

**Rock County**  
**Evidence-Based Decision Making Ad Hoc Committee**  
**Wednesday, September 30, 2015 minutes**  
**Conference Room N-1/N-2**

- 1) Call to Order. Chair Nelson called the meeting to order at 9:20 AM.
- 2) Committee Members Present. Commander Erik Chellevoid, Troy Enger, Vice Chair Sandra Kraft, Chief David Moore, Chair Eric Nelson, David O'Leary, Josh Smith, Dorothy Harrell, Judge Richard Werner, Judge William Henderson, and then Angela Moore at 9:30 A.M and Judge James Daley at 10:16 A.M.
- 3) Committee Members Absent. Larry Barton, Judge Alan Bates, Chief Norman Jacobs, Charmian Klyve, Elizabeth Krueger, Stephen Meyer and Sheriff Robert Spoden.
- 4) Staff Members Present. Elizabeth Pohlman McQuillen, Criminal Justice System Planner/Analyst; Tracey VanZandt, HR Secretary; Gina Koehl, Deferred Prosecution Director; Phil Boutwell, HSD Deputy Director.
- 5) Others Present. Captain Dan Molland, Beloit Police Dept; Fawn Moses, State Public Defender Office; and Tommy Gubbin, EBDM State Coordinator.
- 6) Approval of Agenda. Judge Werner moved approval of the agenda, second by Mr. O'Leary. ADOPTED.
- 7) Approval of Minutes from July 29, 2015 and August 5, 2015. Ms. Kraft moved approval of the minutes of July 29, 2015 and August 5, 2015 as presented, second by Ms. Harrell. ADOPTED.
- 8) Discussion with Mimi.

Today we will continue our discussion on each decision point. As we are reviewing the decision points we will be asking these three questions:

- 1) What do we want to have happen?
- 2) What data do we have or need?
- 3) What are the opportunities? Low hanging fruit/High hanging fruit

At our next meeting on Oct. 21 we will complete our discussion on the decision points. On November 18<sup>th</sup>, we will develop and apply criteria for selecting our priorities, establish work groups around each and create a plan to expose others to EBDM. The November

meeting is a critical juncture. This is when the hard work begins. There will be no meeting in December.

Ms. Pohlman McQuillen passed out a template that the committee agreed we would use to capture important information for each decision point. This template will help us share the information with others as well. This template will also help us realize any information that has been overlooked.

We should start thinking about people who would be beneficial to have on our work groups.

Ms. Moses asked since she is new to Rock County, at the point of arrest who decides if an individual can post bond or if they go to jail?

**1e. Determine if Probable Cause to Arrest (L.E.)**

- At this decision point, an individual can be held, receive a court date or post bond.
- We did discuss this at last meeting and we identified the bond schedule as a state issue.
- Judge Henderson stated that if there is a traffic violation and it is an Illinois resident that they more than likely will be asked to post bond in the amount of the forfeiture unless the individual can show that they have ties to Wisconsin, at which time they will be given a court date. This is based on police discretion.
- It was asked how much discretion Law Enforcement has as far as the bond schedule is concerned. The bond schedule is set but there is discretion on the charge.
- An individual will always be held for a felony unless approved by the DA.
- A misdemeanor charge may get court date unless there is a statutory requirement to hold.

**1j. Municipal Ordinance Violation**

- Typically no bond requested except for out of state residents.
- OWI- If out of state resident can't post bond, then charge will go state side so individual can be held.

**Pre-Trial Decision Point**

- We currently do not have a pre-trial screening but if we did it would be before the initial appearance.
- 2m. First Time bond is addressed by the court.
- 2a. Jail Booking -Sheriff can make discretionary decision to release.
- 2b., 2c., 2d. Jail can contact Duty Judge for release/usually on weekends/includes 48 hour reviews.

What would we like to see happen at this point?

- Don't hold low risk/non-violent offenders.
- Ability to monitor those who are released who pose a risk.
- Bond schedule needs to be reviewed (risk determination not based on money).
- Hold those that are violent and high-risk.

What data do we have?

- Jail has info on who is sitting on cash only. There is a report that can be generated but it is only a snapshot in time. When new system installed in December, there is a hope that more data will be available.
- Beloit can break out data by individual versus charge.
- Ballpark data available on 1e. (Dan)
- No Tracking at 2m.

What are the opportunities available at the pre-trial decision point?

- State Team action on bond schedule/recommendation from county levels.
- Reduce numbers in jail by eliminating requirement of holding out of state residents on municipal cases.
- Pre-Trial monitoring/examine alternative.
- Examine local policy (police policy) around when individuals are held pre-trial.
- Use risk assessment to inform pre-trial release decision.

### Diversion & Deferred Prosecution Decision Point

- 3f., 3g., 3h., 3i
- 2k. Contact Police Department for Diversion (This is an exception when attorneys are involved and there is a pre-trial conference hearing. Example: mom or dad call police because 15 year old daughter is having sex with 15 year old boyfriend and they want him arrested for felony. Pre-trial is done and discussed) Is there an opportunity to do this at pre-charge? Similar to the Eau Claire model. From this point it either gets diverted or goes back to 2g./2f.

What do we want to have happen at this point?

