



OFFICE OF  
**COUNTY ADMINISTRATOR**

STEVEN A. CORBEILLE  
COUNTY ADMINISTRATOR

KAREN A. CAMPS  
EXECUTIVE COORDINATOR

**AGENDA**

**CRIMINAL JUSTICE COORDINATING COMMITTEE MEETING**

**Friday, June 11, 2010**

**8:00 am**

**Jury Assembly Conference Room  
Courthouse Annex**

1. Call to order
2. Approve agenda
3. Approve/amend minutes of April 9, 2010
4. Public comment – speakers will be limited to 5 minutes
5. Justice system information sharing – discussion only
6. Update on outstanding warrant collections – Linda Dumke-Marquardt, discussion only
7. Discuss/consider inmate alcohol/drug assessments and counseling while incarcerated, action if any
8. Discuss/consider July 2010 Operating While Intoxicated Law, action if any (attachment)
9. Discuss/consider Victim/Offender Mediation Restorative Justice Programs, action if any (attachment)
10. Future agenda items
11. Schedule next meeting date
12. Adjourn

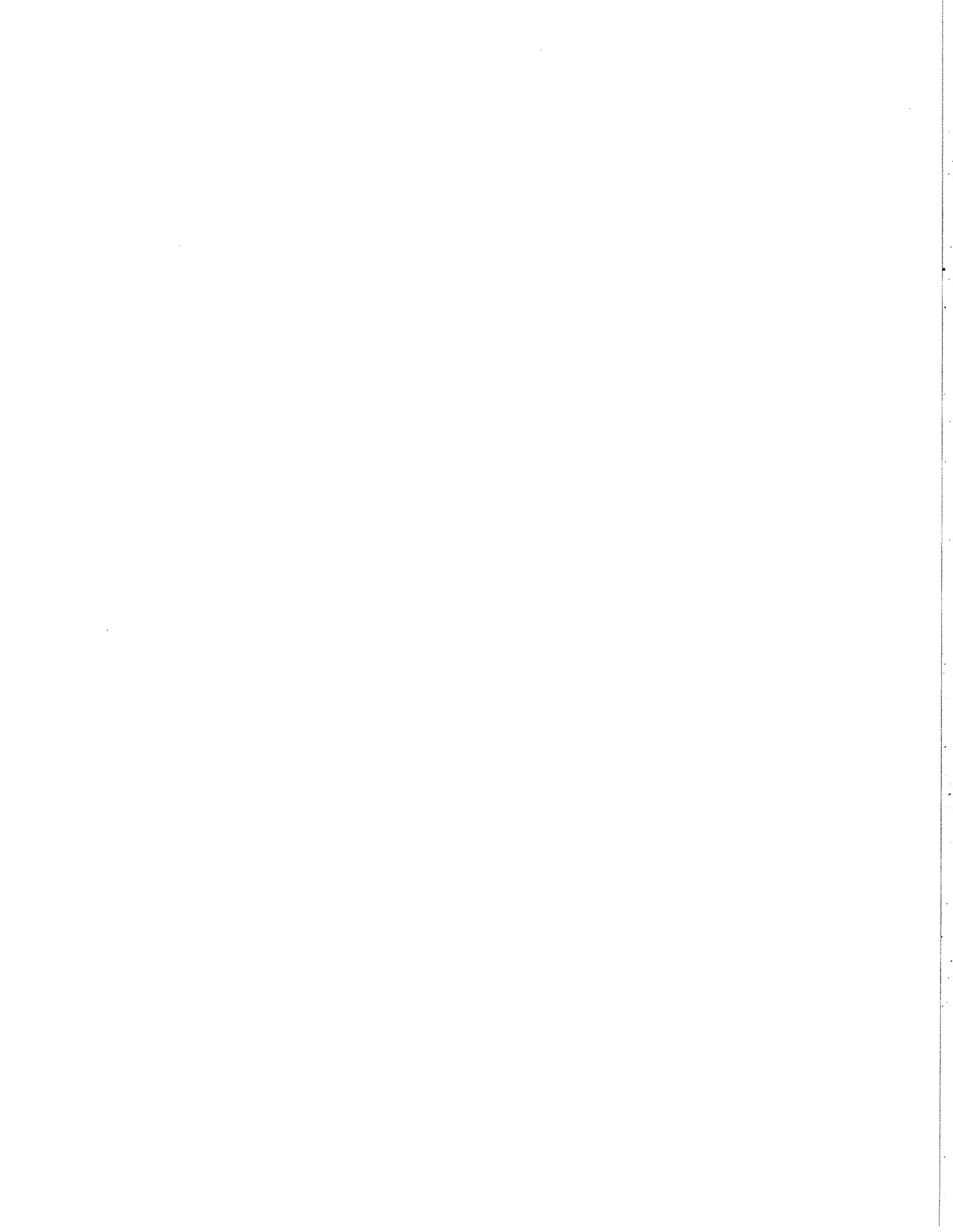
Note: Agenda items may not be considered and acted upon in the order listed.

