

CRIMINAL JUSTICE COORDINATING COUNCIL

September 16, 2010

Call to Order. Chair Deupree called the meeting of the Criminal Justice Coordinating Council to order at 4:00 P.M. in the Courthouse Conference Center on the second floor of the Rock County Courthouse-East.

Committee Members Present: Neil Deupree, Supervisor Sandra Kraft, Supervisor Marv Wopat, Eric Nelson, Tom Gubbin (for Art Thurmer), Captain Russ Steeber (for Sheriff Robert Spoden), Charmian Klyve, Judge James Daley, Chief David Moore, David O'Leary, Regina Dunkin.

Committee Members Absent: Ed Pearson, Lorenzo Henderson, Patrick Cork, George Smith, Jr., Rich Gruber, Max Arriaga.

Staff Members Present: Dr. Steve Singer, Rock County Crisis.

Others Present: Kay Deupree, League of Women Voters; Chief Norm Jacobs, City of Beloit Police Department; Angel Eggers and Julie Lenzendorf, Rock Valley Corrections Program; Effie Garret, Citizen; Lynda Owens, Citizen; Ted Sullivan, Janesville Gazette.

Approval of Agenda. Ms. Dunkin moved approval of the agenda as presented, second by Judge Daley. ADOPTED.

Approval of Minutes of August 19, 2010. Supervisor Wopat moved approval of the minutes of August 16, 2010 as presented, second by Mr. Gubbin. ADOPTED.

Discussion regarding Law Enforcement Criminal Justice Issues in Rock County. Chief Jacobs said the two most prevalent things facing the City of Beloit are: 1) Loose and stray animals. The City of Beloit will pay approximately \$148,000 in 2010 and is looking at \$250,000 for 2011. This is a very widespread problem throughout Rock County. 2) Career criminals. Chief Jacobs used two individuals, with 5 pages of entries each since adolescence, to show what a career criminal looks like. These two individuals are in their twenties.

Judge Daley said we have to revitalize neighborhoods, to build a rapport so they will feel comfortable to come forward with information. He added that on October 13th Kris Koeffler, Domestic Violence Intervention Program, will be getting together with religious leaders on building partnerships.

Chief Moore said the City of Janesville has a similar situation with the Humane Society; their budget will be over \$320,000 next year on animal control. He said to put this in perspective they are cutting two officers at a cost of \$110,000. 2) He feels if the State would add two additional Assistant DAs to Rock County it would help immensely, especially in drug cases and domestic violence cases. 3) He has heard from the YWCA and Victim Witness that it seems some judges will not issue restraining orders in domestic violence cases. 4) He would also like to have electronic delivery of reports. 5) He said the JPD has formed a Latino advisory committee as their population is growing. The committee will be meeting quarterly to help make inroads with the Latino community.

Judge Daley said there are three Civil Judges who rotate and one of them has a very low rate of restraining orders. There is nothing he can do about it as Judges are elected officials. If people feel they are not being treated fairly they need to make a judicial complaint.

Chief Moore said that the Domestic Violence Team goes to the scene, offers advice and then goes back within 72 hours of the occurrence to sit down with the people with options for them. He said they are seeing better police reports of the violence in the home, the evidence level is higher because some of the photos show evidence of abuse that doesn't show up right away, and the children are better protected. He feels this has helped in reducing homicides.

Mr. O'Leary said he is on a committee with the State, which addresses the needs throughout the State. They have had their first meeting and he will bring up the request for more Assistant DAs in Rock County.

Mr. O'Leary said the electronic delivery of reports is a long-term goal and part of the process is in place. This takes time to get everyone on computer systems that will exchange the data properly.

Ms. Duncan asked if there was a way to check to see how the programs have effectively worked. Judge Daley said it is hard to count crimes that do not occur. He said Dr. Gregory is doing a study on people with similar crime histories who did and did not go through Drug Court.

Mr. O'Leary asked if anyone was going to interview the people who went through the program to see what they felt did/did not work.

Supervisor Wopat said if you go to an AA or drug help group and listen to them you might find out what worked and didn't work to help them make behavioral changes.

