



MARATHON COUNTY PUBLIC SAFETY COMMITTEE MEETING

AGENDA

Date & Time of Meeting: **Wednesday, February 3, 2021 at 2:00 pm**

Meeting Location **WebEx/Courthouse Assembly Room, (B105), Courthouse, 500 Forest St., Wausau**

Committee Members: Matt Bootz, Chair; Brent Jacobson; Vice-Chair, Jennifer Bizzotto; Bruce Lamont; Jean Maszk; Allen Opall; Arnold Schlei

Marathon County Mission Statement: *Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12-20-05)*

Committee Mission Statement: *Provide leadership for the implementation of the Strategic Plan, monitoring outcomes, reviewing and recommending to the County Board policies related to public safety initiatives of Marathon County.*

The meeting site identified above will be open to the public. However, due to the COVID-19 pandemic and associated public health directives, Marathon County encourages Public Safety Committee members and the public to attend this meeting remotely. Instead of attendance in person, Committee members and the public may attend this meeting by **telephone conference**. If Committee members or members of the public cannot attend remotely, Marathon County requests that appropriate safety measures, including adequate social distancing, be utilized by all in-person attendees.

Persons wishing to attend the meeting by phone may call into the **telephone conference beginning five (5) minutes prior to the start time indicated above using the following number: 1-408-418-9388. Access Code: 146-159-7938**

When you enter the telephone conference, **PLEASE PUT YOUR PHONE ON MUTE!**

1. **Call Meeting to Order**
2. **Public Comment (15 Minutes)**
3. **Approval of the Minutes of the December 2, 2020 Public Safety Committee Meeting**
4. **Policy Issues Discussion and Committee Determination to the County Board for Consideration:**
5. **Operational Functions Required by Statute, Ordinance or Resolution:**
 - A. Resolution – Support for Amendments to 2019 Wisconsin Act 106 and WIS. STATS. § 343.31(1M)(B) Regarding Operating While Intoxicated (OWI) Offenses
6. **Educational Presentations/Outcome Monitoring Reports**
 - A. Update on System Budgeting Progress
7. **Next Meeting Time, Location, Announcements and Agenda Items:**
 - A. Committee members are asked to bring ideas for future discussion
 - B. Next meeting: **Wednesday, March 3, 2021 at 2:00 pm**
8. **Adjournment**

“Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk’s Office at 715-261-1500 one business day before the meeting.

SIGNED /s/ Matt Bootz
 Presiding Officer or Designee

FAXED TO: Wausau Daily Herald, City Pages, and
 FAXED TO: Other Media Groups
 FAXED BY: T. Ranallo
 FAXED DATE: _____
 FAXED TIME: _____

NOTICE POSTED AT COURTHOUSE
 BY: T. Ranallo
 DATE: _____
 TIME: _____



MARATHON COUNTY PUBLIC SAFETY COMMITTEE MINUTES

Wednesday, December 2, 2020, at 2:00 p.m.

WEBEX/Assembly Room, B-105, Courthouse, 500 Forest St, Wausau

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Matt Bootz, Chair	X	
Brent Jacobson, Vice-Chair	X	
Jenifer Bizzotto	X	
Bruce Lamont	X	
Jean Maszk	X	
Allen Opall		X
Arnie Schlei	X	

Others Present: Lance Leonhard, Kurt Gibbs, Jason Hake, Laura Yarie, Toshia Ranallo, Mary Palmer
Via Web or Phone: Ruth Heinzl, Theresa Wetzsteon, Sandra LaDu, Chad Billeb, Dan Karchma, Kara Weiland, Mike Puerner, Mai Thao. John Happli, Kelly Schremp,

1. Call Meeting to Order

The meeting was called to order by Chair Matt Bootz at 2:00 p.m.

2. Public Comment (15 minute limit) – None.

**3. Approval of the Minutes of the Public Safety Meeting on November 4, 2020
MOTION BY J. MASZK; SECOND BY J. BIZZOTTO TO APPROVE THE MINUTES OF
THE NOVEMBER 4, 2020 COMMITTEE MEETING. MOTION CARRIED.**

**4. Policy Issues Discussion and Committee Determination to the County Board for
its Consideration**

- A. Proposed Amendments to marathon County Code of Ordinances – Chapter 9 (Public Peace and Good Order)

Discussion:

Mike Puerner explained the purpose of the proposed changes to *Chapter 9 Public Peace and Good Order* is not to expand the amount of offenses that are prosecuted, but instead to enhance the toolkit for officers to use more discretion when they are in the field. The committee reviewed the recommended amendments linked to the [packet here](#).

5. Operational Functions Required by Statute, Ordinance or Resolution

- A. Resolution amending Chapter 9 Of The General Code Of Ordinances, Relating To Regulations Relevant To Public Peace And Good Order Within Marathon County

Discussion:

See above.

Action:

MOTION BY J. MASZK SECONDED BY B. LAMONT TO APPROVE RESOLUTION AMENDING CHAPTER 9 OF THE GENERAL CODE OF ORDINANCES, RELATING TO REGULATIONS RELEVANT TO PUBLIC PEACE AND GOOD ORDER WITHIN MARATHON COUNTY. MOTION CARRIED.

Follow through:

Forward to County Board for approval.

6. Educational Presentations/Outcome Monitoring Reports

- A. Diversion Programs – What are they, who do they serve, and how do they impact our justice system?

Discussion:

A presentation was given by District Attorney Theresa Wetzsteon and Ruth Heinzl. Diversion Programs are not mandated by state statute and are solely the discretion of the District Attorney's office. The District Attorney prioritizes public safety first, victim rights, then harm reduction.

The purpose of Diversion programs is to give options to the normal criminal justice process. Offenders are treated as individuals instead of presuming they are all doing the same type of crime.

The first decision point is the arrest decision. Marathon County's Law Enforcement uses two alternative diversion programs. The Crisis Intervention Team who responds to mental health crises which officers try to deescalate a situation or take the person to treatment, versus taking them to jail. The second is the Proxy Program which helps law enforcement use discretion whether or not to give a citation versus arrest.

The charging decision is the second decision point. The prosecutor uses their discretion to determine whether or not to charge the case or if they should refer to diversion. Marathon County is one of very few counties to have a Pre-Charge Diversion Program. This helps defendants keep their records cleaner as well as de-clogging the Clerk of Courts and District Attorney's offices.

The third decision point is at the plea negotiation stage. The prosecutor uses their discretion on whether to propose an alternative plea offer of diversion, allowing the defendant to complete treatment and repair harm in lieu of a criminal conviction.

Wetzsteon encouraged the committee to reach out to her or Heinzl if they have further questions. The YouTube video presentation can be assessed [here](#).

Follow through:

No follow through needed.

B. Law Enforcement Appreciation Project (LEAP)

Discussion:

Kara Weiland gave a brief overview on a new nonprofit organization through the Community Foundation called Law Enforcement Appreciation Project (L.E.A.P). Dan Karchma further explained the mission is to show appreciation and support for the law enforcement community throughout Marathon County. They intend to raise funds to show appreciate in ways such as providing beverages or snacks for all patrol officers while on duty on a regular basis throughout the county. Additionally, this project will provide the citizens of Marathon County the opportunity to anonymously show their financial support for Law Enforcement. More information can be obtained on the Community Foundation website or on the L.E.A.P Facebook page.

Follow through:

No follow through needed.

C. Update on our Evidence-Based Decision-Making Pretrial Assessment & Case Management Planning and Pilot

Discussion:

Laura Yarie gave a [presentation](#) on Pretrial Assessments and Case Management. She has been working with the National Institute of Corrections and the WI Dept. of Justice for five plus years discussing decision points within the criminal justice system. Marathon County has many options for diversion and individualizes the process for those coming through the system. In 2007 a coordinator position was added to the District Attorney's office to expand the number of people being diverted. Case Management was also expanded through ATTIC Correctional Services. A full YouTube presentation can be viewed [here](#).

Follow through:

No follow through needed.

D. Review of Draft System Budgeting Approach and Timeline

Discussion:

Chair Bootz, explained Supervisor Jacobson and he are moving forward with the plan discussed at the last budget meeting. They will be sitting down with all parties and will have something in June. Administrator Leonhard and Deputy Administrator Hake will be putting together system budgeting strategies and will be looking for feedback from the committee and stake holders. Deputy Administrator Hake gave a brief [presentation](#) of the timeline for systematic budgeting. Administrator Leonhard indicated there are groups working well together and coming up with good ideas that generates solutions, savings, and investment in culture. Chair Gibbs thanked Leonhard, Hake, and department heads for their participation.

Follow through:

No follow through needed.

7. Next Meeting Time, Location, Announcements and Agenda Items

- A. Next meeting: January 6, 2020 at 2:00 p.m.
- B. Announcements: None

8. Adjournment

**MOTION BY A. SCHLEI; SECOND BY J. BIZZOTTO TO ADJOURN THE MEETING AT 3:41 P.M.
MOTION CARRIED.**

Respectfully submitted by,
Toshia Ranallo

RESOLUTION #R- _____-20

SUPPORT FOR AMENDMENTS TO STATUTORY CHANGES EFFECTED BY 2019 WISCONSIN ACT 106 AND WIS. STATS. §.343.31(1m)(b) REGARDING OPERATING WHILE INTOXICATED (OWI) OFFENSES

WHEREAS, 2019 WISCONSIN ACT 106 was enacted on February 28, 2020 to amend Wis. Stats., §346.65(2)(am)5, relating to commission of a fifth or sixth offense of operating a motor vehicle while intoxicated and providing for penalties; and,

WHEREAS, Wis. Stats., § 346.65(2)(am)5 reads as follows: “The court shall impose a bifurcated sentence under [Wis. Stats., §] 973.01, and the confinement portion of the bifurcated sentence imposed on the person shall be not less than one year and 6 months. The court may impose a term of confinement that is less than one year and 6 months if the court finds that the best interests of the community will be served and the public will not be harmed and if the court places its reasons on the record.”; and,

WHEREAS, pursuant to Wis. Stats., § 973.01(2), “A bifurcated sentence is a sentence that consists of a term of confinement in prison followed by a term of extended supervision under [Wis. Stats., §] 302.113.” and pursuant to Wis. Stats., § 973.01(2)(b), “The portion of a bifurcated sentence that imposes a term of confinement in prison may not be less than one year ...”; and,

WHEREAS, in October 2020, the Wisconsin Department of Justice (WI DOJ) issued an opinion stating that, for an offense under Act 106, the court must impose a bifurcated sentence with at least 1 year of initial confinement; and,

WHEREAS, the WI DOJ further opined that, by requiring that a court “shall impose a bifurcated sentence” with a confinement portion that is spelled out in the statutes, the Legislature created a mandatory minimum sentence that a court must impose and that, under the decisions in *State v. Lalicata* and *State v. Williams*, a court may not impose and stay that sentence and order probation; and,

WHEREAS, under the law as amended, 5th and 6th Offense OWI offenders would have no incentive to participate in a Treatment Court program, which would address both underlying criminogenic and substance abuse needs, because prison is required; and,

WHEREAS, Marathon County has successfully operated an evidence based OWI treatment court, primarily serving high risk fifth and sixth offenders since 2011; and,

WHEREAS, OWI treatment courts support a wide variety of initiatives aimed at providing alternatives to incarceration with a focus on reducing recidivism, lowering prison and jail population, providing comprehensive support to participants, and improving public safety; and,

WHEREAS, OWI treatment courts have been restoring lives and families for more than three decades and have been shown to be one of the most successful justice system interventions in our nation’s history; and

WHEREAS, the Wisconsin Legislature has recognized the importance and positive impact of treatment courts in Wisconsin and has significantly supported treatment courts through legislation such as Treatment Alternatives and Diversion (TAD); and,

WHEREAS, Marathon County advocates for a changes to 2019 WISCONSIN ACT 106 to allow for participation in treatment courts for a 5th or 6th OWI offenses; and,

WHEREAS, additionally, under Wis. Stats., §.343.31(1m)(b) if the number of convictions for OWI equals 4 or more and the 4th conviction occurs within 15 years of the previous conviction, the Department of Transportation shall revoke the person's operating privilege permanently; and,

WHEREAS, individuals who successfully complete a treatment court program which addresses their underlying criminogenic and behavioral health needs, under court supervision, should have the opportunity to reinstate their driver's license. Such incentive would encourage other individuals to participate in treatment courts to obtain these services, which ultimately, improves public safety.

NOW, THEREFORE, BE IT RESOLVED that Marathon County does hereby urge the Wisconsin legislature to amend statutory changes effected by ACT 106 to allow, at sentencing for 5th and 6th offense OWI convictions, the option to impose and stay a sentence and to place the defendant on probation in order to participate in and complete a treatment court program.

BE IT FURTHER RESOLVED that the Marathon County Board of Supervisors does hereby further implore the Wisconsin legislature to amend Wis. Stats. §.343.31(1m)(b) to allow for reinstatement of an individual's operating privileges upon successful completion of a treatment court.

BE IT FURTHER RESOLVED that the County Clerk be authorized and directed to send a copy of this resolution to Governor Evers, Attorney General Kaul, State Courts Director Randy Koschnick, members of the Wisconsin State Assembly, members of the Wisconsin State Senate and the Wisconsin Counties Association.

Dated this 25th, day of February, 2021.

PUBLIC SAFETY COMMITTEE

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_____	_____
_____	_____

Fiscal Impact: At this time the fiscal impact is unknown. In 2021 the tax levy amount allocated to the OWI treatment court is \$165,000. Impacts of the termination of the OWI treatment court are difficult to assess. Many offenders would, undoubtedly, be transferred to the Wisconsin state prison system, arguably reducing County jail population. However, it is likely these individuals would remain in local jails awaiting transfer to the state prison system. Additionally, without these treatment services, additional financial burdens would be placed on other areas within the criminal justice system.