Steve Corbeille  
Dave Miron  
Bradley Schraven  
Jim Kanikula  
Linda Dumke Marquardt  
Robin Elsner  
Allen Brey

Jeff Skorik  
Cheryl Wruk  
Corina Dionne  
Bob Kellogg  
Bob Majewski  
Mike Waugus  
Bobbi Christopherson

County Board Chair  
Corporation Counsel  
County Clerk

If you are an individual who needs a special accommodation while attending the meeting as required by the "Americans with Disabilities Act", please notify the County Clerk, Marinette County Courthouse (715-732-7406) at least 24 hours prior to the meeting in order to make suitable arrangements. (TDD 715-732-7760)



## 2009 Wisconsin Act 100 Summary of Provisions

Originally developed by Dennis Hughes, Chief of the Safety Programs Section at WISDOT, this summary was revised and further developed by Tara Schipper, TSRP, Wisconsin Department of Justice

- Signed into law by Governor Doyle on December 22, 2010
- **Effective Date: July 1, 2010** for all provisions, except effective first day after publication for:
  - Provisions extending Winnebago County treatment/probation/shorter jail time model as county option statewide and as new option for 4<sup>th</sup> offenders
  - Provision directing Dept of Administration to submit request to Joint Finance Committee within 60 days to fund additional positions needed by District Attorneys, Director of State Courts, Dept of Corrections, Dept of Justice, and Office of State Public Defender related to efforts to process OWI offenses

### Penalty Increases:

- Criminalizes 1<sup>st</sup> offense OWI if there is a child under age 16 in the vehicle
  - 5-days to 6-months in jail; \$350-\$1,100 fine (same as current penalties for OWI 2<sup>nd</sup>)
    - Relevant Statute: 346.65(2)(f) – (newly created)
- Criminalizes Underage Absolute Sobriety violations if there is a minor passenger under 16 years of age in the vehicle
  - no jail time, but current \$400 forfeiture becomes a "fine"
    - Relevant Statute: 346.65(2q)
- Treats 1<sup>st</sup> offense Prohibited Alcohol Concentration (PAC) in 0.08-0.099 range the same as all other PAC offenses
  - Must pay \$365 Driver Improvement Surcharge and all court costs, penalty assessments and surcharges routinely imposed for traffic violations
  - Mandatory AODA assessment imposed and compliance with Driver Safety Plan required for driver license restoration
  - Record of conviction not purged by DOT after 10 years
- Increases mandatory minimum jail time for 3<sup>rd</sup> offense OWI from 30-days to 45-days
  - Relevant Statute: 346.65(2)(am)3
- Makes 4<sup>th</sup> offense OWI a felony if committed within 5 years of a prior offense
  - Class H Felony; \$600-\$10,000 fine, 6-months to 6-years imprisonment
    - Relevant Statute: 346.65(2)(am)4m
- Requires 7<sup>th</sup>—8<sup>th</sup>—9<sup>th</sup> OWI offenders to serve mandatory minimum prison term of 3 years
  - instead of current mandatory minimum 48 consecutive hours
    - Relevant Statute: 346.65(2)(am)6