Overview of 5th Judicial District OWI Guidelines. Judge Daley handed out copies of the old OWI Sentencing Guidelines and the new ones that just went into effect. He went over the new offense sentencing guidelines (attached).

Report on Windows to Work Program at the Rock County Jail. Captain Steeber informed the Committee the DOC received \$50,000 from the State to work with six counties, of which Rock County is one of the counties. The funding will hire two staff to act as case managers for employment readiness, workforce development and reentry support services for participants released in the six county area. Southwest Wisconsin Workforce Development Board will provide two workforce transition specialists who will be responsible for implementing a process of connecting the 25 participants (15 from Green and Rock Counties). Participants must be serving a sentence of 6-months or more, and must be under DOC supervision for the entire length of the program.

Mr. Gubbin said it will probably be RECAP people who go through this program.

Update on Rock County Jail Project. Captain Steeber said things are coming along very well. The floors are poured and walls are starting to go up. Things are on schedule for the target date of June 2011.

Report on Criminal Justice and Mental Health Initiatives in Wisconsin. Captain Steeber said the Sheriff has been attending meetings in Madison. Progress is being made but is moving slowly.

Federal Grants Update. Mr. Deupree informed the Committee that we did receive the \$50,000 planning grant. These funds will be used to hire a consultant, pay for some trips, and a strategic committee to oversee the grant. Mr. Deupree said the League of Women Voters has agreed to work with this committee to gather information.

Establishment of Working Groups for Priorities. Mr. Deupree said he has made contacts with reentry groups and have had many positive responses.

Areas of Future Action and Discussion for CJCC. Mr. Deupree said they would skip this item.

Future Meeting Dates and Locations. The next regular CJCC meeting will be held on Thursday, October 21st at 4:00 p.m. in this room.

Citizen Participation and Announcements. Mrs. Deupree said the League of Women Voters along with Rich Gruber, Coral Swanson, George Smith and Regina Duncan has agreed to work with a planning group to help educate the community on the criminal justice system and how it works.

Ms. Owens asked, when incarcerated people are released, where do they get the documents they need for employment (i.e. birth certificate, social security card, etc.). Mr. Gubbin said he would bring this up at their next meeting.

Ms. Garrett asked if Saturday was the only day for visitation to the Jail with Mr. Deupree stating it was. Ms. Garrett asked if it had been discussed to add another day. Mr. Nelson said there is a limited amount of time but that he has not heard of it being burdensome for anyone.

Adjournment. The meeting adjourned at 5:30 p.m.

Respectfully submitted,

Marilyn Bondehagen
Secretary II

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.

FIFTH JUDICIAL DISTRICT SENTENCING GUIDELINES

New

1st OFFENSE OWI/PAC NON-COMMERCIAL

(Citations Issued On or After July 1, 2010)

Civil – Non-Criminal

Forfeiture: \$150 - \$300 [§346.65(2)(am)1]
Revocation: 6-9 months [§343.30(1q)(b)2]
Occupational license eligibility immediately
Ignition Interlock: Mandatory 1 year for BAC .150 and above

With Minor Child <16 in vehicle – Criminal Offense [§346.65(2)(f)]

Jail: 5 days – 6 months **Fine:** \$350-\$1100

Use Chart for 2nd Offense OWI/PAC

BAC Levels	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
< .10	\$150 + Costs = \$691.50 6 mo. revocation	\$200 + Costs = \$754.50 6 mo. revocation
.10-.149 Controlled Substance	\$200 + Costs = \$754.50 7 mo. revocation	\$250. + Costs = \$817.50 7 mo. revocation
.150-.199	\$250 + Costs = \$867.50 8 mo. revocation IID-1 year	\$300 + Costs = \$930.50 8 mo. revocation IID-1 year
.20 and above	\$300 + Costs = \$930.50 9 mo. revocation IID-1 year	\$300 + Costs = \$930.50 9 mo. revocation IID-1 year

No Probation Option

For BAC levels under .15 for first offense, there is no IID surcharge. IID ordered for a period equal to the length of revocation. IID ordered beginning at the time of sentencing.

IID and revocation begin after completion of jail sentence. Sec. 343.305(10g).

FIFTH JUDICIAL DISTRICT SENTENCING GUIDELINES

2nd Offense OWI/PAC Non-Commercial and 1st Offense with Minor Child < 16 in Vehicle (Citations Issued On or After July 1, 2010)

Jail: 5 days – 6 months [§346.65(2)(am)2]
Fine: \$350 - \$1100
Revocation: 12-18 months [§343.30(1q)(b)3]
 Occupational license eligibility – 45 days from conviction
Ignition Interlock: Mandatory for all second offenses
 12 months to 18 months [§303.08(10r)]

With Minor Child <16 : Applicable minimum and maximum fines, revocation periods and jail double

BAC	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
<.10	\$350 + Costs = \$1109. 5 days jail 12 mo. revocation	\$400 + Costs = \$1172. 10 days jail 14 mo. revocation
.10-.149 Controlled Substance	\$400 + Costs = \$1172. 10 days jail 14 mo. revocation	\$600 + Costs = \$1424. 30 days jail 16 mo. revocation
.150-.199	\$600 + Costs = \$1424. 30 days jail 16 mo. revocation	\$800 + Costs = \$1676. 90 days jail 17 mo. revocation
.20 and up Refusal	\$800 + Costs = \$1676. 120 days jail 17 mo. revocation	\$1100 + Costs = \$2055. 6 months jail 18 mo. revocation

Probation and Treatment:

2 years probation. If successful completion of treatment on probation, minimum jail is 5 days and maximum jail is 7 days. [§346.65(2)(bm)].

IID ordered for a period equal to the length of revocation. IID ordered beginning at the time of sentencing.

IID and revocation begin after completion of jail sentence. Sec. 343.305(10g).

FIFTH JUDICIAL DISTRICT SENTENCING GUIDELINES

3rd OFFENSE OWI/PAC NON-COMMERCIAL

(Citations Issued On or After July 1, 2010)

Jail: 45 days – 1 year [§346.65(2)(am)3]
 Minimum 48 consecutive hours in jail [§346.65(7)]

Fine: \$600 - \$2,000

Revocation: 24-36 months
 Occupational license eligibility – 45 days from conviction

Ignition Interlock: Mandatory for all third offenses
 12 months – 36 months

No Bail: No bail after conviction or stay of execution of jail sentence unless jail is a condition of probation [§969.01(2)(a), §973.15(8)(a)(3), §97309(1)(a)]

With Minor Child <16: Becomes a felony and applicable minimum and maximum fines, revocation periods and jail double

BAC	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
<.10	\$600 + Costs = \$1424. 45 days jail [14 days]* 24 mo. revocation	\$750 + Costs = \$1613. 90 days jail [21days]* 27 mo. revocation
.10-.149 Controlled Substance	\$800 + Costs = \$1676. 90 days jail [28 days]* 27 mo. revocation	\$1000 + Costs = \$1928. 6 mos. jail [35 days]* 30 mo. revocation
.150 - .199	\$1000 + Costs = \$1928. 6 mos. jail [42 days]* [.17-.199 fine doubles] 30 mo. revocation	\$1300 + Costs = \$2309. 9 mos. jail [49 days]* [117-1199 fine doubles] 33 mo. revocation
.20 and up Refusals	\$1200 + Costs = \$2182. 9 mos. jail [56 days]* [.20-.249 fine triples] [.25 and up and refusals, fine quadruples] 33 mo. revocation	\$1500 + Costs = \$2563. 12 mos. jail [63 days]* [.20-.249 fine triples] [.25 and up and refusals, fine quadruples] 36 mo. revocation

Probation and Treatment:

2 years probation. If successful completion of treatment on probation, minimum jail is 14 days. *Conditional jail days if probation ordered.

IID ordered for a period equal to the length of revocation. IID ordered beginning at the time of sentencing.

IID and revocation begin after completion of jail sentence. Sec. 343.305(10g).

FIFTH JUDICIAL DISTRICT SENTENCING GUIDELINES
4th OFFENSE OWI/PAC – MISDEMEANOR ONLY
NON-COMMERCIAL

(Citations Issued On or After July 1, 2010)

Fourth offense is a misdemeanor unless it was committed within 5 years of last OWI offense or refusal

Jail: 60 days – 1 year [§346.65(2)(am)4]
 Minimum 48 consecutive hours in jail [§346.65(7)]

Fine: \$600 - \$2,000

Revocation: 24-36 months
 Occupational license eligibility 45 days from conviction

Ignition Interlock: Mandatory for all fourth offenses
 12 months – 36 months

No Bail: No bail after conviction or stay of execution of jail sentence unless jail is a condition of probation [§969.01(2)(a), §973.15(8)(a)(3), §973.09(1)(a)].

With Minor Child <16: Becomes a felony and applicable minimum and maximum fines, jail, and revocation periods double

BAC	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
<.10	\$700 + Costs = \$1550. 60 days jail [29 days]* 24 mo. revocation	\$900 + Costs = \$1802. 90 days jail [36 days]* 27 mo. revocation
.10-.149 Controlled Substance	\$900 + Costs = \$1802. 90 days jail [43 days]* 27 mo. revocation	\$1100 + Costs = \$2055. 6 Mos. Jail [50 days]* 30 mo. revocation
.150 - .199	\$1100 + Costs = \$2055. 6 Mos. Jail [57 days]* [.17-.199 fine doubles] 30 mo. revocation	\$1300 + Costs = \$2309. 9 Mos. Jail [64 days]* [.17-.19 fine doubles] 33 mo. revocation
.20 and up Refusals	\$1300 + Costs = \$2309. 9 Mos. Jail [71 days]* [.20-.249 fine triples] [.25 and up and refusals, fine quadruples] 33 mo. revocation	\$1500 + Costs = \$2563. 12 Mos. Jail [78 days]* [.20-.249 fine triples] [.25 and up and refusals, fine quadruples] 36 mo. revocation

Probation and Treatment:

3 years probation. If successful completion of treatment on probation, minimum jail is **29 days**. *Conditional jail days if probation ordered.

IID ordered for a period equal to the length of revocation. IID ordered beginning at the time of sentencing.

IID and revocation begin after completion of jail sentence. Sec. 343.305(10g).

FIFTH JUDICIAL DISTRICT SENTENCING GUIDELINES

FELONY OWI CONVICTIONS

(Citations Issued on or After July 1, 2010)

CLASS H FELONIES

5th and 6th Offense OWIs are Class H felonies.

4th Offense OWI is a Class H felony if the defendant committed an offense that resulted in a suspension, revocation, or other conviction for OWI within 5 years prior to the date of the current offense. Section 346.65(2)(am)4m.

2nd Offense (or higher) OWI is a Class H felony if there is injury to another person. Section 346.65(3p).

Prison Time for Class H Felonies: Mandatory minimum six months with up to 3 years maximum

Extended Supervision: Maximum 3 years

Fines: Mandatory minimum \$600 up to \$10,000 maximum

Fines and prison time double if there is a minor under the age of 16 in the vehicle at the time of the violation. Sections 346.65(2)(f)2 and 346.65(3p).

CLASS G FELONIES

7th through 9th OWIs are Class G felonies. Section 346.65(2)(am)6.

Prison time: Mandatory minimum of 3 years with 5 years maximum

Extended Supervision: Maximum of 5 years

Fines: Up to \$25,000

Fines and prison time double if there is a minor under the age of 16 in the vehicle at the time of the violation. Section 346.65(2)(f)2.

CLASS F FELONIES

OWI 10th and above are Class F felonies. Section 346.65(2)(am)7.

Prison time: Mandatory minimum 4 years up to 7.5 years maximum

Extended Supervision: Up to 5 years

Fines: Up to \$25,000

Fines and prison time double if there is a minor under the age of 16 in the vehicle at the time of the violation. Section 346.65(2)(f)2.