

**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 June 9, 2016 at 8:00 am in the Truttman Room of the Brown County District Attorney's Office, 300 East Walnut Street, Green Bay, Wisconsin.

Present: Chair Judge Walsh, Erik Pritzl, Tim Mc Nulty, Larry Malcomson, Tera Teesch, Judge Zuidmulder, Joe Torres, Andrew Smith, Supervisor Evans, Michelle Timm, Troy Streckenbach, Dave Lasee

1. Call Meeting to Order.

The meeting was called to order by Chair Judge Walsh at 8:04 am.

2. Approve/Modify Agenda.

Motion made by Judge Zuidmulder, seconded by Erik Pritzl to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Approve/modify minutes of April 7, 2016.

Motion made by Supervisor Evans, seconded by Judge Zuidmulder to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

4. Mental Health Grant/Detox Beds (Erik Pritzl).

Human Services Director Erik Pritzl informed that the day report center RFP has been posted and a vendor meeting was held which was attended by 8 – 10 people. Multiple proposals have been received and will be scored and discussed before a final vendor recommendation is made.

With regard to mobile crisis, Pritzl informed that Family Services is in charge of crisis programs and they have added three of the four positions they intend to fill for mobile crisis. The expansion is almost complete and they are in the process of getting people trained. Pritzl noted it takes two or three weeks to get a crisis worker trained.

Pritzl spoke next about the detox portion of the mental health initiative. The County Board has heard the proposal and approved the funds and a contract is in place, but there are some system issues that still need to be worked out in terms of how a person goes to detox and what happens when they are done. There are two things that can be problematic: either the person is not accepted for detox services or they go through detox and then a decision has to be made as to where the person goes next and how it affects the current system. Human Services has been looking at how Bay Haven is being used. Bay Haven is a place someone can go post-detox and stay safely if they are a relapse risk. They can stay there while they go through the orientation session and assessment that occurs with outpatient services. This would be a great use of Bay Haven and this idea came up in the past week or so. Pritzl noted that numbers at Bay Haven are improving and the hospital numbers are good too. Recently they were full and had to divert people to Winnebago and Pritzl noted that Human Services does not have any control over EM1s. They will be bringing people back from Winnebago County as space becomes available.

Green Bay Police Chief Andrew Smith asked how people get back from Winnebago County. Pritzl responded that arrangements are made with Lock and Load to bring the patients back. Smith indicated that other municipalities do not have the same mechanisms in place and he is aware that some other agencies just send people to Green Bay. He shared a story of someone who came from Minnesota to Milwaukee, then to Ashwaubenon, then Oneida, then

to Green Bay which took a lot of law enforcement time for a lot of agencies. Judge Zuidmulder asked if a residency finding is made in these cases so the counties can charge back for services. Pritzl responded that the county is responsible for a person for the first 72 hours they are in the geographic county regardless of where they are from unless there is some other agreement. After that, the other county is supposed to pick up, but that is specific to Human Services and not law enforcement. Judge Zuidmulder said if the law needs to be changed on this, the legislators need to listen because otherwise the County is being dumped on and it is the local levy that ends up paying the bulk of the expenses and that is not right. Supervisor Evans agreed and shared that a number of years ago the Milwaukee housing director had a meeting with people who had been terminated from Section 8 housing and he advised those people to go to Brown County because housing would be available. Evans tried to stop this and feels that the issues being talked about now would be a good thing for this Board to look at more carefully. Judge Zuidmulder said there are a number of definitions for "residency" depending on the situation. His view of this is that we cannot expect any assistance from the State. The expenses will be shifted to the municipalities and if this is going on, it is a matter of self-defense and we have to make the jurisdictions that are dropping people off here kick in their fair share.

Pritzl continued that the next thing they will be working on will be residential treatment following detox services. They are looking at options to find the best fit and place for that to occur. He noted that at that point it becomes voluntary treatment and he will continue to keep the Board advised of this.

Judge Walsh advised Evans that he met with Erik Pritzl, Commissioner Mix and Judge Hammer on the supervised visitation issue that was approved a few months ago and suggested that if Evans wanted to discuss it more he could do that with Erik Pritzl.

