



CRIMINAL JUSTICE COORDINATING COUNCIL AGENDA

Date & Time of Meeting: **Thursday, March 17, 2022, at 8:00 a.m. – 9:30 am**

Meeting Location: **Courthouse Assembly Room, (B105), Courthouse, 500 Forest Street, Wausau WI**

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)*

Council Mission Statement: *To improve the administration of justice and promote public safety through community collaboration, planning, research, education, and systemwide coordination of criminal justice initiatives.*

- 1. Call Meeting to Order**
- 2. Public Comment** *(not to exceed 15 minutes)*
- 3. Approval of the Minutes of the January 20, 2022, CJCC meeting**
- 4. Operational functions required by bylaws - None**
- 5. Operations Issues –**
 - A. Process for Failure to Appear for Judicial Assistant Pretrial Conferences**
- 6. Policy Issues for Discussion and Potential Council Action –**
 - A. Health and Human Services Committee request for CJCC discussion on The Marijuana Possession Ordinance Revision**
- 7. Educational Presentations/Outcome Monitoring Report –**
 - A. Truancy Presentation - Jon Tomski, Wausau School District**
- 8. Adjournment**

**Any person planning to attend this meeting who needs some type of special accommodation to participate should call the County Clerk's Office at 261-1500 or e-mail countyclerk@co.marathon.wi.us one business day before the meeting*

SIGNED: /s/, Judge Suzanne O'Neill
Presiding Officer or Designee

EMAILED TO: Wausau Daily Herald, City Pages, and other Media Groups

EMAILED BY: Toshia Ranallo

DATE & TIME: 3/11/2022 AT 7:30 PM

NOTICE POSTED AT COURTHOUSE _____

BY: Toshia Ranallo

DATE & TIME: 3/14/2022 at 9:00 AM



**MARATHON COUNTY
CRIMINAL JUSTICE COORDINATING COUNCIL
MINUTES**

**Thursday, January 20, 2022, at 8:00 a.m. – 9:30 am
Courthouse Assembly Room, (B105), Courthouse, 500 Forest Street, Wausau WI**

Members	Present/Web-Phone	Absent
Chair Suzanne O’Neill	X	
Vice Chair Kurt Gibbs	X	
Lance Leonhard	X	
Matt Bootz	X	
Tim Buttke	X	
Scott Parks	X (designee Chad Billeb)	
Ben Bliven	X (designee Todd Baeten)	
Theresa Wetzsteon	X	
Kelly Schremp	X	
Kat Yanke	X	
Cati Denfeld-Quiros	X	
Vicki Tylka	X	
Jill Meschke		X
Jane Graham Jennings	X (designee Ashley Bores)	
Kenneth Grams	X	
Yauo Yang	X	
Daniel Tyler		X
Liberty Heidmann	X	

Also present: Judge Greg Grau, Laura Yarie, Ruth Heinzl, Sarah Dowidat, Michael Puerner, Sandra La Du, Jeff Johnson, and additional members of the public.

1. Call Meeting to Order

The meeting was called to order by Chair O’Neill at 8:00 a.m.

2. Public Comment (not to exceed 15 minutes)

Public Comment was provided by Joanne Leonard, Stacy Morache, Elizabeth Guille, Jeff Decker, and Jeff Johnson

3. Approval of the Minutes of the December 16, 2021, CJCC meeting

Motion to Approve the December 16, 2021, CJCC meeting minutes by Leonhard, second by Buttke. Motion Carried.

4. Operational functions required by bylaws - None

5. Operational Issues

A. Traffic Initial Appearances: How are dates currently determined? Is there a better practice?

Discussion:

Judge O’Neill explains that there was a concern raised about the current 3 month return dates and the delay in traffic defendants appearing.

Chief Deputy Billeb references several things that might have led to the extension of the court dates:

- o Pandemic – they were asked to spread out the dates to reduce numbers
- o Officers giving the person more time to get funds to pay a traffic citation
- o Criminal traffic is a shorter window (OWI 2 and above)
- o OWI1st – gets a bit longer referral
- o Theresa shared that it allows review for diversion for OAR’s
- o Time for blood levels to come back from the state lab

Suggestion from Judge O’Neill is to revisit this issue in 6 – 12 months

Action: None

Follow up:

Make note to Revisit in 6 months.

