

## Portage County

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**Date Visited:** July 21, 2006

**Interviewed:** (\* indicates multiple contacts)

Kathy King, Justice System Administrator\*  
District Attorney Thomas Eagon\*  
Judge Thomas Fluguar\*  
Judge Fred Fleishauer  
Assistant State Public Defender Donna Ginzl  
Mark Maslowski, Portage County Executive  
Deputy Sheriff Evan Hansen  
Don Jankowski, County Board Member

### **Appendix:**

Justice Coalition Membership and Mailing List  
Agenda, Jail Overcrowding Committee Meeting, August 23, 2006  
Agendas and Minutes, Justice Coalition Meetings May - September 2005  
Portage County Jail Population Spreadsheets 1992-2006  
Justiceworks Journal, June 30, 2006  
Justiceworks Bylaws  
Article from the Portage County Gazette, *Justiceworks Wants to Be Community Voice*  
Goldman & Associates, Draft, Judiciary and the Courts Report, August 16, 2005  
Goldman & Associates, Final Report: Portage County Justice System Needs Assessment Study & Plan, Mary 14, 2006 (available from author or online at  
<[www.portage.uwex.edu/cnred/documents/JCNeedsAssessmentDraft.pdf](http://www.portage.uwex.edu/cnred/documents/JCNeedsAssessmentDraft.pdf)>

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CHUCK KELL  
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**TO: Jail Overcrowding Committee Members**  
**DATE: August 23, 2006**  
**RE: Next Meeting Date and Jail Utilization Issues**

We are presently scheduled to meet on **Wednesday, August 30, 2006 at 11:00 am in Conference Room 5** of the Courthouse Annex, to consider recommendations to address jail utilization issues. To assist in this discussion, we ask that you review the information presented (summarized below) and bring your responses/ideas to our meeting on August 30. (Refer to the options listed and answer the questions.) If you are unable to attend the meeting, please get your responses to Judge Flugaur prior to the meeting.

Please note: All data has been compared with the same time period in 2005 (January 1 to June 30).

**Meeting One: Pretrial Custody, Contempt of Court and Failure to Pay Fines**

Factors to consider:

- Number of bookings and average length of stay (ALOS) increased for executions, resulting in an increase of 3.5 beds per day.
- ALOS for pretrial misdemeanor has decreased, resulting in an ADP reduction of 4 beds per day.
- ALOS for felony pretrial has remained the same; however, the number of bookings has increased. This has resulted in an increase in the average daily population (ADP) for felony pretrial of 3 beds per day.

Options to consider:

- Should we examine proxy tool results relative to bond/release conditions? Yes \_\_\_ No \_\_\_
- Should we continue existing execution practices or examine civil judgment/collection? Yes \_\_\_ No \_\_\_
- Should we increase the use of home detention for pretrial cases? Yes \_\_\_ No \_\_\_
- Should we increase the use of intensive supervision for appropriate cases (added 15 slots in 2006)? Yes \_\_\_ No \_\_\_

Other:

**Meeting Two: Sentence Population and Home Detention**

Factors to consider:

Sentences

- Other Felonies: ALOS – Up, Booking – Up, and ADP up 2
- OWI Felonies: ALOS – Up, Booking – Up, and ADP up 2
- OWI Misdemeanors: ALOS – Way Up, Booking – Constant, and ADP up 3
- Other Misdemeanors: ALOS – Same, Booking – Down, and ADP down 1.5
- Increase in average days to complete Pre-Sentence Investigation (PSI) from 56 to 67 per report
- Decrease in number of PSI's ordered, from 43 (85 for 2005) to 28 (1-1-06 to 6-30-06)

Home Detention

- Decrease in utilization rates: Year 2003 = 18.5/day; Year 2004 = 15/day; Year 2005 = 12/day, and Year 2006 = 9.5/day.
- Increase in shipping takes additional corrections officer resources and leaves less time to promote/support the Home Detention Program (HDP)
- More cell phones (and less land lines) require new technology, which is available, but costly at an additional \$6/day.

Options to consider:

- Should we increase the number of Level of Service Indicator (LSI) evaluations vs. PSI's? Yes \_\_\_ No \_\_\_
- Should we reexamine/modify disincentives to HDP (ratio, technology, cost, housing, conditions such as employment status)? Yes \_\_\_ No \_\_\_
- Should we increase dedicated resources to HDP (increase corrections officer time for supporting HDP and deputy time to monitor home/employment issues)? Yes \_\_\_ No \_\_\_
- Should we modify discipline practices to allow inmates to be considered for HDP after 60 days of good conduct?  
Yes \_\_\_ No \_\_\_

Other:

**Meeting Three: Post Sentence and Probation/Parole Holds**

Factors to consider:

Post Sentence

- Community Service Crews were cut in 2006 (from 4 weekends per month to 1 weekend per month)

Probation Holds/Revocations:

- Supervisor position vacant
- Agent position recently filled
- Increased ALOS of Probation/Parole holds from 19 days to 23 days, resulting in an increase of 7 beds per day.
- Increased use of Day Report (while reporting less jail bed day savings)
- Jail Alternatives to Revocation (ATR) becoming more common
- ATR beds limited with long waiting lists
- Withheld sentences require court hearing
- Portage House has been full for past 3 months (with waiting lists on occasion)

Options to consider:

- Should we increase the use of Day Report for monitoring offender transition from jail to community [Department of Corrections (DOC) referrals]? Yes \_\_\_ No \_\_\_
- Should we increase the use of Day Report for disciplinary detention (probation holds)? Yes \_\_\_ No \_\_\_
- Should we increase the use of HDP for some probation holds (Sheriff's authority or to support DOC resources)?  
Yes \_\_\_ No \_\_\_
- Should we increase the use of community service work crews (increase the number of crews and reconsider disincentives)? Yes \_\_\_ No \_\_\_
- Should agents be allowed to use the Intensive Supervision Program as an ATR (may need to increase resources)?  
Yes \_\_\_ No \_\_\_
- Should cases be staffed for referral to Portage House (best candidates)? Yes \_\_\_ No \_\_\_

Other:

**Next Steps for the Committee:**

Our discussions have revealed a need for routine monitoring of key practices and programs as we work together to manage jail resources and shipping rates. This will require the development of regular data reports and meetings of the Jail Overcrowding Committee. Improving our ability to understand the influences and impacts of changes in practices and programs is vital to effective management.

Toward this end the following options may be considered:

- Establishing a standing Jail Utilization Committee with regular meetings
- Developing routine reports to be reviewed and discussed by the committee, leading to suggestions for change/improvement.
- Contracting with Stan and Brad to support the development of these reports/data gathering methods and provide staff training.

MINUTES  
Portage County Justice Coalition  
Thursday, September 22, 2005

Members Present: Dan Barth, Jeff Morris, Harvey Olson, Ross Dick, Tom Eagon, Judge Finn, Bernie Flatoff, Carrie Davies, Evan Hansen, Mike Houlihan, Chuck Kell, James Krems, Ray Przybelski, John Graettinger, Wendy Voss, John Charewicz, Richard Purcell, Laurie Roberts, Michelle Nelson, Dave Medin, Dwayne Wierzba, Amy Modrzewski, and John Rendall

Others Present: Don Jankowski, County Board Supervisor; Patty Dreier, Portage County Grant Writer; Bill Meyer, Chair, Justice Coalition Advisory Committee; Kim Roberts, ATTIC Correctional Services; Mark Goldman, Goldman Associates; Len Witke, Mead Hunt Associates; Jared Redfield, Attorney; Patti Cahill and JR Winn, Oxford House; Denise Ellis, Jail Inspector; and a member of the media

Staff Present: Kathy King and Paula Cummings, Portage County Planning and Zoning.

Judge Flugaur called the meeting to order at 7:50 am in Conference Rooms 1 and 2 of the Courthouse Annex. At this time Flugaur extended condolences from the Coalition to Houlihan who lost his father earlier. Flugaur acknowledged that Dan Houlihan played a big part in jail programming and the Portage House in years past. Flugaur also reminded those present of a justice center public information meeting being held at Ben Franklin Junior High this evening at 7:00 pm.

1. Approval of the Minutes from the May 26, 2005 Meeting

Flugaur asked for comments on the minutes, and hearing none, noted consensus of those members present.

2. Presentation and Request for Approval to Commence the Volunteers In Probation Program – Judge Fleishauer and Jared Redfield

Redfield stated the Volunteers in Probation (VIP) Program was inspired by Fleishauer as part of the Justiceworks Program. The VIP program is ready to begin after several committee meetings. The program is based on enabling statutes, and provides it to place criminal defendants, etc. within. VIP is a program of mentors who will deal with first time misdemeanor offenders selected by the District Attorney and defense counsel, with review by the program Coordinator, Barth. Individuals in the program will plead guilty or no contest. Offenders will be placed with a mentor rather than being placed on probation. At this time there is a high rate of recidivism within the community, but we can spot offenders that could benefit from this program. Mentors are a good role model, meet regularly with the offender, and help them become acclimated to be good citizens. This is done by talking, helping, listening and assisting the offender. An offender can be part of this program for 6 months to 2 years. If the VIP program is successfully completed, the offender's criminal charge will be expunged. Redfield acknowledged there are individuals who can be saved, but they become lost in the system. The program is comprised entirely of volunteers and we are ready to begin. There has been full cooperation and support from the District Attorney's office. Redfield offered thanks to the following people: Voss, Barth, Eagon, and King. He is asking the Coalition to be aware and supportive of the program.

Barth referred to a flow chart he provided. Volunteers receive training on best practices, and the offenders are not felons, but misdemeanants. Offenders will have a Level of Service Indicator (LSI) completed by King to determine whether they are potential candidates. Low risk offenders have fewer needs. Research says when traditional programs are offered to other criminals, recidivism goes up, because others influence them easier without a mentor. Barth noted that judges and the District Attorney will be creative with sentencing sanctions when recommending people to this program. Volunteer mentors will be trained by Nancy Fernandez and then matched with a VIP defendant. The best case scenario is having the offender complete the program, graduate, and hopefully remain out of the criminal system. He further noted this is a pilot program with Justiceworks as the parent organization. No money is available at this time on a long term basis; it is totally volunteer at this point. This is a one year program where it is hoped the "bugs" will be worked out. In addition, it is hopeful that after one year, funding will be there. This program should have a positive impact on the criminal system.

Houlihan asked whether a curriculum for training mentors has been formalized. King replied yes, they are using a model from Marathon County. Basic elements will be taught first, and then incremental trainings of the National Institute of Corrections structure of best management practices will follow.

Flugaur asked how often the mentor meets with the offender. Barth answered at a minimum, once per month. This is outlined in the mentor manual. All mentors will meet monthly as a group as well to discuss successes and problems.

Goldman asked whether there will be a control group to analyze program involvement versus no program involvement to look at recidivism. Barth felt that was not practical with a pilot program of five people, but if the program is expanded, that would be good practice. Flugaur added it is a difficult control group and not a fair comparison. He noted there are intakes on Tuesdays and a variety of defendants work their way through court. Flugaur described the program as exciting and needed here. He also noted that Probation/Parole just does not have the resources or time to meet often with misdemeanants. Barth stated due to high volume, the Department of Corrections' focus is on high risk rather than low. A low risk offender continues to offend, and what follows is revocation and jail time. We want to prevent that. Voss noted that offenders are evaluated, and the low risk are often seen once every three months, whereas higher risk could be weekly or monthly.

Flugaur noted they are waiting on a grant to assist VIP volunteers as well. At this time he is looking for endorsement from the Coalition. Hearing no objections, he noted consensus of those present.

### 3. Presentation on the Opening of an Oxford House in Portage County – Patti Cahill

J.R. Winn attended this meeting with Cahill. Cahill stated that Oxford House is a safe home environment to recover from alcohol and drug abuse. The home has a family atmosphere and is democratically run. She also noted that Justiceworks and PRISM have studied the Oxford House concept. Cahill noted there are staggering numbers in Portage County dealing with alcohol and drug abuse and the Oxford House should help reduce recidivism related to these areas; thus, keeping individuals out of jail. The Volunteers In Probation Program and the Oxford House have the same concept. A drug free, safe environment allows the individual time to recover and make positive change. Cahill explained that the Oxford House, as planned here, is geared toward males only, and is offered to males 18 years old or older that are in recovery. There is zero tolerance for alcohol or drugs within the home, and if a resident violates, they are removed immediately. Each of the residents must pay their share of rent as well. Oxford Houses have been in existence for 30 years and there are 1,000 homes across the nation, with an 80% success rate. Cahill noted that residents are elected into house positions, such as treasurer, etc. This provides residents with responsibilities. There are no counselors on staff. Residents meet together weekly, as well as being encouraged to meet with support groups. There is a home available in Stevens Point on November 1 and a financial campaign has just begun to raise money for furniture (\$10,000 collected to-date). Residents come into Oxford House on a referral basis and they must then apply. Cahill stated that Barth, Houlihan, Probation/Parole, and Ministry Behavioral Health work with referrals, applications, and act as mentors. The house will initially house ten residents.

Nelson asked whether there will be housing for women. Cahill replied the need is growing, but there will not be housing for women at this time. Winn added that there are five women who could go to an Oxford House tomorrow. Cahill added that a house for women or women and children is more difficult. She recognizes more than one home is needed here. LaCrosse has three homes.

Flugaur asked where the potential site is located and Cahill answered in the 1400 block of College Avenue, near the Post Office. Flugaur asked whether there is a director that lives within the house. Cahill replied there is the mentoring group described previously, but no one lives there as a director. People are available for support the first year as the home gets established.

Barth felt Oxford House is an ideal way to go here. He stated there are people in jail right now who do not want to come back, but they leave jail, and are fragile and susceptible to the environment they return to. Most return to the environment they came from, which is bad. Oxford House offers a good shot at making it for those individuals.

Witke asked about the operating budget. Cahill stated residents pay rent (the Cahill's are purchasing the home). Utilities, cable, telephone, etc. are included in the rent. Winn added that someone will be elected within the home to do the budgeting. Witke asked whether the mentors are volunteers and Cahill replied yes, the core group had been mentioned before.

### 4. Discussion of Community Service Program and Suggested Modifications by 2006 – Kathy King

King discussed possible revisions to the Community Service Program as currently operated due to the following issues: 1. The OWI budget for 2006 has taken a 10% reduction and additional losses will occur over the years. 2. ATTIC Correctional Services needs to reexamine their contract, which will be done at an October 6 meeting. 3. A Community Service Program survey revealed the program is valued, but the question is whether it is enough of a value for the cost involved. 4. The impact on offenders must be studied. It appears there is a greater need for Evidenced Based Practices in our community. 5. There have been a number of operational challenges. This is a tough program to run.

6. There have been staffing issues within the agency. At this time King requested to resume the Community Service Ad Hoc Committee to discuss this program and make recommendations. Flugaur noted that Eagon had chaired the original ad hoc committee and stated this commitment to study the program is not long term. Flugaur asked the ad hoc committee to report back to the Justice Coalition at November's meeting. King asked those interested in being a part of this committee to please contact her.

At this time Flugaur stated he is looking for endorsement from the Coalition. Hearing no objections, he noted consensus of those present.

Dreier reported that Drug Court training grants are once again available, and must be applied for by October 16. There are 150 sites across the nation, with many on a waiting list. King noted the federal government has not reduced the drug court money as much as other program areas. She asked whether this training grant is worth pursuing. Flugaur noted they have discussed Drug Court in the past; adding that the court system and District Attorney would be burdened with this. Flugaur stated he would agree to this and asked whether there is interest on the Coalition. Hearing no objections, Flugaur noted consensus of the Coalition.

6. Topics to be Considered at Future Meetings

Flugaur stated he would like the Coalition to meet again on October 20. This would be a special meeting to further discuss the justice center program. The Coalition reached consensus.

Jankowski noted Goldman's interim report is available hardcopy and on the County's website. This interim report is being looked at as draft material, which needs to be rectified and verified. A report will be given to the County Board in early 2006. He noted that one consultant has been called to Afghanistan by our government, and two others have been brought on to replace him – Stan Stojkovic and Rick Lovell. Both individuals are with UW-Milwaukee. He sees this as a positive approach because these extra sets of eyes are criminologists, which is good. He also noted the justice center project public information meeting being held this evening at Ben Franklin Junior High School.

Goldman added that the changes are for the better because of the expertise that has been added. Data and issues will be provided next month. Many things are going on such as taking a look at juvenile detention, juvenile and adult populations, co-locating with the Stevens Point Police, integrating space, and staff needs over the next 30 years. He asked for comments on the table of contents they were provided today. Witke added that more concrete data will be available next month. Goldman stated that remote versus downtown sites will be analyzed. Eagon asked who to go to with comments and Jankowski answered Ken Tronnier, County Purchasing Manager.

With no further business to come before the Coalition, the meeting adjourned at 9:00 am by consensus.

Respectfully submitted  
Paula Cummings, Recording Secretary

MINUTES  
Portage County Justice Coalition  
Thursday, May 26, 2005

Members Present: Tom Eagon, Dave Medin, Jonathan Whitford, Dick Purcell, Jim Krems, Evan Hansen, John Graettinger, John Charewicz, Phil Idsvoog, Chuck Kell, Dwayne Wierzba, Bernie Flatoff, Aaron Sabel, Carrie Davies, Amy Modrzewski, Mary Rowan, Michelle Nelson, Michael Houllhan, Judge Flugaur, John Rendall, Tom Staack, Judge Finn, Bill Maher, Elizabeth Fulton, Dan Barth

Others Present: Don Jankowski, County Board Supervisor; Sarah Harless, Judicare; Patty Dreier, Portage County Grant Writer; Bill Meyer, Chair, Justice Coalition Advisory Committee; Robert Gibson, Preston Corporation; Brenda Spurlock, Bayfield County; Mike McKenna/Blair Ward, County Corporation Counsel; Kevin Ruder, Stevens Point Police Department

Staff Present: Kathy King and Paula Cummings, Portage County Planning and Zoning.

Judge Flugaur called the meeting to order at 7:50 am in Conference Rooms 1 and 2 of the Courthouse Annex.

1. Approval of the Minutes from the March 17, 2005 Meeting

Flugaur asked for comments on the minutes, and hearing none, noted consensus of those members present.

At this time Dreier provided a brief update on the recent grant application discussed at the last Justice Coalition meeting. A 17-member team was involved in finalizing the County's first Federal E-Grant. She thanked everyone for their support of the grant request for \$221,801. The grant application does not have positions connected to the County, but there are two LTE positions listed; one position in the Intensive Supervision Program and one in the Volunteers in Probation Program. Nine letters of support accompanied the grant application, which were received from Supreme Court Justice Walsh, the Wisconsin Counties Association, State Department of Corrections, Justiceworks, County Executive Operations Committee, the RSVP Program, Public Defenders Office, Sheriff's Department, and the Carey Group. Houlihan asked when we expect to hear something regarding our application and Dreier replied shortly.

2. An Update and Discussion for the Committee on Geographic Restrictions on Warrants – Michael McKenna

Flugaur provided a brief background on the issue as discussed at previous Justice Coalition meetings. McKenna, Chair of the Out of County Warrants Ad Hoc Committee, listed the membership and noted they have met twice. At the meetings unexpected warrants and geographic restrictions were discussed. Many offenders with warrants have no ties to Portage County or the Stevens Point area. The Committee is trying to get a handle on the scope of the problem. The system needs to have enforcement and deterrents, but costs related to sending a deputy to pick up the offender, as well as financial impacts on departments such as the Clerk of Courts must be discussed. McKenna noted that other Wisconsin counties have been surveyed on their process, and it was found that some counties have no warrants; some counties will only travel to adjacent counties to pick up offenders with warrants, while other counties will only travel to pick up offenders with warrants in excess of \$250. The Committee has also discussed old warrants that are still valid and questioned at what point should or could these warrants be purged.

He further stated that statistics on broad impacts are needed to further the discussion. Transient issues also remain. The issue of what is fair to County taxpayers must also be decided. Offenders may require AODA or mental health services, which are costly. The Committee has not yet reached a consensus. There are many factors yet to be considered, and statistics from the Sheriff's Department must be gathered.

Charewicz stated it is not fiscally responsible to travel to Milwaukee County; noting it may cost \$200 to travel to get someone on a \$250 warrant. Milwaukee County's policy is to only travel to adjacent counties on warrants. He feels the decision on out of county warrants is simple and makes common sense because the money spent to pick up these offenders comes from the Sheriff's Department budget. Maybe other departments could be billed, such as the Clerk of Courts Office. Possibly that would be more agreeable. Flatoff replied that the Clerk of Courts Office administers the court system as ordered by the Judges; they are not an agency that issues warrants. Those issuing warrants need to be responsible for what they have done. Flugaur noted that many counties have geographic restrictions and have not seen a drop in their revenue. Many counties require financial disclosures and have collection agencies that use social security numbers to collect payments. Flatoff stated using collection agencies is very profitable. She also noted that the County does accept credit card payments. Purcell asked whether social security or credit card numbers are gathered on offenders and Hansen felt that most would use credit cards when they are picked up, if they had one. Barth added that

transients are an issue. They leave the Portage County jail, they cannot get home, they stay within the community at places such as the Salvation Army, and then these people seem to show up in the system again. Gibson then mentioned the fact that "frequent flyer" diversion programs offering long term support lower costs involved, especially when you look at dollars spent in jail and mental health related costs.

### 3. An Update on the Justice Center Project – Don Jankowski

Jankowski stated there is a lot going on and noted he has had three meetings already this week. There were 30-35 Portage County prisoners housed in Clark and Waupaca County jails last week. He noted that at the last Justice Coalition Advisory Committee meeting the issue of newly constructed jails to our west filling with methamphetamine (meth) related cases was brought to their attention. The meth problem continues to move west across Wisconsin and the nation. A needs assessment has been ongoing since early April and that information will appear on the Portage County website in the next few weeks. Jankowski said the entire Portage County justice system is being looked at, including Probation/Parole. What we currently do and how to do it better is being studied. A report should be forthcoming in September describing how large a project we require to fulfill our needs. Project site specifics are not being discussed; there has not been a site chosen. County Board Supervisors have been fully advised on this process and its status, and it is felt that this County Board needs to make decisions on the project, other than the building site, prior to the April 2006 election when new supervisors come on board. Site discussions will take place in 2006. Numbers must be gathered to justify our need and then the issue of where to build will be discussed.

On June 25 at 9:00 am a report will be given by Goldman Associates, and on June 8 a public informational meeting will be held at the Jensen Center. Project information will also be given out to various service clubs in the County. Jankowski further advised that a referendum may be needed on this project, so citizens must be educated.

Flugaur discussed the on-going needs assessment and the fact that Bob Gibson, Preston Corporation, is interviewing staff. Gibson stated he is working with the courts, District Attorney, Public Defenders, Probation/Parole, Judges, etc. Goldman Associates is working with law enforcement, justice programs, etc. All policy makers and some staff at all levels are being contacted. Gibson complimented the County Data Processing Department who is assisting with data gathering. The information is comprehensive at this point.

### 4. An Update on the Justice Coalition Advisory Committee for the Justice Center – Bill Meyer

Meyer noted the last time he appeared before the Coalition, Advisory Committee members were visiting jails across the State, and members found them physically different from our jail. At a recent Advisory Committee meeting, individuals from Madison and Milwaukee discussed programming and philosophies related to incarceration. Gibson attended the last Advisory Committee meeting and provided members with issues that we may want to consider and then provide input on what we see fit. The Advisory Committee will be meeting twice a month in June and July to get through these issues. When completed, the Advisory Committee will provide their input to the Justice Coalition, the County Management Team, and Goldman Associates.

Flugaur noted that four more citizen members are being added to the Advisory Committee upon recommendation of Goldman Associates. Meyer added that new members will not be officials involved with City or County government. Meyer also noted that additional jail visits may be scheduled for new members and Justice Coalition members that are interested may go on the tours as well.

Flugaur moved on to agenda item 6. At this time Flugaur provided an informational handout from Harless, LIFE Project/Judicare.

### 6. Discussion of Truancy Policy and the Court's Response in Portage County – Flugaur

Flugaur stated that last semester, an intern from the Madison Law School worked with Judge Fleishauer on the truancy issue. Flugaur also noted that he has juveniles this year in the court system and feels how we respond is chaotic. The intern provided Fleishauer an outline of what he found relating to truancy. One thing found was that State Statutes direct the School Board to meet with the District Attorney and Judges every four years to review truancy policies. There are a number of things that can be done and a number of sanctions. He stated they are in the process of contacting the School Board to convene. There are many steps to be taken before referral, such as in school and after school programs, but there is still a problem. If we get serious on truancy, issue sanctions, and get aggressive, it will affect a number of people. The Justice Coalition should input on this issue. There may be a need for an Ad Hoc group from the Coalition to work alongside a truancy policy team. Marathon and Eau Claire Counties are more aggressive and both claim a substantial cut in truancy. We need to study what they do and how they do it.

### 5. The 2004 Annual Report for the Portage County Justice Programs – Kathy King

King noted the report had been previously provided to Coalition members with another agenda, but due to meeting time constraints, the report was not made at that time.

The Day Report Program has seen increased referrals from the Department of Corrections. It was decided to target those in most need of the Day Report Program. Length of stay increases when referrals to the program are decreased. When offenders are assigned Day Report, and some report daily, they are more likely to keep clean until sentencing related to the increased structure in their life. If Day Report is not assigned, the offender may revert back to their previous lifestyle while waiting for sentencing.

King referred to the summary of referrals in the Home Detention Program (HDP) between 2003 and 2004. The HDP Officer provided a report on who is allowed into the program and who is not accepted. We need to understand those statistics. There was a decrease from 177 to 166 referrals, and 129 were placed on HDP in 2003 and 111 in 2004. More offenders are booked-in with alcohol and/or drug use; 6 under the influence in 2003 and 15 in 2004.

King noted that Officer Borski's report discussed revenues versus costs, and King suggested the Justice Center Consultant look into this as well.

The OWI-ISP is similar to the year 2003. The Department of Transportation report noted Portage County as having the highest successful completion rate in the State and we have the most difficult population in our program. This Program takes OWI 3 and above. We have the longest average length of stay, and longer treatment has a positive impact. At this point funding is 50/50, and we need to communicate our program needs and results to the State Legislature.

Community Service Program referrals are down, but offenders are working more hours. Reports from individuals utilizing Community Service workers have been positive.

King reported that so far in 2005, assessments have increased by 60%; most for HDP. Day Report has experienced a 50% increase with wait listing taking place by the Department of Corrections. There is a question as to why offenders are not interested in HDP and Officer Borski is going to study that answer with offenders themselves.

The Community Service and OWI-ISP Programs' experiences are similar. As relates to OWI 2's, the courts are encouraged to look at the background of OWI 2/OAR in the last five years because we would like to see them in the program.

Purcell noted the number of bail jumping reports in the Stevens Point Journal. King replied the offender may fail to report, causing a bail jumping charge. Purcell asked whether warrants are then issued and Flugaur replied yes. Eagon stated bail jumping numbers are not higher, but he is glad it is being reported in the paper, because offenders do read the paper. Not reporting to the Day Report Program is bail jumping, and that gives us a better idea of rehabilitation needs so that we can follow-up with that offender. Hansen noted that an analysis of why they come to jail indicates bail jumping is number two behind OWI offences. Eagon felt the jail could be filled with bail jumping. Flugaur added that due to the Day Report Program, we now know that pretrial orders are being violated, people do not obey, and that is helpful information.

Flugaur stated he has entertained the idea of televising bail hearings on Channel 3 because the newspapers do not cover court proceedings like they used to, which add to a public perception that the court system is not busy. With the Justice Center Project on-going, televising may be helpful in educating the public. He feels the community may be surprised at what the courts are doing, and they could become informed on the types of crimes being committed, and who the offenders are and where they are from. Davies suggested providing the Stevens Point Journal with the information rather than waiting for them to ask. Flugaur noted that Fleishauer had suggested putting the information on the County's website.

King directed this reply to Purcell from an earlier question he raised on bail jumping. She stated that positive urines and breath are down from last year, but failure to report has increased, possibly to avoid detection. Program completion rates have varied by only 3% in the last three years.

#### 7. Topics To Be Considered at Future Meetings

Eagon announced that Sabel will be leaving his position at Probation/Parole next week. He described Sabel as very cooperative and the justice system will feel the loss. Sabel stated Portage County has been wonderful to work with and he has appreciated everyone's help. With no further business to come before the Coalition, the meeting adjourned at 8:55 am by consensus.

Respectfully submitted  
Paula Cummings, Recording Secretary

PORTAGE COUNTY  
 Historical Jail Population Data 1992 - 2004

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Bookings	1290	1371	1425	1423	1434	1437	1494	1446	1648	1860	1818	1868	1941
Jail ADP	59.41	64.2	70.31	65.65	71.96	79.33	76.01	82.88	77.33	79.7	79.09	79.9	77.04
EM ADP	0	4.99	6.48	7.81	9.69	10.5	7.65	10.38	12.21	13.95	15.07	18.29	14.92
Ship ADP	0	0	0	0	0	0.92	0	7.02	12.32	8.94	12.07	18.16	21.59
Total ADP	59.41	69.19	76.79	73.46	81.65	90.75	83.66	100.28	101.86	102.59	106.23	116.35	113.55
ALOS	16.86	18.47	19.72	18.89	20.84	23.11	20.50	25.38	22.62	20.19	21.39	22.80	21.58

Yearly Percentage Increases

Total ADP	14.13%	9.90%	-4.53%	10.03%	10.03%	-8.47%	16.57%	1.55%	0.71%	3.43%	8.70%	-2.47%	
Ship ADP								43.0%	-37.8%	25.9%	33.5%	15.9%	
EM ADP			22.99%	17.03%	19.40%	7.71%	-37.25%	26.30%	14.99%	12.47%	7.43%	17.61%	-22.59%
Bookings	5.91%	3.79%	-0.14%	0.77%	0.21%	3.82%	-3.32%	12.26%	11.40%	-2.31%	2.68%	3.76%	

Average Annual Percentage Increase

Total ADP	4.96%
Ship ADP	16.11%
EM ADP	7.83%
Bookings	3.23%

PORTAGE COUNTY JAIL POPULATION STATS

2006

	ADP	HDP	<sup>Electronic</sup> <del>mate</del> OOC	out of County	TOT AD	ADMIT	DAYS	AV LENG	Jail/ship Peak Pop
JAN	76.80	10.71	23.03		110.54	188	31	18.23	110
FEB	74.74	9.18	32.18		116.10	148	28	21.96	123.00
MAR	77.65	7.90	36.13		121.68	175	31	21.55	123.00
APR	75.40	10.50	38.57		124.47	164	30	22.77	122.00
MAY	77.19	10.81	39.06		127.06	143	31	27.54	129.00
JUN	76.87	9.43	42.83		129.13	149	30	26.00	133.00
JUL							31	#DIV/0!	
AUG							31	#DIV/0!	
SEP							30	#DIV/0!	
OCT							31	#DIV/0!	
NOV							30	#DIV/0!	
DEC							31	#DIV/0!	
TOTAL	76.44	9.76	35.30		121.50	967	365	#DIV/0!	

PORTAGE COUNTY JAIL POPULATION STATS

2005

	ADP	HDP	OOC	TOT AD	ADMIT	DAYS	AV LENG	Jail/ship Peak Pop
JAN	76.55	15.32	21.55	113.42	133	31	26.44	106.00
FEB	79.39	12.18	17.36	108.93	145	28	21.03	100.00
MAR	78.77	7.71	25.32	111.80	145	31	23.90	109.00
APR	76.34	7.97	30.13	114.44	189	30	18.17	116.00
MAY	76.25	9.97	28.35	114.57	154	31	23.06	116.00
JUN	76.27	16.40	26.80	119.47	176	30	20.36	112.00
JUL	77.42	11.16	26.03	114.61	166	31	21.40	115.00
AUG	79.23	7.48	29.19	115.90	153	31	23.48	115.00
SEP	77.07	13.50	20.77	111.34	143	30	23.36	106.00
OCT	77.90	13.58	17.10	108.58	190	31	17.72	101.00
NOV	76.60	14.47	17.03	108.10	161	30	20.14	100.00
DEC	73.71	14.06	16.77	104.54	130	31	24.93	98.00
TOTAL	77.13	11.98	23.03	112.14	1885	365	22.00	

Most Critical Status means status / person

	Days Serv	ed		2006 days	period	182	Population
		Males	Females				
Pre-trial	2644	293	65	14.53			
On Bond	270	193	49	1.48			
or Fresh Arrest	2372	85	14	13.03			
	2	15	2	0.01			
Sentenced Local	8186	224	34	44.98			
Total	3971	79	15	21.82			
Misd OWI	835	78	12	4.59			
Includes Some Mis other	941	8	4	5.17			
House Electronic Monitor	2430	58	3	13.35			
Fel OWI	9	1	0	0.05			
Fel Other							
Civil							
All Housed	145	9	2	0.80			
Out of County	95	7	2	0.52			
On Electronic monitor	50	2	0	0.27			
P&P hold - Pro Boston	6777	249	47	37.24			
Wait Transport - warrants for other Agencies & no Prison	697	143	27	3.83			
Contempt of Court	2302	193	38	12.65			
Warrant	406	80	17	2.23			
Child Sup	528	12	1	2.90			
Execution - Failure to pay Fines	1368	101	20	7.52			

- Ranking Order
1. P&P Hold
  2. Contempt of Court
  3. Awaiting Transport
  4. Pretrial
  5. Sentenced

# The Grant has Landed in Washington DC

All the small steps of many Members,  
Will lead to a Giant step for Justiceworks!

On June 30<sup>th</sup>, by the magic of the Internet, our completed application for the federal earmark funding swooped off a desk in the courthouse, and onto the desk on Brent Eckberg, an official with the Department of Justice, in Washington D.C. The review of the application will take two to three months on an average, but funding will occur immediately on its approval.

The grant application described its purpose as follows:

*To create an administrative structure which will expand the capacity of Justiceworks to provide community justice initiatives, programs, and services.*

*To recruit, train, and retain an effective volunteer force to implement changes to the present justice system in Portage County.*

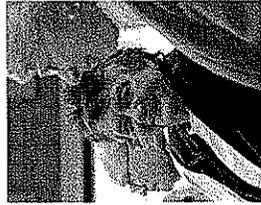
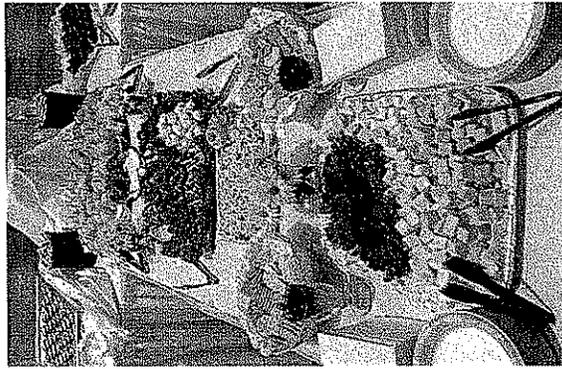
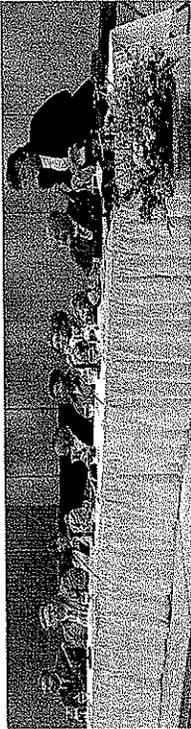
*To establish a community presence to engender support for restorative justice principles and alternative dispositions within the justice system.*

*To design and implement a method to review and measure the impact and success of our efforts.*

*To begin building long-term sustainability of these community justice efforts.*

We are hopeful that Justiceworks, Ltd. may have a front door, a telephone number and an Executive Director as early as October 1<sup>st</sup>. **Special thanks** are due to **Patty Dreier** and **Kathy King** without whose talents and intensive efforts this grant application could not have been completed.

**FUN AT THE SYMPOSIUM.  
JOIN US NEXT YEAR!**



## NEW SURVEYS SHOW PUBLIC SUPPORT FOR REHABILITATION

A new survey conducted by Zogby International, under the auspices of the National Council on Crime and Delinquency shows dramatic public support for rehabilitation efforts both in and out of prison.

By an overwhelming majority, people felt that the lack of job training and opportunities were significant barriers to released offenders who wanted to avoid a return to criminality. Similar large majorities saw the lack of housing, medical and mental health services, drug treatment, family support and mentoring as additional barriers, and all thought these services should be available to returning offenders. Most felt these services needed to be introduced long before release.

Dr. Barry Krisberg, the President of the National Council on Crime and Delinquency, said: 'these survey results tell us that Americans have looked at the 30 - year experiment on getting tough with offenders and decided it is no longer working. We have built up an unprecedented prison population of over two million inmates, but most of these offenders return home each year with few skills or support to keep them from going back to lives of crime.'



### Jim Anderson Receives 2006 John Klismet Justiceworks Award

Jim Anderson received Justiceworks' John Klismet Award for Volunteer Service at the Noel Fine Arts Center on April 29<sup>th</sup>. Presented by Chief Justice Shirley Abrahamson, the award recognized his long term service to the justice system through Prism, an organization dedicated to assisting inmates achieve satisfying, crime free lives after completing their sentences.

For years, Jim Anderson served Prism wearing many different hats. As an employer himself at Ellis Stone, he taught many inmates how to fill out job applications and interview, and how to keep a good job and advance. At his encouragement, several local employers have joined his effort to provide recommended inmates a real chance at a good job offering hope to many who return to society deep in debt.

Three years ago, Jim became President of Prism, and he has guided their Board expertly. Under his leadership, Prism worked with the recovering community and sparked the development of an Alano Club in Stevens Point where many former inmates find a place of sober support after their release from custody. He participated in the development of the Riverside House for recovering adults, and enthusiastically presided over Prism's decision to provide financial support to the house during its first, shaky winter.

Congratulations Jim!

Sign up to receive your copy of this JJ newsletter by email. Send your address to [fleishf@co.portage.wi.us](mailto:fleishf@co.portage.wi.us) today! It will reduce our paper and postage costs and get the hottest news on Justiceworks to you earlier. We appreciate your help.

# Justiceworks • Journal

Fostering Restorative Justice for Portage County 05/30/06

## Chief Justice Shirley Abrahamson Keynotes 'Jail in the Justice System'



Led by Chief Justice Shirley Abrahamson of the Wisconsin Supreme Court, Walter Dickey of the Wisconsin Law School, Stan Stojkovic of the University of Wisconsin-Milwaukee, and Attorney General Peg Lautenschlager, 'Jail in the Justice System' won rave reviews from more than one hundred attendees at the Justiceworks' symposium. Reviews gave a strong thumbs up on both the program quality and the concept for the future similar programs. Dean Lance Grahn, faculty and staff members from the UWSP College of Letters and Science, joined with Justiceworks to present a program depicting the role of the jail in our present justice system.

Abrahamson opened the symposium with an address on the importance of volunteer efforts and community involvement in the justice system. Separate sessions dealt with issues of recidivism, substance abuse, victims rights and alternatives to incarceration. A panel discussion on the inter-relationship between substance abuse and incarceration involving Portage County professionals in the field and a recovering client gave a close up view of that problem in the county.

At the end of a beautiful spring day, participants shared lunch, stories, and expectations for the future with a little more knowledge of how the 'system' actually works.

## NEWS FLASHES

**Justiceworks Mentoring** committee is pleased to announce the successful launch of its volunteers in probation program. With this program certain offenders are given the option to avoid jail, official Department of Corrections probation, and a conviction record by successfully completing a period of supervision with a Justiceworks mentor. Research has shown that by keeping some offenders out of the traditional corrections system, alternatives like this reduce recidivism. Volunteer mentors play a critical role in this program, working closely with the offender. We are grateful to volunteers from the Portage County RSVP group for recruiting two trained people to get the program off the ground. We are also grateful to the District Attorney's office for taking the lead in connecting appropriate offenders with this new alternative sanction. We hope this first step will lead to many successful journeys. Clearly, this is a win, win situation for everyone.

## Help a Good Cause!

Consider a Justiceworks T-shirt, heavyweight, breathable cotton, gray or red, in sizes M to XL. \$15 includes a donation to Justiceworks, (plus \$3 shipping outside of Stevens Point)

Justiceworks, PO Box 448, Stevens Point, WI 54481

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

M L XL

Grey Red

Amount Enclosed: \$ \_\_\_\_\_

# **J**USTICEWORKS • JOURNAL

A quarterly newsletter published by Justiceworks, Ltd, a non-profit community justice organization dedicated to advancing policies and practices of justice that create right relationships in the communities of Portage County. Volunteer task forces of Justiceworks consider issues of mentoring, victim/offender conferencing, substance-free housing, and access to justice. Justiceworks has been supported by grants from the State Bar of Wisconsin, the Community Foundation, a Congressional earmark award, and the Wisconsin Humanities Board. Developing community involvement in the justice system requires substantial assistance and commitment. To join the effort please return the registration below with your pledge. All contributions are tax deductible as Justiceworks is a tax exempt organization under Sec. 501 (c) (3) of the Internal Revenue Code.

**Justiceworks, PO Box 448, Stevens Point, WI 54481**

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ email \_\_\_\_\_

Donation \$ \_\_\_\_\_

## **quote for a quarter:**

When will our consciences grow so tender  
that we will act to prevent human misery  
rather than avenge it?

Eleanor Roosevelt

JJUSTICEWORKS JOURNAL

PO BOX 448

STEVENS POINT WI 54481

*Fostering forms of justice that strengthen and heal the communities of Portage County!*

## BYLAWS

These Bylaws shall be interpreted in a manner consistent with, and not contrary to, the Articles of Incorporation of Justiceworks, Ltd. Whenever a provision of the Articles of Incorporation is inconsistent with these Bylaws, the provision of the Articles of Incorporation shall control.

### I. Name.

The name of the corporation shall be **Justiceworks, Ltd.**

### II. Purpose.

**A. Exempt Organization.** The corporation is organized and shall be operated exclusively for charitable, scientific, literary and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provisions of any future United States Internal Revenue law; hereinafter the "Internal Revenue Code"); to engage in activities relating to the aforementioned purposes; to make distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code; and to invest in, receive, hold, use and dispose of all property, real or personal, as may be necessary or desirable to carry into effect the aforementioned purposes.

**B. Limitation.** Notwithstanding any other provisions of these Bylaws, the corporation shall not carry on any activities not permitted to be carried on (i) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code or (ii) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code.

**C. Community Justice Organization.** The corporation shall serve as a community justice organization dedicated to the advancement of programs and practices of justice which secure right relationships within the communities of Portage County, and shall have other purposes as approved by the Board of Directors or members and authorized by Chapter 181 of the Wisconsin Statutes.

### III. Members.

Membership shall be open to all adult residents of Portage County committed to the principles of community justice.

**A. Voting members.** Voting members shall be selected on a representational basis before the first meeting of the membership. Voting members have all privileges of membership and shall each be entitled to one vote on any matter requiring a vote. Proxy voting shall not be permitted. There shall be no more than 50 voting members of the corporation selected according to the following schedule. (The subsets shown in

parenthesis below each selection category are illustrative or instructional, not mandatory.) The incorporators shall invite and select the original voting members.

- |  |  |
|--|--|
| Legal Practice (Not more than 3)<br>(District Attorney's office,<br>Public Defender, Bar<br>Association, Judiciary)                            | (Sheriff's Dept, Stevens Point<br>Police Dept, Plover Police Dept,<br>UWSP Protection and Security)  |
| Coalition for Justice (Not more than 5)<br>(County Board members,<br>City/Village officials, planning<br>professionals)                        | Clergy (Not more than 3)<br>Treating professionals (Not more than 3)<br>(Ministry Behavioral Health,<br>Health & Human Services, health<br>care practitioners)   |
| School/Youth Service (Not more than 6)<br>(YMCA, Boys and Girls Club,<br>Parochial Schools, Rural schools,<br>Stevens Point Area School Dist.) | Service Providers (Not more than 5)<br>(Portage House, Salvation Army,<br>CAP Services, Prism, Portage<br>County Legal Aid Society, Big<br>Brothers/Big Sisters) |
| University of Wisconsin-Stevens Point<br>and other post secondary educational<br>organizations (4)   | Business/Associations (Not more than 2)<br>(St. Michael's, Downtown<br>Business Association)   |
| Victim/Offender Representation<br>(Not more than 8)<br>(Victim/Witness Coordinator,<br>victims, ex-offenders, victim<br>organizations)         | Community/Housing (Not more than 5)<br>(Citizens, Hmong Association,<br>Landlord/Tenant Assoc,<br>Ahora,[Spanish speaking])                                      |
| Law Enforcement (Not more than 4)  |  |

**B. Non-voting members.** Non-voting members shall be entitled to receive publications, attend meetings, serve on committees, provide input to voting membership and have any other privileges as may be granted by the Board of Directors, but they shall not be entitled to vote.

**C. Removal and Replacement of members.**

1. Upon a recommendation by a vote of a majority of the Board of Directors, members may be removed by a vote of two-thirds of all eligible voting members.
2. Voting membership shall be maintained as nearly as possible to 50 members. Replacement for voting members shall be appointed by the Board of Directors based upon the categories for selection described above.

**D. Meetings of members.**

1. Annual meeting. In each calendar year, an annual meeting of members shall be held during the month of February. The Board of Directors shall give at least 30 days written notice of an annual meeting to each member (voting and non-voting) at the address of the member shown in the records of the corporation. It shall be the responsibility of each member to inform the corporation of any change in address.
2. Special meetings. Special meetings of members may be called by the president, by a majority of the Board of Directors, or by a written request signed by five percent or more of the voting members. Special meetings shall be on ten days written notice, which shall describe generally the business to be transacted at the meeting.
3. Place of meetings. All meetings of members shall be held within Portage County, Wisconsin.
4. Voting. Voting shall be by voting members present at a meeting. Proxy voting shall not be allowed.
5. Procedure. Meetings shall be conducted pursuant to Robert's Rules of Order unless some other procedure is approved by a two-thirds vote of voting members present and voting.
6. Adjournment. Meetings may be adjourned from time to time without further notice.

#### **IV. Directors.**

- A. Number.** The management of the corporation shall be vested in a Board of Directors consisting of no more than eleven persons.
- B. Powers of directors.** Directors shall be granted the authority to manage the corporation to the extent provided by Wisconsin law.
- C. Term.** The term of each director shall be three years. Terms of directors shall be staggered, with the terms of the initial directors to be determined by lot.
- D. Election.** Election of directors shall take place at the annual meeting of members. Each voting member may cast one vote for each director position open for election at such meeting. Election shall be by a majority of the voting members present at the meeting, provided a quorum is present. If no candidate receives a majority of votes in the first round of balloting, the two candidates with the most votes will stand for election in a second round.

E. **Quorum.** A quorum of the voting membership shall be at least 30 percent of the voting membership in the corporation's records.

F. **Vacancies.** In the event of a vacancy on the board due to death or resignation, a majority of the Board of Directors shall appoint a successor to fill the vacancy for the remainder of the term for that position.

G. **Removal.** A director may be removed with or without cause by a vote of two-thirds of all eligible voting members.

H. **Meeting of directors.**

1. **Annual meeting.** There shall be an annual meeting of directors held during the month of February during each calendar year immediately following the meeting of members. The Board of Directors shall give at least 30 days written notice of the annual meeting at the same time notice is given of the annual membership meeting.
2. **Regular meetings.** At its annual meeting, the board shall set a schedule of regular board meetings for the period until the next annual meeting. A single written notice of regular board meetings will be given to all directors within 10 days following the annual directors' meeting. No further notice of regular directors' meetings shall be required.
3. **Special meetings.** Special meetings of directors may be called by the president or by any director. Special meeting shall be on five days written notice, which shall describe generally the business to be transacted at the meeting. A majority of the Board of Directors may consent to a special meeting on less notice in emergency circumstances.
4. **Place of meetings.** All meeting of directors shall be held within Portage County, Wisconsin.
5. **Voting.** Voting shall be by directors present at the meeting. Proxy voting shall not be allowed.
6. **Procedure.** Meetings shall be conducted pursuant to Robert's Rules of Order unless some other procedure is approved by a two-thirds vote of directors present and voting. All meetings of the Board of Directors shall be open to the membership of the corporation except the board may meet in closed session to consider issues which would be considered exceptions to the requirements of Wisconsin's Open Meeting Law.

7. Alternate voting procedures. Acting by unanimous consent or conducting meetings telephonically shall be permitted to the extent and under the conditions permitted by law.

**I. Compensation.** Directors shall receive no compensation but shall be entitled to reimbursement of reasonable out-of-pocket expenses as approved by the Board of Directors.

**J. Indemnification.** Directors shall be entitled to indemnification for action as directors to the extent permitted by Wisconsin law.

**K. Committees.** The Board of Directors may establish any standing or special committees as it deems appropriate, provided that such committees may not exercise the powers of the board.

**V. Officers.**

**A. In General.** The officers of the corporation shall consist of a president, secretary, and treasurer. The Board of Directors may establish additional offices of vice-president, assistant treasurer and executive director.

**B. Election and terms.** The officers shall be elected by the Board of Directors. Each officer shall serve a term of four years. An officer may be removed by a two-thirds vote of the board at any time.

**C. Duties.** The duties of each office shall include, but not be limited to, duties prescribed by law and those additional duties set forth below. The president may assign additional duties to any officer as the president deems appropriate.

1. **President.** The president shall have such responsibilities and powers as may be delegated to the president by the Board or these Bylaws. The president shall at all times be subject to the policies, control and direction of the Board. The president may sign and execute, in the name of the Corporation, any document authorized by the Board, except when the signing or execution shall have been expressly delegated by the Board or by these Bylaws to some other officer or agent of the Corporation. The president shall preside at all meetings of the Board of Directors and members. The president shall, whenever necessary, prescribe the duties of other officers and employees of the Corporation, in a manner not inconsistent with the provisions of these Bylaws and the directions of the Board.

2. **Vice president.** The vice president shall exercise the duties of the president in the absence or incapacity of the president. If the president should die, resign, or be removed from office, the vice president shall

succeed to the office of the president for the duration of the president's term.

3. **Secretary.** The secretary shall maintain all records of the corporation and shall prepare minutes of all meetings of the Board of Directors and members.
4. **Treasurer.** The treasurer shall have custody of the funds of the corporation and shall maintain all financial records of the corporation. The treasurer shall report to the president, Board of Directors, and members on the financial status of the corporation.
5. **Assistant treasurer.** The assistant treasurer shall assist the treasurer in the performance of his or her duties and shall act in the absence or incapacity of the treasurer. In the event that the treasurer dies, resigns, or is removed from office, the assistant treasurer shall succeed to the office of treasurer.
6. **Executive Director.** The executive director shall have such responsibilities and powers as may be delegated by the President, the Board or these Bylaws. The executive director shall manage the day to day operations of the Corporation under the direction and guidance of the President and Board.

**D. Officer Qualifications.** Officers may, but are not required to be, members of the Board of Directors.

**E. Multiple Offices.** One person may hold not more than one of the above offices at one time, except the offices of vice-president and secretary or vice-president and treasurer may be combined.

**F. Compensation.** All officers shall serve without compensation except that they may be reimbursed for reasonable out-of-pocket expenses incurred in performance of the duties of their office.

**G. Indemnification.** Officers shall be entitled to indemnification for action as officers to the extent permitted by Wisconsin law.

## **VI. Miscellaneous.**

**A. Fiscal year.** The fiscal year of the corporation shall end on January 31st.

**B. Delegated Authority.** In addition to any other powers provided herein or by law, the Board of Directors may authorize one or more officers of the corporation to execute and deliver instruments, open bank accounts, execute checks and drafts in the name of the corporation, make or obtain loans, and sell, assign, or pledge securities.

**C. Notice.** Whenever these bylaws require notice to members or directors, such notice shall be mailed by regular first class mail to the address as shown on the records of the corporation. Each member and director shall be responsible for advising the corporation of his, her, or its current mailing address. In all cases, notice shall be deemed given on the date of mailing.

**D. Financial Drafts.** All drafts on any account of the corporation and any document incurring debt on behalf of the corporation shall be signed by not less than two of the corporation's officers.

**E. Non-discrimination.** The corporation shall provide equality of opportunity in providing services to all persons, including employees with respect to hiring, continuation and promotion, without discrimination or segregation on the ground of race, color, religion, national origin, sex, age, handicap or disability, or sexual orientation.

## **VII. Amendment.**

**A. Members.** These bylaws may be amended by a vote of two-thirds of the voting members of the corporation present and voting at a meeting duly called for such purpose or at the annual meeting. Written notice of the meeting, including the text of the proposed bylaw amendment, must be given to each voting member at least 20 days prior to the date of the meeting.

**B. Directors.** These bylaws may also be amended by a vote of two-thirds of the entire Board of Directors at a duly called regular or special meeting of the board, provided that written notice of the text of any proposed amendment must be given to each director and all voting members at least 10 days prior to the date of the meeting. Provided, however, that no amendment adopted by the members may be altered or repealed by the Board of Directors.

## **VIII. No Corporate Seal.**

The corporation shall exist without a corporate seal. A statement to that effect may be made on any documents requiring a seal.

**CERTIFICATION**

The undersigned Corporate Secretary does hereby certify that the foregoing Bylaws were duly adopted by the voting members of Justiceworks, Inc. on the \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
\_\_\_\_\_  
- Secretary

VOTING MEMBERS:

\*BUSINESS - 2:

Tom Staack  
Jim Anderson

- School Youth

\*CLERGY - 3:

Father Dan Farley  
Rev. Nancy Zorn Micke  
Rev. Kurt Hoffman

- Service

- Treatment

COMMUNITY/HOUSING - 5:

Bill McCulley  
Jim Gebhard  
Stan Potocki  
Bill Maher  
\*Dan Duncan  
\*Sheryl Bright

- Involved Citizen

\*JUSTICE COALITION - 5:

Tom Eagon  
Dave Medin  
Harvey Olson  
Kathy King  
Laurie Rockman

LAW ENFORCEMENT - 4:

John Charewicz  
Richard Judy  
Jeff Morris  
\*Plover Police Department \_\_\_\_\_

\*LEGAL - 3:

Jan Roberts  
Katherine Munck  
Donna Ginzl

PSS/UWSP - 4:

Bill Meyer  
Richard Feldman  
\*Ann Dycken/Chris Wesoloh  
\*UWSP -(Morser)

**B** *BE IT RESOLVED*, that the bylaws of Justiceworks, Ltd. are amended to include the following:

VI.

**F. Policy on Conflict of Interest**

**1. Purpose**

The purpose of the conflict of interest policy is to protect Justiceworks, Ltd.'s interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

**2. Definitions**

**a. Interested Person**

Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

**b. Financial Interest**

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- (1) An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
- (2) A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
- (3) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

**3. Procedures**

**a. Duty to Disclose**

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

**b. Determining Whether a Conflict of Interest Exists**

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board members shall decide if a conflict of interest exists.

**c. Procedures for Addressing the Conflict of Interest**

(1) An interested person may make a presentation at the governing board, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.

(2) The chairperson of the governing board shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

(3) After exercising due diligence, the governing board shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

(4) If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

**d. Violations of the Conflicts of Interest Policy**

**a.** If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

**b.** If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

**4. Records of Proceedings**

The minutes of the governing board and all committees with board delegated powers shall contain:

**a.** The names of the persons who disclosed or otherwise

were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.

**b.** The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

### **5. Compensation**

- a.** A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
- b.** A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
- c.** No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

### **6. Annual Statements**

Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

- a.** Has received a copy of the conflicts of interest policy,  
**b.** Has read and understands the policy,  
**c.** Has agreed to comply with the policy, and  
**d.** Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

### **7. Periodic Reviews**

To ensure the Organization operates in a manner consistent with charitable purposes and does not engage in activities

that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organization's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

#### **8. Use of Outside Experts**

When conducting the periodic reviews as provided for in Article VII, the Organization may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

***B*** *BE IT RESOLVED*, that the bylaws of Justiceworks, Ltd. be changed as follows:

- III. D. 1. Annual meeting. In each calendar year, an annual meeting of members shall be held during the month of April. The Board of Directors shall give at least 30 days written notice of an annual meeting to each member (voting and non-voting) at the address of the member shown in the records of the corporation. It shall be the responsibility of each member to inform the corporation of any change in address.

## RESOLUTION OF DIRECTORS

The undersigned, being all of the directors of Justiceworks, Ltd., a Wisconsin nonstock corporation, acting pursuant to section 181.0821 of the Wisconsin Statutes, unanimously adopt the following resolutions:

***B*** ***E IT RESOLVED***, that the bylaws of Justiceworks, Ltd., a true and correct copy of which are attached as Exhibit A, are adopted.

***FURTHER RESOLVED***, that the voting membership of the corporation shall be as described in the attached as Exhibit B;

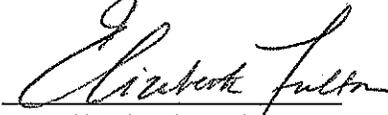
***FURTHER RESOLVED*** that the voting membership of the corporation shall have authority, as described more fully in the Bylaws of the corporation, to elect the Board of Directors of the corporation called for by the Bylaws at the organizational meeting of the corporation on May 20, 2004;

***FURTHER RESOLVED*** that the acts of the incorporators are ratified and approved.

Dated and approved this 12<sup>TH</sup> day of May, 2004 at Stevens Point, Wisconsin.

  
Kathy King

  
Frederic W. Fleishauer

  
Elizabeth Fulton

## RESOLUTION OF DIRECTORS

The undersigned, being the President and Secretary of Justiceworks, Ltd., a Wisconsin nonstock corporation, acting pursuant to section 181.0821 of the Wisconsin Statutes, certify the corporation's adoption of the following resolutions:

***B*** ***E IT RESOLVED***, that the following officers were elected pursuant to the bylaws of Justiceworks, Ltd.: Fred Fleishauer, President; Elizabeth Fulton, Vice-president; Tom Staack, Secretary; and Bill Maher, Treasurer.

***FURTHER RESOLVED***, that the Treasurer shall establish a checking account at Bank One - Stevens Point as a corporate account. All officers shall have signature authority, but each draft shall be signed by at least two officers of the corporation;

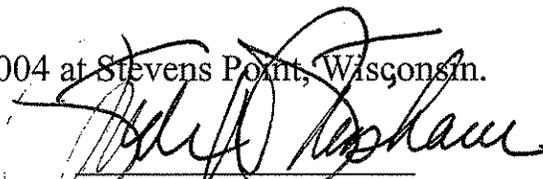
***FURTHER RESOLVED*** that the Treasurer and President are authorized and directed to pay the expenses incurred by the incorporators in organizing the corporation;

***FURTHER RESOLVED*** that regular meetings of the board shall be held, without special notice, on the fourth Wednesday of each month, except December, at the offices of the corporation commencing at 5:00 pm.

Dated and approved this 2nd day of June, 2004 at Stevens Point, Wisconsin.



Thomas Staack, Secretary



Frederic W. Fleishauer, President

# News



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## Justiceworks wants to be community voice

By BRIAN LEAHY  
of The Gazette

Justiceworks Inc., a new nonprofit organization, is seeking to be a community justice initiative for the next generation of volunteers.

"We're trying to create a community voice, particularly through volunteers into the justice system, and as an interface, not only to support the justice system, but to direct its impact," said Portage County Circuit Court Branch I Judge Frederic W. Fleishauer.

The effort to create Justiceworks began two years ago when the Portage County Justice Coalition gave a group of volunteers a charge to investigate the issue of restorative justice, Fleishauer said. That group gave its report to the Justice Coalition on Wednesday, April 21. An organizational meeting for Justiceworks is scheduled for Thursday, May 20.

During those two years, a team of 110 citizens representing schools, youth programs, the criminal justice system, law enforcement, social services, victims and offenders have contributed more than 500 hours to conceive a new vision for community justice in Portage County, according to Justiceworks officials.

Restorative justice and community justice are "kind of amorphous concepts" with several different aspects to them, Fleishauer said.

"In a nutshell, restorative justice is a philosophy of criminal justice which considers crime as an injury to the victim, the community and the offender," Fleishauer said. "Only when all three are restored is the community cured of the injury."

"Community justice arises from the concept that the community has the first responsibility to maintain peace," Fleishauer said. "Although this may seem to suggest a transfer of authority from political and governmental agencies, in a government of, for and by the people, those agencies exist to provide legal structure, intervention and support for community justice processes."

Justiceworks will have two levels of membership - voting and non-voting. The voting membership will be limited to 50 members, representing a cross-section of the community and agencies, who select an 11-member board of directors which will run the day-to-day operations and set policy, Fleishauer said.

The group learned this week it has received a small grant from the state Bar Association to help it get started, Fleishauer said. Earlier this year, the Portage County Board of Supervisors passed a resolution supporting Justiceworks and its efforts to obtain funding through the office of 7th District Rep. Dave Obey, D-Wausau. Obey's office has indicated he supports the initiative, but no word has been received on funding. Another grant application is pending with a national organization.

Once Justiceworks becomes established, it will need to seek funding sources in the community, he said. "Certainly, funding is going to impact what we can and cannot do," Fleishauer said.

One of the most immediate changes visible to the public will be in the area of family law, Fleishauer said. A family law support center will be created to assist people in filling out the forms and educating about the processes, but not give out legal advice, in family law cases. About one-half of all divorce cases in the county involve people who are not represented by a lawyer. Services would most likely be provided by the Legal Aid Society.

The organization would also work to rapidly address a strong community concern involving mediation services, particularly with divorce cases and potentially with small claims court cases, Fleishauer said.

"There's also a strong interest and concern with providing post-incarceration housing to offenders," Fleishauer said, "so when people get out of jail that they don't get right back into the same situation where they decided to get into jail."

PRISM Jail Ministry, a volunteer group, has been involved with the post-incarceration housing issue, he said.

"Justiceworks hopes to be an organization that coordinates the provision of volunteer services to the court," Fleishauer said. "We hope to ensure that agencies work together and their efforts are not in conflict with or duplicate each other."

Other efforts will include public education about justice-related issues through forums, Law Day events and school projects, he said.

Community justice efforts in other locations have included community initiatives in which sentences are reached after victim-offender conferences, Fleishauer said. Other states, especially Minnesota, have been conducting "circle sentencing" in which the court involves a group of people, such as victims, victims of similar crimes, law enforcement, prosecutors, employers of defendants and citizens, in determining sentences and then imposes those sentences.

More than 400 felony cases and nearly 900 misdemeanor cases were filed in Portage County courts in 2002.

Persons interested in becoming involved with Justiceworks should contact Fleishauer at 346-1355 or Kathy King, county justice planner, at 346-1342.

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# **DRAFT**

## ***Judiciary and the Courts***

### **Introduction**

Justice systems play a fundamental role in the maintenance of our society, and the courts are one of the most fundamental elements of any justice system. Courts are the conduits by which our society operates by "rule of law." The judiciary and the courts provide an arena for the settling of conflicts and are the official record-keepers of our society.

For the Portage County Justice System Study, the court system and its constituent parts were examined separately – to help determine the extent to which the courts and their ancillary agencies meet the needs of Portage County now and their capability for meeting future needs.

The Mark Goldman & Associates team examined the various court divisions, including their functions and services, staffs, and the building areas they occupy. The divisions include:

- The judiciary (the judges and their immediate support personnel),
- The office of the Clerk of Courts, which provides one of the singularly most critical services by keeping society's records of legal actions.

While criminal arrests and cases were the central focus of the courts portion of this Study, a comprehensive study requires some examination of civil court caseloads and future needs as well.

In addition, the District Attorney's Office and the office of the State Public Defender were examined, particularly as they relate to the courts and the jail. A primary reason to examine the courts in connection with other parts of the justice system is because of the courts' impact on Portage County's chronically overwhelmed corrections services – especially the jail. The courts, along with other agencies in the local justice system, determine who is placed in jail and how long they stay, and who is placed in alternative, community-based programs.

The Judges' pretrial and sentencing decisions have a tremendous impact on jail utilization. The court's efficiency in handling of the court case flow and general court management impacts the corrections system as well. Judges' status and authority can also guide the entire justice system. Their impact is greatly magnified, when they work as part of a well-managed local criminal justice team, such as the Portage County Justice Coalition, which is one of the oldest local justice system collaborative bodies in Wisconsin.

The consultants met with each of the judges individually and as a group in order to obtain their views on a wide variety of issues impacting the courts and the local justice system. The judges and consultants also reviewed court case information on several occasions in order to increase the accuracy of the retrospective data collection process. In addition, the consultants spent many hours in analysis and discussion with the Data Processing Department, and Data Processing then spent endless hours compiling data in ways that facilitated analyses.

It is particularly important, even beyond the scope of this study, to ensure that the data is accurately analyzed in order for Portage County Courts to use it as an effective management tool to better manage its justice system in the future.

The consultants conducted extensive discussions with other justice system entities, especially the Clerk of Court, as well as the clerks for Juvenile and Probate. All staff were extremely forthcoming and helpful with gathering and providing years of data.

This section of the interim report begins with an examination of the courts' workload and operations, followed by an examination of issues concerning various functionalities of the courts including workloads, caseload processing, security, technology, the building itself and spatial relationships, and personnel.

## **Brief Description of the Courts**

The Portage County Court appears to be a harmonious and well-run court. Judges provide leadership to the courts and the justice system. This is an important asset, which will enable Portage County to continually improve the management of its justice system.

The Portage County Court divisions include: Criminal, Juvenile, Civil, Traffic Mental Health, Probate, Small Claims, Traffic.

These divisions are supported by:

- The Clerk of Courts,
- The Juvenile Clerk
- Register in Probate.

A tremendous amount of cooperation exists among the District Attorney's Office, the Public Defender and the Courts.

The data collected in the charts on the following pages spans the time period from 1994 (or 1995 in some data sets) through 2004. It is important to note that

from 1990 to 2000, the population increased about nine percent, and from 2000 to 2003 only about 0.3 percent. Additionally, the population of the often called "crime prone ages," those aged 15-29, actually decreased by seven persons between 1990 and 2000.

## Historical Trends in Court Case Filings and Caseflow Information for the Criminal Courts (including Forfeiture and Traffic cases)<sup>1</sup>

The consultants started by determining the basic trends in court workloads.

### Court Chart 1: Criminal Case Filings: Felonies, Misdemeanors & Criminal Traffic Cases<sup>2</sup>

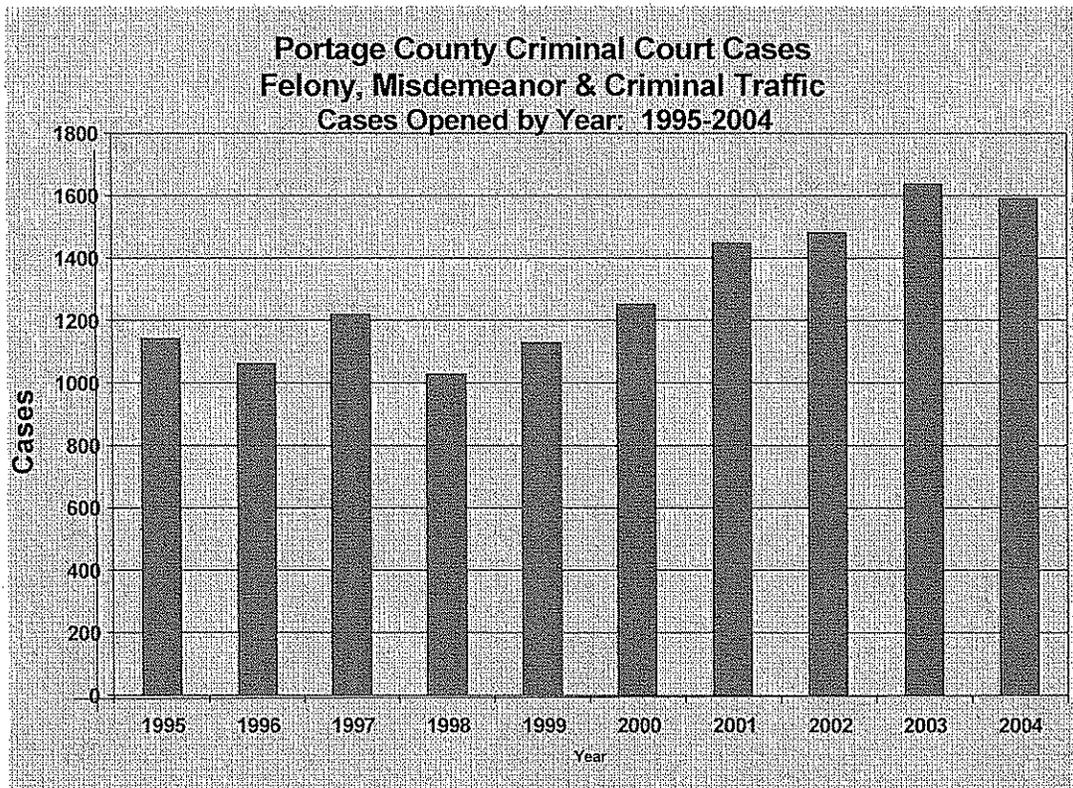


Chart 1 graphs the Portage County Criminal Court filings by offense category: felony, misdemeanor and criminal traffic cases. This chart shows an overall increase of 39 percent from 1995 to 2004. This data shows a fairly stable court through 1999, followed by a steady annual increase that ended in 2003 – a 60 percent increase in five years.

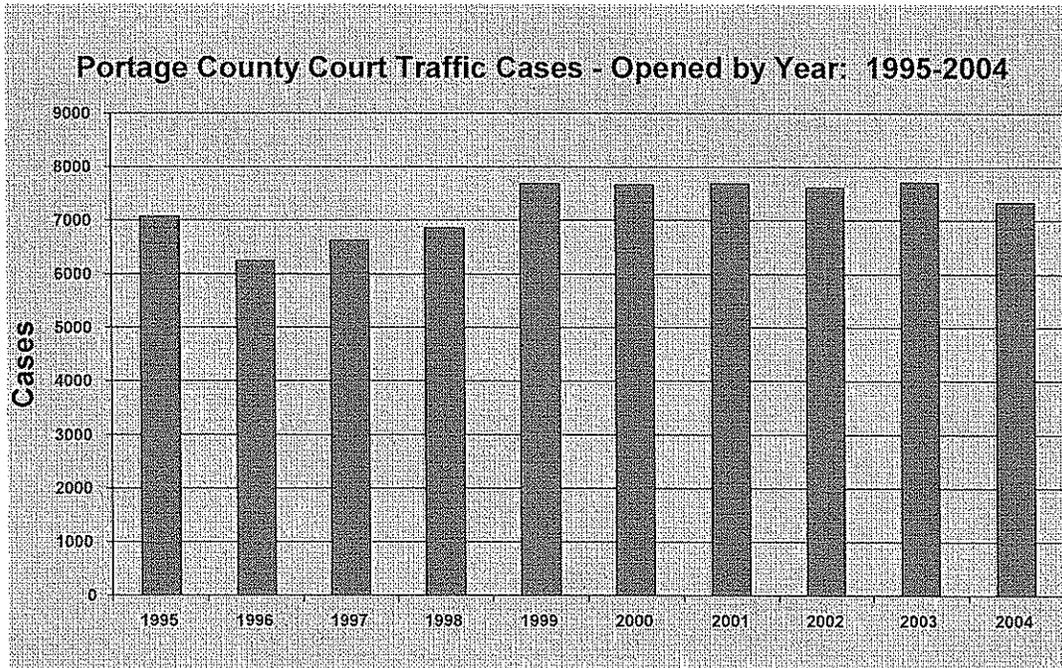
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<sup>1</sup> Civil cases other than forfeitures and traffic will be examined below in a separate section.

<sup>2</sup> All court data for the adult criminal and civil courts was obtained through the Portage County Data Processing Department. It has been carefully vetted but it should never go unchallenged if there is reason to question.

The obvious question is what may have caused the increase – what changed during those years? This is important to know especially when projecting future needs for the County's criminal justice system. Is this kind of rapid increase expected to continue?

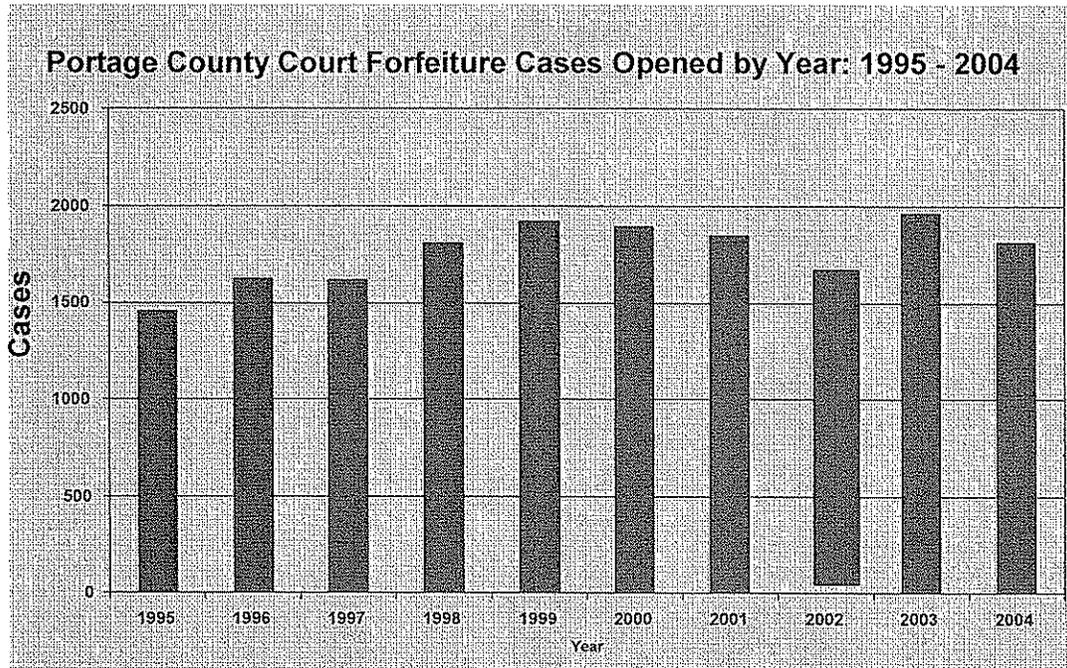
**Court Chart 2: Portage County Traffic Case Filings, 1995-2004**



Traffic cases have increased by less than four percent over the decade presented in this chart. The filings increased somewhat between 1996 and 1999 but have remained relatively stable since then. Note that the number of Traffic cases during most of this time period was between 7,000 and 7,800 – by far the greatest number of cases.

Traffic cases do not appear to be a major concern for future growth unless there is some particular change in law or policy that is not currently anticipated. Still, Traffic cases should continue to be examined on a regular basis.

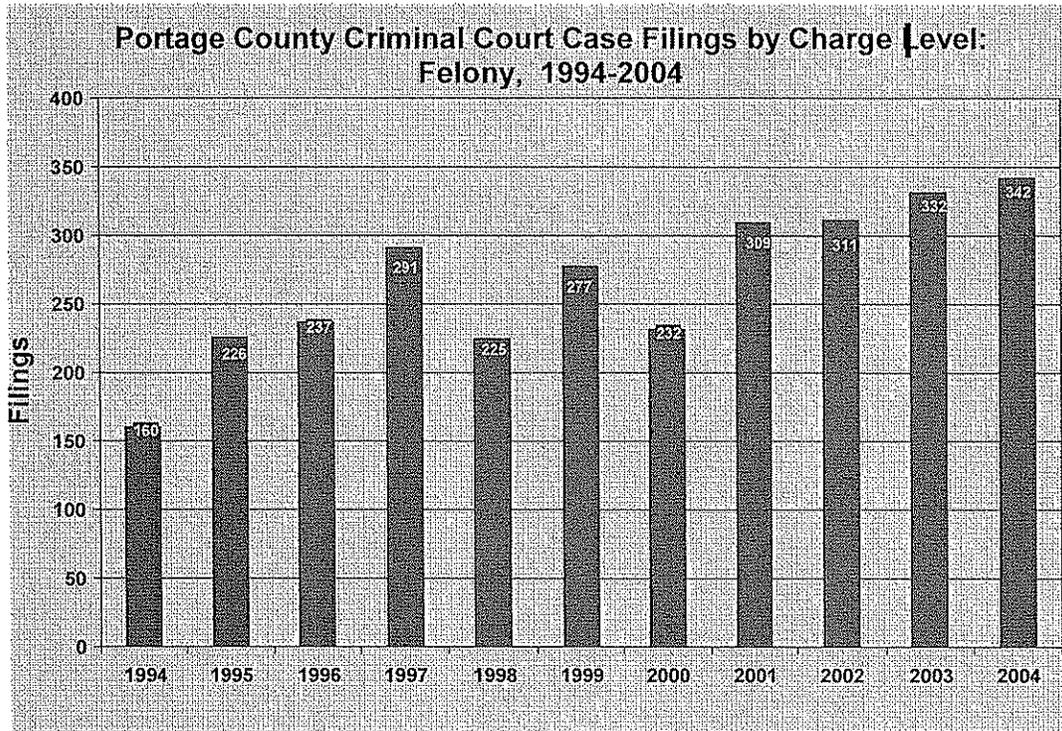
### Court Chart 3: Forfeiture Case Filings, 1995-2004



Similar to Traffic cases, Forfeiture cases increased during the first half of this ten-year period; in this case the increase was 32 percent. This is a large increase and it would be useful to have more information going back further in time. Since 1999, forfeiture filings have been relatively stable. Based on this, forfeiture cases do not appear to be a particular concern in terms of planning. Nonetheless, they should always be included in quarterly court data reports.

Going back to the first chart, the larger concerns based on the data and the nature of the cases are those in the criminal courts: felony, misdemeanor and criminal traffic.

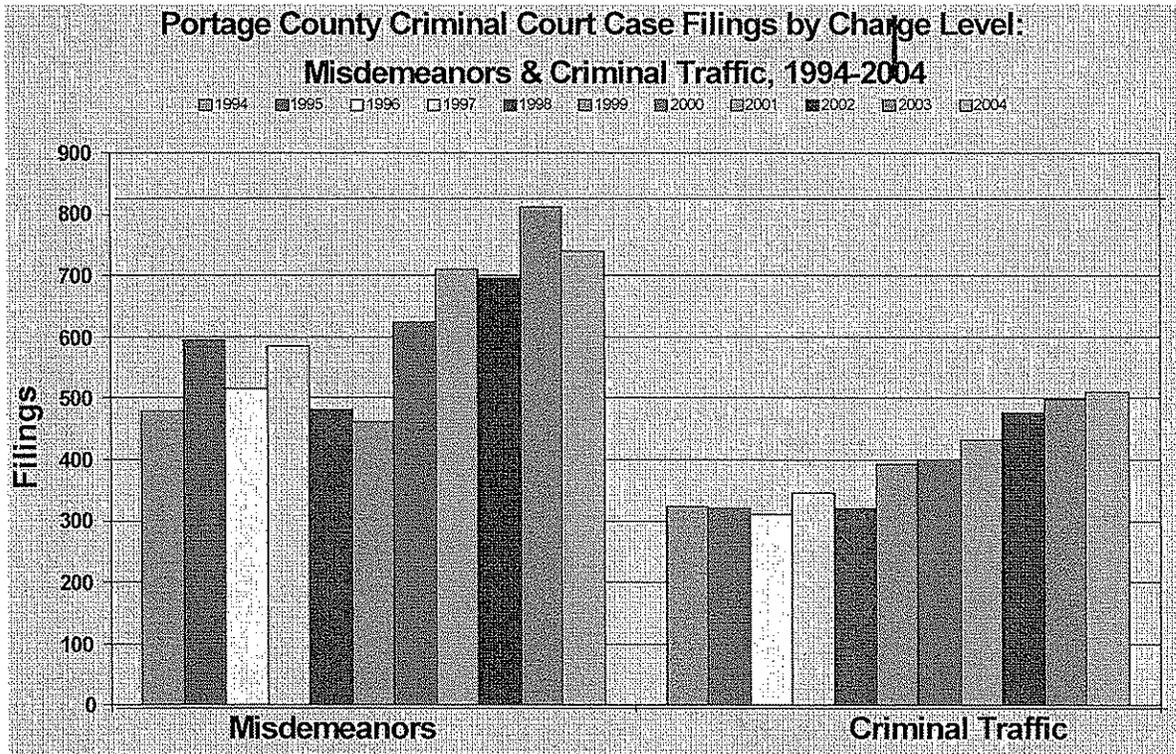
**Court Chart 4: Felony Case Filings, 1994-2004**



Felony court filings increased considerably -- by 114 % -- over the entire eleven years. The annual number more than double -- going from 160 to 342 total cases. That is significant and very different from forfeitures and traffic cases. It is important to determine if there are particular issues and/or charges correlated with the increases. This data should also be updated on a quarterly basis.

In the final report the consultants will elaborate on this area; the same applies to Misdemeanors and Criminal Traffic cases. Ultimately, it will be the local criminal justice experts that will collect and observe this data on a regular basis and use it to benefit justice agency operations, management and evaluation.

**Court Chart 5: Misdemeanor and Criminal Traffic Case Filings, 1994-2004**

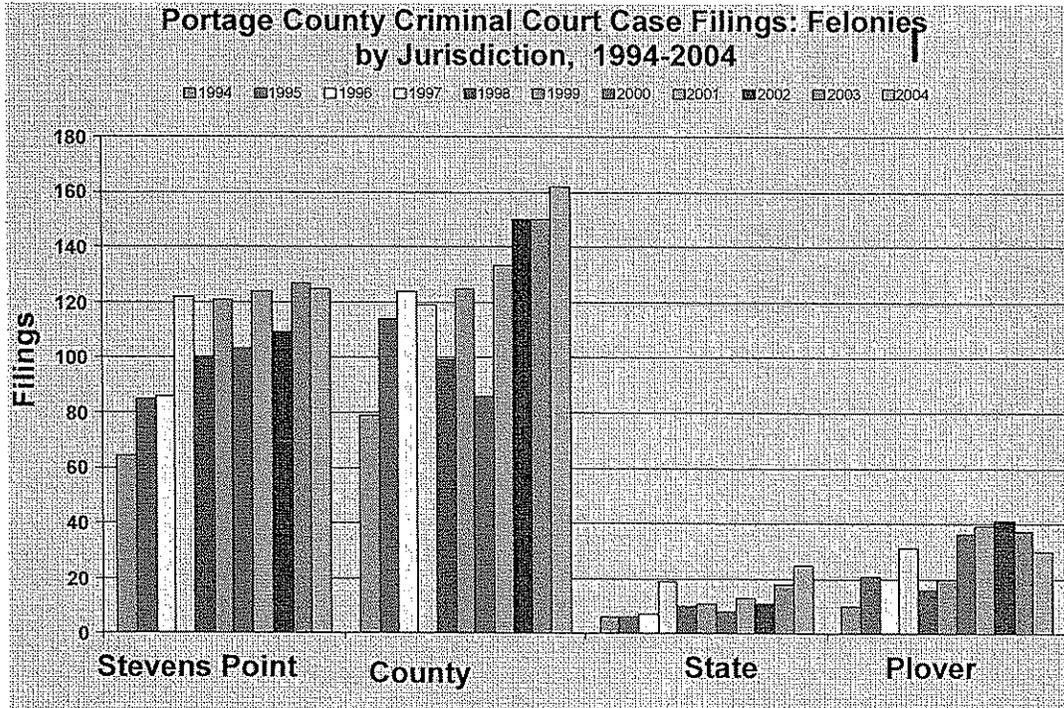


Misdemeanors were relatively stable just below 500 until 2000, and then spiked and kept on going, reaching a high of about 800 in 2003 – a 69 percent increase in four years. It appears that there was a major change in law or policy in that year. This pattern took a break in 2004.

Criminal Traffic cases were relatively stable until 1999; they increased substantially a year earlier than the misdemeanors. The Criminal Traffic cases increased by 36 percent over six years. While a large increase, this is still considerably less than the increase of alleged misdemeanants. Unlike misdemeanants, Criminal Traffic Filings continued to increase in 2004, although slightly.

Chart 6, which follows, shows the breakdown of felonies by law enforcement jurisdiction.

**Court Chart 6: Felony Case Filings by Law Enforcement Jurisdiction, 1994-2004**



Charts 6 and 6a show the same data in different formats. Chart 6 examines the degree of change within each jurisdiction, and 6a show change over time for each jurisdictional entity.

Stevens Point experienced a 63 percent increase over the time period, and Portage County had a 105 percent increase over the same period. In terms of felonies, both of these jurisdictions grew considerably, but at different rates. During this same time period, the State went from six cases to 25, which is not a large number, but it is a 316 percent increase. And Plover moved from ten in a year to 20 in 2004, which is a 200 percent increase.

**Court Chart 6a: Felony Case Filings by Law Enforcement Jurisdiction, 1994-2004**

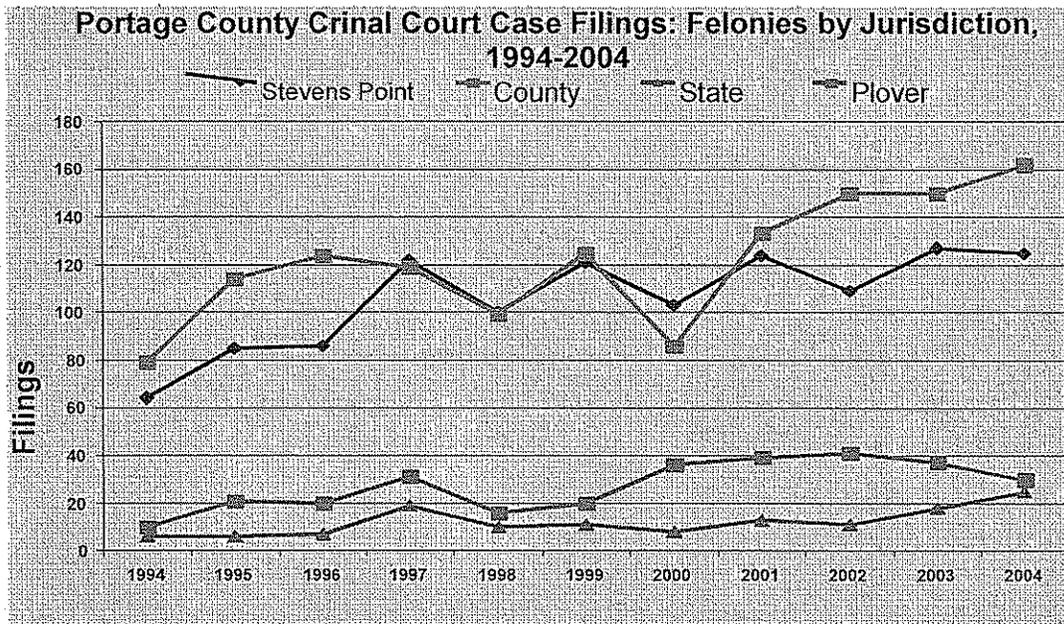


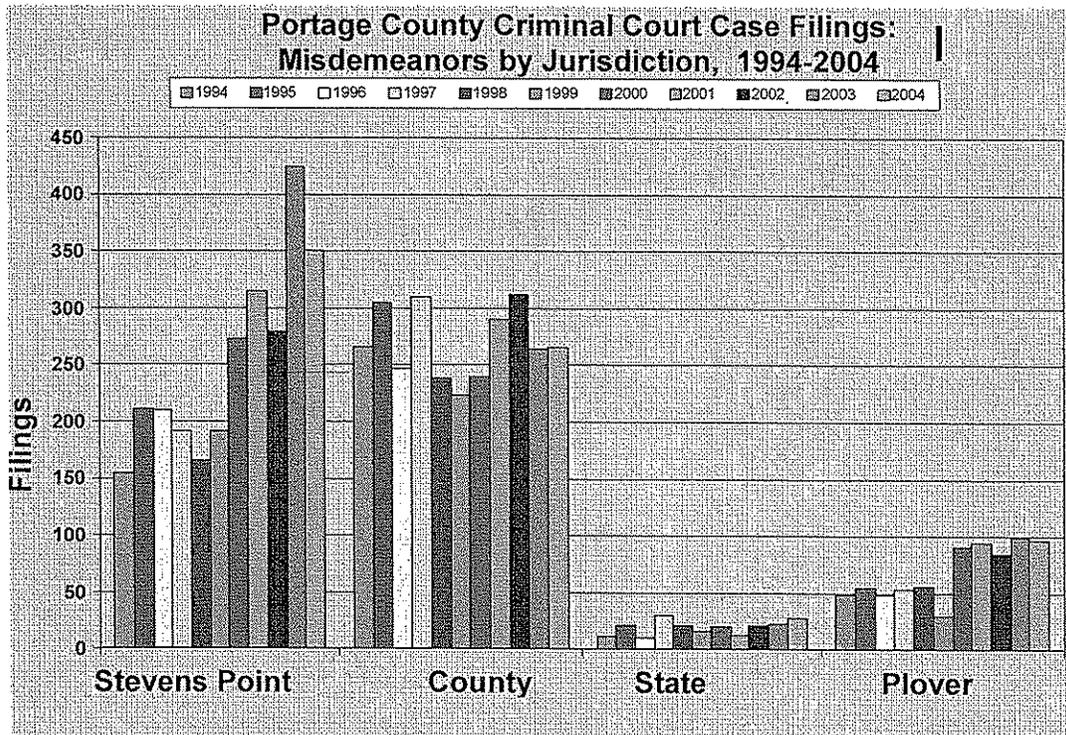
Chart 6a is particularly useful to examine relative numbers of felonies cases by jurisdiction. Note that during this time period the City of Stevens Point increased at a fairly even pace. Also note that felonies in Stevens Point and unincorporated areas of the County were relatively even from 1997 through 2001, but since 2001 the County's felony filings have increased at a much greater rate. Curiously, the City's felony case filings show an every-other-year cycle, alternating up and down over eight years.

If there is to be a prioritization of targets for further examination, then it should be based on the numbers of filings -- the County first, followed by the City and Plover and then the State.

The State and Plover, while not connected in any particular fashion, start and end somewhat equal to one another after diverging for many years.

While felony filings get the attention of the community because of their seriousness, misdemeanors impact the courts and the jail to an even greater degree because of their numbers. Chart 7, which follows, shows the number of misdemeanor filings by jurisdiction over time.

**Court Chart 7: Misdemeanor Case Filings by Law Enforcement Jurisdiction, 1994-2004**

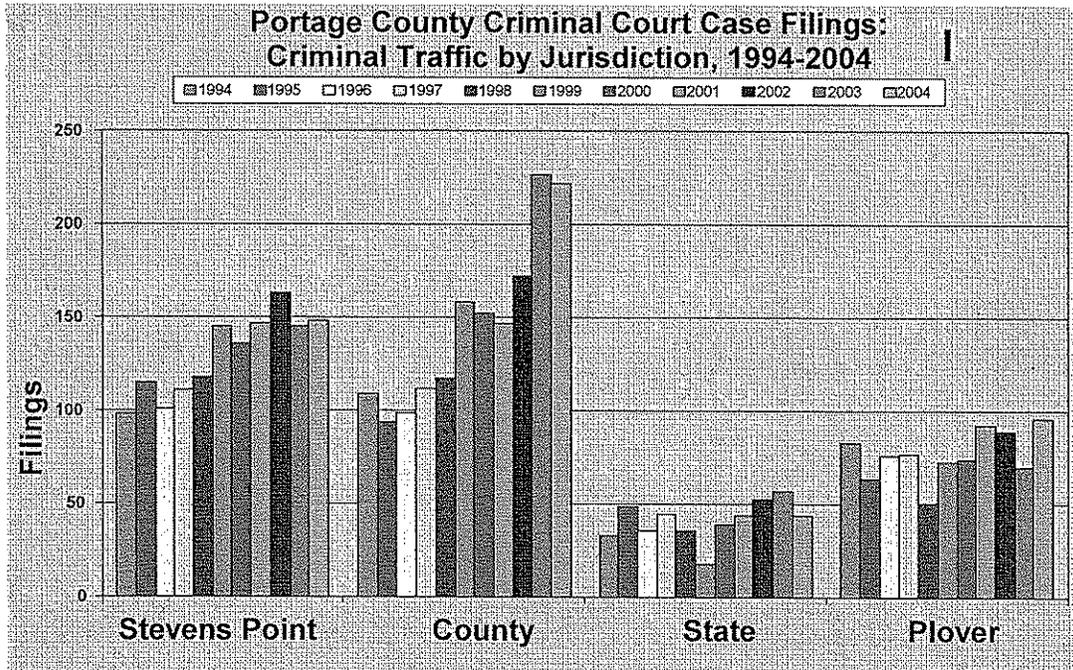


While those who live in areas of the County other than Plover and Stevens Point have the highest numbers of felony filings, those who reside in Stevens Point have the greater number of misdemeanor filings. Moreover, Stevens Point misdemeanor case filings have increased very dramatically, by 175 percent. The County's misdemeanor filings have fluctuated, but overall the numbers have been relatively stable between 1994 and 2004.

The Village of Plover experienced two plateaus, with 1999 being a particularly odd year dividing the two plateaus. Plover's misdemeanor filings increased from 49 to 97, almost a 100 percent increase. The State increased as well from 11 to 27, an increase of 145 percent during the same time period.

In terms of prioritizing targets, Stevens Point warrants the most attention because of its comparatively high number of misdemeanor filings. Chart 8, which follows, displays Criminal Traffic filings by jurisdiction. Once again, these may not be considered as seriously as other categories of offenses; but because of their volume, it is critical for the courts to manage them.

**Court Chart 7 Criminal Traffic Case Filings by Law Enforcement Jurisdiction, 1994-2004**

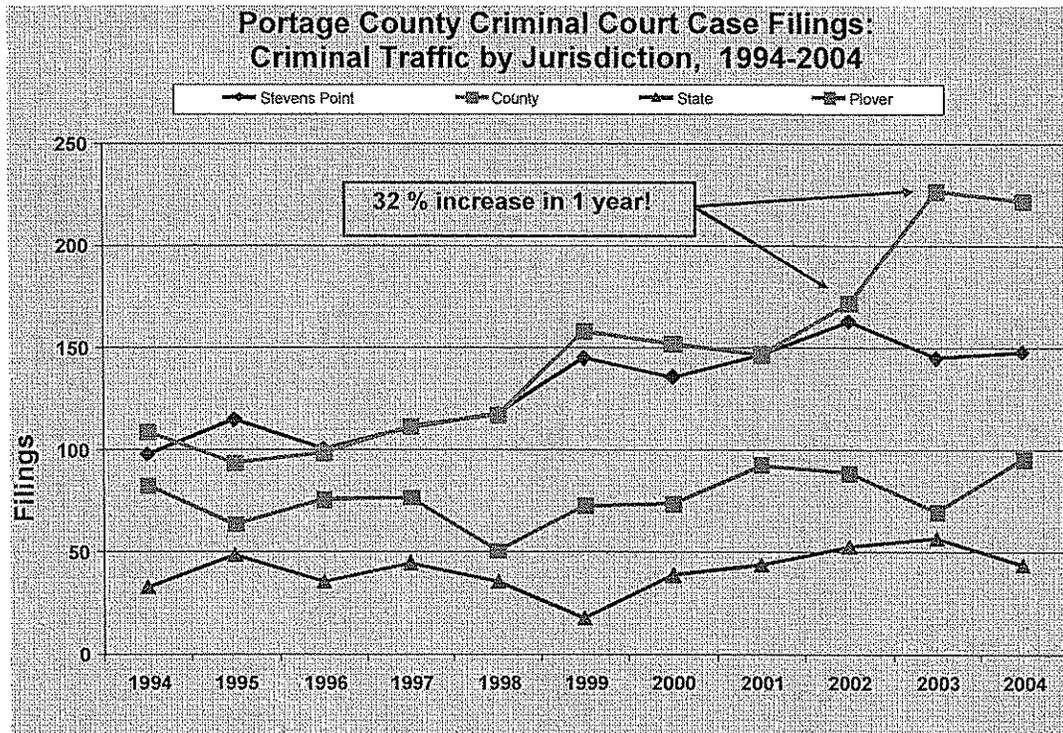


Criminal Traffic cases have been increasing in each jurisdiction but some more than others. Clearly, the County has the most dramatic increases with a 104 percent increase between 1994 and 2004. Occasionally there is a dip, but generally the numbers increase. The SPPD increased at almost exactly half that of the County at 51 percent, albeit, it has dropped the last two years.

The Village of Plover increased from 83 to 96 Criminal Traffic cases, an increase of 17 percent over this eleven-year period. The State's cases increased from 33 to 44, an increase of 11 -- 33 percent.

Because of the volume and increase, the first target for further analysis is the County. The next target to examine is the City of Stevens Point.

**Court Chart 7.a: Criminal Traffic Case Filings by Law Enforcement Jurisdiction, 1994-2004**



Notice that case filings in the County and the City were almost identical for nine of the eleven years – both moving up in a measured pace. Something happened at the County during 2003 regarding traffic filings that caused a 32 percent increase in one year. This level of activity was maintained in 2004.

### Openings and Closings of Cases

The consultants examined the number of cases that were opened and closed for Felonies, Misdemeanors and Criminal Traffic in order to determine if the courts have been able to keep up with the workload.

### Court Chart 8 Felony, Misdemeanor and Criminal Traffic Filings and Closings, 1995-2004

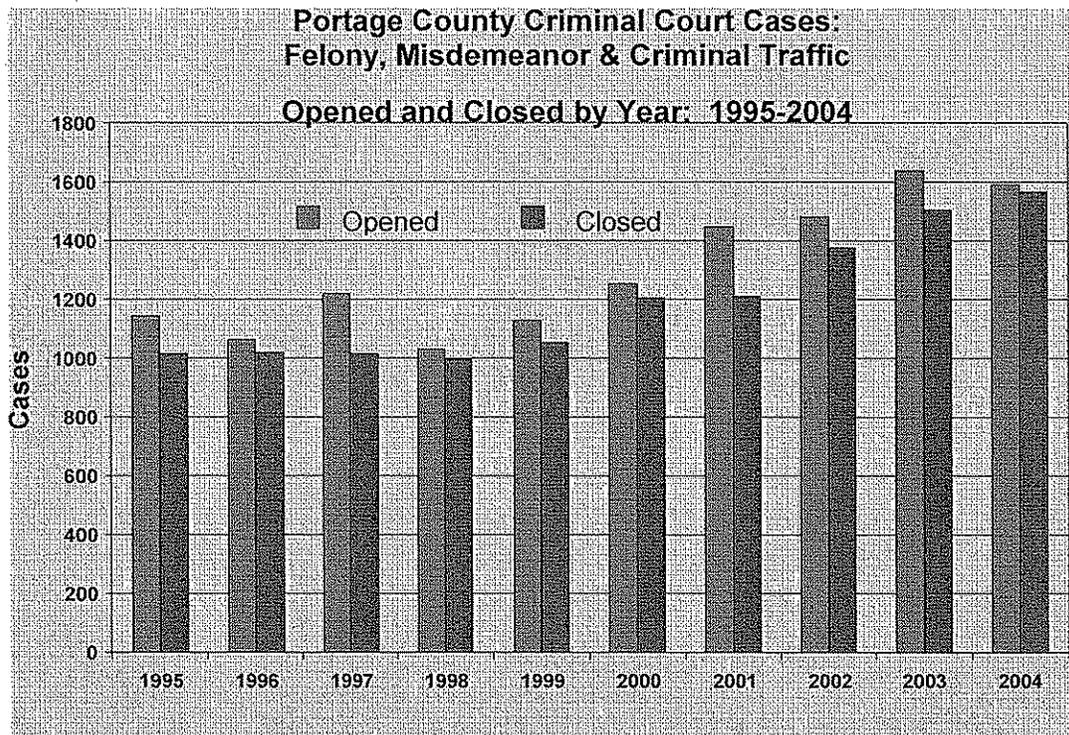


Chart 8 shows what most of the judges and clerks probably already know – in terms of felony, misdemeanor and criminal traffic cases, more cases are being filed each year than are being disposed of. ***This is not a good situation because it implies that the court is getting further and further behind.*** In Portage County, each judge is responsible for the cases presented in a particular year so the judge continues those cases into the next year. As a result, the workload is larger but the cases do not just keep adding up as it can in other courts. It could, however, impact the amount of time taken to dispose of cases, which could increase length of stay for pre-sentenced inmates.

## **Criminal Courts Historical Caseflow Trends**

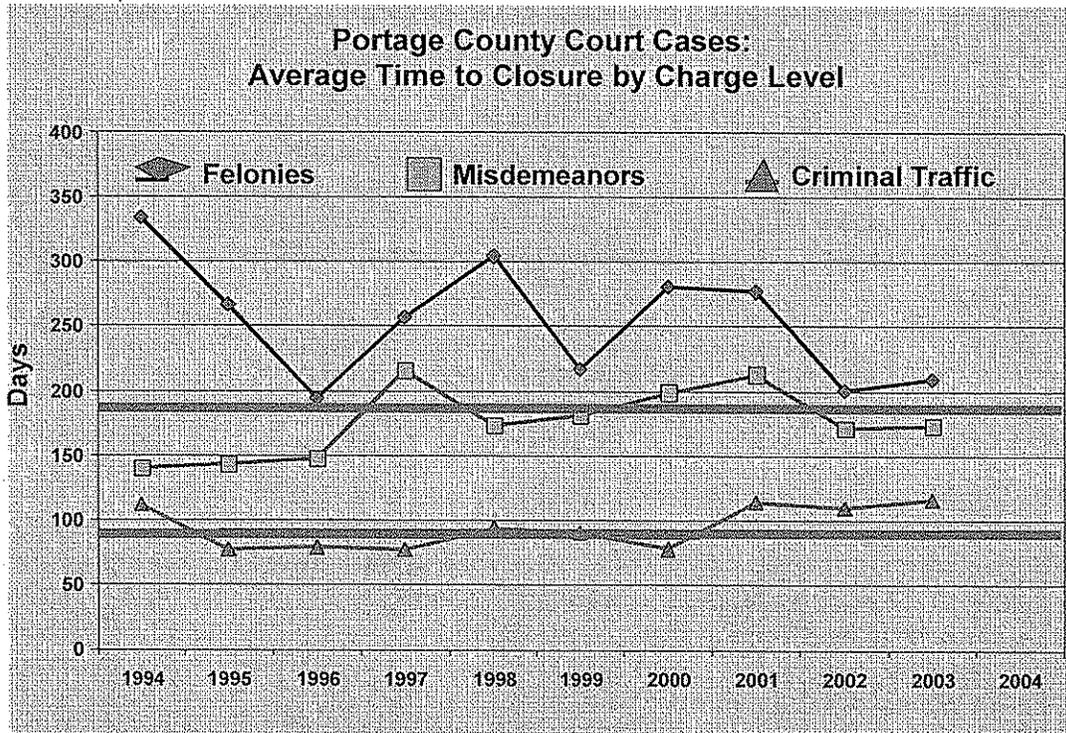
This section of the report continues the examination of the criminal court. Specifically, it focuses on the time it has taken to process felony, misdemeanor and criminal traffic cases over the past ten years.

Efficient and effective court caseflow ensures more timely justice for victims, witnesses, defendants, law enforcement personnel, attorneys, the courts and the judiciary. Each case must be given its proper vetting by all concerned but in the end it is known that more than 90 percent of all cases will end through negotiation between the state and defense counsels. Efficiency with all cases also lessens the cost to taxpayers and reduces the work of criminal justice system staff.

### **Special Caveat**

The following charts are different than similar charts prepared for other jurisdictions in that the year cited refers to the cases that were filed in that year. For example, for the year 1994, the chart refers to the average amount of time it took for all felony, misdemeanor or criminal traffic cases FILED IN 1994 to be disposed. This was done at the request of the Portage County Court. It is not the normal method of measuring time to disposition – that would measure cases DISPOSED of in that year.

**Court Chart 9: Remaining Case AVERAGE times to Disposition for Cases Filed in each year.**



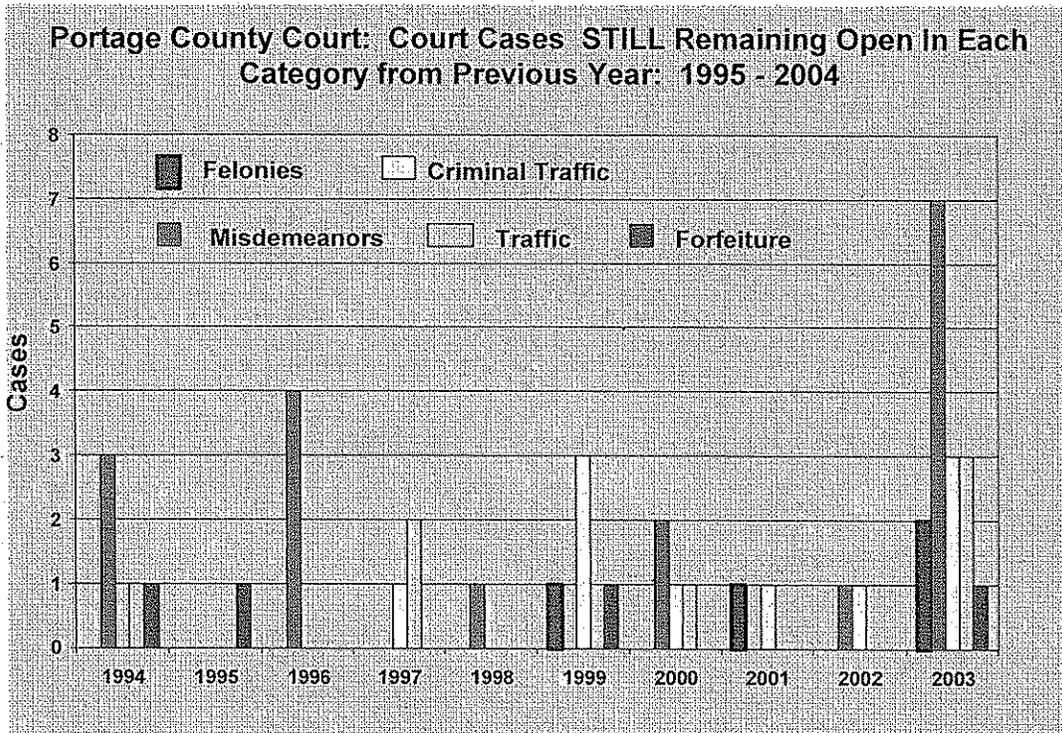
The two gray lines indicate the ABA standards for time to disposition, 180 days for 98 percent of all felonies and 90 days for misdemeanors. The blue line represents felonies and the green line is for misdemeanors. Red is for criminal traffic cases.

It is important to note that these are averages and can be influenced by unusually long cases. None-the-less, looking at the felony cases, it shows that there are significant differences from one year to the next, albeit, there is a downward trend. What this also implies is that some court(s) use certain measures that other courts do not in order to expedite cases. The knowledge is available to decrease the average time it takes to process a case, but different courts have varying views on how best to manage cases. The year 1994 could be an anomaly, but there was a large drop between 1994 and 1996, from 334 days to 194 days.

For Misdemeanors, the time to disposition increase slightly over these ten years. It is not surprising to see that there was a relatively small variation in time between each of these years – none-the-less the misdemeanors appear to mirror

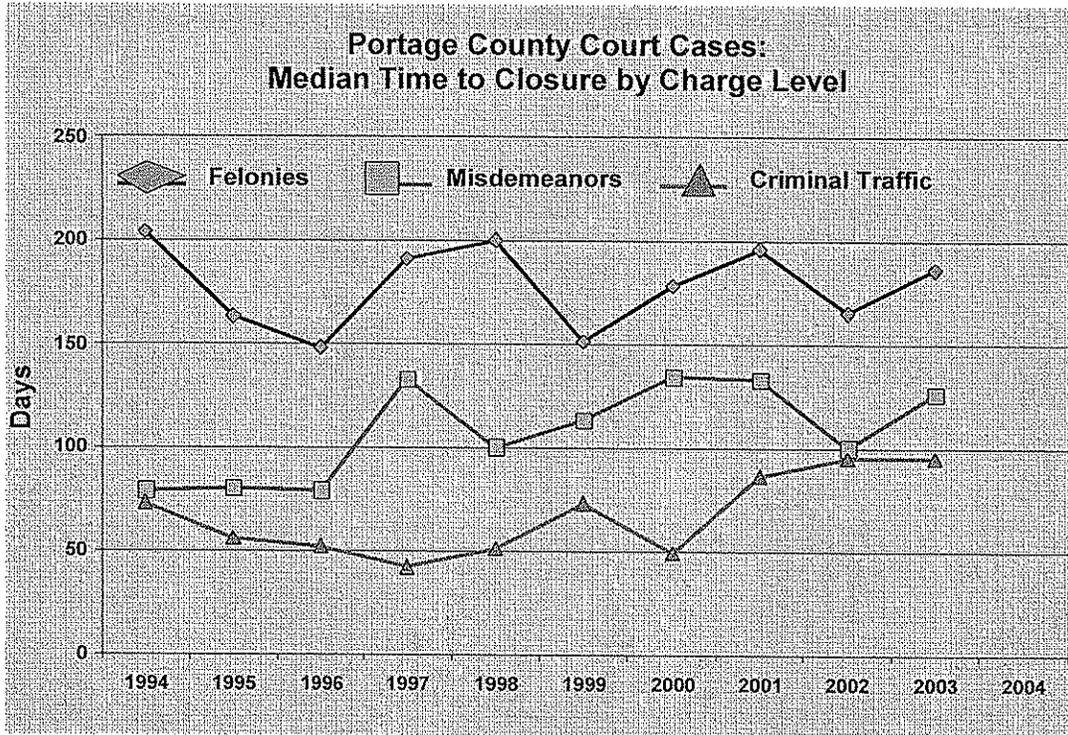
the felonies. For Criminal Traffic cases, the average ranged from 79 days to 134 days.

**Court Chart 10: Number of Felony, Misdemeanor and Criminal Traffic Cases Remaining Open from Previous Years**



This chart represents the number of cases open in each category from each of the years above according to the Data Processing. It is important to ensure that all "orphaned" cases are removed for a few reasons. The first is to be sure that the court does not accidentally lose cases in the system and the other complication is that unusually long cases can skew the averages.

**Court Chart 11: Felony, Misdemeanor and Criminal Traffic Case MEDIAN<sup>3</sup> times to Disposition for Cases Filed in each year**



Felonies' time to disposition fluctuate between 150 and 200 days. There was slightly less fluctuation in later years for felony cases.

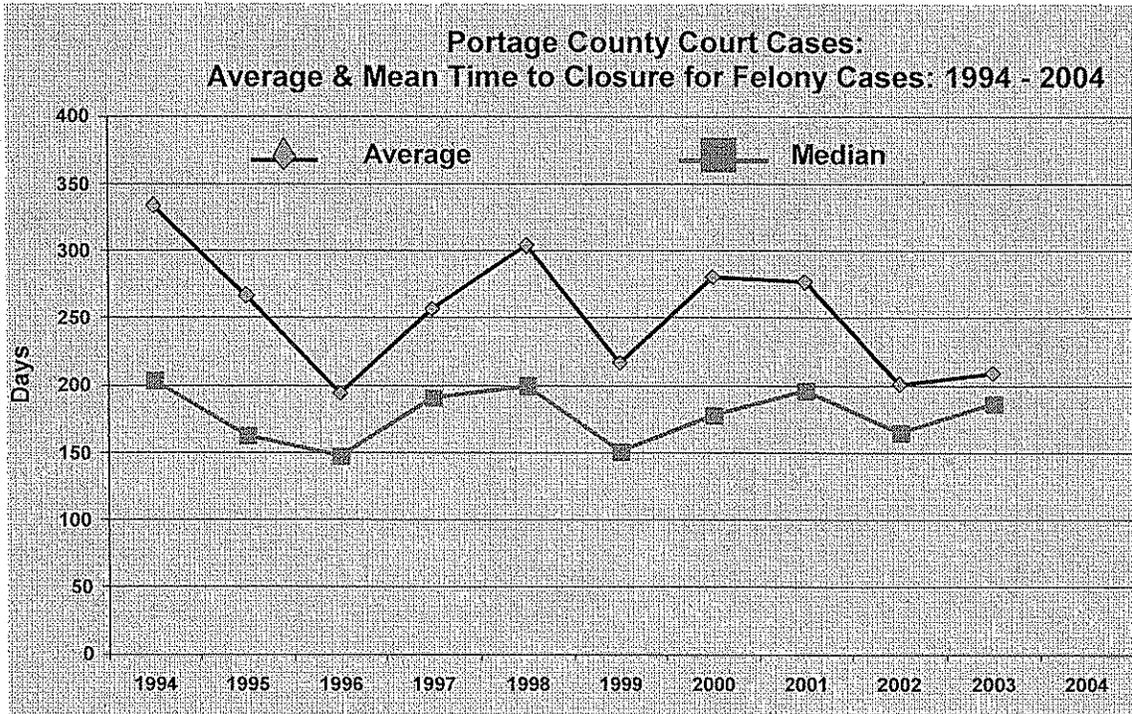
Median time for Criminal traffic cases increased considerably in recent years. Time for Misdemeanors has been relatively stable since 1997.

It is tempting to apply the same national standards for the median cases as for the average (as in Chart 9); but doing this would not be appropriate, as median and average are different measures of central tendency.

Chart 10 also shows the same patterns from year to year, and between the felonies and misdemeanors.

<sup>3</sup> The median is the mid-point where there are as many cases that take more time as there are cases that take less time. The median is not influenced by a particular case(s) that could skew the average.

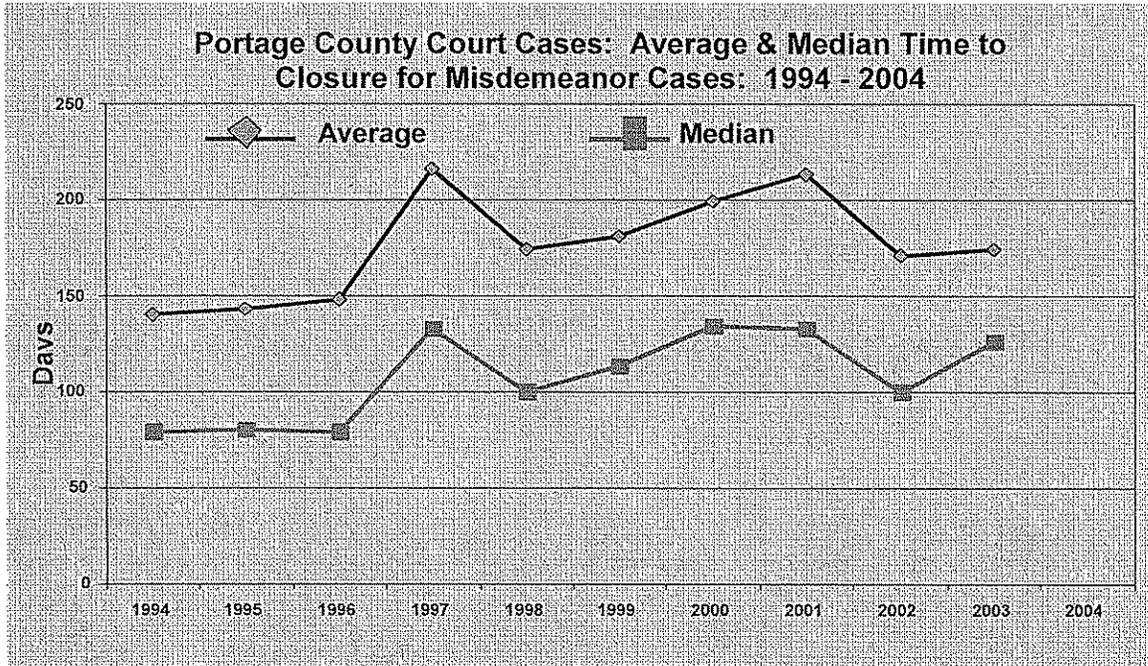
**Court Chart 12: Felony Average & Median Times to Disposition for Cases Filed in each year.**



This is a repeat of the data above in a different format, but this presentation allows for a more careful comparison between the median and average times for felony cases. The overall average is erratic but trends downward. The median was much more constant.

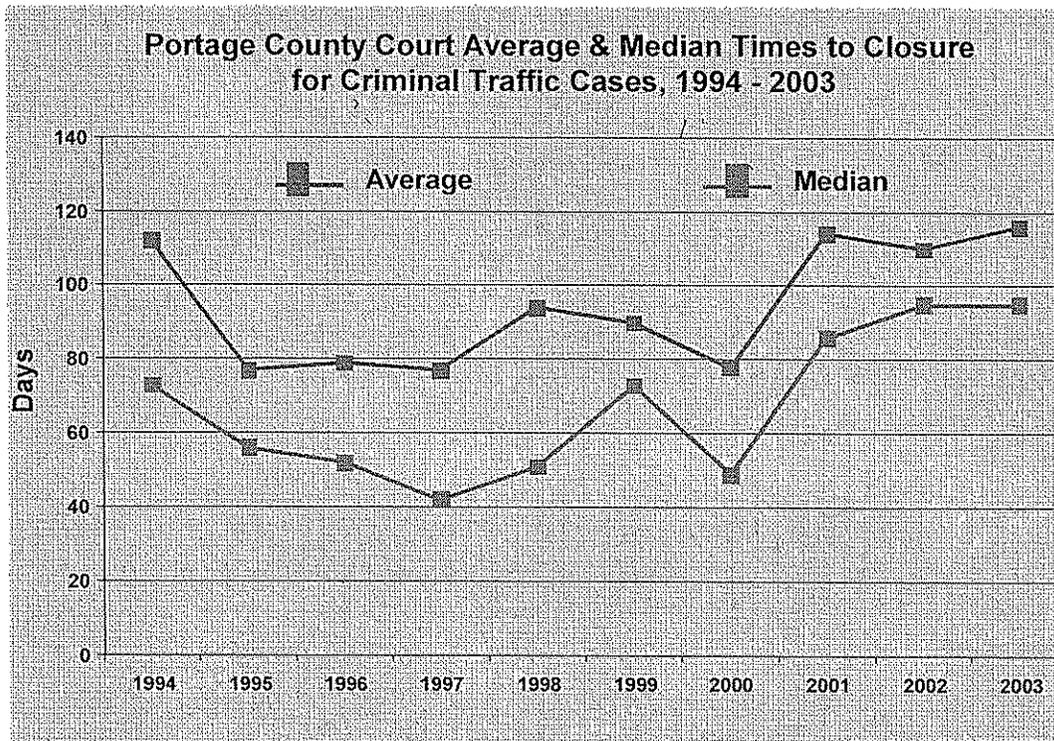
It is up to Portage County justice officials to determine if these timeframes are acceptable. There are a number of methods to decrease time to disposition which could be explored further.

**Court Chart 12: Misdemeanor Average & Median Times to Disposition for Cases Filed in each year**



There may be particular targets of opportunity to reduce time for misdemeanor cases. It is clear that the average and the median both trended upwards during the last ten years.

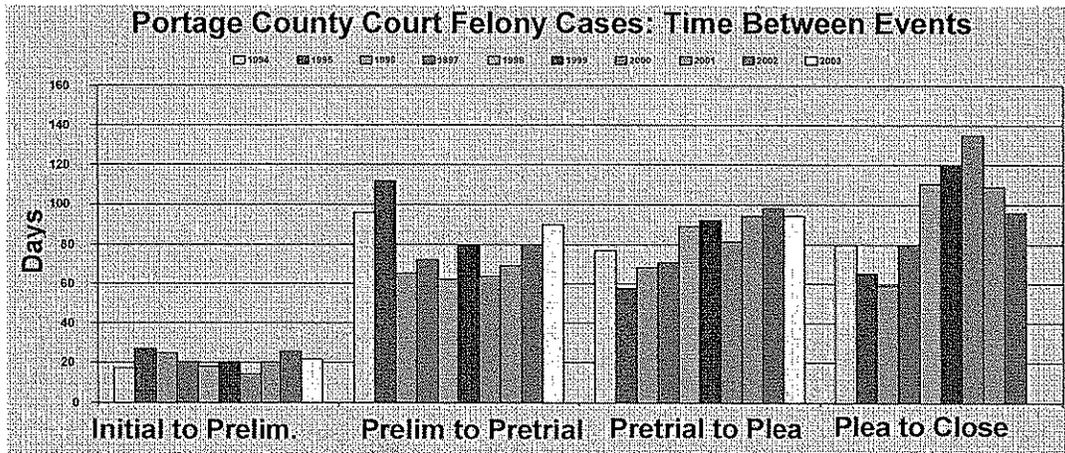
**Court Chart 13: Criminal Traffic Average & Median Times to Disposition for Cases Filed in each year.**



The recent short-term trend has been upward for the past three years. Criminal traffic case duration is partially impacted by the court giving the defendants time to try to resolve license and other matters.

Another way of looking at caseload is to sub-divide the time by events. In Charts 14, 15 and 16, the average time between each event is charted. The computer simply identifies each time period separately, and it is not appropriate to add up the average for each to obtain an overall average time to disposition. There are questions that warrant resolution, such as "is it more appropriate to count a first or second Pretrial Hearing?"

**Court Chart 14: Average Times Between Events for Felony Cases Filed in Each Year**

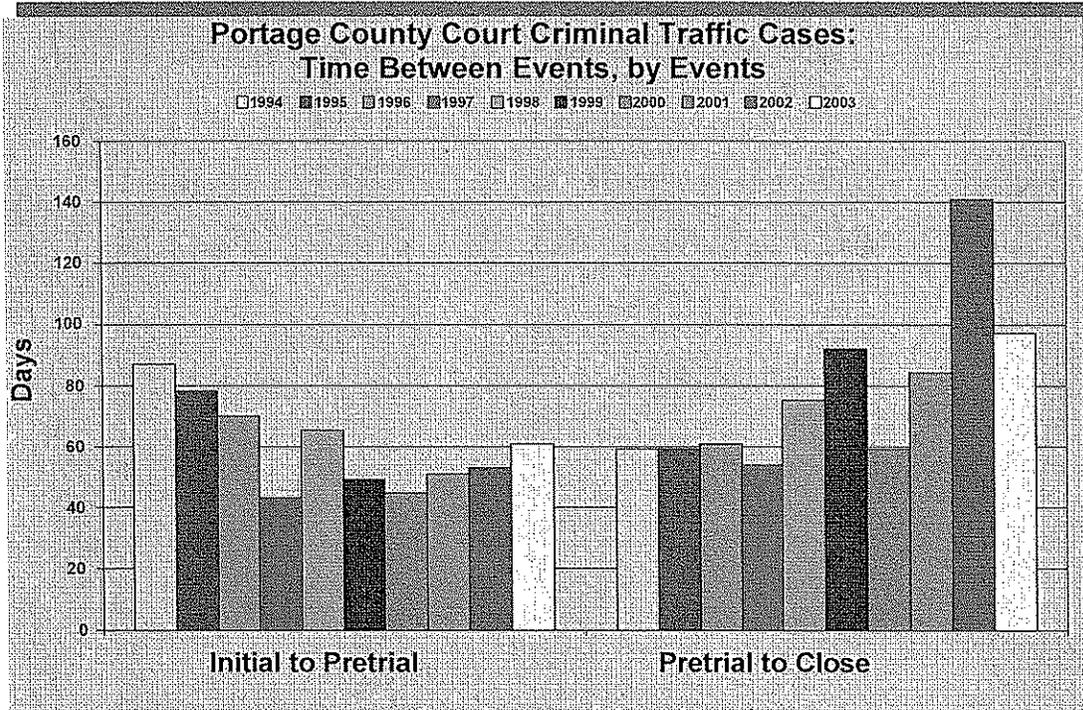


This information can still be vetted further or challenged. This is based on the year of filing and shows the average time between each of these specific events. Some cases may have “jumped” events and moved more quickly. If this is correct then it may be different than many think is the case.

**Court Chart 15: Average Time Between Events for Misdemeanor Cases, Filed in Each Year**

It appears that the ‘Initial to Pretrial’ period has not been increasing, but the ‘Pretrial to Close’ has been. There was a significant increase in five of the first six years, and the time decreased for each of the last four years, with 2003 the exception.

**Court Chart 16: Average Time Between Events for Criminal Traffic Cases Filed in Each Year.**

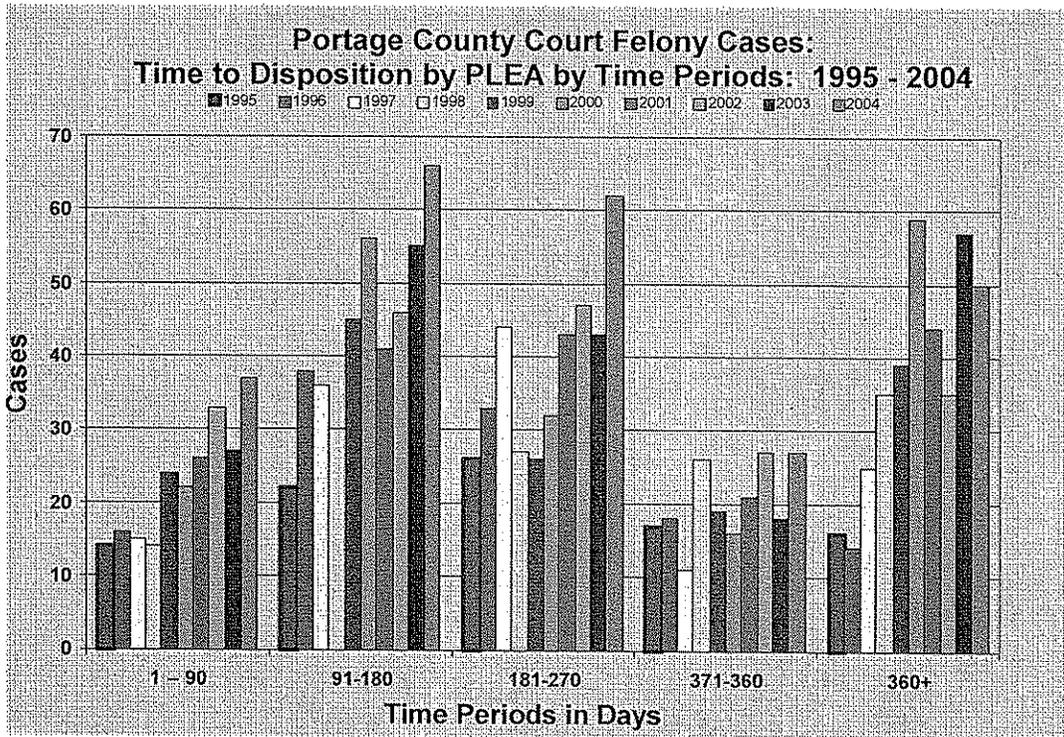


The time from 'Initial to Pretrial' had been decreasing until 2001, when it appears to have begun a slow upward trend. 'Pretrial to Close' was somewhat erratic until 2000 when it, too, began an upward trend.

How long it takes cases pleas to occur is another set of data that warrants investigation. The last set of criminal courts charts show only the cases that go to plea, which are the vast majority of cases.

The next six charts show the numbers of cases in each category for the ten-year time span. The following chart shows the percentage of all cases disposed that were disposed of in during time period.

**Charts 17: Felony Cases that Plea: Time to Disposition by Time Periods, 1995-2004**



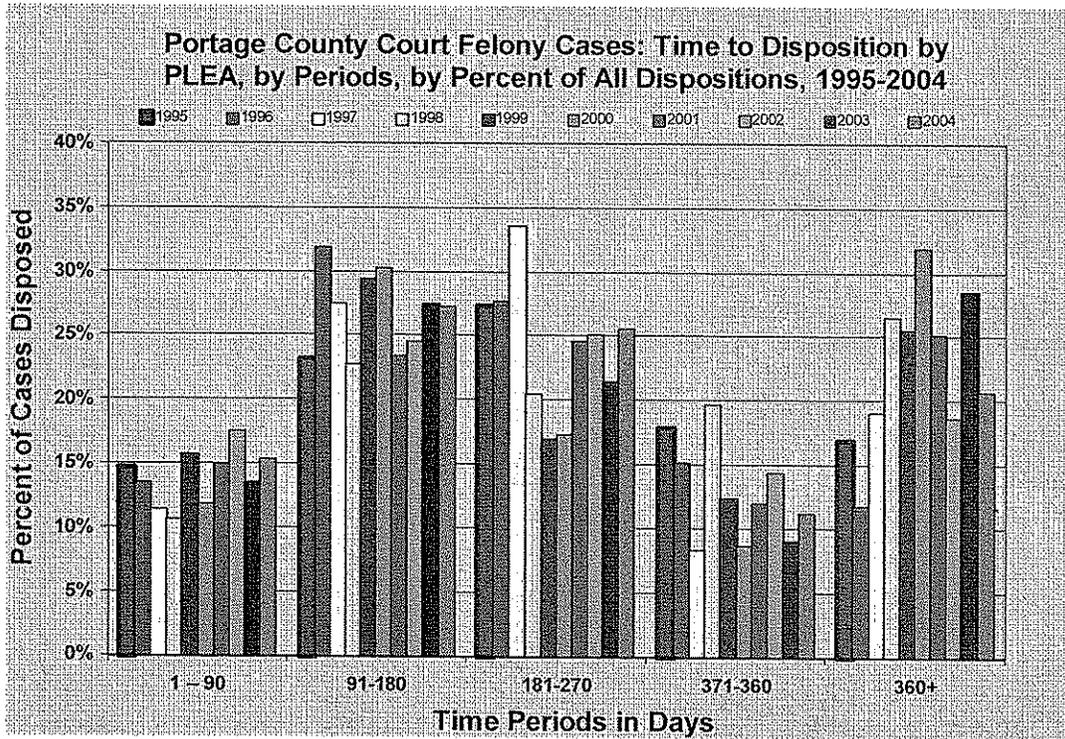
This chart is not based on the filing year but the year of disposition. This chart shows the number of all the felony cases that were disposed by plea and how long (by time period) it took them to plea. Ideally, the more in each year that plea, the better for justice system resources.

It is interesting to see in this chart that almost all periods increased fairly dramatically, except the 371-360 day period. The 1-90 day period increased from 14 cases to 37 disposed cases – a jump of 164 percent. The 91-180 day period increased from 22 to 66, an increase of 200 percent. The courts have clearly increased the number of cases they move during each time period, some more so than others.

If the courts were not taking care of more cases in the earlier time periods, the courts would simply be overwhelmed.

In order to obtain greater clarity on the amount of time to disposition, the chart below looks at the same data by the percentage of all cases disposed of during each year.

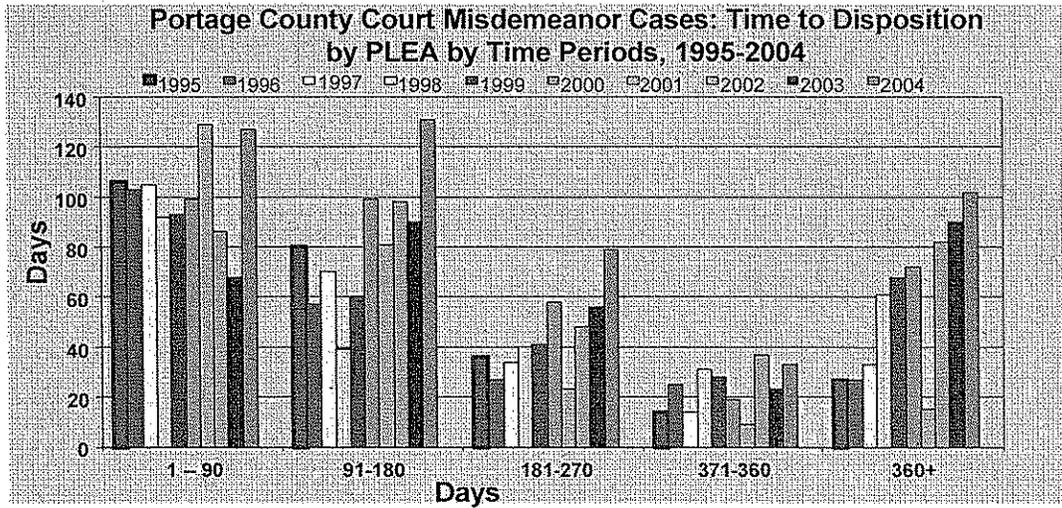
**Chart 18: Felony Cases that Plea: Time to Disposition by Time Periods, 1995-2004 (PERCENT of All Cases)**



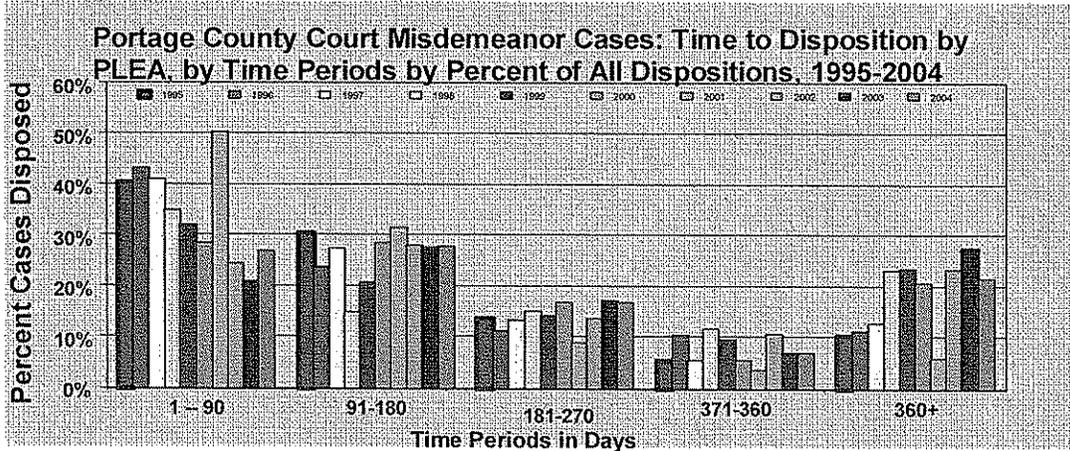
Although this is the same data, by percent instead of numbers, as in Chart 17, above, it is very different.

Note there are very few dramatic increases. The 1-90 day period shows that while the courts increased in the number of cases in the first three categories, they have been just holding their own in terms of handling the same percentages of caseload. For example, the 1-90 day category shows fluctuations, but all hover around the 12-15 percent range. For the 91-180 day and 181-270 day periods, there were decreases from the highest years. The 271-360 day range also dropped significantly. It appears that there be a shifting to the 360+ period - increasing the time for case disposition.

**Charts 19: Misdemeanor Cases that Plea: Time to Disposition by Time Periods, 1995-2004 (number of cases)**



**Chart 20: Misdemeanor Cases that Plea: Time to Disposition by Time Periods, 1995-2004 (PERCENT of All Cases)**

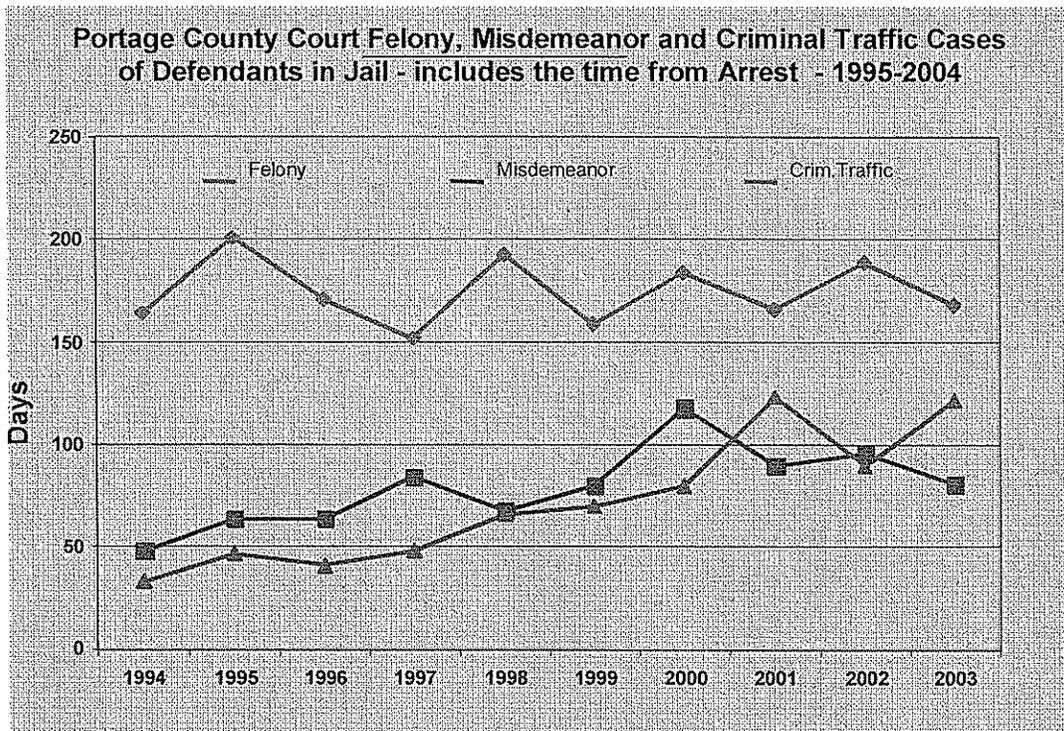


In terms of percentages, the first category dropped dramatically, from 40+ percent to about 27 percent. That reduction was distributed throughout the year, especially in the 360+ day period. Look carefully at 2001 – the florescent green color, an unusual year. More pleas were handled quickly – replicating this might become a justice system objective.

## Court Caseflow for Defendants in Jail

### Court Chart 21: JAIL CASES ONLY -- Felony, Misdemeanor and Criminal Traffic Average Times to Disposition for Cases Filed in each year.

Chart 21 also includes the time from arrest. This is not included in caseflow analysis for other (non jail) cases.



Portage County has an informal process that expedites the movement of jailed defendants' cases. Felony cases show a very distinct pattern – one that fluctuates annually with a difference of 23-41 days from one year to the next. It appears that over time the year-to-year differences decreased.

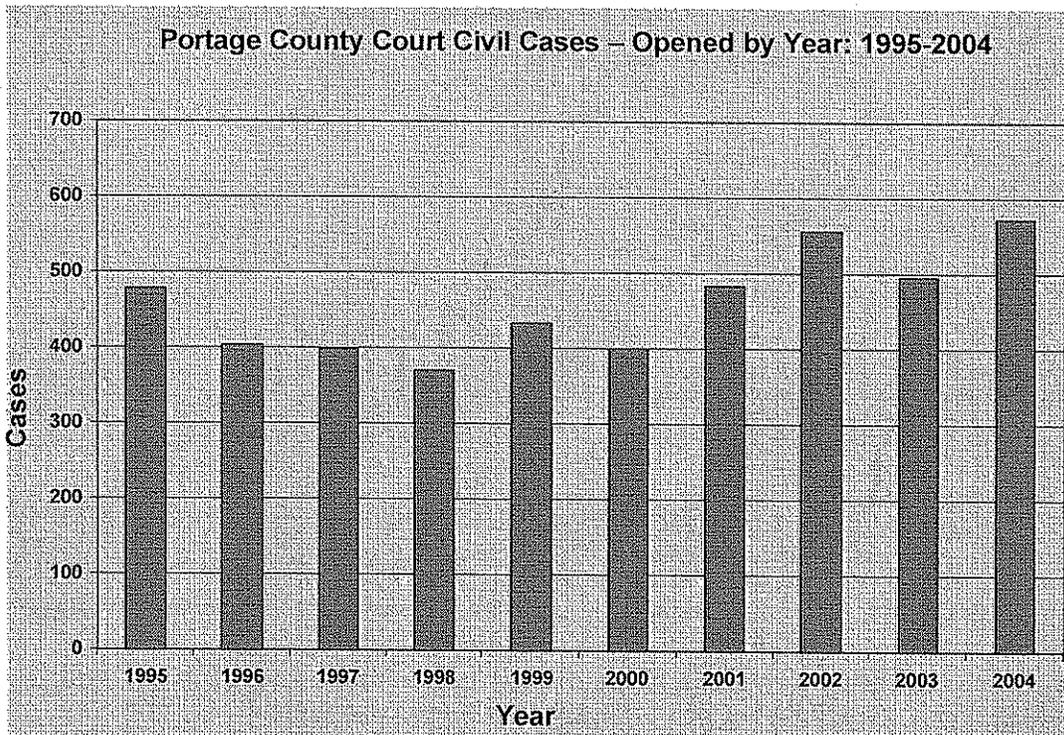
Interestingly, unlike the charts showing all criminal court cases, the jail-case misdemeanors do not follow the felony pattern but, instead, they are more closely matched with the criminal traffic cases. Both increased, with criminal traffic cases taking the lead in two of the last three years.

## Civil and Other Non-Criminal Court Cases

### Case filings information and commentary

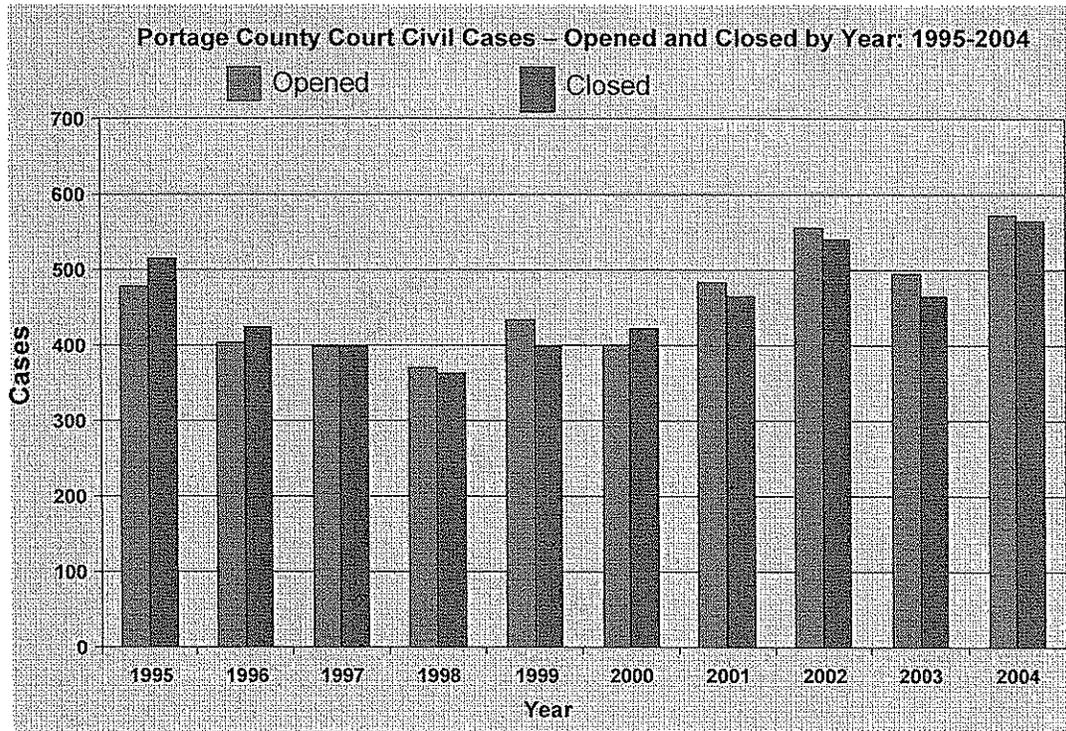
The focus of this study is on the criminal justice system but the consultants also examined the Civil Courts. The same judges and staff handle both criminal and civil cases and if there are increasing demands in one area they directly impact the other. To consider the needs of “the courts,” then all court workloads must be considered.

**Courts Chart 22: Civil Cases Filed, 1995-2004**



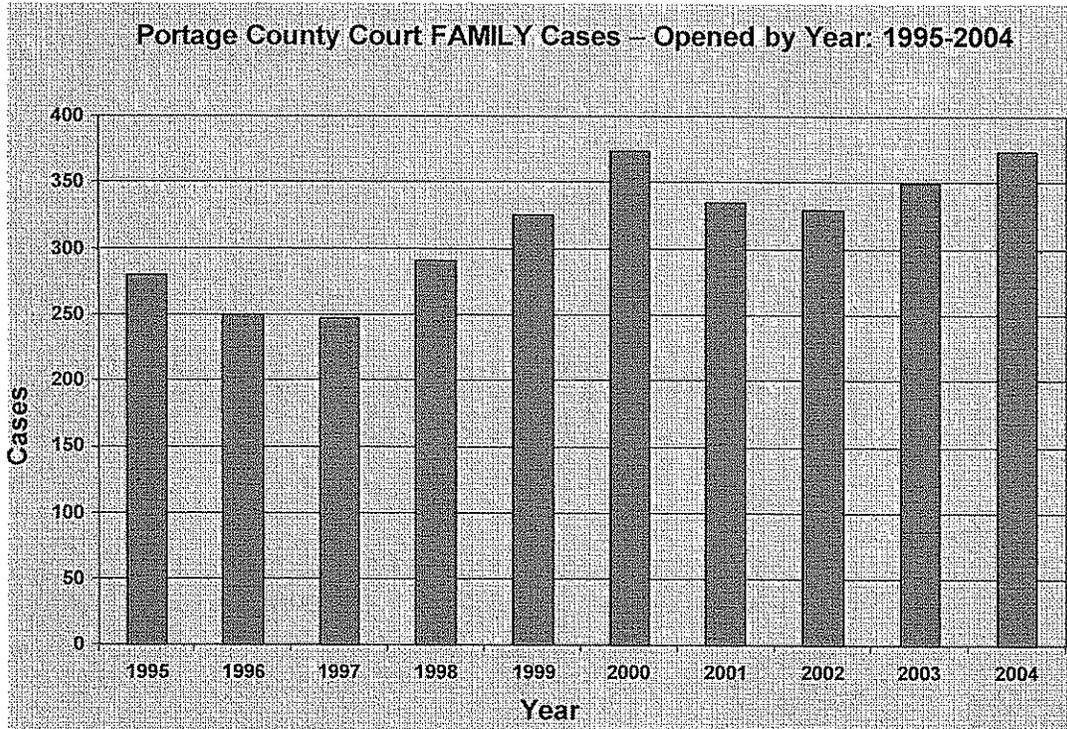
Civil cases do not show large increases over the decade – a 20 percent increase from 479 filings to 573. The numbers dropped from 1995 to 1998; since then there has been an upward trend.

**Courts Chart 22a: Civil Cases Filed and Disposed by Year, 1995-2004**



For the first three years of this ten-year period, the courts were disposed of more cases each year than the number that were filed. Since 1998, more cases were filed than disposed. This is an important trend to carefully watch – and address – over time.

**Courts Chart 23: Family Cases Filed, 1995-2004**



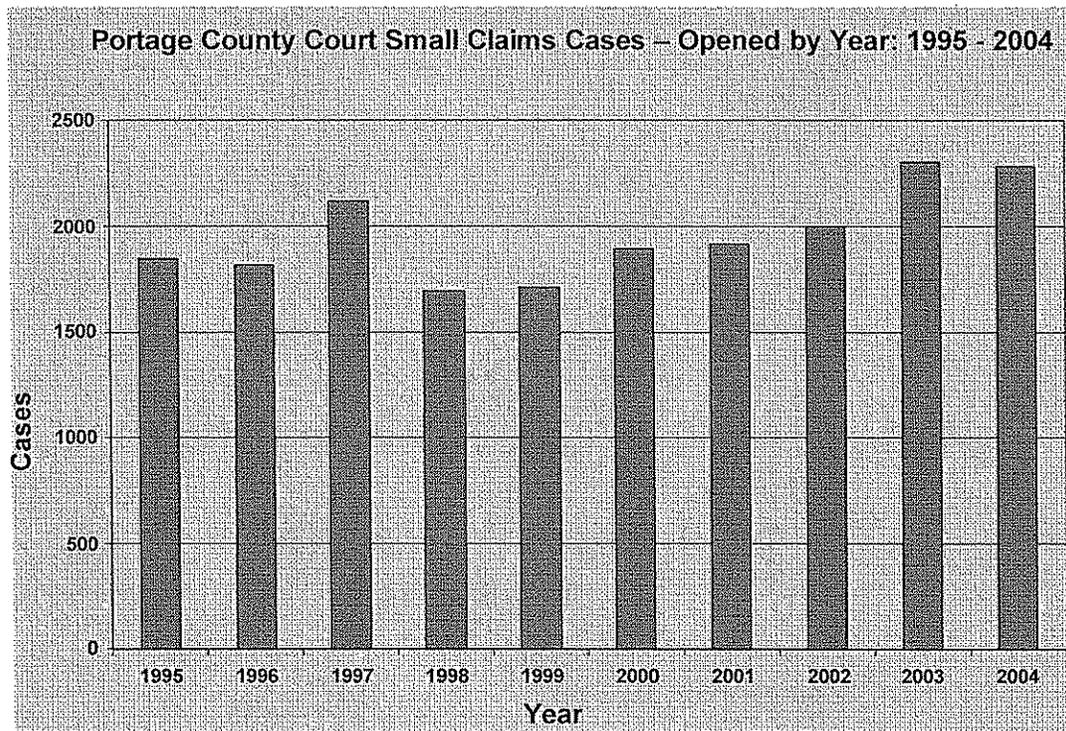
Family Court cases increased by 34 percent during these ten years, from 280 to 374.

This is an area that is being carefully examined by the courts with the advent of a new Family Court Commissioner in 2005. The Commissioner's office is critical in helping handle the workload of the court. The Family Court Commissioner also handles other cases, including paternity cases.

**Courts Chart 23a Family Cases Filed and Disposed by Year, 1995-2004**

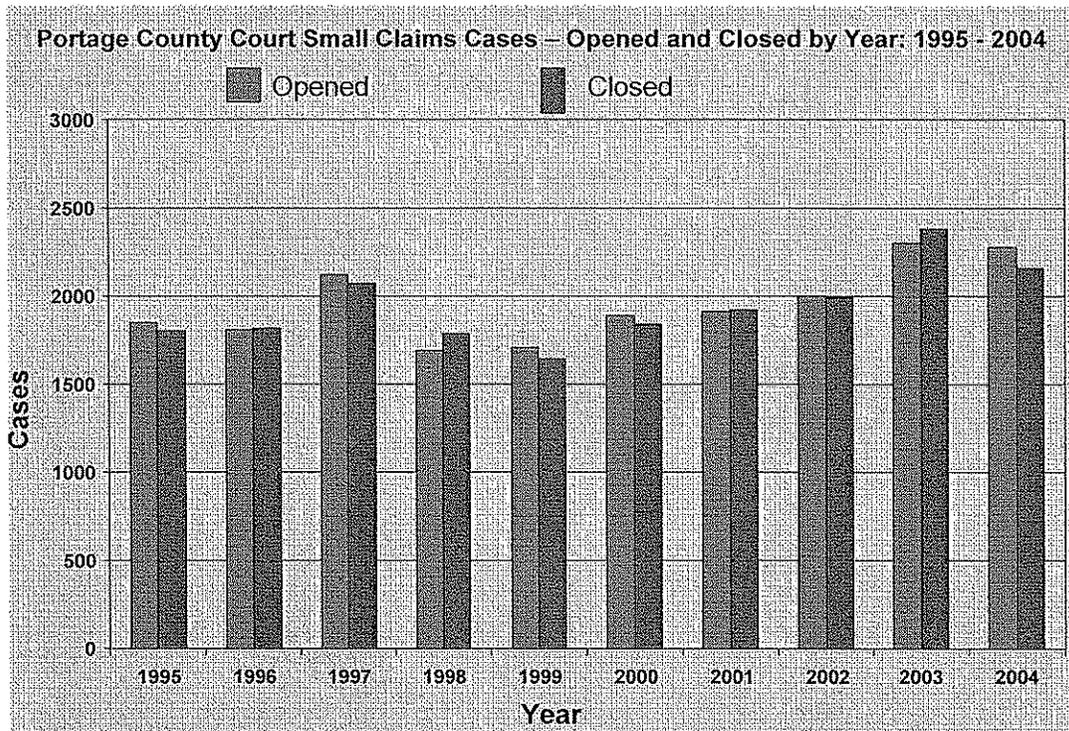
During the time period, in half of the years there were fewer filings than dispositions' in the other half of the years, there were more filings than dispositions. The court is doing a relatively good job moving the overall caseload despite a 34 percent increase in the filings.

**Courts Chart 24 Small Claims Cases Filed, 1995-2004**



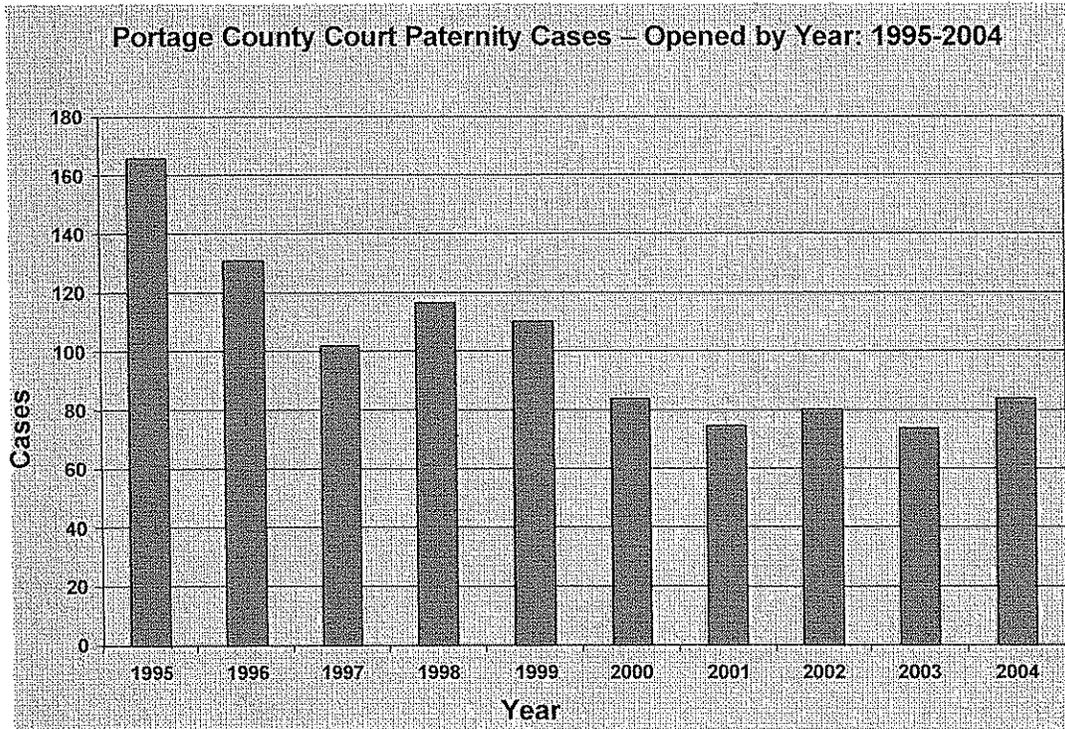
Small claims cases increased by 23 percent during these ten years. Although the numbers were fairly stable, there were significantly more small claims cases in 2003 and 2004. As this impacts workload and staffing, it is a concern.

**Courts Chart 24a: Small Claims Cases Filed and disposed by year, 1995-2004**



The Small Claims Court instituted a caseload management process many years ago, and the impact is telling. Only five of the ten years had more filings than dispositions, despite a 23 percent increase over the years. Two of the last five years had more filings than dispositions.

**Courts Chart 25: Paternity Cases Filed, 1995-2004**



This appears to be different than all of the other charts – a set of court case filings that is decreased and stabilized over time. Over time, the number of cases dropped by 49 percent, from 166 to 84. It is important to understand why this is occurring.

**Courts Chart 25a: Paternity Cases Filed and Disposed by Year, 1995-2004**

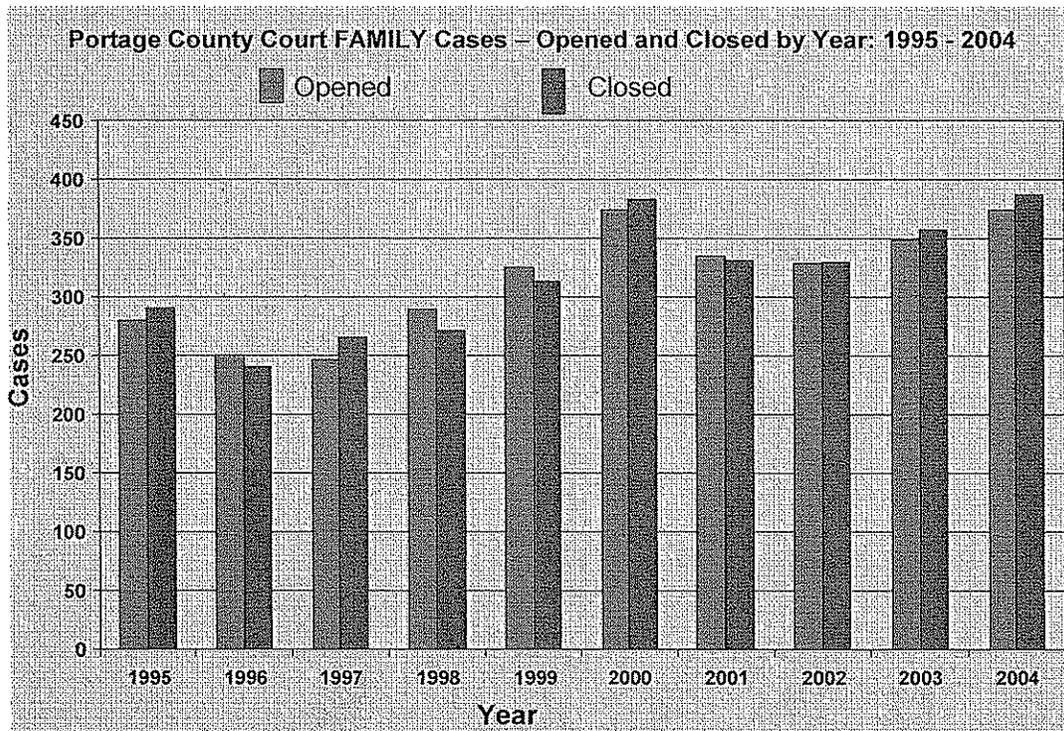
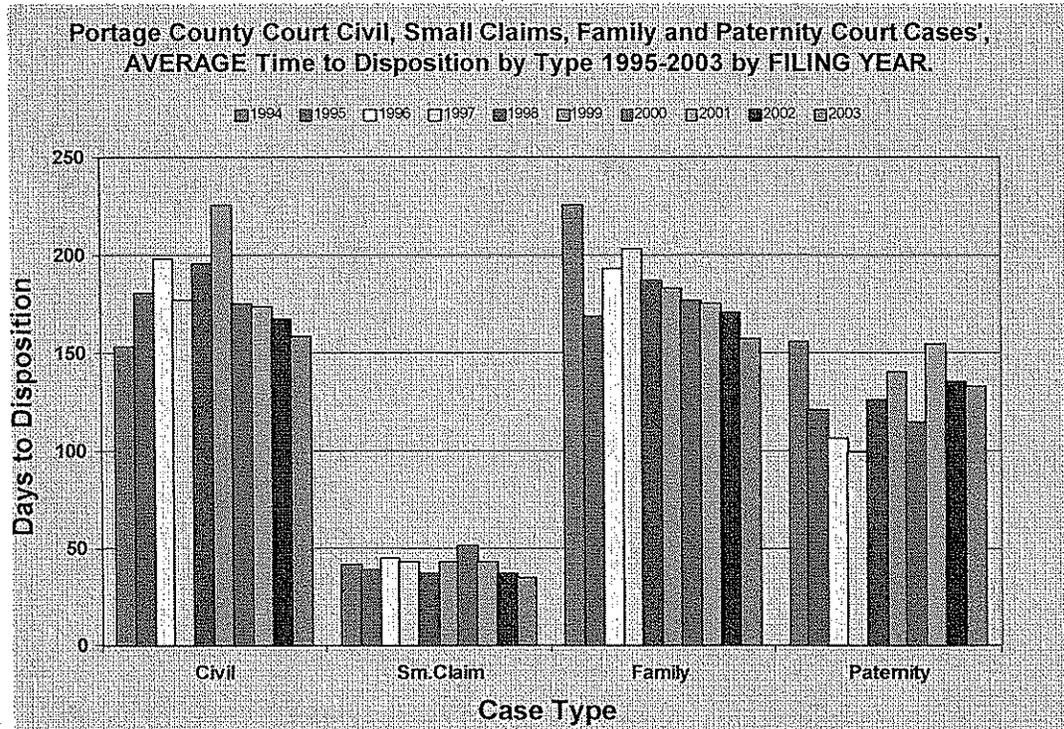


Chart 25a shows that the court has disposed of more cases than were filed in six of the ten years, and only one year in the last five showed greater filings than dispositions. The number of cases dropped dramatically.

## Civil Caseflow Information and Commentary

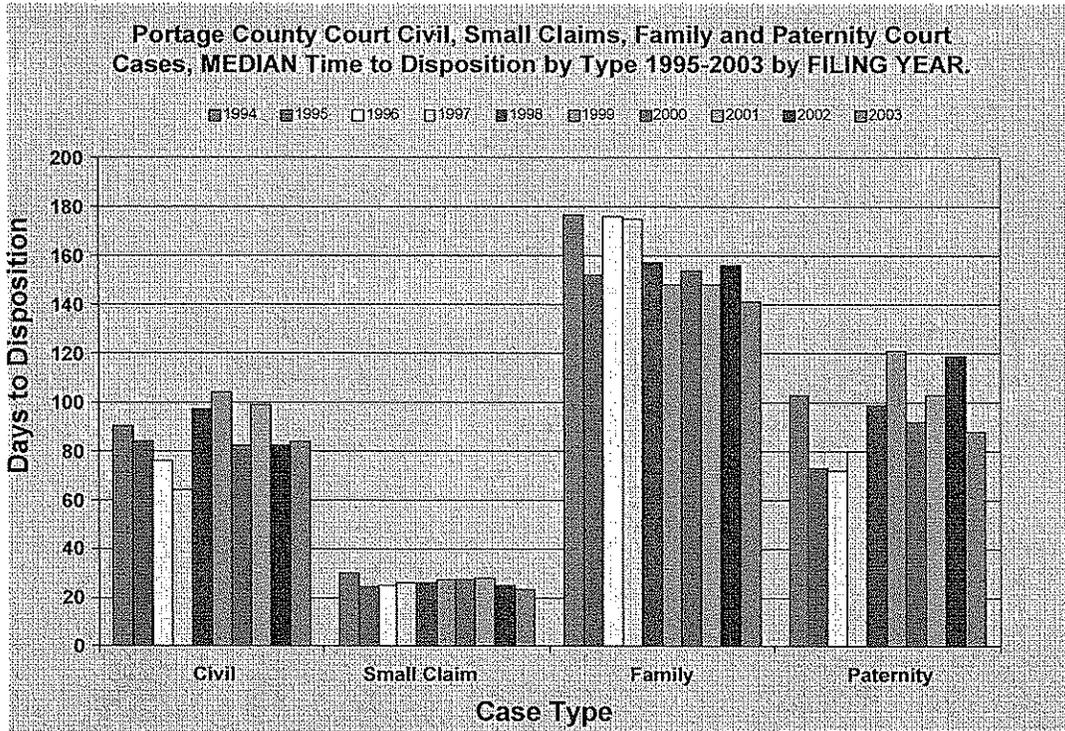
Courts Chart 26: Average Time to Disposition of Civil, Small Claims and Family Courts by YEAR OF FILING, 1994-2003<sup>4</sup>



Time to disposition for Civil cases increased through 1999, and then made a dramatic turn-around. Small Claims decreased for the last three years. Family Court continued decreasing in the amount of time to disposition, which partly reflects the decrease in filings. Days to disposition for Paternity dropped during the first few years, then increased and dropped again.

<sup>4</sup> Year 2004 is not included because these figures are measured by year of FILING and therefore too many cases are still open, especially in non-criminal courts.

**Courts Chart 27: Median Time to Disposition of Civil, Small Claims and Family Courts by YEAR OF FILING, 1994-2003<sup>5</sup>**



The median times were more stable than the average times. This is because median times are not impacted by drawn-out cases that may skew the averages. The Civil cases fluctuate but are relatively stable, as are the Small Claims cases. Family Court dropped somewhat, and the average time for to disposition for Paternity increased some over time.

There are a few cases from many years ago that are still open, according to the data. The numbers, types and years are indicated in the table below.

<sup>5</sup> Year 2004 was not included because these figures were measured by year of FILING, not disposition.

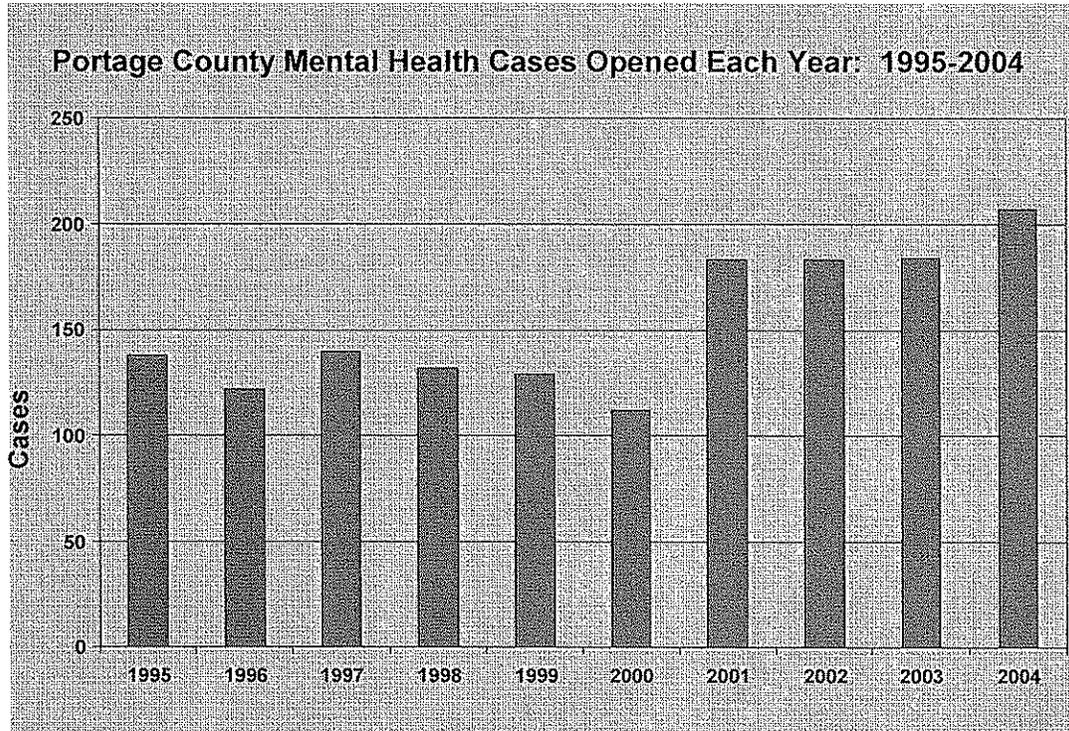
**The Number of Cases Still Open as of June 2005**

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
<b>Civil</b>	0	0	1	0	0	0	0	1	23	45
<b>Small Claims</b>	1	0	0	0	0	0	0	0	4	0
<b>Family</b>	0	0	0	0	0	0	0	0	1	3
<b>Paternity</b>	6	1	4	2	0	1	0	1	2	2

**Corporation Counsel Cases**

Another very important area of the court, which has fewer numbers but large impacts, is Mental Health. The Portage County Corporation Council handles this.

**Courts Chart 26: Mental Health Cases Filed by Year, 1995-2004**



The number of Mental Health cases were stable for years, and then decreased. However, in 2001 this changed dramatically, jumping to a new higher plateau. From 1995 to 2004, the number of cases increased from 138 to 207, a 50 percent increase. It leaped from 112 to 183 in one year, a 63 percent increase.

Chart 27, which follows, examines this in more detail.

**Courts Chart 27: Mental Health Cases (Emergency Detention) Filed by Type, 1995-2004**

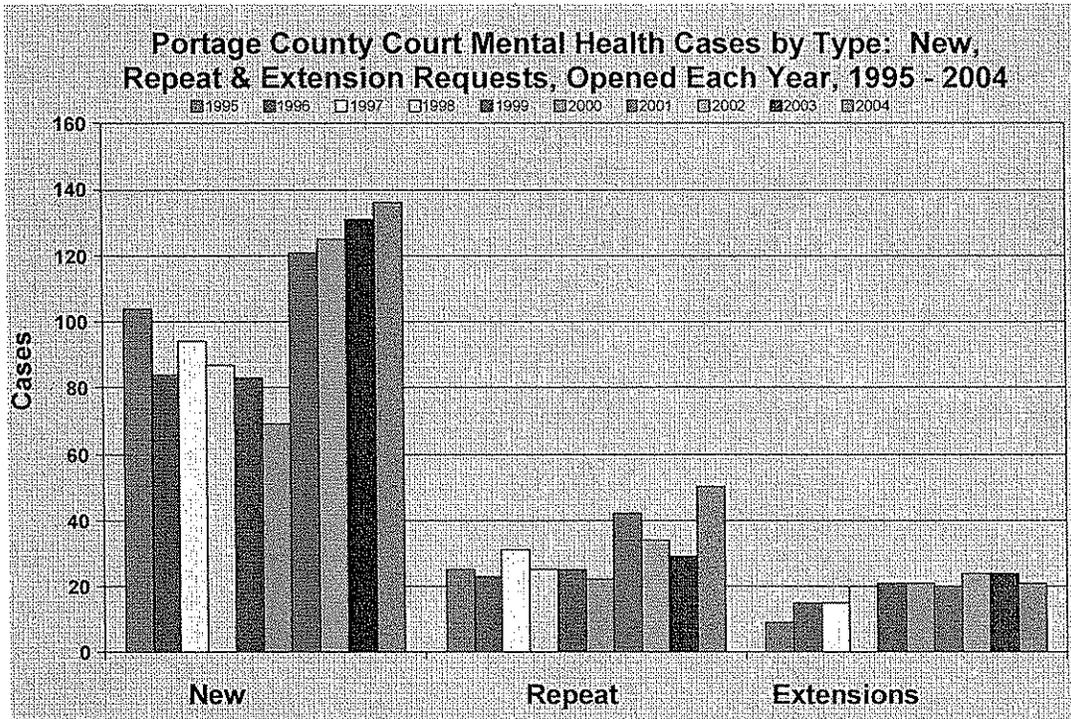


Chart 27 shows that the very large increase was primarily due to “New” cases and, to a lesser extent, “Repeat” cases. Both began increasing in the same year, 2001.

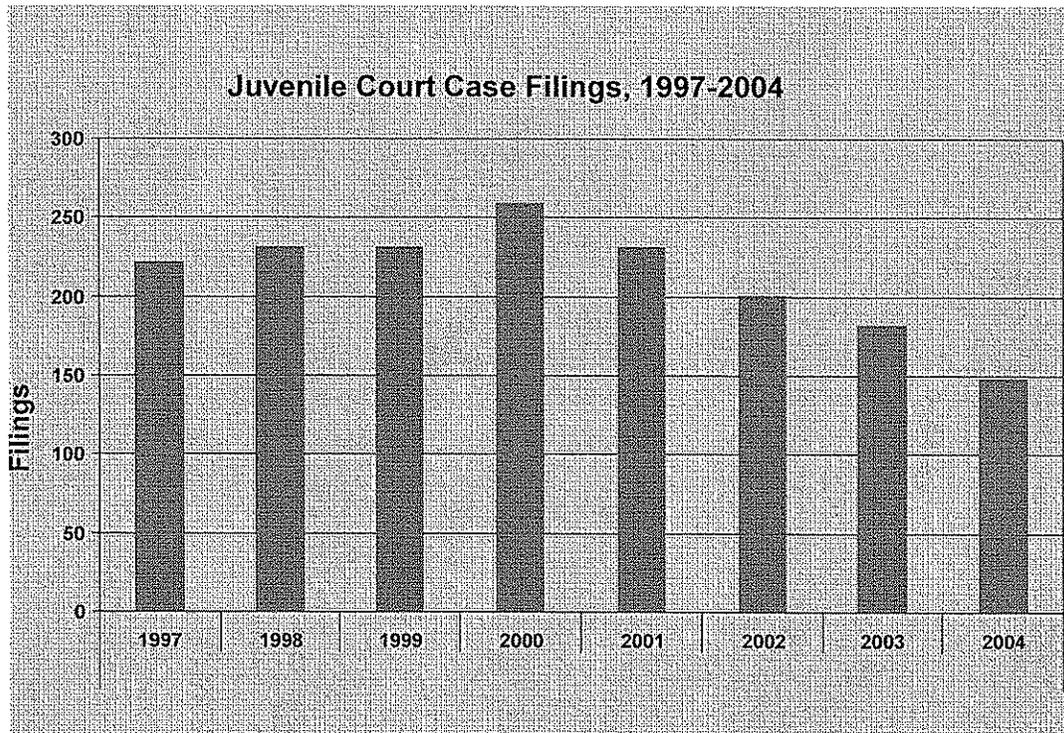
## Juvenile Caseload and Caseflow Information

Juvenile and adult caseflow processing are very different from each other. Rather than comparing one to the other, each should be compared to itself over time.

Juvenile case information is particularly important to Portage County because the community is debating whether or not it should continue to have its own juvenile detention facility.

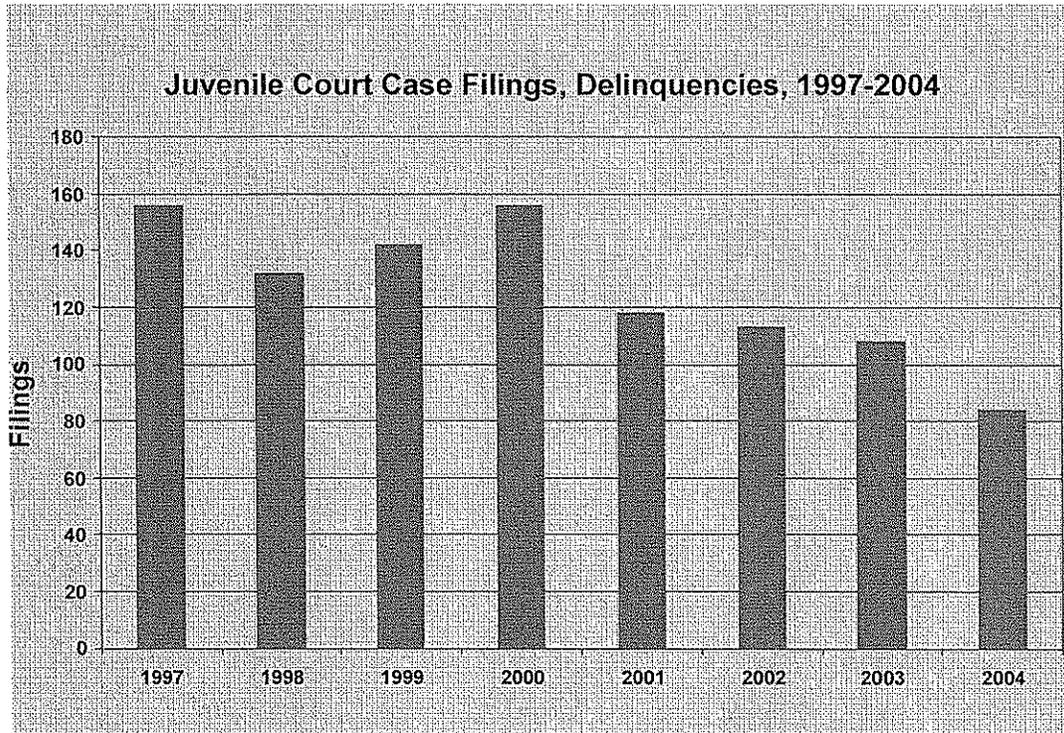
With assistance of the staff of the Juvenile Clerk's office as well as CCAP staff in Madison, basic historical data regarding juveniles was collected and analyzed.

**Courts Chart 28: Juvenile Court Case Filings, 1997-2004**



This appears as relatively good news – another declining chart. Total Juvenile case filings have dropped from 222 to 148, a dramatic reduction of 50 percent from 1997 to 2004. Something appears to be going well. This impacts the magnitude of need for a juvenile detention facility.

**Courts Chart 29: Juvenile DELINQUENCY Filings, 1997-2004**



It is youth who are charged with or adjudicated for delinquencies who are the primary users of the juvenile detention center. Clearly, something is going right in Portage County as the number of delinquency filings has dropped from a high of 156 to 84, a 40 percent reduction.