5. Jail Population Numbers (Larry Malcomson).

Jail Captain Larry Malcomson reported that the jail is currently full. He said they booked in 10,001 inmates in 2015 and maximum incarceration is one year. Judge Zuidmulder said it seems that we have a jail that was built with the expectation that it will meet the community's needs, but now it is full. He feels there needs to be critical analysis of where the inmates are coming from and whether or not there are stakeholders that are way too cavalier about the jail as a place to go. This would be the Judges, the DAs, the Court Commissioners and Probation and Parole. Judge Zuidmulder said he was advised that 73% of the inmates are pretrial. If that is true, the Judges need to look at why there are so many people in the jail that have not been processed and there should be a performance evaluation on this. He feels the jail is becoming a dumping ground and this has been discussed in the past, but we haven't engaged. Judge Walsh mentioned that Judge Griesbach is not holding a large amount of people in federal court and they had a discussion with him to find out what he is doing. Judge Griesbach has someone assessing risk to get a better idea of what bond should be asked for and Judge Walsh noted that that same process does not happen in Circuit Court. He said it comes down to putting people in jail on a cash bond that they cannot pay so they stay in jail and he feels the Judges need more tools to help assess bond. Judge Zuidmulder responded that a lot of time has been spent talking about this, but we are not getting anywhere and the jail continues to be overcrowded. He would like to see a subcommittee formed comprised of a Judge, the DA's office, Probation, Public Defender's office and someone from the jail to look at what we have right now and what is happening right now and if there is anything we can do with the resources we already have to make a difference. He continued that part of it is that the different pieces are not communicating well and understanding what they do and how it impacts the entire system. Judge Zuidmulder feels that all of the stakeholders in the criminal justice system need to take a hard look at how they are contributing to the use of the jail.

Evans feels this is a matter of semantics. He noted that the population is increasing which results in an increase in crime. The dynamic of Green Bay has changed. DA Lasee agreed with Judge Zuidmulder that we have to dig deeper to figure this out. He recalled that he was provided numbers from Lt. Steffen in the past. He said if the jail is full with the proper people who need to be there, fine. But if the jail is full with OAR offenders and pretrial detainees on low cash bonds, that is something that can be addressed and this Board is the place to address it. Lasee continued that there are tools available and he is aware of communities doing pretrial assessments or alternatives and diversion. He feels it is time to really address this with every piece of energy we can afford to determine if a new jail is absolutely necessary or if there are better ways to address this problem. Lasee learned at a recent conference that some communities have a position within the courts that do assessments, others have law enforcement doing assessments on the front end and some have someone in the DA's office that does assessments. Judge Walsh said the position that does the screening for Judge Griesbach is a position that the County does not have and therefore it would be problematic for the County unless there is more money available to put on another position to do assessments. He would like to see a screening tool that everyone is familiar with and willing to use so that the defense attorneys and DAs are on the same page with regard to bond.

Judge Zuidmulder said the County Board is not going to buy into this discussion unless it is explained to them what is driving this \$22 million dollar project and then let them know that we think we can get the jail population to a manageable number. His experience with the County Board is that you cannot go to them and say we want something unless they see that it as a need and an advantage for them to act on. If it is laid out that way and a proposal is laid out, they would probably go for it. Judge Walsh said it sounds like we know what we need, but have to figure out the best way to get there which seems to be to have a study, get a report, submit it and show we need a position for someone to do these assessments. Lasee agreed and said a subcommittee would evaluate what other counties are doing and what the options would be.

County Executive Troy Streckenbach asked if the TAD Coordinator makes assessments. Lasee advised that the TAD Coordinator assesses the diversion people and the treatment court people, but he is barely getting by doing what he is doing now. Lasee said there are 6,000 criminal cases filed each year and the current coordinator does not have the capacity to do this.

Judge Zuidmulder feels the first determination needs to be who is in the jail and where are they coming from. From there you would need to have the people responsible for the people being there to take some responsibility as to what the decision was that engaged them to decide to use the jail as a resource. This is something that can be done by this Board and Judge Zuidmulder said we need to get going. He feels this could easily become a crisis and then there will be a stampede to do something. He does not feel everyone is being accountable for using the resource. He feels the DA's office, the Judges and Probation all have a piece of the responsibility and everyone should sit down and talk about it. Michelle Timm of Probation and Parole noted that her office already uses a risk tool to help make decisions whether someone is held in custody. There are risk scores out there already for some of the population. Lasee said this is part of the debate where a subcommittee may be helpful because the issue of choosing the tool is a big deal and he noted that each tool has its own function. Judge Walsh said even if a subcommittee of this Board is formed to look at this, they will still need someone to come in and make a presentation as to the different tools that are available and there would also have to be a recommendation generated and he does not know who will be doing that work.

Evans noted information had been provided a number of years ago that showed what crimes people were in jail for and other information and he feels that reviewing similar updated information would be a good place to start. Lasee agreed and noted that the last figures he had seen showed that there were very few people in the jail who are low risk low needs. If the right people are in jail, there is a different problem than if we are locking up a bunch

of people that should not be locked up. Malcomson added that all the low risk offenders are out on the EMP program. There are a lot of felonies and a lot of high cash bonds. Evans said we need something concrete to start working on this. Judge Zuidmulder is willing to chair a subcommittee. Judge Walsh suggested that the information be compiled and distributed and then he will meet with Judge Zuidmulder, Lasee and someone from the Public Defender's office and move forward from there.