- Quicker decisions or earlier decisions.
- Get information to pro se individuals.
- Keep names out of CCAP when possible (Milwaukee County—diversion determination can happen at jail booking/Eau Claire County at point of arrest).
- Have an array of options based on risk or need available (Low risk we need less contact/discuss options with individual; High-risk needs more

resources/supervision. There is a gap in medium to low-risk options currently. Eau Claire runs a low-risk diversion program where the individual goes straight to diversion. The program runs for an hour and half and about 50 to 60 individuals attend.).

What are the opportunities available at this decision point?

- Expand Diversion and Deferred Prosecution options in Municipal Court and have available at the Law Enforcement and DA Decision Points

### Charging Decision Point

- 2f.
- 1n.a. Add box for Municipal Court (Review by City Attorney with box off that Back to law enforcement for state charge or back to law enforcement for additional information)
- Beloit has policy to charge with appropriate offense (no overcharging)
- Legal charging happens with the DA's Office- law enforcement only makes decision to arrest/DA makes decision to charge.
- Janesville has no policy but it is their practice to not overcharge/also supervisory overview.
- DA charges with what you expect them to plead to/do not overcharge/vertical prosecution in place/Assigns cases to prosecutors depending on how he wants case handled.
- Lack of time to make charging decision/On a good day, DA will refer a poor investigation back to law enforcement for follow up, on a bad day will "No Action" and not charge. **(WORKLOAD ISSUE)**

What do we want to have happen at this point?

- Focus on higher risk; this is where resources are focused
- Ability to identify those appropriate for Diversion
- Charging decision is based upon ability to prove beyond a reasonable doubt
- Do we have bias? No control on the individuals who come into the court. Data will definitely help us here. Data needs to be kept apples to apples. Everything that individual has done in their lifetime is considered at time of sentencing. We are creating a footprint for the future.

What data do we have or want?

- NCIC-criminal history.
- CCAP.
- Data available on No Action versus charged.
- LE refers charge and then charge is amended by DA (frequency of this)

- Charging by gender or race available (on citation at municipal level) (no report would have to determine case by case).
- Beloit can mine citation data by age and race (Spillman).
- Would like frequency at which municipal citations are referred back from the DA as “No Actions”.
- Total arrests for 2015 broken down by age and race.
- Can Dara run centralized reports for all?
- Treatment courts have great data available.
- Track poverty (may never get there) /How could this be determined?/more police force in challenged neighborhoods may lead to more arrests from those neighborhoods.
- All individuals in custody are offered State Public Defender services and 99% fill out indigency forms. (this is a snapshot of time) Information provided on these forms is sporadically verified.
- Number of individuals charged who are eligible for Public Defender services.

What are the opportunities available at this decision point?

- Increased Diversion decisions. (increased specialty courts?)
- Diversion upon arrest (law enforcement).
- **State issue-overcharging by prosecutors.**

### Plea Decision Point

- 3o., 3p., 3q., 3n.

What would we like to see happen at this point?

- Swift and thorough plea
- Defendants receive monitoring and treatment as quickly as possible  
Current length of time it takes to get defendant appropriate services:  
6 months to 1 year on misdemeanor  
1 year start to finish on felony  
1 year to 18 months on drug court  
6 months before individual can get into drug court  
1 year on Veterans court
- Some individuals would rather serve their time as it is quicker than the process.
- Discovery takes time, defender has to go over with client.

What are the opportunities available at this decision point?

- Opportunity for electronic discovery-email if possible-City of Janesville is working on the cloud that can be shared within agencies.
- Conduct pre-charging conferences.

Other counties do DA conferences-Defender has lack of response from client-need court time-DA Prosecutor's time.

Want to add bail jumping charges to previous decision point.

Individual with mental health or drug issues, they can keep picking up more charges in the community.

Sometimes restitution issue can hang things up.

Our current Criminal Justice System is controlled by the defendant, how quickly things happen. (This is from the victim's point of view.)

Different results for different people depending on the individual involved.

Plea jump—Defense attorney can explain to client what to expect.

#### Summary:

- Decision points that were talked about today will be filled out on templates.
- Do we think we have data that can be attached to the map? Pull what is available and send to Ms. Pohlman McQuillen.
- Would like to finish decision points during October meeting. Can this be accomplished in a 3 hour meeting? There will be a November meeting but not in December. Do we want to add another meeting or make the November meeting longer? The time constraints of the people on the committee are a factor.

#### Mental Health Handout

- Do we want to add this to the map?
- Jail has data on how many individuals are receiving medications, not being held on mental health issues. There are HIPPA considerations. Jail has to keep custody records separate from medical records. This data is not readily available. Likely we can only get a snapshot in time.
- Possible state issue to capture this data. Phil Boutwell will check to see if HSD has this data available.
- Chief Moore has contemplated changing incident reports to have a spot to indicate if mental health/alcohol/drug issue is apparent.
- Jail has a new statutory requirement that they must obtain written record from arresting agency on alcohol/injury/mental health/drug use.

- Individuals can be held on a civil commitment when they are danger to themselves or others.
- Ms. Pohlman McQuillen will add mental health detentions this to map. Start as offshoot from Ig. and run parallel to map.
- NGI plea should be routed to mental health track as well

9) Citizen Participation and Announcements. None.

10) Future Meeting Date: Wednesday, October 21, 2015, from 9:15 A.M. - 12:15 P.M.,  
Conference Room N1/N2, Fifth Floor Courthouse East

11) Adjournment. Adjourned by acclimation at 12:14 P.M.

Respectfully Submitted,

Tracey VanZandt

HR Secretary

**NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.**