## CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA

## The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1<sup>st</sup> Wednesday of each month at 12:00 p.m. unless otherwise noted

## MEETING DATE – WEDNESDAY January 6, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for January 6, 2010 meeting.
- 3) Review/revise/approve draft Minutes from December 2, 2009 meeting.
- 4) GENERAL BUSINESS
  - A. Action Item-Social Host Ordinance (Gerry Krage)
- 5) COMMITTEE REPORTS
  - A. Juvenile Justice Committee-Rena Patterson/Judge Mary Leahy
  - B. Data Information-Steve Buswell
  - C. Courts Committee- Hon. Nancy Bostrack
  - D. Community Outreach/Diversity Committee- Carmaine Sturino
  - E. Jail and Jail Alternatives Committee-Craig Brooks
  - F. Crime Prevention Committee-Gerry Krage
- 6) ADJOURN

## APPROVED MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL JANUARY 6, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: CJCC Chair Sally Cumiskey (Court Administrator); Duane Hebert (County Administrator); Gerry Krage (City Council Member); Fatima Said (Project FINE); Travis Volkman (Goodview Police Dept); CJCC Vice Chair Karin Sonneman (Assistant Public Defender); Craig Brooks (Department of Human Services); J.P. Plachecki (Winona County Bar Association); Paul Bostrack (Winona Police Chief); The Honorable Nancy Bostrack (Winona County District Court Judge); Bruce Nelson (Winona Assistant City Attorney); Justin Green (Public Member); Charles MacLean (County Attorney); Dave Brand (Winona County Sheriff); Lynn Theurer (Community Health Services).

Members Absent: Rená Patterson (Corrections' Supervisor); Steve Buswell (Jail Administrator); Judy Gilow (Public Member); Mena Kaehler (County Commissioner).

Guests Present: Kalene Engel (CJCC Executive Director); Ron Ganrude (Deputy Sheriff); Victor Souders (CARE Program); The Honorable Mary Leahy (District Court Judge); Michele Rudnik (DOC-proxy for Rená Patterson); Kevin Kearney (Winona Police Department); Doug Stokes (Winona County Jail)

### Minutes by Kalene Engel.

- 1. Call to Order 12:04 P.M.
- 2. Review/revise/approve Agenda for January 6, 2010 meeting: Approved without changes.
- 3. Review/revise/approve draft Minutes from December 2, 2009 meeting: Approved without changes.

#### 4. General Business

Action Item: Social Host Ordinance (Gerry Krage): The proposed City of Winona Social Host Ordinance was distributed with the meeting package with the idea that all would have a chance to review and offer any revisions. No revisions were suggested; however, it was suggested that Officer Kevin Kearney and Chief Bostrack present the ordinance to the City Council. Lynn Theurer also noted that if the ordinance were successful at the city level, she would like to see it go county-wide, and would enlist Sheriff Brand in those efforts. By consensus, the group recommended the passage of the Social Host Ordinance, first by the City Council and ultimately by the County Board.

### 5. Committee Reports

#### A. Juvenile Justice - Kalene Engel

No meeting was held in December. However, a NACo webinar was played on December 17, 2009 at the Community Health Services Conference Room with 11 people in attendance; others watched on their own computer. Links to the webinar, a JDAI pamphlet and a short JDAI informational video will be sent to Council members by Director Engel. The next meeting is on January 8, 2010 at noon at the DOC Conference Room.

### B. Data Information Committee - Kalene Engel

At its December 16, 2009 meeting, the committee members identified what data elements they could provide. Stephanie (Sheire) Nuttall had started a spreadsheet for all juvenile cases for 2008-2009 so the committee agreed to use that spreadsheet to compile the data. The original idea was to have everyone give Stephanie their data so that she could add to her spreadsheet. However, Kalene has talked to Mark Anderson (IT) who indicated that there was a way to set up a spreadsheet to allow for sharing between departments. He is willing to come to the next data committee meeting, which is not yet scheduled. At that meeting, the precise data elements to be collected will need to be better defined.

### C. Courts - Judge Bostrack:

The primary issue discussed at the committee meeting (and thereafter in the newspapers) was the case clearance rate. The judges are going to add two mornings per month to the court calendar for default omnibus issues. The committee will also be addressing the issue of case clearance. Sentencing orders, which were developed approximately a year ago, have proved to be problematic and will be discontinued. Conciliation court referee training is set for January 25, 2010 from noon to 2:00 p.m. for attorneys interested in serving as referees. The cost of the training is \$50 per person and it qualifies for two CLE credits. The next meeting is January 21, 2010 at 8:00 a.m. at the courthouse.

### D. Community Outreach & Diversity - Karin Sonneman:

The Committee met on December 23, 2009 where Bob Bambenek, County Recorder spoke about the 2010 census. The state is in danger of losing a congressional seat due to the census. The census determines funding for many things and estimates show that each person counted equates to \$1,400 per year in funding. Many other groups have joined the effort to have an accurate census count, including the COD Committee, League of Women Voters and the County. Importance is being placed on having accurate counts of immigrants and students. Lynn Theurer is compiling a list of federally funded activities to give to Mr. Bambenek so that he can determine what Winona County would lose with an inaccurate census count. The next COD meeting is scheduled for January 13, 2010 at 8:00 a.m. at the Riverport Inn. Immediately following the COD meeting will be a meeting about the census.

### E. Jail & Jail Alternatives - Craig Brooks

The group met on December 22, 2009 with its primary focus on serving as an advisory group for the CARE Program. However, if people have other issues that they would like the JJA Committee to address, they should feel free to bring them up. The CARE Program is now fully staffed and has developed informational brochures. Definitions have been decided upon for "target population" and "recidivism." A Community Partners workgroup is in the process of compiling information about resources in the community. The LSI-R (Level of Service Inventory-Revised) has been selected as the assessment tool for the CARE Program and several people have undergone LSI-R training. The Procedure workgroup has met and will continue to meet to develop policy and procedure. The committee also discussed gaps in the community for the people that the CARE Program is attempting to serve and will continue to work on identifying these gaps. CARE will be creating informal and formal linkages with other parts of the system such as ORC, Workforce Center and DHS. Fresh Start should be open very soon. The ministerium would like to establish a point person to deal with requests for CARE/Fresh Start and the churches and Justin Green is in the process of recruiting someone for this task. The CARE

staff is in the process of developing a 15 minute Powerpoint presentation about the program. If you are interested in having this presented to your staff, please contact Victor Souders or Cindy Czarnomski. CARE has experienced some early successes with its clientele. The next meeting is on January 26, 2010 at 1:30 in The Kensington Banquet Room.

