

Rock County
Evidence-Based Decision Making Ad Hoc Committee
Wednesday, August 5, 2015 minutes
Conference Room N-1/N-2

- 1) Call to Order. Chair Nelson called the meeting to order at 9:22 AM.
- 2) Committee Members Present. Commander Erik Chellevold, Judge James Daley, Troy Enger, Charmian Klyve, Vice Chair Sandra Kraft, Elizabeth Krueger, Stephen Meyer, Angela Moore, Chief David Moore, Chair Eric Nelson, David O'Leary, Josh Smith, Dorothy Harrell, NAACP, Judge Richard Werner, and then Larry Barton at 9:40 A.M.
- 3) Committee Members Absent. Judge Alan Bates, Chief Norman Jacobs, Judge William Henderson, and Sheriff Robert Spoden.
- 4) Staff Members Present. Elizabeth Pohlman McQuillen, Criminal Justice System Planner/Analyst; Tracey VanZandt, HR Secretary; Gina Koehl, Deferred Prosecution Director.
- 5) Others Present. Captain Dan Molland, Beloit Police Dept; and Steve Howland, CJCC member.
- 6) Approval of Agenda. Mr. Meyer moved approval of the agenda, second by Judge Werner. ADOPTED.
- 7) Approval of Minutes from July 29, 2015. Minutes were handed out at the meeting. Chair Nelson said in order to give the committee time to review, we will table the approval of the July 29, 2015, minutes until the next meeting.
- 8) Conduct System Mapping with Mimi. Ms. Pohlman McQuillen handed out an updated systems map.

Mimi said it was brought up that we still needed to add a mental health and municipal court track to our map. We need to remember that this map is the means to the end. We are going to use this map to identify opportunities to improve our justice system and its outcomes. As we proceed we will be identifying two categories of opportunities. Category A, low hanging fruit, are a fast and easy fix. Category B, high hanging fruit, will require more thinking and exploring more data and research. We will collect the initiatives that fall into Category B and then reexamine them when the process is completed.

Judge Daley doesn't see the need to map the municipal court route as it is already part of the map. Beloit Municipal Court is the lone exception. Mr. O'Leary said that this information is important in the DA world. They need the sharing of this information and communication with the Municipal Court. It was decided we will review this as we go, to see if there are some boxes that need to be added for municipal court.

What's not accurate on our map?

Mr. Enger was not at the last meeting. He believes there is a piece missing from Id. The probation process is post judgment. Id. is pre judgment. When law enforcement has their first contact with an individual, they should check to see if the person is under supervision.

After sentencing, our map currently has a "probation/OWI court" box. This box seems to imply that everyone that is on probation is enrolled in OWI Court. This is not the case therefore we need to make a change. "Probation" will have its own box as well as "Specialty Court" as a sentencing option.

Review of Map

What do we see as the first three most important decisions that are made? The decisions that have major impact on people's lives/resources/system.

- 1e. Decision to Arrest
- 2f. Charging
- 1l. Custody/Arrest

What information does law enforcement officers have available for guidance?

- Offender's record
- Past Driving History
- Previous Contacts and Arrests (Spillman data system)
- Criminal History available at a later time
- Any outstanding warrants
- Probation/Parole
- Pretrial Release only if individual shares the info
- Statements of Witness and/or victims
- Conditions of bond, such as curfew, etc., law enforcement can contact DA's office or CCAP to see what the conditions are-It is a STATE ISSUE as to what can be viewed on CCAP.

Is there other information that is currently not available besides access to conditions of bond?

- Trying to get information from State of Illinois on Illinois individuals—no accurate information/incomplete information.
- Access to rules of supervision from DOC-This is a STATE ISSUE. Mr. Enger states that DOC does interface with DOJ. He will get more information on this.
- Access to mental health records-HIPAA rules-there is an exception to cooperate with law enforcement-This is a STATE and LOCAL issue.
- Need an assessment tool and to know what resources are available.

What We Want to See Happen at Law Enforcement Decision Point

- Awareness of options.
- Would like officer to be able to make a diversion.
- Officer needs a tool to assess risk.
- Identify people that don't need full criminal justice processing.
- Identify people who are public safety risks.
- Do not mix low risk with high risk.
- Framework for decision that will result in consistent decision.
- Eliminate bias from options—consistent decisions.
- Chief Moore said this is going to take training and follow through to have buy in by all law enforcement.

Diversion Considerations.

- We need a tool to assess risk and have new program to send low risk individuals to.
- Establish a diversion option that law enforcement can refer to directly.
- Diversion options should be available county-wide.
- Mr. O'Leary would like to see his Domestic Violence and Deferred Prosecution programs be used for higher risk individuals.
- We need a specific model to follow for diversion.
- We need documentation of diversion. We don't want same individuals going through the program multiple times.
- Who will follow up on these individuals?
- Ms. Pohlman McQuillen needs email from all committee members of community resources/referrals that are available (which could be used for diversion).

Reviewed officer choices on our systems map.

1) No action

- 2) Contact crisis
- 3) Community resources
- 4) Lecture and release
- 5) Arrest-state charges
- 6) Arrest-municipal (non-criminal charges)

What guides these decisions?

- Policy (mandatory arrest for domestic violence)
- Officer Judgment
- State Laws
- City ordinances vary
- Many times it's a value decision
- Any changes need to be quicker and simpler, easily accessible.
- Can Operating after Revocation (OAR) mandatory court date be eliminated? Treat as civil instead of criminal. THIS is a STATE ISSUE. Could Statute be changed? OAR prosecution authority.

Municipal Court review

When DA declines to prosecute then it is back to the Beloit municipal court for civil action. This very rarely happens in Janesville. This is a policy decision. The DA's Office has now established a process with Beloit that when a referral comes back that it goes back to Beloit law enforcement for follow through.

Municipal court can only order a forfeiture and jail as penalties.

Add municipal map tracking.

Individual gets a citation with a fine and doesn't pay- Good cause summons issued-1) pay, 2) appear, 3) not appear. If individual doesn't appear-1) tax intercept, 2) collections, 3) arrest, warrant and commitment. If it is a traffic ordinance violation, the individual's driver's license may be revoked for two years. Once an AWC is issued and the individual is stopped by police, the choice is to pay or go to jail. Individuals get a credit of \$50/day for forfeiture i.e. \$500 fine = 10 days in jail. (THIS is a STATE ISSUE, there needs to be uniformity in cost calculations). The City of Beloit was charged approximately \$200,000 in jail costs in 2014. It should also be noted that jail costs more when children need to go into foster care while parent is jailed. (Approximately \$100/day times # of children) If the individual appears, there is an assessment of ability to pay. If it is determined they can't pay--1) option for community service \$15/hr. calculation, 2) Workender program, or 3) license suspended in some cases.

Municipal Court Considerations.

- There needs to be uniformity.

- Some individuals will not pay until threatened with jail.
- Getting money from individuals should not be a revenue driver but an incentive to change behavior or eliminate crime.

Summary:

- Need to review cost calculations for jailing.
- Uniformity amongst municipal court.
- We need data (Criminal/Non-Criminal or low risk/high risk).
- There are other counties that base fines off of the individual's income. THIS is a STATE ISSUE.
- Would means testing being understood result in more people coming to court?
- Is there another way to identify means?

Low Hanging Fruit:

- Probation and Parole data for Law Enforcement (Access to rules of supervision from DOC. Mr. Enger states that DOC does interface with DOJ. He will get more information on this.
- ID Community resources currently available for referral (Law enforcement and Court Commissioner).
- Tracking procedure regarding DA decision to prosecute or not prosecute Operating After Revocation

High Hanging Fruit:

- Risk Assessment Tool for Law Enforcement.
- Direct diversion by Law Enforcement.
- Consistent data access by all Law Enforcement.

To do:

- Each EBDM team member look at map and see where you/your agency has data readily available-Get this data gathered for calendar year 2014 and submit to Elizabeth well before the next meeting so it can be included in the map.
- Update the map with additional information and continue to label all boxes with letter/number system.
- Data should be based on individuals versus case; if data is only available by cases- or if there are other parameters relative to the data that should be understood- please indicate this when submitting the data.
- We need to identify the data experts at each agency.

9) Citizen Participation and Announcements. None.

10) Future Meeting Date: Wednesday, September 30, 2015 9:15 A.M. - 12:15 P.M.,
Conference Room N1/N2, Fifth Floor Courthouse East

11) Adjournment. Adjourned by acclimation at 12:07 P.M.

Respectfully Submitted,

Tracey VanZandt

HR Secretary

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.