- Requires 10<sup>th</sup> and subsequent OWI offenders to serve mandatory minimum prison term of 4 years
  - instead of current mandatory minimum 48 consecutive hours
    - Relevant Statute: 346.65(2)(am)7
- Makes OWI-Causing Injury a felony if offender has a prior OWI conviction
  - Class H Felony \$600-\$10,000 fine; 6-months to 6-years imprisonment
  - "Basic" OWI or CMV operation with 0.04-0.08 AC
    - Relevant Statute: 346.65(3p) – (newly created)

### **Ignition Interlock Devices (IIDs)**

#### **Requires court to order Ignition Interlock Devices (IIDs)**

- 1<sup>st</sup> offense OWI with AC of 0.15 or higher, all 2<sup>nd</sup> and subsequent OWI offenses, and chemical test refusals
  - IID must be installed on every vehicle owned by defendant, unless doing so would cause an undue financial hardship
    - Relevant statute: 343.301(1g) – (newly created)
- IID restriction period (*minimum 1-year*) begins on date DOT issues the offender any operator's license
  - instead of on the date of the license revocation or any other date the court so orders
    - Relevant Statute: 343.301(2m) – (343.301(1)(b)1. and 2. consolidated, renumbered and amended)
- Prohibits OWI offenders who fail to pay IID Surcharge or who fail to comply with IID order from obtaining an Occupational License
  - Relevant Statute: 343.10(2f) – (newly created)
- OWI offenders subject to IID orders who obtain an Occupational License will have Class D operating privileges restricted to vehicles equipped with an IID
  - Relevant Statute: 343.10(5)(a)3
- Requires OWI-offenders granted Huber law work-release privileges to show proof of IID installation within 2 weeks of sentencing
  - Relevant Statute: 303.08(10r) – (newly created)
- **Costs:**
  - Creates \$50 IID Surcharge (paid to the clerk of court, with all revenue retained by the county)
    - Relevant Statute: 343.301(5)
  - Offender liable for reasonable cost of equipping and maintaining
    - Relevant Statute: 343.301(3)(a)
  - Requires low income OWI offenders (*defined as income at/below 150% of federal poverty level*) to only pay half of IID installation cost and daily IID monitoring cost; Dept of Transportation may not approve IID providers who do not agree to allow qualifying offenders to follow this reduced payment structure

- Relevant Statute: 343.301(3)(b) – (newly created)
- **Non-Compliance/Violation of Order**
  - Criminalizes non-compliance with IID court order
  - Criminalizes removal, disconnection, tampering or circumvention
  - \$150-\$600 fine and/or up to 6 months in jail at court's discretion; mandatory 6-month extension of IID order period
    - Relevant Statutes: 343.301(4), 347.413(1), 347.50(1s) and (1t)
- Establishes PAC of 0.02 for persons subject to an IID order for the duration of the order
  - instead of 0.08 after 1<sup>st</sup> or 2<sup>nd</sup> OWI conviction
    - Relevant Statute: 340.01(46m)
- Vehicle Seizure/Forfeiture and Immobilization
  - Eliminates vehicle seizure/forfeiture and immobilization as sentencing options for OWI offenders
    - Relevant Statute: 343.301

### **Other Provisions**

- Extends current Winnebago County sentencing model for 2<sup>nd</sup> and 3<sup>rd</sup> offense OWI (*probation with AODA treatment, in exchange for shorter mandatory minimum/maximum jail times*)
  - Becomes a sentencing option for any county with similar probation/treatment program
  - Increases minimum sentence for 3<sup>rd</sup> offenders in the program from 10-days to 14-days
  - Extends sentencing option to 4<sup>th</sup> offenders, with lower mandatory minimum jail time (29-days instead of 6-months)
    - Relevant Statute: 346.65(2)(bm),(cm)- (amended) and (dm) –(newly created)
- Allows probation as sentencing option, conditioned on offender serving mandatory minimum jail term, for:
  - 2<sup>nd</sup> and 3<sup>rd</sup> offense OWI
  - 3 or fewer alcohol offenses related to operating a commercial vehicle
  - OWI-Causing Injury
    - Relevant Statute: 973.09(1)(d)
- Increases maximum probation period for 4<sup>th</sup> offense OWI
  - from 2 years to 3 years
    - Relevant Statute: 973.09(2)(am)- newly created
- Requires Dept of Corrections to provide probation, supervision, assessment, treatment and other community treatment options for 2<sup>nd</sup> and 3<sup>rd</sup> OWI offenders
  - Relevant Statute: 301.03(20r)

- Period of license revocation for OWI begins on conviction date and is extended by number of days offender is sentenced to jail/prison
  - Relevant Statute: 343.305(10g) – (newly created)
- Prohibits pre-sentence release and stay of execution of jail/prison time for 3<sup>rd</sup> or subsequent OWI offenders until after mandatory minimum time of confinement is served, with exceptions for probation or legal cause
  - Relevant Statute: 969.01(2)(a), 973.15(8)(a)3
- Lowers minimum wait period for Occupational License eligibility to 45-days following conviction of 2<sup>nd</sup> or subsequent OWI offense from current:
  - 60-days for 2<sup>nd</sup> offense
  - 90-days for 3<sup>rd</sup> or subsequent and
  - 1-year for 2<sup>nd</sup> or subsequent within 5-years
    - Relevant Statute: 343.30(1q)(b)3 and 4
- Increases driver license reinstatement fee from \$60 to \$200 for drivers revoked for OWI-related offenses (with the additional \$140 in revenue deposited in the General Fund)
  - Relevant Statute: 343.121(1)(jr)
- Increases the court processing fee paid by OWI offenders from \$20 to \$163 (with \$10 retained by the county and the remainder deposited in the General Fund)
  - Relevant Statute: 814.60(1)
- Creates \$8.8 million supplemental appropriation for affected state agencies (District Attorneys, Director of State Courts, Dept of Corrections, Dept of Justice, Office of State Public Defender)
- Creates \$6.6 million appropriation for Dept of Corrections to provide community probation supervision, to staff a monitoring center, and to fund enhanced community treatment for 2<sup>nd</sup> and 3<sup>rd</sup> OWI offenders; protects these funds from recent State budget act lapse requirements



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## ALTERNATIVES TO INCARCERATION Part 2 of 2

### What Alternative to Incarceration Programs are Operating in Wisconsin Today – Implementation, Funding, Results.

Monday, December 4, 2006  
10:00 a.m. – 3:00 p.m.  
Holiday Inn  
1001 Amber Avenue  
Stevens Point, WI  
715.344.0200

#### AGENDA

- 9:30 a.m. Registration
- 10:00 a.m. Welcome
- 10:05 a.m. Restorative Justice – Barron County  
Speakers: Honorable Edward R. Brunner, Barron Co. Circuit Court Judge  
Polly Wolner, Executive Dir., Barron Co. Restorative Justice  
Duane Hebert, Barron County Administrator
- 11:00 a.m. Day Report Centers – Outagamie County  
Speaker: Angela Steuck, Family Services of Northeast Wisconsin, Inc.
- Noon – 1:00 p.m. Lunch (on your own)
- 1:00 p.m. Drug Courts – La Crosse County  
Speakers: Honorable John Perlich, La Crosse Co. Circuit Court Judge  
Jane Klekamp, Justice Sanctions Prog. Manager,  
La Crosse Co.
- 2:00 p.m. Intensive Supervision – Waukesha County  
Speaker: Michelle Cyrulik, Waukesha County  
Holly Patzer, Multi-County Administrator, Wisconsin  
Community Services, Inc. (WCS)
- 3:00 p.m. Adjourn