### F. Crime Prevention Committee - Gerry Krage:

Much of the December 14, 2009 meeting was spent on discussing the Best Practices Program. A draft of a Best Practices Program was distributed to Committee Members who encouraged the draft to be shared with the Tavern League for review/comment. The Tavern League, though initially skeptical, embraced the Best Practices concept and came up with some of its own suggestions for improving the program, including suggestions for de-escalating fights. The Tavern League will be coming back to the Crime Prevention Committee with its recommendations and then the draft will be distributed to all city liquor licenses holders for review/comment. The biggest benefit of the program will be the alcohol retailer training, since 75% of the bartenders will need to attend the training. Other benefits include discounts on dram shop insurance and fewer contacts with law enforcement. This whole process of review/revision will likely take three months. The issue of the minor consumption letter was referred back to the COD Committee. The Tavern League is working extremely well. The Downtown Tavern League prefers to have its own group but is open to becoming part of a larger city or county-wide group which meets less frequently.

### 6. Other:

- Legislative Visit: Karin Sonneman is heading up the Legislative Visit workgroup and will be sending out an e-mail soon to all Council members regarding a legislative visit in February or March.
- Project FINE: The Project FINE Annual Report to the Community is on February 2, 2010 from 5-7 p.m. at St. Marys University. All Council members should have received an invitation.

### 7. Adjournment: 12:45 p.m.

#### AN ORDINANCE TO AMEND

### THE CITY CODE OF WINONA, MINNESOTA 1979

The City of Winona does ordain:

Section 1. That Chapter 55 of the Section 55. 01 of the City Code of

Winona, Minnesota, 1979, which section chapter iscontains the definitions for the

Chapter entitled "Liquor", be amended by adding thereto the followingas follows:

**"55.0119** 

#### SOCIAL HOSTDEFINITIONS.

A. Purpose and Findings. The Winona City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Winona City Council finds that:

- (1) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- (2) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdoses or alcohol related traffic collisions.
- (3) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- (4) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present, and condone the activity, and in some circumstances provide the alcohol.
- (5) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.

- (6) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.
- B. Definitions. For purposes of this section, the following terms have the following meanings:

Alcohol: means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic Beverage: means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Event or Gathering: means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

Host: means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

Parent: means any person having legal custody of a juvenile and shall include the following: natural parent, adoptive parent, stepparent, legal guardian, or a person to whom legal custody has been given by order of the court.

Person: means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

Residence or Premises: means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

Underage Person: is any individual under 21 years of age.

### C. Prohibited Acts.

(1) It is unlawful for any person to host or allow any event or gathering at any residence, premises, or on any other private or public property, where alcohol or alcoholic beverages are present, when the person knows or reasonably should know that an underage person will or does (a) consume any alcohol or alcoholic beverage or (b) possess any alcohol or alcoholic beverage with the intent to consume it

and the person fails to take reasonable steps to prevent possession or consumption by the underage person.

- (2) A person is criminally responsible for violating C.(1) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
- (3) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

### D. Exceptions.

- (1) This section shall not apply to conduct solely between an underage person and his or her parents while present in the parents' household.
- (2) This section shall not apply to legally protected religious observances.
- (3) This section shall not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503, subd. 1(a)(1).
- (4) This section shall not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.
- E. Enforcement. This section can be enforced by any police officer or sheriff's deputy within the City of Winona.
- F. Severability. If any subsection, sentence, clause, phrase, word, or other portion of this section is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionally or invalidity shall not affect the validity of the remaining portions of this section, which remaining portions shall continue in full force and effect.
- G. Penalty. A violation of section C.(1) is a misdemeanor. For the purpose of this Chapter and applications for licenses the terms shall have the following meanings:

Licensed Premises: The licensed premises is the area (in an enclosed building as) described in the approved license application. The licensed premises may include both indoor space and outdoor space. In the case of a restaurant or club licensed for on-sales of alcoholic beverages and located on a golf course, "licensed premises" means the entire golf course except for areas where motor vehicles are regularly parked or operated.

Outdoor Smoking Areas: An outdoor space designated on the license application as a smoking area and which meets the following requirements:

- (1) The area shall be located entirely on private property and shall not encroach onto the public sidewalk or public road right-of-way.
- (2) If the outdoor smoking area is located at ground level, it shall be enclosed with a fence at least 6 feet in height as measured from ground level. If the outdoor smoking area is located on a raised deck or patio, it shall be enclosed with a fence as required by the Minnesota State Building Code.
- (3) The occupant load of the outdoor smoking area shall be assigned by the Winona Fire Department.
- (4) Ingress to and egress from the outdoor smoking area shall be from a building located on the licensed premises. Notwithstanding the foregoing, an emergency exit with illuminated panic hardware shall be provided from the outdoor space which does not require entrance into a building.
- (5) No amplified music or live entertainment shall be permitted in an outdoor smoking area after 10:00 p.m.
- (6) No recreational fires shall be permitted in an outdoor smoking area.
- (7) The outdoor smoking area shall be lighted to provide for the safety of the users of the outdoor smoking area. The lighting shall be so arranged as to reflect the light away from adjoining premises in any R district."

Section 2. That Chapter 25 of said Code, which Chapter is entitled "Streets and Sidewalks, be amended by adding thereto the following section:

"Smoking Equipment Receptacles. Receptacles for the deposit of cigarettes, cigars and other smoking equipment that have been extinguished may be located outdoors within Twenty-five (25) feet of the entrances to public places and places of work, including on the public sidewalk or other public right-of-way. The adjacent property owner shall maintain the receptacle and shall ensure that its placement does not interfere with the use of the public sidewalk or other public right-of-way."

Section 32.	That this ordinance shall take effect upon its publication.		
Dated this _	day of	, 20087.	

M	a	VC	10

Attested By:

City Clerk

City/ordinance/social host.docmoking areas-11-05-07.doc

# **QUESTIONS**MINUTES

### TO DEFINE WHO WE ARE AS A NATION

### The Census: A Snapshot

- What: The census is a count of everyone residing in the United States.
- Who: All U.S. residents must be counted—both citizens and non citizens.
- When: You will receive your questionnaire in March 2010 either by U.S. mail or hand delivery. Some people in remote areas will be counted in person.
- Why: The U.S. Constitution requires a national census once every 10 years to count the population and determine the number of seats each state will have in the U.S. House of Representatives.
- ✔ How: Households should complete and mail back their questionnaires upon receipt. Households that do not respond may receive a replacement questionnaire in early April. Census takers will visit households that do not return questionnaires to take a count in person.

### A Complete Count: The Importance of Census Data

- Every year, the federal government allocates more than \$400 billion to states and communities based, in part, on census data.
- Census data are used to determine locations for retail stores, schools, hospitals, new housing developments and other community facilities.
- Census data determine boundaries for state and local legislative and congressional districts.

### 2010 Census Questionnaire: Easy, Important and Safe

■ With only 10 questions, the 2010 Census questionnaire takes approximately 10 minutes to complete. Households are asked to provide key demographic information, including: whether a housing unit is rented or owned; the address of the residence; and the names, genders, ages and races of others living in the household.

By law, the Census Bureau cannot share an individual's responses with anyone, including other federal agencies and law enforcement entities.

# Census 2010

### **CENSUS HISTORY**

The first census took place in 1790 to determine the number of seats each state would have in the U.S. House of Representatives. The census also was created to gain a better understanding of where people lived and to establish patterns of settlement as the nation grew.

### ABOUT THE CENSUS BUREAU

The Census Bureau
was established in 1902.
Today, in addition to
administering the census
of population and housing,
the Census Bureau conducts
more than 200 annual surveys.
including the American
Community Survey, the
Current Population Survey
and economic censuses
every five years.



We move forward when you send it back!

### 2010 Census Key Dates



February - March 2010

Census questionnaires are mailed or delivered to households.



March - April 2010

Be Counted program is implemented. Census questionnaires are available at select public sites for individuals who did not receive one by mail.



April 1, 2010 CENSUS DAY



May - July 2010

Census takers visit households that did not return a questionnaire by mail.



Dec. 31, 2010

By law, the Census Bureau delivers population counts to the President.



March 2011

By law, the Census Bureau completes delivery of redistricting data to states.

### Frequently Asked Questions



**A.** The individual in whose name the housing unit is owned or rented should complete the questionnaire on behalf of every person living in the residence, including relatives and non-relatives.

### 2. Q. How will the 2010 Census differ from previous censuses?

A. In 2010, every residence will receive a short questionnaire of just 10 questions. More detailed socioeconomic information previously collected through the decennial census will be asked of a small percentage of the population through the annual American Community Survey. To learn more about the American Community Survey, visit www.census.gov.

### 3. Q. How are census data used?

**A.** Census data determine the number of seats each state will have in the U.S. House of Representatives. Census data also can help determine the allocation of federal funds for community services, such as school lunch programs and senior citizen centers, and new construction, such as highways and hospitals.



A. 2010 Census questionnaire language assistance guides are available in a variety of languages. Questionnaire Assistance Centers (QAC) will also assist those unable to read or understand the questionnaire. Large-print questionnaires are available to the visually impaired upon request, and a Teletext Device for the Deaf (TDD) program will help the hearing impaired. Contact your Regional Census Center for more details about the types of assistance available and for QAC locations.

### 5. Q. How does the Census Bureau count people without a permanent residence?

**A.** Census Bureau workers undertake extensive operations to take in-person counts of people living in group quarters, such as college dormitories, military barracks, nursing homes and shelters, as well as those who have been displaced by natural disasters.

For more information about the 2010 Census, go to 2010census.gov.







This is the official form for all the people at this address. It is quick and easy, and your answers are protected by law.

2010	
Use a blue or black pen.	5. Please provide information for each person living here. Start with a person living here who owns or rents this house, apartment, or mobile
Start here	home. If the owner or renter lives somewhere else, start with any adult living here. This will be Person 1.  What is Person 1's name? Print name below.
The Census must count every person living in the United States on April 1, 2010.	Last Name
Before you answer Question 1, count the people living in this house, apartment, or mobile home using our guidelines.	First Name MI
Count all people, including babies, who live and sleep here most of the time.	6. What is Person 1's sex? Mark ▼ ONE box.  □ Male □ Female
The Census Bureau also conducts counts in institutions and other places, so:	7. What is Person 1's age and what is Person 1's date of birth?  Please report babies as age 0 when the child is less than 1 year old.
Do not count anyone living away either at college or in the Armed Forces.	Age on April 1, 2010 Month Day Year of birth
Do not count anyone in a nursing home, jail, prison, detention facility, etc., on April 1, 2010.	→ NOTE: Please answer BOTH Question 8 about Hispanic origin and
Leave these people off your form, even if they will return to live here after they leave college, the nursing home, the military, jail, etc. Otherwise, they may be counted twice.	Question 9 about race. For this census, Hispanic origins are not races.  8. Is Person 1 of Hispanic, Latino, or Spanish origin?
The Census must also include people without a permanent place to stay, so:	☐ No, not of Hispanic, Latino, or Spanish origin☐ Yes, Mexican, Mexican Am., Chicano
If someone who has no permanent place to stay is staying here on April 1, 2010, count that person. Otherwise, he or	Yes, Puerto Rican Yes, Cuban  Yes, another Hispanic, Latino, or Spanish origin — Print origin, for example,
she may be missed in the census.  How many people were living or staying in this house, apartment, or mobile home on April 1, 2010?	Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.
Number of people =	9. What is Person 1's race? Mark X one or more boxes.
Were there any <u>additional</u> people staying here April 1, 2010 that you <u>did not include</u> in Question 13  Mark X all that apply.	<ul> <li>White</li> <li>Black, African Am., or Negro</li> <li>American Indian or Alaska Native — Print name of enrolled or principal tribe.</li></ul>
Children, such as newborn bables or tester children  Relatives, such as adult children, cousins, or in-laws	Anterioan indian of Alaska Wallye — File halle of entitle of pumparable, y
Nonrelatives, such as roommates or live-in baby sitters  People staying here temporarily	☐ Asian Indian ☐ Japanese ☐ Native Hawaiian ☐ Chinese ☐ Korean ☐ Guamanian or Chamorro
No additional people  3. Is this house, apartment, or mobile home —	☐ Filipino ☐ Vietnamese ☐ Samoan ☐ Other Asian — Print race, for ☐ Other Pacific Islander — Print
Mark ▼ ONE box.  ☐ Owned by you or sorgeone in this household with a	example, Hmong, Laotian, Thai, race, for example, Fijian, Tongan, Pakistani, Cambodian, and so on.
mortgage or loan? Include home equity loans.  Owned by you or someone in this household free and	
clear (without a mortgage or loan)?  Rented?	☐ Some other race — Print race.   ✓
Occupied without payment of rent?  4. What is your telephone number? We may call if we don't understand an answer.	10. Does Person 1 sometimes live or stay somewhere else?
Area Code + Number	□ No □ Yes — Mark 🗷 all that apply.
	☐ In college housing ☐ For child custody ☐ In the military ☐ In jail or prison
OMB No. 0607-0919-C; Approval Expires 12/31/2011.	At a seasonal In a nursing home or second residence
m D-61 (1-15-2009)	or second residence For another reason

### Snowbirds: What You Need to Know

### **Usual Address**

- The Census counts residents at their "usual" address
- You decide which is your usual address
- By using a Minnesota address, you benefit your home state of Minnesota

### Questionnaires will be delivered to ALL addresses nationwide

- The Census will mail questionnaires in mid-March to regular mailing addresses (for example, 123 Elm Street)
- Minnesota snowbirds will receive Census questionnaires at both their Minnesota and snowbird addresses
- The Census Bureau will hand-deliver questionnaires to the addresses of persons with non-home delivery, such as a P.O. Box, RFD or Star Route
- The Post Office will NOT forward Census questionnaires

Snowbirds who consider themselves Minnesota residents MUST respond to the questionnaire delivered to their Minnesota address

- Do NOT answer the questionnaire that is delivered to a temporary residence (Arizona, Florida, Texas, etc.)
- Wait to answer in Minnesota
  - Answer the questionnaire you receive at your usual residence
  - If you didn't receive a questionnaire in Minnesota, request one from a Questionnaire Assistance
     Center or directly from the Census Bureau

<sup>\*</sup>Information Courtesy of www.mn2010census.org

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA

## The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1st Wednesday of each month at 12:00 p.m. unless otherwise noted

## MEETING DATE - WEDNESDAY February 3, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for February, 2010 meeting.
- 3) Review/revise/approve draft Minutes from January 6, 2010 meeting.
- 4) GENERAL BUSINESS
  - A. Discussion Item-Number of CJCC-related Meetings (Chuck MacLean)
- 5) COMMITTEE REPORTS
  - A. Crime Prevention Committee-Gerry Krage
  - B. Juvenile Justice Committee-Rena Patterson/Judge Mary Leahy
  - C. Data Information Committee-Steve Buswell
  - D. Courts Committee- Hon. Nancy Bostrack
  - E. Community Outreach/Diversity Committee- Carmaine Sturino
  - F. Jail and Jail Alternatives Committee-Craig Brooks
- 6) ADJOURN

### WHAT IS THE CJCC?

CJCC's Membership: The Winona County CJCC is a consortium of representatives from agencies involved in the criminal justice system as well as interested members of the public. A current member listing is located inside this brochure.

CJCC's Vision: The Criminal Justice Coordinating Council brings together the participating agencies in the criminal justice system with representatives of local governments and the public. The Council seeks to assure for Winona County a criminal justice system that is fair and just, that provides for the public's safety, offers real opportunities for individuals to change the direction of their lives through rehabilitation, and makes the best use of the public's funds.

CJCC's Mission: To accomplish its vision, the Council will work systematically and cooperatively to review the elements of the criminal justice system and take an innovative approach to developing and evaluating proposals for change.



FOR MORE INFORMATION ABOUT THE CJCC AND ITS INITIATIVES, PLEASE CONTACT:

KALENE ENGEL, EXECUTIVE DIRECTOR
WINONA COUNTY
CRIMINAL JUSTICE COORDINATING COUNCIL

MAILING ADDRESS:
WINONA COUNTY COURTHOUSE
171 WEST THIRD STREET
WINONA, MN 55987

PHONE: 507-454-7770
FAX: 507-457-0519
E-MAIL: KALENE@ENGELLAWOFFICE.COM
WWW.WINONACOUNTYCJCC.ORG



WINONA COUNTY
CRIMINAL JUSTICE
COORDINATING
COUNCIL



WINONA COUNTY
CRIMINAL JUSTICE COORDINATING COUNCIL

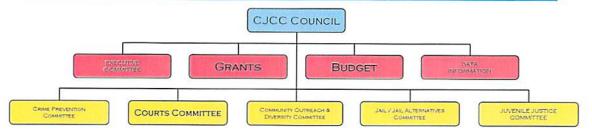
MAILING ADDRESS:
WINONA COUNTY COURTHOUSE
171 WEST THIRD STREET
WINONA, MN 55987

WWW.WINONACOUNTYCJCC.ORG
(507) 454-7770

### CJCC MEMBER LISTING

NAME	TITLE
Sally Cumiskey Chairperson	Winona County Court Administrator
Karin Sonneman, Vice-Chairperson	Asst. Public Defender Winona County
The Honorable Nancy Bostrack	Judge of District Court
Paul Bostrack	City of Winona Police Chief
David Brand	Winona County Sheriff
Craig Brooks	Director, Winona County Dept. of Human Services
Steve Buswell	Winona County Sheriff's Dept.—Jail Administrator
Judy Gilow	Public Member
Justin Green	Public Member
Duane Hebert	Winona County Administrate
Mena Kaehler	Winona County Commissione
Gerry Krage	Winona City Council Membe
Chuck MacLean	Winona County Attorney
Bruce Nelson	Assistant Winona City Attorne
Rená Patterson	Dt. Supervisor, MN Dept. of Corrections, Winona
John Paul Plachecki	Winona County Bar Association President
Fatima Said	Public Member
Lynn Theurer	Director, Winona County Public Health
Kent Russell	City of Goodview Police Chie

### CJCC COMMITTEE STRUCTURE & CHARGES



<u>CJCC Council</u>: The CJCC Council is a policy-making council which meets on a monthly basis to consider and make recommendations based upon the work of the Council's committees and workgroups.

Ad Hoc Committees: The CJCC has four ad-hoc committees that meet on an as-needed basis to address issues or concerns that arise that are unrelated to the work of the standing committees. The four ad-hoc committees include the Executive Committee, Grants Committee, Budget Committee and Data Information Committee.

Standing Committees: The CJCC has five standing committees that meet on a monthly basis to discuss issues related to that committee's charge. The work of each committee is reported to and acted upon (as needed) by the CJCC Council. The committees and committee charges are as follows:

- Courts: To make court case scheduling and case management more effective, efficient and convenient.
- <u>Community Outreach & Diversity</u>: To educate the public about initiatives, programs and services supported by the CJCC; to build an atmosphere of respect and inclusion toward the criminal justice system regardless of culture or background; to identify community concerns that are related to the responsibilities of the CJCC and to prepare a detailed, proactive public relations plan to address those concerns.
- <u>Crime Prevention</u>: To encourage the prevention of crime through coordinated and concentrated efforts, and through programs and functions that encourage citizen involvement and participation, to preserve safe environments and communities for the citizens of Winona County.
- <u>Jail & Jail Alternatives</u>: The Committee will recommend alternatives to incarceration for the criminal justice system
  to consider. The Committee will research, evaluate and recommend programming designed to facilitate change in
  the individual and thus prevent future involvement in the criminal justice process.
- <u>Iuvenile Justice</u>: To encourage an effective juvenile justice system that promotes the well-being of youth while holding youth accountable for their actions and promoting public safety.

<u>Workgroups</u>: Each standing committee has a number of workgroups, comprised of relevant stakeholders regarding that issue, who meet on an as-needed basis to recommend changes/improvements to the governing standing committee.



### Winona County Day Treatment / Youth Night Campus

Youth Night Campus provides a safe and respectful environment in which youth in Corrections have the opportunity to be successful in the community. The program uses a strength-based, cognitive behavioral, systems approach to hold youth accountable while at the same time promoting change through counseling, support, education, and collaboration. The program works closely with youth to strengthen relationships, enhance public safety, provide accountability, develop community ties, and improve overall well being.

Youth Night Campus provides therapeutic and supportive programming to at-risk youth ages 12-18. The program provides educational support, skills training, supervision, and therapeutic intervention to improve overall behaviors, foster success, and reduce the likelihood of more restrictive placements.

Daily program components include: peer group therapy, recreational therapy, social skills training, and teaching independent living skills that include cooking, cleaning, employment searching, housing, money management, etc. Youth also receive weekly individual therapy, and family therapy as appropriate.

Program hours are Monday – Friday 3:30 p.m. until 9:00 p.m. year round. Students are picked up at their home or school between 3:00-4:00 p.m. and transported home between 9:00-10:00 p.m. All transportation is provided by the program.

The program also has the availability to provide assessments and psychological evaluations on an as needed basis. These assessments are administered by skilled professionals and reviewed by a licensed mental health professional.

Youth Night Campus continues to develop programming to meet the needs of the individuals being served, with a client centered approach and promoting positive behaviors with positive reinforcement, modeling, and behavioral shaping. Youth receive cognitive skills group training twice per week, and victim empathy training once each week. Youth Night Campus is a prevention and reentry program. Youth are always welcome to return for additional programming as needed.

For more information about the services at Family & Children's Center Winona, please contact:

Joie Zimmerman
Winona Services Coordinator
(507) 453-9563 x-4, 2
jzimmerman@fccnetwork.org

Joanette Robertson Associate Director (507) 453-9563 x-4, 1 jrobertson@fccnetwork.org

## APPROVED MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL FEBRUARY 3, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: CJCC Chair Sally Cumiskey (Court Administrator); Duane Hebert (County Administrator); Fatima Said (Project FINE); Travis Volkman (Goodview Police Dept); CJCC Vice Chair Karin Sonneman (Assistant Public Defender); Craig Brooks (Department of Human Services); J.P. Plachecki (Winona County Bar Association); Paul Bostrack (Winona Police Chief); The Honorable Nancy Bostrack (Winona County District Court Judge); Bruce Nelson (Winona Assistant City Attorney); Justin Green (Public Member); Charles MacLean (County Attorney); Dave Brand (Winona County Sheriff); Lynn Theurer (Community Health Services); Rená Patterson (Corrections' Supervisor); Steve Buswell (Jail Administrator); Judy Gilow-via phone (Public Member); Mena Kaehler (County Commissioner).

Members Absent: Gerry Krage (City Council Member).

Guests Present: Kalene Engel (CJCC Executive Director); Victor Souders (CARE Program); Kevin Kearney (Winona Police Department-proxy for Gerry Krage); Carmaine Sturino (Chair of Community Outreach & Diversity); Colleen Norwell (Public Defender Intern).

### Minutes by Kalene Engel.

- 1. Call to Order 12:05 P.M.
- 2. Review/revise/approve Agenda for February 3, 2010 meeting: Approved with the addition of 4.B. Discussion Item Student Interns (Sally Cumiskey).
- 3. Review/revise/approve draft Minutes from January 6, 2010 meeting: Approved without changes.
- 4. General Business

### A. <u>Discussion Item: Number of CJCC-related Meetings</u> (Chuck MacLean):

Although he has been impressed with the ability of the Winona Community to work together and is proud of what the CJCC has accomplished, Chuck MacLean feels that the CJCC has created a bureaucracy of meetings which he finds it difficult for he or his staff to attend. He feels that the CJCC needs to focus on a few key goals. Judy Gilow and Sally Cumiskey noted that we must consider the number of meetings in context with what we have accomplished in light of the mission statement. Sally Cumiskey noted that of the list of items that the CJCC was working on or had worked on, 99% of them were right on point with our mission statement. Kalene Engel reported that may of the workgroups were not active because they had accomplished the purpose(s) for which they were established. Carmaine Sturino noted that the workgroups reported back to the Committees and the Committees reported to the CJCC, such that one would not have to attend all of the workgroups to know what was happening. She further noted that reducing the number of workgroups on the chart may give the impression to others (for grant purposes and otherwise) that we are downsizing. Justin Green reviewed the purpose of the strategic planning sessions (which are held annually in August/September) and noted that those sessions would be the time to define goals and review the vision/mission. If the Committees veer off track, the Council's job is to get them back on track in terms of the vision/mission. All agreed that the

Committees should re-evaluate the workgroups and committee objectives in light of the vision and mission statement.

### B. Discussion Item: Student Interns (Sally Cumiskey)

Sally Cumiskey reminded everyone that the CJCC has a student internship program which is available for use by CJCC members. Many interns have been placed through the program and the quality of the interns has been excellent. A website has been created on which internship opportunities can be posted: <a href="www.winonainternships.com">www.winonainternships.com</a>. Anyone interested in posting an internship or learning more about the program should contact Kalene Engel.

### 5. Committee Reports

### A. Crime Prevention - Paul Bostrack/Kevin Kearney

The Social Host Ordinance recommended by the CJCC last meeting has passed. After posting and a second meeting, the ordinance should go into effect on February 19<sup>th</sup>. The County is also looking into adopting a Social Host Ordinance. A draft of the Best Practices ordinance has been compiled and will soon be reviewed by alcohol retailers in the area to get their input. Depending upon the results of the review (which so far as been positive), the next step would be to bring it before the Winona City Council. Chuck MacLean suggested that the Crime Prevention Committee consider working on the issue of working security cameras for downtown business, as that would assist greatly in criminal prosecutions. He also suggested compiling a list of which businesses had working security cameras and what areas those cameras covered. This might be something that could be incorporated into Best Practices. Next meeting: February 15, 2010 at 2:30 p.m.

#### B. Juvenile Justice - Rena Patterson

Rena Patterson distributed an informational sheet on the Youth Night Campus, which will begin on February 16, 2010. The program will be offered five days per week from 3:00 – 9:00 p.m. and will be held at the existing Family and Children's Center location until the new FCC building is remodeled. Dr. Tim Wright gave a presentation on youth sex offenders. One of the main themes in his presentation was that if the children involved are youth—like under 12—don't treat them like sex offenders. The Sex Offender Workgroup is still attempting to locate a provider, as the one they had previously requested is booked. The Diversion Workgroup is attempting to work on a point system for diversions. Next meeting: February 19, 2010 at noon at 5<sup>th</sup> floor DOC Conference Room.

#### C. Data Information Committee – Steve Buswell

A juvenile justice flowchart and data elements chart were distributed at the meeting. Mark Anderson, IT Director, was present and stated that a database could be created to store the data that the group wanted to track—but that the data would need to be defined. Some concern about confidentiality of data was expressed. Another issue was what input, if any, would the judges like to have on the data elements collected. Steve Buswell spoke to Judge Bostrack and this issue will be discussed at an upcoming judge's meeting. Mark Anderson will speak with Dakota County about its juvenile justice system, since Dakota County has probably already addressed some of the confidentiality and other issues that the Data Information Committee is concerned about. He will also speak with an individual about database creation. Next meeting: TBA.

### D. Courts - Judge Bostrack:

Case clearance rates were discussed and a workgroup was formed to address this issue. The workgroup has met but has not yet reported back to the Committee. Brian Glodosky requested that DWI cases be streamlined. Inconsistency in assessing public defenders fees was identified as a problem and Karen Duncan will be meeting with the judges on February 12<sup>th</sup> to discuss this issue. E-complaints was discussed and, because of the bugs that are still being worked out, it was decided that this matter would be tabled for six months. The State Court Administrator's Office notified Winona County that parking warrants are not being done correctly because they are administrative tickets over which the courts have no jurisdiction. Next Meeting: February 18, 2010 at 8:00 a.m. at Courthouse Jury Room.

### E. Community Outreach & Diversity - Carmaine Sturino

The main focus of the last COD meeting was the Census; in fact, the meeting took place just before a Census Meeting. The Committee would like to host two meetings—one in St. Charles and one at Maplewood—in which the subject of Census and some other important immigrant issues are discussed. Two possible topics for the other issue are driver's licenses and a human rights video (which the Human Rights Commission would like the CJCC to co-sponsor).

The Habitat for Humanity Women Build fundraising efforts are starting. Julie Schoener of the Department of Corrections has asked for the workgroup's help at a concert by John McAndrew (of the recovery community) that will be given in June. The CJCC team would provide volunteer support for the event, and get credited as the team raising funds for Habitat for Humanity Women Build, but would not be featured on any advertising. Women Build is also selling cards, for a donation of \$5, to raise funds. Chuck MacLean noted that government employees and officials needed to be cautious in fundraising efforts.

### F. Jail & Jail Alternatives - Craig Brooks

The Committee has narrowed its focus temporarily to be an advisory group for the CARE Program; however, if the CJCC wants it to focus on any other topics, please let Craig Brooks know. Three released inmates are participating in the CARE Program; one has become CARE's first failure. Two students are assisting with data collection and the first grant progress report has been submitted. With the help of Justin Green, a liaison between the Poverty Roundtable and CARE/Fresh Start has been identified. This person will help ensure that request for donations, etc. are met—but not exceeded. A movie presentation about the CARE Program was shown to the Committee and is also posted on the CARE page of the CJCC website. CARE staff is available to show this presentation to any group/organization expressing an interest in viewing it. Several of the CARE workgroups have completed work, including the Community Partners Workgroup. The Assessment & Procedures group is continuing to meet until it develops the policy & procedures manual. Fresh Start housing opened with two beds. Meetings are being arranged to discuss financial procedures/eligibility for housing and other public resources as well as child support. Additional gaps in services were identified by the group as follows: flexible funding for unbudgeted expenses; temporary backlog on CD evaluations and medications. Craig Brooks encourages the CJCC to identify and report on any perceived gaps so that they can be addressed by the Committee. Next Meeting: February 23, 2010 at 1:30 p.m. at Kensington Activity Room.

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING PACKET



- 1. AGENDA: March 3, 2010
- 2. PRELIMINARY MINUTES: February 3, 2010
- 3. INFORMATION/ACTION ITEMS
  - a. CJCC Structure/Organization Chart
  - b. Best Practices Draft
- 4. COMMITTEE MINUTES
  - a. Jail & Jail Alternatives
  - b. Crime Prevention
  - c. Juvenile Justice
  - d. Courts
  - e. Community Outreach & Diversity

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA

## The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1st Wednesday of each month at 12:00 p.m. unless otherwise noted

## MEETING DATE – WEDNESDAY March 3, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for March 3, 2010 meeting.
- 3) Review/revise/approve draft Minutes from February 3, 2010 meeting.
- 4) GENERAL BUSINESS
  - A. Action Item-Best Practices (Gerry Krage)
  - B. Action Item-JJA Committee to serve as CARE Advisory Committee (Craig Brooks)
- 5) COMMITTEE REPORTS
  - A. Jail and Jail Alternatives Committee-Craig Brooks
  - B. Crime Prevention Committee-Gerry Krage
  - C. Juvenile Justice Committee-Rena Patterson/Judge Mary Leahy
  - D. Data Information Committee-Steve Buswell
  - E. Courts Committee- Hon. Nancy Bostrack
  - F. Community Outreach/Diversity Committee- Carmaine Sturino
- 6) ADJOURN

## APPROVED MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL MARCH 3, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: Duane Hebert (County Administrator); Fatima Said (Project FINE); Travis Volkman (Goodview Police Dept); Craig Brooks (Department of Human Services); J.P. Plachecki (Winona County Bar Association); Bruce Nelson (Winona Assistant City Attorney); Justin Green (Public Member); Rená Patterson (Corrections' Supervisor); Steve Buswell (Jail Administrator); Judy Gilow (Public Member); Mena Kaehler (County Commissioner); Gerry Krage (Winona City Council Member); The Honorable Nancy Bostrack (Winona County District Court Judge; also proxy for Sally Cumiskey).

Members Absent: CJCC Chair Sally Cumiskey (Court Administrator); CJCC Vice Chair Karin Sonneman (Assistant Public Defender); Paul Bostrack (Winona Police Chief); Dave Brand (Winona County Sheriff); Lynn Theurer (Community Health Services); Chuck MacLean (Winona County Attorney).

Guests Present: Tom Williams (proxy for Paul Bostrack); Kalene Engel (CJCC Executive Director); Victor Souders (CARE Program); Kevin Kearney (Winona Police Department); Carmaine Sturino (Chair of Community Outreach & Diversity-proxy for Karin Sonneman); Kevin O'Laughlin (Assistant Winona County Attorney – proxy for Chuck MacLean).

### Minutes by Kalene Engel.

- 1. Call to Order & Introductions: 12:00 P.M.
- 2. Review/revise/approve Agenda for March 3, 2010 meeting: Approved without changes.
- 3. Review/revise/approve draft Minutes from February 3, 2010 meeting: Approved without changes.

#### 4. General Business

### A. Action Item: Best Practices (Gerry Krage/Kevin Kearney):

The Best Practices Program is a program designed to encourage alcohol vendors to eliminate dangerous and illegal sales of alcohol by promoting "best practices" believed helpful in avoiding sales to underage and overly intoxicated patrons. The program has been discussed with liquor license holders and was introduced to the City Council earlier this week. Some changes to the original draft included adding video recordings as an elective, reducing the violation cap to \$3,000 and making minor changes to the sign-up page. The Council will be taking action, by consensus, at its March 15, 2010 and Gerry expects it to succeed. He requested that the CJCC support and encourage the City to move forward with the Best Practices Program. By consensus, the CJCC did so.

### B. <u>Discussion Item: Jail & Jail Alternatives (JJA) Committee to Serve as CARE Advisory Committee (Craig Brooks)</u>

The Policy & Procedure Workgroup that has been developing policies and procedures for the CARE Program will soon have its last meeting. To ensure continuing oversight of the CARE Program, Craig would like the JJA Committee to serve as an advisory group, much like a Board of

Directors, for the CARE Program. This responsibility would be in addition to other work consistent with the Committee Charge, though, at present, the CARE Program is the primary focus. By consensus, the CJCC agreed to have the JJA serve as an advisory group for the CARE Program.

### 5. Committee Reports

### A. Jail & Jail Alternatives - Craig Brooks

The CARE Program was again the focus of the JJA monthly meeting. Nurse time will be added for CARE participants and will be covered by current County budget and state mental health funds via the Department of Human Services. The CARE policies and procedures were reviewed and a draft policy and procedure manual is being created. Two interns are working with the CARE Program, primarily on data collection. The Committee recommended the creation of a flexible fund to cover small client expenses for which no other funding existed. The Committee continues to examine gaps in services. One gap identified was the length of time it takes to procure a diagnostic assessment and Craig has solicited a price from a vendor in an attempt to fill that gap. If CJCC members see gaps in services for this population they are encouraged to let the JJA know about such gaps.