January 29, 2021

Angie Wanta
OWI Treatment Court Coordinator
500 Forest Street
Wausau, WI 54403

RE: Marathon County OWI Treatment Court

Angie:

I am addressing this letter to you, at your request. Please feel free to share it with other persons as you see fit.

As you are aware, I graduated from Marathon County OWI Treatment Court on February 9, 2017, which was a result of a 5th OWI which I was convicted of on October 1, 2015.

I was arrested for that OWI on March 6, 2015. I will be celebrating my six-year anniversary this coming March 6th.

For me personally, this program had a tremendous impact on my life.

My first experience with alcohol treatment was a 30-day inpatient facility in 1985 when I was 21 years old. From that point until my 2015 conviction, I managed to maintain periodic sobriety. I did seek various other treatment methods including outpatient day treatment and counseling throughout the years, but nothing helped me to maintain any long-term "quality sobriety". As a side note, inpatient treatment facilities are not that available anymore.

In my opinion, Treatment Court succeeds where other treatment options may not for the following reasons:

- Participants are monitored for 13 months which gives them time to physically withdraw from alcohol, maintain absolute sobriety, gain employment if they are unemployed, repair relationships with family, develop a support system, obtain some form of driving privilege, develop coping skills to deal with triggers, establish self-respect/esteem, and learn how to maintain long term sobriety.

I can honestly say that it was apparent throughout my time in court, that every member of the court team truly cares about the participants, and treats them with respect and dignity. In fact, one of the things that meant the most to me was to see the three judges take time out of their hectic schedule because they care about us, as human beings, and want us to succeed. That alone has given me a reason to stay sober.

In my opinion, the court team is made up of an excellent mix of counselors, law enforcement, and the judicial/court system.

Don't get me wrong, this program is by no means easy, nor is it simply a way to get out of incarceration.

I can understand that to a person who has no experience with alcoholism, it's impossible to understand why someone would continue driving intoxicated after a second, third, fourth, or fifth offense. And

that person would also believe that stricter punishments would act as a “deterrent” to continue this behavior. Punishment alone does not work for the majority of alcoholics. Of course, we do not want to go to prison, but we don’t want to stop drinking either. Actually, it’s not even that we want to keep drinking, but we are so controlled by the disease, that we become incapable and lose all control. It is a disease that needs proper treatment, not punishment. I believe that every alcoholic deserves at least one opportunity at OWI Court, be it after their 4th, 5th, or 6th offense.

Based on data I requested from your office, it appears that only 16% of the graduates of the Marathon County Court Program commit another OWI offense. I may be wrong, but I believe the recidivism rate after release from prison is more than twice that rate.

As I mentioned earlier, I am approaching my six-year sobriety anniversary. When I started OWI Court, I had lost my job as an accountant, so I took a third shift job making \$9.00/hour so I could attend all the court programming during the day. At that time I had spent approximately 30 years in the accounting field as I do have an accounting degree.

My wife and I moved into a small duplex in Rib Mountain to facilitate my participation in court. When I reached the third phase of the program, I was hired by a local attorney as a paralegal/bookkeeper. I am approaching 5 years in that position. In June of 2019, my wife and I bought a house in on the river in Merrill. We have never been happier or more content and serene as we are now. We just celebrated our 35th wedding anniversary on January 8, 2021. My wife was able to retire a year ago as financially we are doing very well. **This is only because I had the opportunity to participate in the program.**

Now, had I not been given the opportunity to participate in OWI Court, and instead went to prison for two years, I would have been released around March, 2017, and my life would have looked more like this:

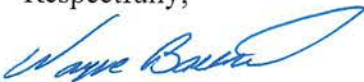
- Unemployed;
- No driver’s license or car to assist in obtaining employment;
- No home;
- No wife (she told me she would have moved on by herself, most likely to Marshfield);
- No money;
- No self-respect;
- Plenty of guilt and shame;
- Not a lot to stay sober for, and no resources to assist with sobriety.

Is this really what the State wants to spend an additional 13 million dollars a year to do! Lock alcoholics up without giving them a chance at a better life? Taking husbands, wives, mothers, and fathers out of their homes and punishing them instead of rehabilitating them? Entire families, including children are actually being punished as well.

I don’t understand why a program that has proven results isn’t being pursued more rather than less.

So again I say, this program had a tremendous impact on my life!!

Respectfully,



Wayne Baierl