6. TAD Grant Programs (David Lasee).

TAD Coordinator Joe Torres reported that the grant application just came out and is due by July 19. Evans asked how much he will be asking for in the grant. Torres responded that more funds have been allocated for the grant for the upcoming cycle and he will be looking for more than last time. The application has been broken down into three stages: development, continuing and program enhancement. Brown County's programs fall under the enhancement phase and Torres is looking at what will be allotted to us and will keep this Board advised. Lasee added that this is a competitive grant so even though more dollars are allocated, there are more counties that want to add these types of programs. Lasee feels the State is committed to alternatives to incarceration and he is hopeful that dollars would be added to enhance programming.

7. Mental Health Court (Judge Zuidmulder).

Torres informed there are currently 15 individuals enrolled in the mental health court along with four that have been approved but are awaiting sentencing and nine more on the referral list. Judge Zuidmulder said demand remains high for the mental health court. There is a graduation coming up for someone who had many problems with the law before coming into the mental health court, but since this person has been in the court he has settled down, has had no law enforcement contact and is now the assistant manager at a hotel and very stable and doing a great job. Judge Zuidmulder said the mental health court exists because mental health problems are problems that are never going to go away and we need to get these people into the court because they are such a drain on community resources if they are not stabilized. The other treatment courts have some incentives, but it is not the same for the mental health court. Streckenbach would like to see statistics on all of the treatment courts so they can use them when they go to the State to articulate for additional funding. He feels that data would be useful to support arguments with the State and he asked that numbers be available for the next meeting.

8. Heroin/Drug Court (Judge Walsh).

Torres informed that there are currently 21 active individuals in the heroin court along with one waiting to start and three on the referral list. There are 16 active participants in the drug court along with one that has been approved and 11 in the referral process. Torres said the numbers seems to ebb and flow between the heroin court and the drug court. During the first quarter of the year all of the referrals were to heroin court but this has shifted and now the majority of the referrals are to the drug court.

Judge Walsh added that there have been two graduates from the heroin court and both of them are doing well. He also indicated that the phases have been restructured to include a fifth phase where they keep in touch with the participants. Torres added that the program was restructured to help the case managers handle additional capacity and also to work on changing the incentivized progress they have throughout the program. In the past sometimes when individuals got to the 90 or 120 day mark in the program they became stagnant in the services they were receiving so they have tried to make it so there is progression throughout the whole program. They have also developed the aftercare program so when someone graduates they are not completely cut off from the program. There is still some minimal case management and the court can help them in transitioning with additional support

for six months. Judge Walsh added that it typically takes a little more than a year to complete a treatment court program. He also highlighted that the first phase in the past was very intense and took a lot of resources and staff to supervise the participants. This phase has been narrowed down so that period of time is a little shorter which means they can free up staff time and allow more people into the courts.

Lasee would like to evaluate how people can be moved quicker into the treatment court program. Torres said that capacity is an issue and during the first quarter of the year they were operating at a 60 day period from point of referral to point of entry into the court, but not it is closer to 60 – 90 days and that is due to capacity. With the four treatment courts and diversion, they are providing services to 107 individuals and there is only three staff. Judge Walsh informed there are people waiting on assessments or a spot to open up so they are sitting in the jail so they don't start to use again. They are sitting in the jail for a long period of time in order to get into a treatment court which is theoretically supposed to reduce the jail population. He did not know how many people were in that situation but Torres said that there are currently about 20 referrals waiting to be screened. Judge Zuidmulder said the conversation always comes back to this and he thought the applicants that are in custody could be given priority to get into the courts because that would reduce pressure on the jail. Streckenbach asked how many participants the judges can handle. Judge Zuidmulder responded that his piece is really a small time piece. The majority of the time is spent doing staffing, reporting and supervising. Evidence based research shows that the judge needs to spend between 3 – 7 minutes with the participants in court. He can handle as many participants as the community is willing to give staff people for to do the monitoring piece. Judge Walsh agreed and said he spends about an hour before court is held and then another hour or so in court.

9. **Future Agenda Items, if any.**

Evans noted that Supervisor Nicholson had put a communication in to the Public Safety Committee regarding seizure of vehicles in OWI cases. Lasee indicated that he had done research on this and that it is not legal, but he thought what Nicholson wanted was for the County Board to ask the legislature to change the law on this.

10. **Such Other Matters As Authorized By Law.**

Judge Walsh set the next meeting for August 11, 2016 at 8:00 am.

11. **Adjourn.**

Motion made by Supervisor Evans, seconded by DA Lasee to adjourn at 9:00 am. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary