

**CRIMINAL JUSTICE COORDINATING COUNCIL**  
**November 19, 2009**

**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:** Chair Neil Deupree, Supervisor Sandra Kraft, Supervisor Marv Wopat, Supervisor Robert Fizzell (for Regina Dunkin), Ed Pearson, Rich Gruber, Captain Russ Steeber (for Sheriff Spoden), Eric Nelson, David O'Leary, Effie Garrett (for Ruth Bettin), Charmian Klyve, Art Thurmer, Lorenzo Henderson.

**Committee Members Absent:** Judge James Daley, Jose Carrillo, Jan Devore, Chief David Moore.

**Staff Members Present:** Elizabeth Pohlman McQuillen, Criminal Justice Planner/Analyst; Josh Smith, Assistant to the County Administrator; Brad Munger, Crisis Intervention Supervisor.

**Others Present:** Supervisor Larry Wiedenfeld; Supervisor Anna Marie Johnson; Supervisor William Grahn; Tom Gubbin, Probation & Parole; Lynda Owens.

**Approval of Agenda.** Captain Steeber moved approval of the agenda as presented, second by Supervisor Fizzell. ADOPTED.

**Approval of Minutes of October 15, 2009.** Captain Steeber moved approval of the minutes of October 15, 2009, second by Mr. Nelson. ADOPTED.

**Update on Veteran's Court.** Judge Daley was unable to be present. This item will be placed on the December agenda.

**Presentation on State Criminal Justice Reforms.** Mr. Thurmer distributed the following:

- 2009 Wisconsin Act 28 Sentencing Reform Fact Sheet
- 2009 Wisconsin Act 28 Sentencing Reform FAQ Sheet (updated 10/7/2009)
- 2009 Wisconsin Act 28 Risk Reduction Sentence Information Sheet

Mr. Thurmer also distributed a grid detailing the sentencing reform programs (attached) and went through them with the Committee.

**Earned Release Program(ERP)/Challenge Incarceration Program(CIP).** Mr. Thurmer explained the only program available initially required a need for alcohol and drug treatment. This is a parallel program for those not needing alcohol or drug treatment. If an inmate completes this six-month program, a letter is sent to the Court requesting the Judge amend the inmate's sentence.

Extraordinary Health Conditions/Aged. Under this program, aged inmates – 65 having served 5 years, 60 having served 10 years, with an extraordinary health condition - can seek modification of their sentence and get out early.

Positive Adjustment Time (PAT). Mr. Gubbin said this automatically triggers a review process and involves inmates sentenced for misdemeanors or non-violent felonies. All three of these - Earn 1 for 2, Earn 1 for 3, Earn 1 for 5.7 - require Court approval.

Mr. Thurmer advised most sex offenders are not eligible for these tracks.

Early Release of “Certain” Inmates (12 months from release). This requires a release plan, job, place to live, treatment needs that can be met in the community and some type of support system. Mr. Thurmer does not anticipate a large number being released. Supervisor Wopat asked if there is any money for treatment. Mr. Thurmer said the Department spends millions of dollars for treatment programs every year, however, they will always have to look for funding.

Mr. Gubbin said they can also discharge low risk offenders from extended supervision early, after they have served a minimum of two years. Mr. Thurmer advised he now has the ability to sign a person off extended supervision.

Update on Department of Corrections Funding of AODA Treatment Groups. Ms. Pohlman McQuillen updated the CJCC on DOC funding of aftercare groups for RECAP participants and intensive AODA treatment. She said staff from the DOC indicated this funding and these groups will continue during fiscal year 2010.

Holiday Court Discussion. Mr. O’Leary said he met with the Judges and they have decided Holiday Court will continue. He is reviewing this with the Attorney General’s Office. Most other counties have a 48-hour review process done in an affidavit style.

Heroin Problem Update. Mr. Henderson said he thinks it has temporarily subsided, however, he has no official data. Captain Steeber said he will provide information from the Sheriff’s Department to the Council. Mr. O’Leary said what he has heard is that the supply is still steady. Supervisor Grahn said in the Fourth Ward the problem seems to have been visually reduced, i.e., selling and using is not so blatant. Mr. Gubbin said there seems to be a bit of a decrease. Ms. Klyve reminded the Council that \$50,000 will be going into the drug treatment area in 2010.

Supervisor Wopat asked about a van said to be distributing needles and Narconan, with Captain Steeber advising this is the Aids Prevention Network. Captain Steeber also advised that they were distributing prescriptions, not the Narconan directly.

Sex Offender Placement Issue. Mr. Munger said the sex offender population is ending up with the homeless because they cannot get jobs or rent apartments. He said they also tend to hang out in libraries. He distributed two handouts on the Wisconsin Sex Offender Registry. Chair Deupree asked how this fits with the Criminal Justice Coordinating Council and our

priorities? Mr. Thurmer commented that his office struggles with this every day. Chair Deupree said he would work with Mr. Munger and Ms. Pohlman McQuillen to better define a purpose for a potential work group to address this issue and bring it back to the next meeting for the CJCC's consideration.

**Report on CJCC Coordinator Meeting.** Ms. Pohlman McQuillen reported that she attended a meeting of county CJCC coordinators in Stevens Point in October. The group is going to try to work together on issues common to all counties, including trying to apply for technical assistance from the National Institute of Corrections (NIC) for training on program evaluation.

**Future Meeting Dates and Locations.** Chair Deupree said the next meeting will be Thursday, December 17, 2009, 4:00 P.M., here in the Courthouse Conference Center.

**Citizen Participation and Announcements.** Captain Steeber noted that the recent Jail Administrator's Conference highlighted Rock County's diversion programs. Supervisor Wopat and Chair Deupree commended the Workenders for the work they had done at Riverside Park and in helping to eradicate garlic mustard. Mrs. Deupree thanked Mr. Thurmer and Mr. Gubbin for their presentation and asked for a future discussion regarding evaluation of the Workender Program. Ms. Owens asked for clarification regarding individuals on DOC supervision and association with other felons.

**Adjournment.** Chair Deupree adjourned the meeting at 5:41 P.M.

Respectfully submitted,

Linda Milligan  
Confidential Administrative Assistant

**NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.**

Who is Eligible?	Positive Adjustment Time (PAT)				Early Release of "Certain" Inmates (12 Months From Release)	Risk Reduction Sentence (RRS)	TIS 1 AND TIS 2, 75% AND 85%
	Earn 1 for 2	Earn 1 for 3	Earn 1 for 5,7				
ERP/CIP Inmates who currently meet Challenge Incarceration Program (CIP) or Earned Release Program (ERP) eligibility requirements (302.045 and 302.05) but do not have a documented need for AODA treatment.	302.113(2)(b) An inmate sentenced under 973.01 for a misdemeanor or non-violent Felony F-1 See statutes for additional exclusions.	304.06(1)(b)1 An inmate sentenced under 973.01 for a Class F-1 felony or a misdemeanor that is not a violent offense, as defined in S. 301.048 (2)(b)1, and who is ineligible for PAT under s. 302.113 (2)(b) or for a Class F-1 felony that is a violent offense under s. 301.048 (2)(b) 1 See statutes for additional exclusions.	304.06(1)(b)2 - An inmate sentenced under 973.01 for a Class C-E Felony See statutes for additional exclusions.	302.113(9h) - An inmate serving the confinement portion of a bifurcated sentence for a misdemeanor or Class F-1 Non-violent offense defined in 301.048(2)(b)1, whose release to extended supervision date is not more than 12 months before the person's extended supervision eligibility date Inmates believed to be able to maintain himself or herself while not confined without engaging in assaultive activity. See statutes for exclusions.	Inmates sentenced for a felony under s. 973.01 for whom the court has ordered a Risk Reduction Sentence under s. 973.031. See statutes for exclusions.	304.06 (1) (bg) 3 and 4. Misdemeanor or Felony F-1 (75%) or Felony C-E (85%) for offenses committed prior to the effective date of the bill and who have not petitioned the court under 973.195. The 75% does not apply to a person who is serving, begins to serve, or who has served during his/her current period of confinement a sentence for a Class C-E Felony.	
Effective Inmate Responsibility	10/01/09 Submit petition and follow DRAFT 302 IMP 14B requirements. Inmate completes petition, assists in release planning, authorizes release of medical information.	10/01/09 Must not violate any regulation of the prison or does not refuse or neglect to perform required or assigned duties.	10/1/09 Must not violate any regulation of the prison or does not refuse or neglect to perform required or assigned duties.	10/1/09 Complete release plan.	10/1/09 Agree to risk assessment and participation in program/treatment. Must maintain "good" conduct." Serve at least 75% of confinement portion of a bifurcated sentence and complete programming or treatment.	10/1/09 Must serve at least 75%/85% of the confinement period of a bifurcated sentence. May choose to petition: 1) the court under 973.195 (if sentenced before 10/01/09 or 2) ERRC under 304.06(1)(bg), 3 and 4 (if not already petitioned the court under 973.195)	
Key Stakeholders	ERRC - hearing, Victim, District Attorney (DA), defense attorney, inmate. May provide input or attend hearing.	Release subject to court review. Victim may provide input if court holds hearing.	Court, DA, victims. ERRC holds hearing; court may accept or reject ERRC's determination. Victim input at ERRC and/or court hearing.	Court, DA, victim	Court, victims	Court, DA, victims. Victim may provide input at ERRC and/or court hearing.	
Risk Assessment	Not required by Statute	Required by statute	Required by statute.	For existing population, designee completes prior to review by Secretary's Office.	302.042 (2) requires the department to complete for each inmate sentenced to a risk reduction sentence	Required by statute.	
Risk Assessment Purpose	Not applicable	Assess criminogenic factors and risk to reoffend. Determine PAT category. For review by court.	Assess criminogenic factors and risk to reoffend. Determine PAT category. For review by ERRC and court.	Assess criminogenic factors and risk to reoffend	Assess criminogenic factors and risk to reoffend; development of Program Plan.	Assess criminogenic factors and risk to reoffend. For review by ERRC and court.	

Date: 10/7/2009