

Rock County
Evidence-Based Decision Making Ad Hoc Committee
Wednesday, October 21, 2015 minutes
Conference Room N-1/N-2

- 1) **Call to Order.** Chair Nelson called the meeting to order at 9:38 AM.
- 2) **Committee Members Present.** Judge Alan Bates, Judge James Daley, Troy Enger, Vice Chair Sandra Kraft, Charmian Klyve, Stephen Meyer, Angela Moore, Chair Eric Nelson, David O'Leary, Josh Smith.
- 3) **Committee Members Absent.** Larry Barton, Commander Erik Chellevoid, Judge William Henderson, Dorothy Harrell, Chief Norman Jacobs, Elizabeth Krueger, Chief David Moore, Sheriff Robert Spoden and Judge Richard Werner.
- 4) **Staff Members Present.** Elizabeth Pohlman McQuillen, Criminal Justice System Planner/Analyst; Tracey VanZandt, HR Secretary.
- 5) **Others Present.** Steve Howland, CJCC member; Supervisor Linda Garrett, Rock County Board of Supervisors; and Tommy Gubbin, EBDM State Coordinator.
- 6) **Approval of Agenda.** Ms. Klyve moved approval of the agenda, second by Ms. Kraft. ADOPTED.
- 7) **Approval of Minutes from September 30, 2015.** Mr. Smith moved approval of the minutes of September 30, 2015 as presented, second by Mr. Meyer. ADOPTED.
- 8) **Discussion with Mimi.**

Mimi asked what committee members have done to advance EBDM since our last meeting. We would like to expand the circle of people involved in EBDM. Mr. Smith mentioned the EBDM initiative in his Budget presentation as possible funding implications in 2016. Judge Bates attended a meeting addressing trauma in the Juvenile Justice System and they are going to be using ideas from EBDM. Chair Nelson shared information on EBDM at an all staff meeting. Judge Daley had a District Judge meeting with Dane, Lafayette and Green counties and they discussed EBDM.

An updated system map, decision point template and Research Matrix findings were handed out. There are seven more decision points that we need to discuss today. The

committee reviewed briefly each decision point that has been discussed to date. Is what we have done to this point helpful? Does this fundamentally capture what was discussed?

Decision Point #1:

- Stay away from acronyms or provide glossary for acronyms

Decision Point #2:

- 2.c. Has no exit strategy/it dead ends at 2.e. This needs to be worked on.
- Typo under “How does it currently work?” last sentence should read “and no way to monitor conditions.”

Decision Point #3:

- Under “Data Availability” first bullet point would like wording changed to “Need data to access and address race/overrepresentation in the system.”
- Under “Data Availability” fifth bullet point there is a typo. Word should be “available” not “availably”
- Under “Data Availability” seventh bullet point wording should be changed to “Frequency with which no actions are referred for municipal citations”
- Under “Opportunities for Improvement” first bullet point wording should be changed to “reduction in pretrial misconduct and responses to pretrial misconduct”

Email any other issues to Ms. Pohlman McQuillen.

Sentencing Decision Point

- 3r. Set Plea or Trial Date (Eliminate PGP acronym)
- 3s. Plea Date or Plea and Sentencing (Change wording, remove PGP acronym)
- Remove 3v. altogether (no separate sentencing hearing needed)
- 4h. - 4n.

What currently is happening at Sentencing?

Judges make decision on every case to try and achieve the goals of sentencing which are punishment, rehabilitation and specific deterrence. They consider the body of work, the severity of the crime, effect on the victim and whether or not treatment needs can be met in the community. Decisions are individualized and no guidelines unless there is a presumptive minimum in statutes. (OWI/sex offenses/possession of child pornography/traffic required) There are statutory maximums as well. This must be known before entering a plea. Ordinance violations will have a range. Options are county jail, prison time, probation with or without jail, treatment court, and community service. **Our map needs a line drawn from 4h. to 4k.** They need to consider interstate compact. There is a new law going into effect Jan. 1, 2016 in regards to interstate compact. There will be a \$150 surcharge per address. Is there anyone that keeps track of sentencing?

There is a Milwaukee County newspaper that keeps track of OWI sentences. It was noted that judges in Wisconsin are elected to six year terms and public perception/re-election can influence how judges rule. Is there a felony PSI? Yes, it depends on the record at the time of the plea. It can't be ordered on misdemeanor only. Is our map clear and well understood? Judge Bates feels that the process is very well understood but when ordering sentences, judges don't know if programming during incarceration happens/is successful. The individual may have criteria to make them ineligible. The judge can decide if an individual can be treated in the community and sentence accordingly. Judges would like a feedback loop on whether programming/treatment is successful. Judges only see individual successes such as when individuals complete treatment and the judge has to sign off. They also get notice of conditional time and RECAP. Most feedback is negative not positive outcomes—because the individual has done something wrong and is before the judge again. In juvenile court, Judge Bates can measure successes because all cases have to be signed off upon, unlike adult court. Treatment courts are monitored as well (successes can be seen). Data that is now being collected is being more mindful. What is the impact of plea agreements? They are not binding. They are recommendations between parties. It is the judge's decision and sentencing. The judge can accept the agreement, kick it back to the parties or proceed on his own. **We need our map to show this kick back off of 4h. Sentencing.** Mr. O'Leary will work with Ms. Pohlman McQuillen to get the map to reflect this.

Why is this an important point?

- Decisions have significant impact on community/victim/defendant
- Public trust and confidence
- Major impact on cost and victimization

What data do we have available?

- Lack data on programmatic successes
- Have data on juvenile case outcomes, as well as specialty courts
- Data is being collected-ability to mine it is limited

What would we like to see happen at this point?

- More assurance that treatment options are being followed through
- Clients have access to and can get into treatment
- Judges have information about what treatment is available, effectiveness of treatment and likelihood of admission
- Would like risk need assessment available for informed sentencing
- Access to mental health information
- Different options for low risk individuals (match risk to resource investment)

- Assessment information available sooner

What are the opportunities available at the sentencing decision point?

- Expand community based sentencing options (in custody treatment options)
- Obtain information on effectiveness of programs-especially by offender types
- Recidivism data (what's the true definition)
- Another assessment available for trauma for proper treatment options (nice to have control group for recidivism study)
- Less low risk individuals being put on Probation and Parole (quicker supervision)

Probation and Parole Decision Point

- 4m. and 4v.

What is currently happening at this decision point?

An offender meets with an intake agent within 30 to 60 days and gets a case plan. Part of the intake is the COMPAS assessment, review sentence and conditions. Every offender gets an assessment. If they are determined low risk, they will stop at the initial assessment. If they are determined higher risk, the core assessment will be completed. An individual comes out with a general and a violent risk score along with risk level and supervision is determined from this. Levels of supervision are: Low / Medium / High and Enhanced. Agents can use their professional judgment to request an override of the supervision level. Mimi asked how often the overrides are requested. There is no data available on this. Mimi stated that there are studies that have been done and research shows that if there is more than a 15% override rate, this will nullify the value of the assessment tool. There are some policies in place where automatic overrides take place. (OWI/DV/Sex offender) The agents use motivational interviewing with the client to help guide the case plan. The agent and client work together to create the case plan. There has been a lot of training for DOC staff on new initiatives. They are concentrating on four core competencies, skills that an individual needs to possess in order to have risk reduction potential. DOC collects fees before restitution. Mimi asked about sentencing conditions, as there is some very compelling research around requirements of individuals that address criminogenic needs and don't address criminogenic need.

What do we want to have happen at this point?

- Culturally competent staff
- Cost effective decisions
- Risk information available for all defendants including misdemeanors
- Hold defendants accountable for conditions

- Prioritize restitution-assistance to obtain employment
- Sufficient array of risk reduction interventions

What data do we have or need?

- 2,069 offenders on supervision in Rock County (Data available on gender/race)
- 41 agents in Rock County
- Caseload is based on points (example: low offender is worth 1.5 points, high offender 8.5 points) Caseload consists of 187 points or approximately 80 individuals per agent

Why is this an important point?

- Releasing people into the community with hope to not create new victims
- This is why Criminal Justice System exists-to rehabilitate
- Make victims whole
- Cost effective plan
- Risk reduction opportunity

What are the opportunities available at this decision point?

- Risk assessment conducted prior to sentencing
- Feedback to judges on what does/does not work
- Annual data on key program issues (eligibility, waiting lists, completion rates, etc.)
- DOC share information on processes with system stakeholders
- Reassess DOC probation-matching risk to intervention

Community Based Programs

DOC-

- Sex Offender treatment
- AODA
- Thinking 4 Change (contracted out)
- Day Reporting Center
- Halfway House - 32 beds
- DVIP
- RECAP-jail program
- Treatment Courts-Case manager is HSD
- Employment Ready Program-Community Corrections Employment
- Parenting Classes
- Gender Responsive programming

HSD-

- AODA
- Outpatient Mental Health
- Comprehensive Community Services
- Crisis Intervention (responds to mental health crisis in community as well as RCJ and YSC)
- Short term housing
- The PATH program (outreach to community, homeless)
- Economic Support (Badgercare, Foodshare, W2)
- Re-entry program w/ Crisis Stabilization

Is there an inventory of these resources which explains all these programs? 211 directory through United Way will give names and contact information for most of these but does not detail services that are offered. People involved in the Justice System would get a higher priority due to the connections to the other pieces in the System.

What do we want to have happen at this point?

- Match right individual to right service
- Timely placement into needed programs
- Assure programs are effective

Why is this an important point?

- Cost effective means to provide needed risk reduction, particularly if accessed on a diversionary basis
- High investment in programs and services

What data do we have or want?

- New program that DOC has will be able to generate data moving forward
- No current means of measuring successes
- DOC has budget data by program

What are the opportunities available at this decision point?

- Comprehensive directory of programs and services including description of services, eligibility criteria, number of slots, programmatic requirements
- Find missing needs / what is not being addressed? / Are programs effective?

Violation Responses Point

How we respond to the behavior of the individuals we are working with. Those responses can lead to non-compliant behavior.

What does the research show if we want to encourage pro social behavior?

- Swift, Certain and Fair
- More positive than negative feedback (6-8:1)
- Appropriate responses
- Feedback on whether our responses are effective or not

What currently happens or what would we like to see happen at this point?

- No Pretrial monitoring; only aware of failure (unless on probation)
- DOC conducts investigation (technical and rules violations/criminal behavior/different responses to different violations)
- More individualized conditions/requirements
- Swiftness related to severity - for Probation and Parole
- Doing better on Probation/rewarding behavior
- Using swift and certain responses in treatment court
- Due process clogs up swift and certain process
- Rules apply to everyone

Why is this an important point?

- Same reasons as probation
- Opportunity for perception of fairness
- System integrity
- Opportunity for behavior change

When an individual comes back to court after revocation, is there information provided about what has happened with that individual during that time? Revocation summary is supplied to the courts.

Summary:

- We still need to discuss all jail decision points. It is very important that Commander or Sheriff can attend next meeting.
- It was decided that we still have a lot of information to cover. Additional 2 hour meeting added on Monday, November 16, 2015, from 1pm to 3pm.
- Decision point template will be updated by Ms. Pohlman McQuillen and emailed to committee members. It is asked that each member review the template before the next meeting.

- 9) **Citizen Participation and Announcements.** Ms. Klyve passed out a copy of Senate Bill 326 which states that Law Enforcement will now work with CPS on the investigation of any report of suspected or threatened child abuse or neglect.
- 10) **Future Meeting Date:** Monday, November 16, 2015, from 1:00 P.M. – 3:00 P.M., Conference Room N1/N2, Fifth Floor Courthouse East
- 11) **Adjournment.** Adjourned by acclamation at 12:26 P.M.

Respectfully Submitted,

Tracey VanZandt

HR Secretary

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.