



MARATHON COUNTY
CRIMINAL JUSTICE COLLABORATING COUNCIL
AMENDED AGENDA

Date & Time of Meeting: **Thursday, December 16, 2021, at 8:00 a.m. – 9:30 am**

Meeting Location: **WebEx/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.*

Instead of attendance in person, Committee members and the public may attend this meeting by **telephone conference**. 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:**

Phone #: 1-408-418-9388 Access Code: 269 940 263

1. **Call Meeting to Order**
2. **Public Comment** *(not to exceed 15 minutes)*
3. **Approval of the Minutes of the November 18, 2021, CJCC meeting**
4. **Operational functions required by bylaws - None**
5. **Operations Issues**
 - A. Calendar Calls / Court Scheduling of Victim Cases
 - B. Collection of Restitution: Current Process/Alternative Avenues to Collect
6. **Policy Issues for Discussion and Potential Council Action - None**
7. **Educational Presentations/Outcome Monitoring Report**
 - A. OAR/OWL Diversion Program – District Attorney’s Office
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
 NOTICE POSTED AT COURTHOUSE

EMAILED TO: Wausau Daily Herald, CityPages,
 and Other Media Groups
 BY: T. Ranallo
 DATE & TIME: 12/14/2021 at 8:30 pm

BY: L. Leonhard
 DATE & TIME: 12/14/2021 at 8:30 pm



**MARATHON COUNTY
CRIMINAL JUSTICE COORDINATING COUNCIL
MINUTES**

**Thursday, November 18, 2021, at 8:00 a.m. – 9:30 a.m.
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		
Scott Parks	X (designee Sandra LaDu)	
Ben Bliven	X (designee Todd Baeten)	X
Theresa Wetzsteon	X	
Shirley Lang	X (designee Linda Maher)	
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
Liberty Heidmann		X

Also present: Shawn Yaeger, Laura Yarie, and Ruth Heinzl

1. Call Meeting to Order

The meeting was called to order by Chair O’Neill at 8:16 a.m.

2. Public Comment (not to exceed 15 minutes)

No public comment is received.

3. Approval of the Minutes of the October 21, 2021, CJCC meeting

Motion to Approve the October 21, 2021, CJCC meeting minutes by Leonhard, second by Gibbs. Motion Carried.

4. Operational functions required by bylaws

A. Appointment of Daniel Tyler as a Citizen Representative

Motion by Gibbs, second by LaDu, to confirm the appointment of Daniel Tyler. Motion carried.

B. Appointment of Liberty Heidmann as a Citizen Member

This appointment was addressed at the previous meeting.

5. Operational Issues

A. Failure to Report to Jail

Discussion:

Chair O’Neill explains that this issue was raised by the District Attorney’s Office. Specifically, the DA’s Office is asking that the Judges state “the defendant must report no later than MONTH DAY” as opposed to saying the defendant must report within 45 days.

Judge O’Neill indicates that the judges should be able to accommodate this request.

Action:

Request for the Jail to share their schedule to report with the Judicial Assistants each month.

B. Planning for Judicial Assistant Pretrial Conference Minutes

Discussion:

O’Neill indicates that the Judicial Assistants met last week to discuss what the specific CCAP notes would reflect, and they have put together a standard document to ensure that enough information is gathered.

The four dates for misdemeanors are:

- JA pretrial
- Judicial pretrial
- Final pretrial/Tentative Plea
- Jury Trial

The dates for felony, time-limited waived cases are:

- JA pretrial
- Preliminary Hearing
- Judicial pretrial

O'Neill indicates that defendants that are not represented by counsel at the initial appearance must appear in person at the pretrial conference. Individuals that do not wish to appear, must seek permission to appear by phone. The exception to this rule is for defendants that are in custody.

O'Neill explains that if a victim attends a judicial pretrial the Judicial Assistants are instructed to inform the District Attorney of the attendance and District Attorney staff will locate a conference room for the pretrial.

Judge Grau suggests that the courts require that all motions must be filed by the final pretrial/tentative plea. Attorney Yanke explains that a scheduling order, setting forth dates for various dates for motions, is used in other jurisdictions.

O'Neill references that the issue of scheduling orders could be addressed at case processing.

DA Wetzsteon asks that at a future date calendar calls and the one-week of intake process be addressed by case processing.

Action:

Motion by Yanke, second by Wetzsteon to evaluate the use of scheduling orders at the case processing workgroup.
Motion carried.

Follow up:

The Case Processing group is to evaluate the use of scheduling orders to address motion filing dates.

6. Policy Issues for Discussion and Potential Council Action – None

7. Educational Presentations/Outcome Monitoring Reports

A. Report out regarding November 9th, Judges Meeting

O'Neill references a state court form change that was implemented with respect to youth placements at residential treatment facilities.

O'Neill references that the truancy court ceased operation at the onset of the pandemic and that school districts have expressed a desire to re-establish truancy court. The judges are going to meet with local principals and social services representatives to evaluate other models, including a treatment court model. Tyler indicates that his experience was that the truancy program in Arkansas worked with children prior to having contact with a judge and they saw significant reductions in truancy and the program required limited judicial involvement. LaDu explains that Oneida County had a program that reduced truancy as well.

Attorney Yanke explains that the State Public Defender's Office is having difficulty meeting with all the in-custody defendants on the date of the initial appearance. If the attorneys cannot meet with the client, the judge can set bond; however, the case will be recalled the following day.

Attorney Yanke explains that the State Public Defender is sending out letters to defendants advising them of the consequences of firing counsel.

O'Neill explains that the COC is working to get a bailiff to attend Initial Appearances to ensure defendants proceed to the Clerk of Courts window to sign their bonds.

B. System Budgeting Workgroup discussion on identifying resources and projects for data analyst position

Administrator Leonhard is looking to form a workgroup to plan for a Data Analyst Position. The group will evaluate what resources exist and what the county would want the position to accomplish. The position could be for the criminal justice system as well as other departments. Discussion of rolling over of funds to pilot the position. Yarie mentioned the competition around the state to attract individuals for this position as DOJ has been unable to hire either one of their already funded positions primarily due to pay level expectations.

C. Update from Justice Alternatives Coordinator –

Yarie reports there have been 496 referrals to pretrial since June 21, 2021, go live. 166 level 1, 96 level 2, 57 level 3 and 177 level 4. The available case management has reached capacity. 207 defendants are currently receiving supervision. 104 are at level 4 services, 36 at level 3 and 67 at level 2. 31 defendants have “absconded” more than 30 days of no contact (11 level 2, 9 level 3, 11 level 4). 44 defendants are listed as out of compliance less than 30 days for issues such as homelessness and no working voicemail and 4 are out of the community attending treatment. (11 level 2, 6 level 3 and 27 level 4).

Wetzsteon discussed concerns about follow up of those who have absconded and questioned how many are in warrant status and have a cash component to their bond. She indicates she will confer with her prosecutions on their office’s response to violation reports. Yarie stated she will ask staff for a list of those who have warrants and or cash bonds.

Yarie mentioned that a delay in state grant processing has interfered with her ability to develop an additional case manager position before January 1, 2022. She is hoping to move a part-time position to full-time for next year by requesting an increase in grant funding. There was discussion on high caseload numbers and an idea to reduce supervision for those who are complying for an identified amount of time rather than stopping or delaying new intakes.

Judge O’Neill indicates that a change in level of supervision would need to be brought back to the court. There was a suggestion to add a recommendation to reduce supervision level to the monthly status reports. Henizl motioned to send the discussion to Case Processing, Yanke seconded.

8. Adjournment

Motion to Adjourn by Gibbs, second by LaDu. Motion carried. Meeting Adjourned at 9:30 a.m.

The Procedure for Scheduling Victim Cases

The judicial assistant and prosecutor will schedule blocks of time on the court's calendar to facilitate in court scheduling. The Judge or Court Commissioner will schedule the next court date on the record provided the parties are available during any of the blocked off times. If the matter cannot be scheduled during the blocked off times, the Judge or Court Commissioner will set the case for a calendar call (scheduling conference) with the judicial assistant.

The prosecutor and defense attorney are strongly encouraged to get any future court dates that require substantial court time prior to the court hearing so that the Judge or Court Commissioner may give that future date in court. When such court dates are not procured in advance, the Judge or Court Commissioner will set the case for a calendar call with the judicial assistant.

Whenever the Court is timely informed by the victim or the Victim Witness Coordinator that the date set at calendar call will not allow the victim to attend, the judicial assistant will reschedule the hearing.

Hearings involving victims will not start prior to their scheduled time.

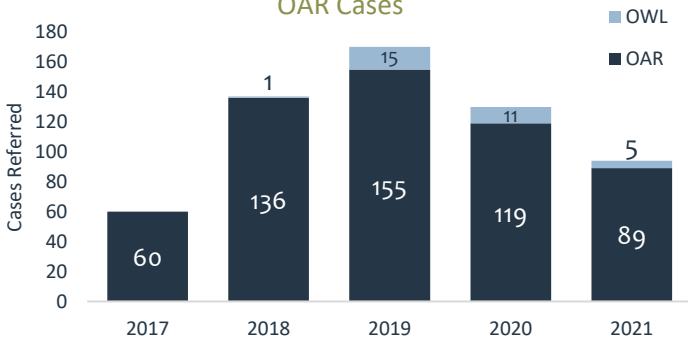


Diversion OAR & OWL Program

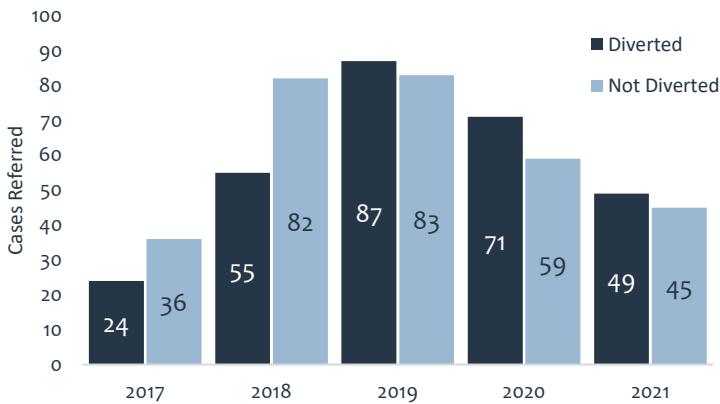
Marathon County's Operating after Revocation (OAR) and Operating Without a License (OWL) Program began in the fall of 2017 to assist Marathon County residents in obtaining a valid driver's license while diverting them from the traditional court process. An OAR is a misdemeanor level offense that is issued to individuals who operate a vehicle after their license has been revoked due to an Operating While Intoxicated (OWI) Violation. In contrast, OWLs only becomes criminal after an individual receives two violations within a 3 year period. OWLs are issued to those who fail to obtain a valid license or renew their license after expiration.

Diversion Program

95% of the Referrals to the Diversion Program are OAR Cases

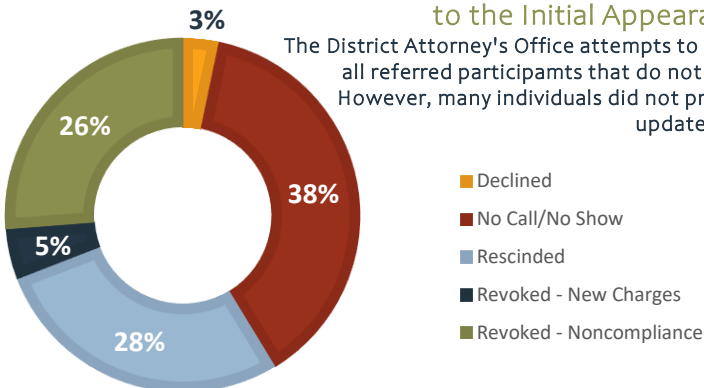


47% of Referred Cases are Successfully Diverted



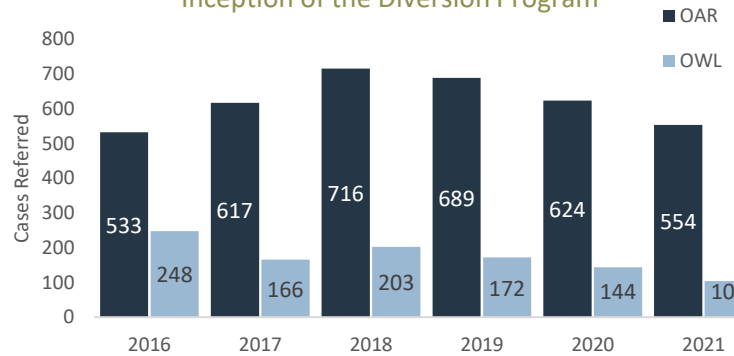
38% of Diversion Participants fail to be diverted by the system because they do not show to the Initial Appearance

The District Attorney's Office attempts to reach all referred participants that do not show. However, many individuals did not provide updated con

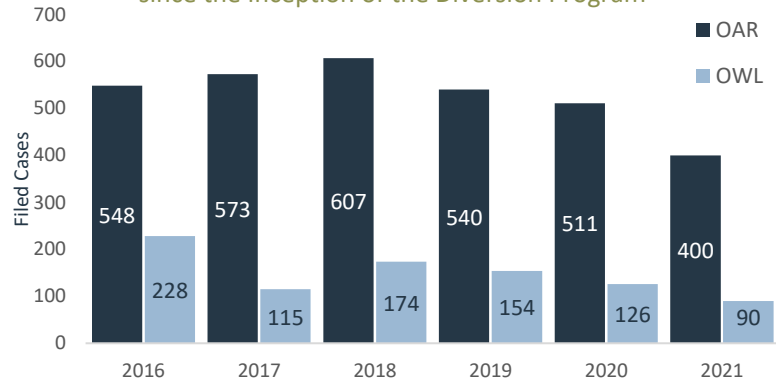


Marathon County

OAR and OWL Referrals have Decreased since the Inception of the Diversion Program



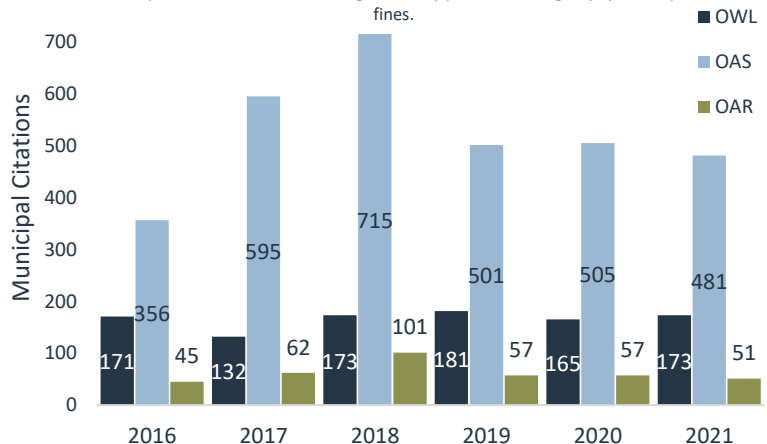
Filed OAR and OWL Cases have Steadily Decreased since the Inception of the Diversion Program



City of Wausau

Municipal Citations

Operating After Suspension (OAS) citations are issued to individuals whose license are suspended due to accumulating too many points or failing to pay municipal fines.

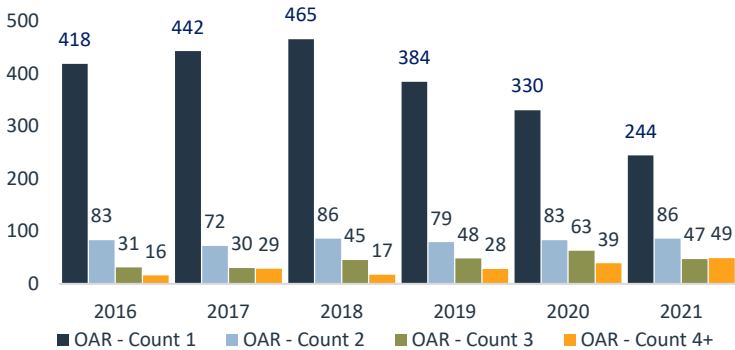


A Look into OAR and OWL Disposition

OAR Disposition	2016	2017	2018	2019	2020	2021
Administrative Disposition	1	0	0	1	1	2
Amended By Prosecutor Or Court	134	116	127	66	40	9
Amended Complaint Filed	0	0	0	5	10	5
Charge Dismissed but Read In	207	228	200	194	163	51
Dismissed Before Initial Appearance	5	5	1	5	1	2
Dismissed on Defendants Motion	0	0	0	0	2	1
Dismissed on Prosecutors Motion	67	68	87	75	32	21
Found Guilty at Jury Trial	0	0	1	1	0	0
Guilty Due to Guilty Plea	72	87	100	80	39	7
Guilty Due to No Contest Plea	53	48	52	32	34	12
In Warrant	8	18	24	39	68	68
Active	0	3	21	42	126	248

OWL Disposition	2016	2017	2018	2019	2020	2021
Amended By Prosecutor Or Court	47	16	44	26	21	8
Amended Complaint Filed	0	0	0	0	1	1
Charge Dismissed but Read In	55	37	23	25	11	6
Dismissed Before Initial Appearance	1	1	0	0	0	0
Dismissed on Prosecutors Motion	14	14	24	27	10	2
Guilty Due to Guilty Plea	78	27	55	49	32	12
Guilty Due to No Contest Plea	21	14	17	12	13	5
In Warrant Status	8	4	8	12	19	14
Active	4	4	3	3	20	47

OAR cases have decreased as the first charge and have increased as the fourth charge in a case



The Majority of OWL Charges are the sole count of the Case

