planning and Membership.**

Chair Judge Kelley stated that he would get in touch with Leslie Green to see if he was still interested in being a member of this Board as his term had expired. The recording secretary advised Chair Kelley that she had received an e mail from Leslie Green earlier in the day indicating that he was unable to attend the meeting but planned on being present for the February meeting. Patrick Evans stated that typically when a term is expired, the person is still technically considered to be on the committee until they are replaced. Evans felt that this should be referred to County Executive Streckenbach for a recommendation. Chair Kelley agreed that it would not be appropriate for this Board to make a decision on membership and this needs to be done by the County Executive. It was also noted that since John Zakowski is no longer the District Attorney, he would no longer be a member of this Board; however, the DA's term is co-terminus and therefore whoever is named as the new DA will automatically have a position on the Board. Chair Kelley also noted that Don Hein, the Sheriff's Department accountant, had been dropped from the Board by request, however, Judge Kelley will follow up with Troy Streckenbach on this to see if there is additional action the Board needs to take or if it needs to be handled in some other manner.

5. **Veterans' Court.**

Chair Kelley stated that they are continuing to move forward with Veterans Court and have passed out applications to about seven perspective participants and he hears of new candidates almost daily. He did indicate that participating in Veterans Court requires quite a commitment and sometimes when prospective candidates review the details, they decide this program may not be right for them.

Judge Kelley continued that they have received good community support and even some financial support and the Committee continues to meet regularly. They also recently received an intern who will help coordinate the program which will be very helpful as they do not have a funded coordinator.

Motion made by Patrick Evans, seconded by Brian Shoup to receive and place on file Items 4 & 5. Vote taken. MOTION CARRIED UNANIMOUSLY

6. **Jail Overcrowding.**

Jail Captain Larry Malcomson stated the jail population is currently at 624, not including the home monitor inmates and there are 73 of those. Malcomson continued that the jail is 85 percent occupied and if the home monitor inmates were to be housed in the jail the capacity would be 96 percent. One pod remains closed. Sheriff Gossage stated that he is very pleased with these numbers and stated that the jail operates most efficiency at 84 percent capacity and stated with the one pod closed they are not paying any overtime to cover that pod. Sheriff Gossage complimented Malcomson and his staff in that by increasing the EMPs they are still able to monitor them and yet maintain a good manageable jail population.

Judge Kelley asked if the EMP program was working well and Malcomson stated that when he came on board he switched to the GPS units versus the radio frequency units that they had been using which required an inmate to be within a certain radius of the home base. The GPS system tracks the inmates within three feet on a 24/7 basis no matter where they are at a cost that is less expensive than the radio frequency units. They started with one GPS unit in August and within six months they had 60 inmates on the GPS system.

Chair Kelley stated that Judge Zuidmulder was concerned with inmates who are considered low risk who are taking up jail space due to timing issues and used the example of someone who may get picked up on a warrant and have to wait a number of days to get before a judge and probably would not get a jail sentence anyway. He felt it was important for judges to become aware of jail population issues and that judicial decisions have not only a deterrent impact, but a jail impact as well.

Sheriff Gossage stated that he, Judge Zuidmulder, Jed Neuman and Larry Malcomson met in December and discussed some of these issues and it was felt that other stakeholders should be added to the mix and then a follow-up meeting scheduled.

Neuman stated that Malcomson is keeping track of who is on probation. Currently there are 279 inmates on probation and of those, 173 drew special note as to the length of time in the jail and this was based on a number of issues including the ALJ hearing and other stakeholders including the District Attorney, public defender and probation. Malcomson felt that Judge Zuidmulder is starting to realize that this is much more arduous than it looks. Neuman stated that Judge Zuidmulder was going to have his judicial assistant take a look at how many people on the jail census were actually facing additional charges and what the number of days is since they were placed in, regardless of their probation and parole status. Malcomson stated that sometimes it takes 2 1/2 to 3 months or longer to get a revocation hearing before an ALJ. Neuman stated that in many cases the defense attorney attempts to delay or postpone the revocation hearing by virtue of what is going to take place in court and then using that outcome

at the revocation hearing by saying the charges were reduced or dropped or the defendant was found not guilty and this becomes their defense to not revoke. Neuman noted that his office always opposes requests for extensions or adjournments and uses the same argument of jail overcrowding.

Motion made by Patrick Evans, seconded by Larry Malcomson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

7. **Such other matters as authorized by law.**

Jed Neuman asked if this Board would give consideration to taking a look at the ordinances pertaining to sex offenders. He stated that Brown County currently has 13 ordinances with another on the way and they are all different to some extent. He continued that the chiefs' association signed a letter when the bill was being studied in 2009 speaking out on how this impacts Brown County and every community these offenders are in in a negative way.

Judge Kelley understands that this is a systemic problem, but he wondered if this Board has the appropriate stakeholders or if this may be more of a County Board sort of function. Neumann stated that the charter of this Board is to study and review as well as deal with issues pertaining to the criminal justice system and these sex offenders are putting a financial strain on law enforcement as well as financially impacting communities.

Evans felt this would be an interesting topic to take up and one that is of concern to constituents. He thought maybe this should be put as an agenda item to discuss further and decide if this was something this Board wanted to take up. Evans suggested that we should gather the ordinances and find out what is common and what is different in each and then determine what the impact of the differences are and then make a recommendation based on that.

Shoup asked if Neuman's concern was that these ordinances are counterproductive and Neumann stated that they are and he also felt that it presents a safety issue to the County. He stated that the compliance rate in the sex offender registration program has declined and when offenders don't meet the requirements in one community's ordinance, they move to communities that don't have the same requirements and then that community strikes up an ordinance and the offenders have no place to go.

Neuman stated that he brought this up just for consideration sake and Judge Kelley said that the worst case scenario is that we get information out and he felt that would actually be a benefit and perhaps there was also some action to be taken beyond that.

Motion made by Jed Neuman, seconded by Jason Beck, to review sex offender ordinances in Brown County. *MOTION STRICKEN*

Patrick Evans asked that the above motion be struck as he believed this motion may possibly be a violation of open meetings laws, but that this matter should be taken under advisement and added to the next agenda.

8. **Adjourn.**

Motion made by Supervisor Evans, seconded by Brian Shoup to adjourn at 4:25 p.m. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary