

**CRIMINAL JUSTICE COORDINATING COUNCIL
CRIMINAL JUSTICE SYSTEM PROCESS AND OPPORTUNITIES SUBCOMMITTEE**

December 3, 2012

Call to Order: Chair Gubbin called the meeting to order at 12:00 p.m. in Conference Room 519 on the fifth floor of the Rock County Courthouse-West.

Committee Members Present: Chair Tom Gubbin, Supervisor Sandy Kraft, Judge James Daley, Sheriff Robert Spoden, David O'Leary, Eric Nelson, and Charmian Klyve.

Committee Members Absent: None.

Others Present: Elizabeth Pohlman McQuillen, Criminal Justice System Planner/Analyst; J. Russell Podzilni, County Board Chair; Rebecca Rudolph, Rock County Human Services; Cynthia Stoppel, Public Defender's Office; Deputy Paul Kremer, Commander Erik Chellevoid, and Captain Brent DeRemer, Sheriff's Office; Judge R. Alan Bates; Anne Marie Ames, Janesville Gazette; Tonya Ramsey, Crossroads Counseling; Phyllis Reed and Kaitlan (intern), Probation/Parole; and Anne Nack from the District Attorney's Office.

Approval of the Agenda: Sheriff Spoden moved approval of the agenda as presented, second by Supervisor Kraft. ADOPTED.

Approval of Minutes from Meeting on October 25, 2012: Supervisor Kraft moved approval of the minutes, second by Mr. O'Leary. ADOPTED.

Discussion regarding OWI Offenders and Use of Electronic Monitoring. Judge Daley began by saying the Wisconsin Supreme Court has ruled the Circuit Court cannot have an opinion on the Sheriff's use of electronic monitoring and the Circuit Court is here for advisory purposes only. Sheriff Spoden said when you look at what we are trying to accomplish with OWI Court, you are expecting people to complete an 18-month program when all they can get is a maximum of 12-months in jail. He said there are a lot of intensive requirements for OWI Court and there doesn't seem to be much of an incentive. The Sheriff said people on electronic monitoring (EM) he can monitor them at all times, as opposed to when people are on Huber and out for 12-hours at a time. He also said Wisconsin has lax OWI laws compared to other states. Mr. O'Leary said the perception from defendants and defense attorneys is that EM is not a deterrent, but they do see jail as a deterrent. The Sheriff responded that the community approves of EM. Mr. O'Leary said if we don't put drunk drivers away people can die. He expressed his hope for the success of the OWI Court program. Sheriff Spoden asked what the incentive for OWI Court is. Mr. O'Leary responded getting out of jail is the incentive. Sheriff Spoden said the Huber Dorm has only six available beds currently and that is where these people would be housed. Mr. O'Leary said he wants drunk drivers treated so they don't continue to drive while intoxicated. Ms. Stoppel said she agrees that she wants people to get treatment and according to the sentencing guidelines now, some can get treatment up front and that is working. She added there are currently three people in OWI Court and there are two more referrals and five people have been turned down from the program.

Commander Chellevoid asked what the proposed changes would be—to sit in jail for the maximum amount of time allowed by the sentencing guidelines? Mr. O'Leary questioned whether

the OWI Court should accept higher than a third offense. Chair Gubbin said there are two issues: whether to change the target population or change the sentencing. Mr. O’Leary said he would like to tie EM with treatment. Mr. Nelson said it doesn’t have to be all or nothing. He also said in LaCrosse County, for OWI offenders the choice is to sit in jail or do OWI Court. He suggested we find out where the tipping point was—waiting 30, 60, or another amount of days before someone is eligible for EM. Sheriff Spoden said he would be willing to look at keeping and OWI offender in jail for 30 days before they would be eligible for EM.

Judge Bates mentioned that the OWI Court is off to a slow start and currently only have funding for 18 months. Sheriff Spoden said alcohol abusers offer a lot of resistance and even through the in-jail RECAP program it takes several months to make a breakthrough with them.

Several members again brought up that the penalties for OWI in Wisconsin, overall, are low compared to other states. Chair Gubbin asked if it was possible to tie Huber privileges/EM with treatment. County Board Chair Podzilni asked if a OWI offender’s car can be impounded by a judge. Mr. O’Leary said the car cannot be impounded but the individual’s license is taken away.

Announcements: None.

Time and Date for Future Meeting. Meetings will be scheduled as necessary.

Adjournment. The meeting adjourned at 12:50 P.M. by acclamation.

Respectfully submitted,

Elizabeth Pohlman McQuillen
Criminal Justice System Planner/Analyst

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.