B. Pretrial Conferences with Judicial Assistants: Who is required to appear? What is documented?

Discussion:

Judge O'Neill provides a background regarding Clerk of Courts drafting the process for pretrial conferences with the JA's. What should happen at these conferences?

- Discovery exchanged
- Confirm an offer was made, shared with the defendant
- Pretrial motions need to be scheduled
- Document who is in attendance
- Determine if there is a need for another hearing date

District Attorney Wetzsteon asks a couple of questions

- Is Defendant required to attend?
- Does a warrant get issued if non-appearance?
 - If excused, very clear notation, concerns for PSA scoring of FTAS.
- Consistency amongst branches
- Are Attorneys required to appear in-person?

O'Neill provides that:

- Defendants and Attorneys are required to attend in person, but can be excused.
 - Reasons for being excused may include
 1. Job- can't miss work.
 2. Travel from out of County.
 3. Transportation issues
 - Only the Judge is responsible for making the determination for someone to be excused and it must be pre-approved.
 - Documentation will occur so Judges are aware of what happened.
 - Defendant is required to give a phone number
- Warrants
 - If a defendant does not appear and did not have prior approval. Yanke advocates for the warrant being issued at a bond forfeiture hearing to allow time for the Attorney to contact the defendant. Discussion regarding issues with how and when the warrant would be issued, consideration for PSA scoring, authorized versus issued, timeline of scheduling bond forfeiture hearings, issues with notifying victims
- Consensus emerges that standard forms for pretrials, included requests to be excused (like the form for request to appear by Zoom), would be helpful to ensure consistency across branches in documenting requests and approvals.

Action:

Judge O'Neill moves to send these issues the Case Processing work group to develop a consistent process for these pretrials, including failure to appear and warrant authorization, second by Bores.

Follow up:

Case Processing to meet and develop a consistent process.

6. Policy Issues for Discussion and Potential Council Action

A. Health and Human Services Committee request for CJCC discussion on the Marijuana Possession Ordinance Revision

Discussion:

Buttke, Chair of Health and Human Services Committee gives a brief overview of the discussion behind sending the request to the CJCC. There was consensus on breaking down the issue further and allowing input from stakeholders within the system on issues such as court costs, CCAP public access, standard limits and fines and double jeopardy between ordinances and criminal offenses. There was consensus regarding the need to look at the

number of cases this would involve, how many have other felony offenses in addition to the possession charge, and the actual costs to the county when citations are processed.

Billeb addresses the state ticketing system. He states that deputies pick the offenses in the list, and the fine amounts are automatically there. Billeb further states that his department does not assign fines and they do not know how the amounts are decided. He feels it would be beneficial to investigate this for all ordinances to determine how amounts are decided and where the money goes.

Wetzsteon clarifies CCAP entry and the difference between municipal and county ordinances. The county is required to enter on CCAP, and it is not up to DA's discretion. If an ordinance ticket is dismissed it is removed from CCAP two years from the date of dismissal. She states concerns with required fees to be collected and making sure costs to the county are covered. States concerns that the proposal would take away current \$5-\$500 discretion. Also, the complexity of the court fees. Wetzsteon suggests the following breakdown of the issues to be addressed:

- i. Can the county legally make adjustments?
- ii. Should the county make changes given our services and current circumstances?
- iii. How are we setting fine amounts?
- iv. What are the fees associated, what are actual costs?

Action:

None taken, as consensus is to continue discussion at the next meeting.

Follow up:

Per Matt Bootz request Wetzsteon to email Yarie a breakdown of THC cases to be shared with the CJCC and county board members. Schremp and Leonhard will meet and go over the process for forfeiture amounts on county ordinance tickets. Topic to be on the March agenda.

7. Educational Presentations/Outcome Monitoring Reports - None

8. Adjournment

Chair O'Neill Adjourns the meeting at 9:24 a.m.

Next meeting March 17, 2022



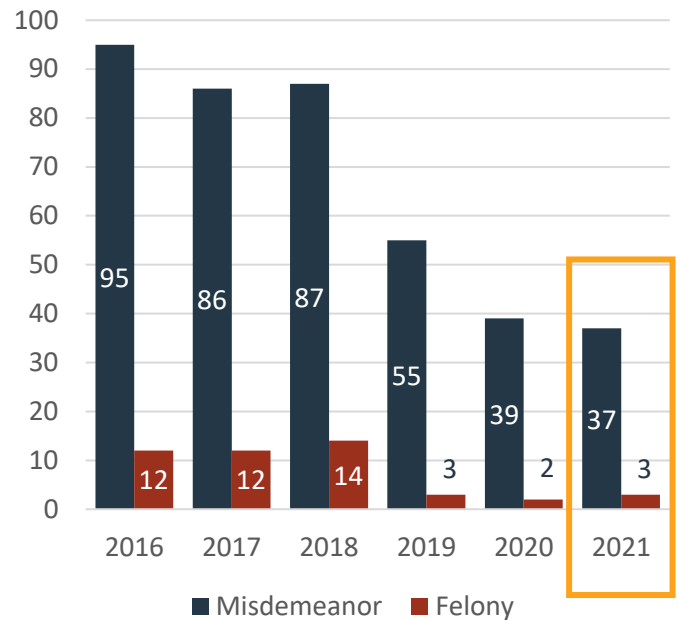
THC Citation Report

On January 5, 2022, the Health and Human Services Committee requested the Criminal Justice Collaborating Council to "assess and develop a marijuana possession ordinance" to bring back to the committee. This report provides data to assist in a data-informed assessment of this request.

The Marathon County data¹ included in this report is from January 2016 through December 2021, filtered to include only Marathon County Sheriff's Office referrals to the Marathon County District Attorney's Office. Over the last six years, both simple Possession of THC criminal referrals from the Marathon County Sheriff's Office has declined.

There are two types of criminal simple possession of THC under Wisconsin Statutes. Misdemeanor simple Possession of THC under [Wisconsin Statute 941.31\(3g\)\(e\)](#), and felony Second and Subsequent Possession of THC, also under Wisconsin Statute 941.31(3g)(e).

Even though there is a felony-level charge for second and subsequent possession of THC charge, it is rare for deputies to make felony-level referrals for this charge, even if they have a THC possession criminal history. In 2021, three (3) felony-level THC charges were referred to the District Attorney's Office, which is only 7% of the total THC cases referred.



Felony Referral 1

- Referred as a felony but charged as a misdemeanor
- Suspect had 7 open criminal cases at the point of arrest, many felony drug and/or domestic violence cases
- Suspect had prior felony convictions and was in prison for 5 years at one point
- Sentence: 5 years of probation on domestic abuse and simple possession of meth charges.

Felony Referral 2

- Referred and charged as a felony
- Incident also included possession of meth charge
- Suspect had prior convictions for meth and THC in other counties and is currently serving prison sentence based on those charges
- This case is still open

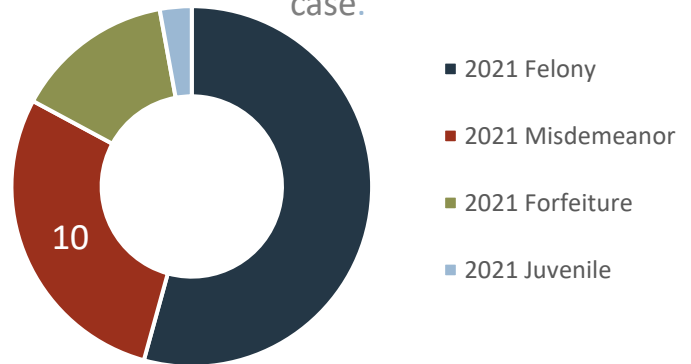
Felony Referral 3

- Referred as a felony but charged as a misdemeanor
- Incident also included felony meth and heroin charges
- Suspect had prior felony convictions
- Sentence: 2 years of probation on meth charge

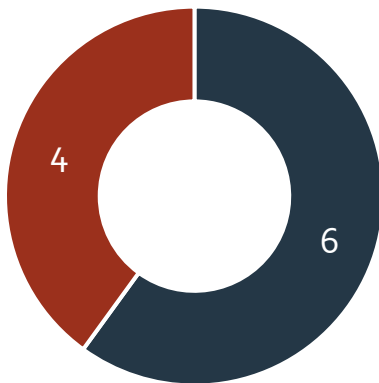
¹ Data used in this report was pulled from the Wisconsin State Prosecutor Database, PROTECT (2012) on January 3, 2022. This does not include any data from Marathon County Law Enforcement Agencies.

For the purpose of the report, data is unavailable for exact possession amounts, but the ordinance proposal is for possession of marijuana 25 grams or less. Looking at the 2021 data further, **thirty-seven (37)** of the simple possession of marijuana referrals were misdemeanors, which is 93% of the total THC cases referred to the District Attorney's Office. The District Attorney's Office filed charges for thirty-five (35) out of the thirty-seven (37) misdemeanor referrals. Of those incidents charged, nineteen (19) were part of a larger felony case, ten (10) were filed as part of misdemeanor cases, five (5) were filed as ordinance cases (non-criminal), and only one (1) referral was for a juvenile offender. **None of the alleged offenders were first-time offenders.**

35 out of the 37 misdemeanor THC charges were filed, **19** were filed as part of larger felony cases, **10** were filed as part of misdemeanor cases, **5** were filed as ordinance tickets, and **1** was a juvenile case.



6 out of the **10** misdemeanor referrals had simple Possession of THC and associated paraphernalia as the only criminal charges in the case.

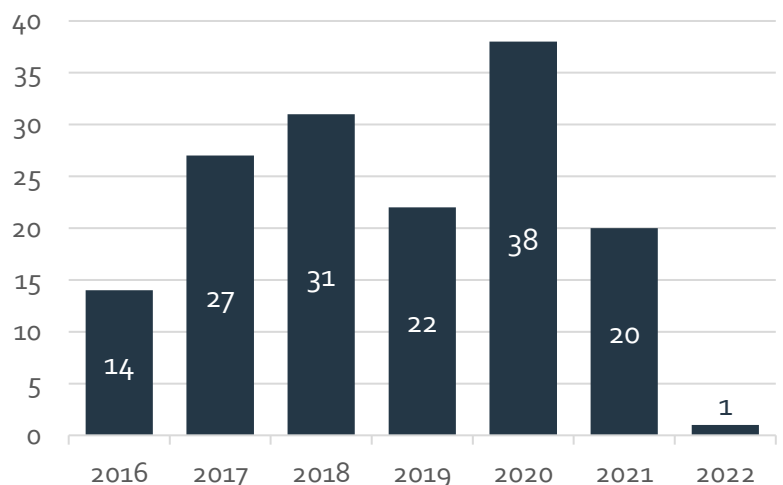


■ Simple Possession Only ■ Has Additional Criminal Charges

Of the ten (10) misdemeanor cases that could have ended up being an ordinance instead of a criminal misdemeanor, only six (6) of these cases had simple possession of THC and associated paraphernalia as the only charges. Again, all of these six (6) individuals already had a criminal history. Three (3) of these cases ended with a misdemeanor conviction and a fine; one (1) case is still open; the final two (2) cases were dismissed.

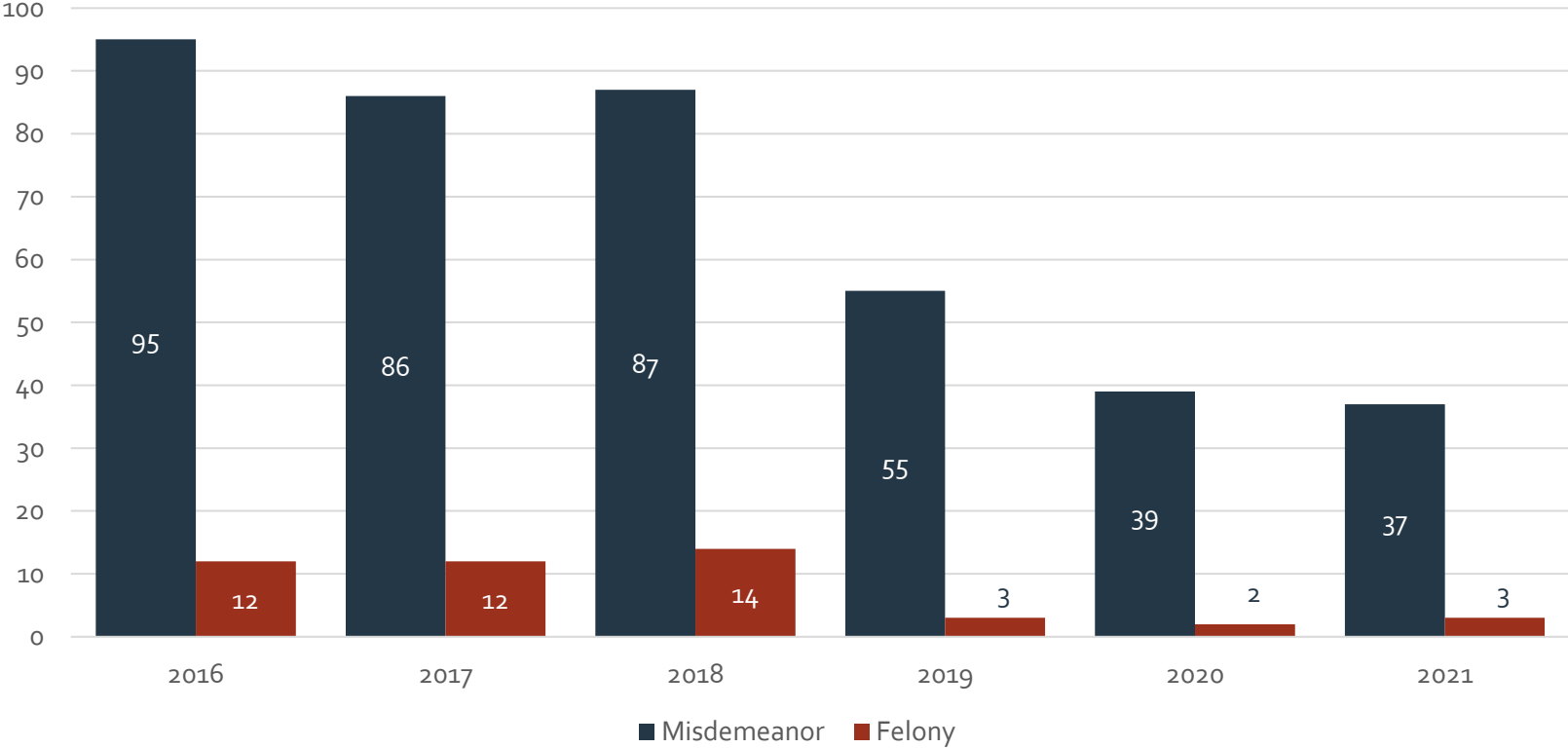
Since 2016, the Prosecutor-Led Pre-Charge Diversion program successfully diverted **153** misdemeanor THC referrals from the criminal justice system. This number includes all Marathon County Law Enforcement referrals. This program offers the opportunity for first-time offenders to complete individualized programming instead of filing criminal charges. Programming ranges from online drug and alcohol education to substance abuse counseling. Participants under the age of 21 are drug-tested to monitor sobriety.

All LE Referrals Successfully Diverted



Conclusion: The data supports that the THC cases referred to the District Attorney's are not for first-time low-risk offenders and are often part of a larger criminal case. The Marathon County Sheriff's Office Deputies already utilize the Marathon County marijuana ordinance. Passing this ordinance change would not increase or decrease this ordinance's utilization. Furthermore, the decline of criminal possession of THC referrals transmitted to the District Attorney's Office supports the notion of a culture shift in the Sheriff's Office from criminal referrals to issuing ordinance citations.

Sheriff's Department THC Referrals



2021 Felony THC Summary

In 2021, only 3 out of the 40 Sheriff's Office simple Possession of THC referrals were felonies.

Felony Referral A:

- ❑ Referred as felony but charged as misdemeanor
- ❑ Suspect had 7 open criminal cases at the point of arrest, many felony drug and/or domestic violence cases
- ❑ Suspect had prior felony convictions and was in prison for 5 years at one point
- ❑ Sentence: 5 years probation on domestic abuse and simple possession of meth charges

Felony Referral B:

- ❑ Referred and charged as a felony
- ❑ Incident also included felony possession of meth
- ❑ Suspect had prior convictions for meth and THC in other counties and is currently serving prison sentence based on those charges
- ❑ Case still open

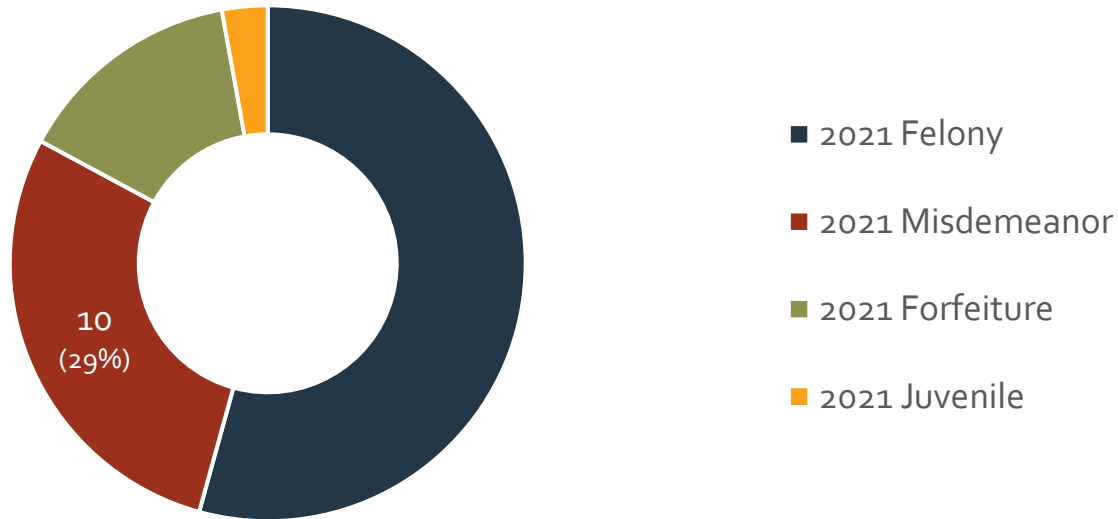
Felony Referral C:

- ❑ Referred as felony but charged as misdemeanor
- ❑ Incident also included felony meth and heroin charges
- ❑ Suspect had prior felony convictions
- ❑ Sentence: 2 years probation on meth charge

2021 Misdemeanor THC Summary

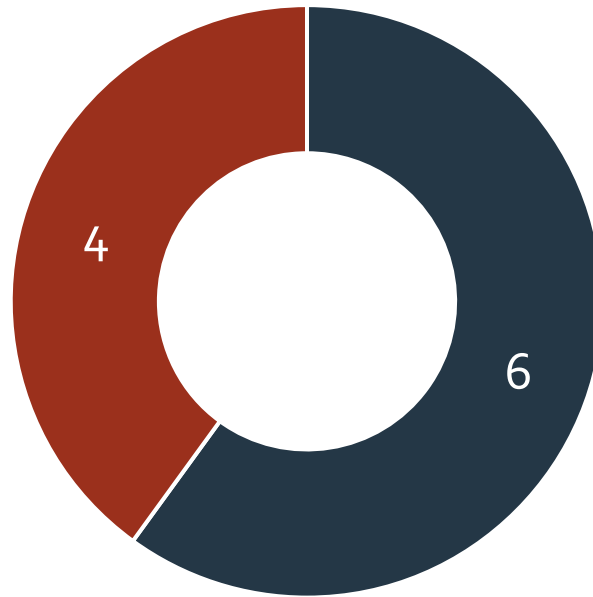
Out of the 37 misdemeanor THC referrals, **none** of the alleged offenders were first-time offenders.

35 out of the 37 THC charges were filed, 19 were filed as part of larger felony cases, 10 were filed as part of misdemeanor cases, 5 were filed as ordinance tickets, and 1 was a juvenile case.



2021 Misdemeanor THC Summary – Simple Possession Only

6 out of the 10 misdemeanor referrals had simple Possession of THC and associated paraphernalia as the only criminal charges in the case



■ Simple Possession Only ■ Has Additional Criminal Charges

THC Prosecutor-Led Pre-Charge Diversion

Since 2016, 153 misdemeanor THC referrals were successfully diverted from the criminal justice system.

Referrals Successfully Diverted