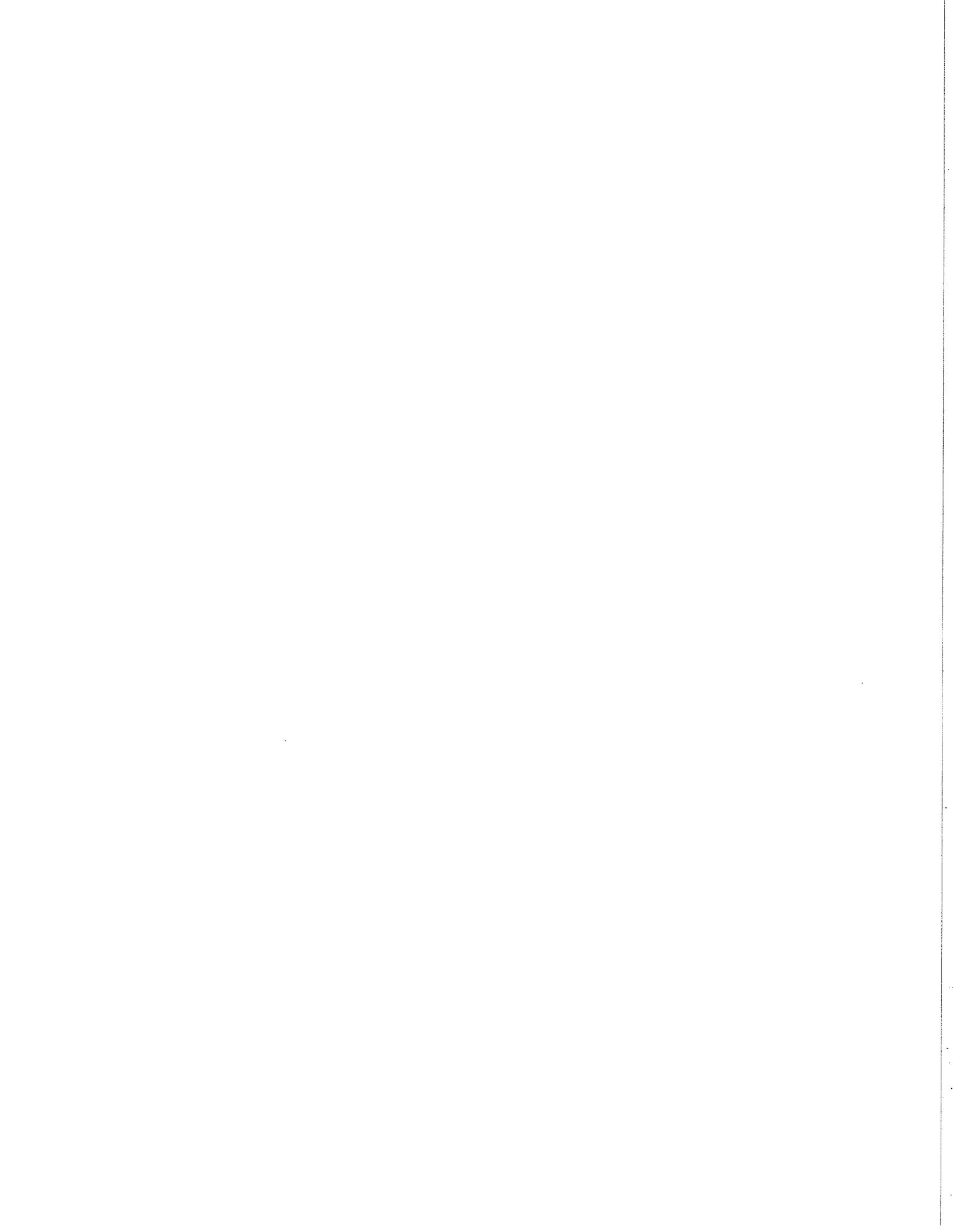
LYNDA BRADSTREET  
DIRECTOR OF ADMINISTRATION & FINANCE

JON HOCHKAMMER  
DIRECTOR OF INSURANCE OPERATIONS

CRAIG THOMPSON  
LEGISLATIVE DIRECTOR

J. MICHAEL BLASKA  
DIRECTOR OF PROGRAMS & SERVICES

MARK D. O'CONNELL, EXECUTIVE DIRECTOR





\* Victim Offender Conferencing -  
- Pre Conference with victims  
learning what happened and how  
they felt.  
Then with the offender and  
parents. Is there any remorse?

- Final Conference were all get  
together and share

Barron County does over  
100 of these ~~one~~ a year.

Police are a big advocate of  
this as the kids are truly  
accountable.

75% of cases go through  
this as long as victim is  
willing to go through this offender  
has to.



\* Victim Offender Counseling

Adjudicating over 100 Jews before putting in this program after it has dropped to around 30.

School districts have adopted this and have started this program for discipline within now they have very few referrals, to Criminal Justice (CJA, Social Worker) system.



**BARRON COUNTY**  
**Restorative Justice Programs, Inc.**

2850 COLLEGE DRIVE, RICE LAKE, WI 54868  
715-736-0940 email: [bcrjp@chibardun.net](mailto:bcrjp@chibardun.net)  
[www.bcrjp.org](http://www.bcrjp.org)

### **Victim Offender Conferencing**

Victim Offender Conferencing is a process which provides interested victims of crime the opportunity to meet the offender in a safe and structured setting, with the goal of holding the offender directly accountable for their behavior while providing important assistance and compensation to the victim. With the assistance of a trained facilitator, the victim is able to let the offender know how the crime affected him or her, to receive answers to their questions, and to be directly involved in developing a restitution plan for the offender. The offender is able to take direct responsibility for their behavior, to learn the full impact of what they did, and to develop a plan for making things right with the person(s) they violated.

### **Victim Impact Panels**

Victim Impact Panels are an opportunity for the victims of drunk drivers to put a voice to their grief and create another step toward their personal healing. Every drunk driver who has been issued a citation in Barron County is required to attend. The goals of the Victim Impact Panel are not to blame or judge the offenders in the audience, but to affect the offenders on an emotional level by the victim telling their stories. Further, the Victim Impact Panel is designed to change the drinking and driving behavior of offenders. Listening to the personal accounts of drunk-driving tragedies helps offenders realize the dangers and consequences of their behavior.

### **Teen Court**

The mission of Restorative Justice Teen Court is to help juvenile offenders restore their relationships with the community through alternative methods of sanctioning. There are programs that teach responsibility and positive decision-making as well as opportunities for community service and restitution. Barron County Restorative Teen Court is based on the philosophy that a young first time offender deserves a second chance with the community as long as they take responsibility for making things right. It is a one-time chance to keep their public record clean. A peer jury helps determine what the sanctions are, and the offender is required to follow through within 60 days of the court hearing. Teen court is designed to interrupt patterns of criminal behavior by promoting positive feelings of self-esteem, while holding offenders directly accountable for their actions.

#### ▪ **Successful Families-“Parent and Teen Workshop”**

This class is assigned to the teens that go through our Teen Court Program. The teens and their parents are required to attend. The class incorporates discussion with role-playing that increases knowledge of communication styles between teens and teens and their parents. The course teaches decision making skills, the “refusal” skill, 40 Developmental Assets, active listening and the use of “I” statements.

### **Restorative Practices in School Communities**

School discipline is often modeled after a retributive system, where punishment equals accountability. Restorative Practices in School Communities strives to shift how people think about responsibility and accountability. By building a strong community, and allowing all members to take responsibility for the community, discipline takes on a new dimension, where repairing the harm becomes more important than which rule was broken. When the "authority" administers discipline (punishment) the opportunity for the individual and the whole community to take responsibility, and be accountable, is lost. In a restorative setting, building competencies and finding solutions to problems becomes the focus.

### **PRIME for Life Under 21**

This 12-hour course is offered for juveniles who violate drinking laws, school policy, drinking and driving laws, or simply make high-risk choices. It is designed to reduce risk for problems and focus on 3 measurable behavioral prevention goals: increase abstinence for a lifetime; delay the age of first use of alcohol; and reduce high-risk choices. The intervention goals include: facilitate self assessment of drinking and drug choices and progression; reduce high-risk use among people who do not already have alcoholism or other drug addiction; facilitate entry into evaluation to determine whether alcoholism or other drug addictions are present; facilitate entry into some form of treatment or a self-help group for those who have already developed alcoholism or other drug addiction; and support abstinence for all people with alcoholism and other drug addiction.

### **Restorative Justice Truancy Initiative**

With the assistance of Congressman David Obey, Barron County Restorative Justice Programs, Inc. was given the opportunity to develop and implement a truancy initiative that embraces the philosophy of Restorative Practices. Barron County Restorative Justice Programs, Inc. in partnership with Rice Lake, Chetek, Turtle Lake, Cameron, Barron and Cumberland School Districts and the Barron County Department of Health and Human Services have hired and trained three Community Outreach Workers to work in those districts as well as providing a link to the county. Our commitment is to identify and intervene in pre-truancy and truancy issues with students and implement appropriate restorative interventions by resolving those underlying issues contributing to the attendance problem.

#### **▪ Parenting Programs**

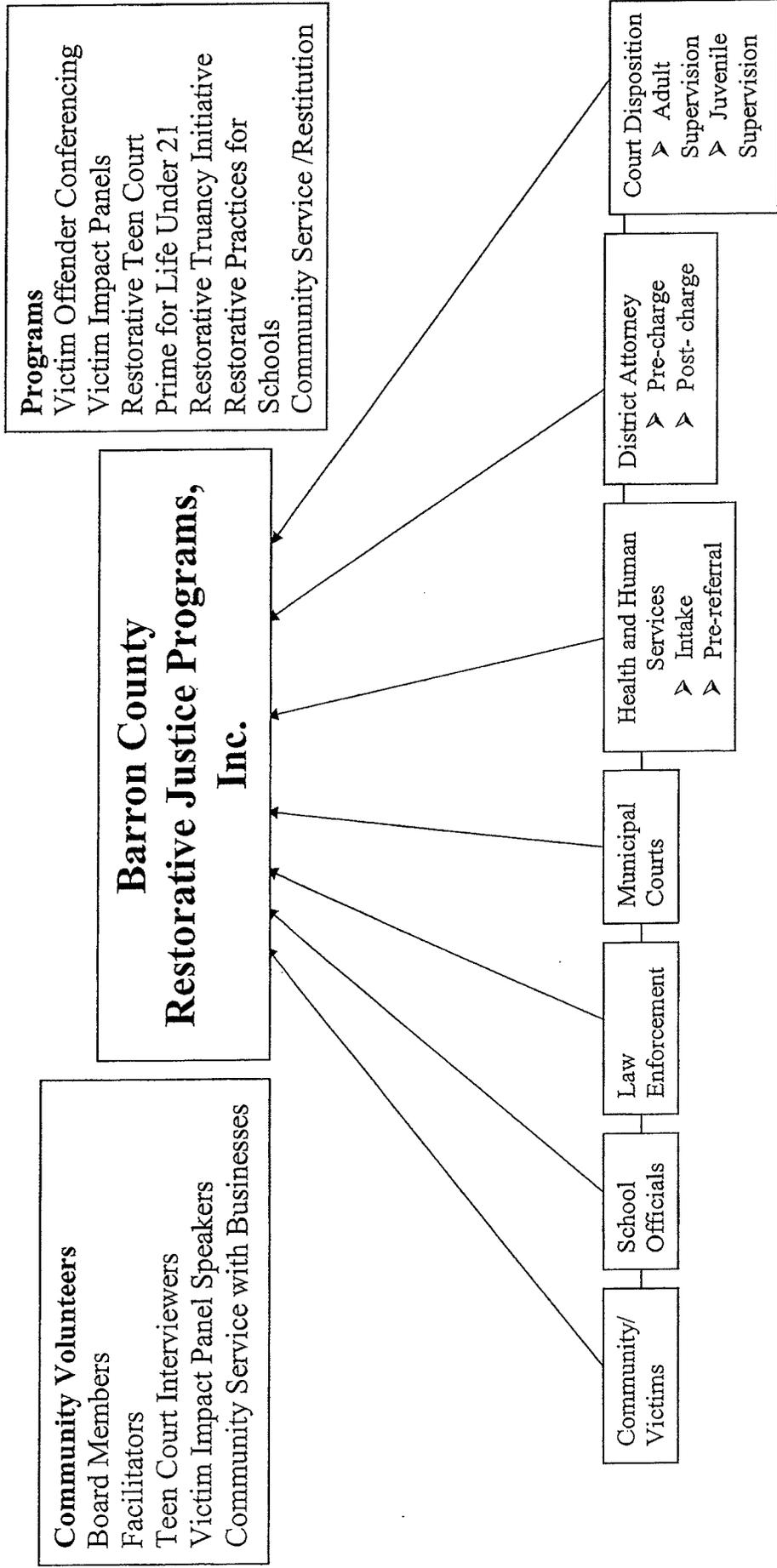
In response to listening sessions held in various communities in Barron County we are undertaking two programs "Parent to Parent" and "Strengthening Families" as pilot projects in Cumberland and Rice Lake.

### **Youth Educational Shoplifting Program (YES)**

As a sanction for our Teen Court program as well as direct referrals from law enforcement and municipal courts we offer the YES program for juvenile shoplifters. The course consists of 5-6 hours of "offense-specific" education with audio CD's and workbook that are for the juvenile to keep after completion of the program. The educational topics include, how shoplifting affects the lives of real people (not just stores), the law and its consequences, security technology used in stores, how much they risk for a small reward, how their personal and social pressures can trigger a shoplifting incident, that shoplifting can become addictive, and how to stop shoplifting now and for the rest of their lives. Recidivism rates are reported between 1.3% and 2.7% nationally, with juveniles giving the YES Program an average grade of 95% regarding its usefulness to them.

### **RAP-Restorative Action Program**

Youth who are directly referred to Barron County Restorative Justice Programs, Inc. have the opportunity to serve community service with local businesses or for the victim of their offense. Along with an educational component this program can help youth understand the impact of their offense and work community service hours to repair the harm.



Referral Source Information  
 Flow Chart



**BARRON COUNTY**

**Restorative Justice Programs, Inc.**

**2850 COLLEGE DRIVE, RICE LAKE, WI 54868**

**715-736-0940**

## **Retributive Justice**

- **Crime is defined as an act against authorities.** A crime is a violation of a law; an abstract system of rules
  
- **The offender is accountable to the authorities for the crime.** As a result, the authority figures and the offender are in an adversarial relationship
  
  
- **Accountability is equated with suffering.** If an offender is made to suffer enough they have then been accountable
  
- **Victims are peripheral to the process of responding to and resolving the criminal behavior.**
  
- **Offenders are defined only by their deficits(the crime) and the victim is defined only by material and psychological losses.**
  
  
- **Crime is entirely the result of individual choice with individual responsibility.**

## **Restorative Justice**

- **Crime is defined as an act against victims and the community.** Crime is an injury which violates people and community trust
  
- **The offender is accountable to the victim and the community.** Authorities help insure that the offender is held accountable to the victim and community, and the process is fair and equitable.
  
  
- **Accountability is defined as taking responsibility for behaviors and repairing the harm resulting from those behaviors.** The outcomes of the system are measured by how much reparation was achieved..
  
- **Victims and community are directly involved and play a key role in response to crime.**
  
- **Offenders are defined by their capacity to take responsibility for their actions and change behavior.** Victims are defined by losses and capacity to participate in the process of recovering losses and healing
  
  
- **Crime has both individual and social dimensions.** Crime is defined by individual choice in a context of conditions which lead to criminal behavior.