### B. Crime Prevention - Gerry Krage

The Downtown Tavern League is going strong and has really helped improve communication among and with bar owners. Since the Committee has accomplished some of its other goals, it is exploring other crime prevention initiatives. One of these initiatives is crime reporting software, such as Tip 411 or CrimeReports.com. Tip 411 allows people to anonymously send tips via cell phone to law enforcement. CrimeReports.com maps crimes in a jurisdiction on Google maps by using existing dispatch/law enforcement records. It also provides e-mail tips on crimes to people who sign up for that service. Duane Hebert suggested that the Committee check with the GIS workers at the County to determine whether the capacity exists to do this internally. Another idea being explored is the use of Restorative Justice on campus to resolve issues with student behaviors/conduct. The thought is that Restorative Justice will hold the students more accountable and allow them to see how their behavior affects people in the community. President Ramaley is very interested in this concept. There was some concern expressed at a previous meeting regarding underreporting of sexual assaults on campus. According to the security directors of both SMU and WSU, the numbers of reports are correct—and are being reported to law enforcement-but there is a larger group of people who may seek counseling, but choose not to report.

### C. Juvenile Justice Committee - Rena Patterson

The Youth Support Program is up and running, with room for more participants. The Adolescent Substance Abuse Workgroup is supposed to be meeting to finalize some details. One question that came up is whether the alcohol class developed by the group would satisfy the requirements of the alcohol class that the high schools are required to offer to students with alcohol offenses. The Sex Offender Workgroup is searching for a provider since the one who had submitted a proposal to provide sex offender treatment has backed out due to a large caseload

#### D. Data Information Committee - Steve Buswell

The judges do not want to be involved in defining the data that is collected for the juvenile data collection effort. A graduate level statistics student will be interning with the CJCC this summer and will be working on the juvenile data collection project.

### E. Courts - Judge Bostrack

The first Mega Settlement Day was a success. The parking citation issue has been remedied with the issuance of administrative citations. The Committee reviewed its workgroups and elected to retain all workgroups but color-code the workgroup chart to show the status of those workgroups. The Case Clearance Workgroup will continue to meet and will consider applying for assistance from the Pre-Trial Justice Institute which provides technical assistance on case processing. Meetings regarding soundproofing were held last month and will be held in March with a goal to get the issues resolved by the end of March. New sentencing orders will by instituted state-wide, thereby eliminating the sentencing order that the Committee just created. The next step to implement Conciliation Court Referees is to have them appointed; however, some concerns about liability have been raised by the Judicial Council and need to be resolved.

### F. Community Outreach & Diversity - Carmaine Sturino:

Much discussion was had regarding the lack of mistrust of government by the public and the fact that this Committee needs to try and "put a face to the justice system," rather than reaching out to minority populations only when there's money or other perks to be had from including them. The meeting was productive and re-energizing in that it was a good eye opener of how the public views the justice system and an opportunity to review the mission. Insofar as the Census is concerned, Project FINE already has a plan in place to assist with the census, which does not involve a group activity. Thus, the Committee will simply be providing support, as requested, for the census. The Committee will be assisting with a Human Rights Commission forum at the Maplewood Community Center on April 7, 2010 at 7 p.m. It will also be participating in the 2010 Winona County Fair. The Women Build project is no longer part of COD but is still going strong as a private effort by the Hammering Lil's (Ladies in the Law). The next COD meeting is March 10, 2010 at 7:30 a.m. at the Kensington Banquet Room.

### 7. Adjournment: 12:37 p.m.

## CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA

## The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1st Wednesday of each month at 12:00 p.m. unless otherwise noted

### MEETING DATE – WEDNESDAY April 7, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for April 7, 2010 meeting.
- 3) Review/revise/approve draft Minutes from March 3, 2010 meeting.
- 4) GENERAL BUSINESS
  - A. Action Item-Recognition of Student Interns (Sally Cumiskey)
  - B. Action Item-Recognition of Miller Community Service Tribute Award Winner (Sally Cumiskey)
  - C. Information Item-Review of CJCC Procedure/Purpose
- 5) COMMITTEE REPORTS
  - A. Community Outreach/Diversity Committee-Carmaine Sturino
  - B. Jail and Jail Alternatives Committee-Craig Brooks
  - C. Crime Prevention Committee-Gerry Krage
  - D. Juvenile Justice Committee-Rena Patterson/Judge Mary Leahy
  - E. Data Information Committee-Steve Buswell
  - F. Courts Committee- Hon. Nancy Bostrack
- 6) ADJOURN

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING PACKET



- 1. AGENDA: April 7, 2010
- 2. PRELIMINARY MINUTES: March 3, 2010
- 3. COMMITTEE MINUTES
  - a. Community Outreach & Diversity
  - b. Jail & Jail Alternatives
  - c. Crime Prevention
  - d. Courts

## APPROVED MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL APRIL 7, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: CJCC Chair Sally Cumiskey (Court Administrator—also proxy for Judge Bostrack and Fatima Said); CJCC Vice Chair Karin Sonneman (Assistant Public Defender); Duane Hebert (County Administrator); Travis Volkman (Goodview Police Dept); Craig Brooks (Department of Human Services); J.P. Plachecki (Winona County Bar Association); Justin Green (Public Member); Rená Patterson (Corrections' Supervisor); Judy Gilow (Public Member); Mena Kaehler (County Commissioner); Gerry Krage (Winona City Council Member); Paul Bostrack (Winona Police Chief); Dave Brand (Winona County Sheriff); Lynn Theurer (Community Health Services); Chuck MacLean (Winona County Attorney).

Members Absent: Fatima Said (Project FINE); The Honorable Nancy Bostrack (Winona County District Court Judge); Steve Buswell (Jail Administrator); Bruce Nelson (Winona Assistant City Attorney)

Guests Present: Doug Stokes (proxy for Steve Buswell); Kalene Engel (CJCC Executive Director); Victor Souders; Carmaine Sturino (Chair of Community Outreach & Diversity); Jim Pomeroy (Winona County Commissioner); Katie Russell (Public Defender's Office); Carrie Simmons (Public Defender's Office); Colleen Norwell (Public Defender's Office); Emily Neuenschwander (CJCC); Morgan Dannecker (Restorative Justice); Rachel Lund (Restorative Justice); Deanna Whittlef (County Recorder's Office); Jennifer Serafin (County Recorder's Office); Tiffany Stavish (Court Administration).

### Minutes by Kalene Engel.

- 1. Call to Order & Introductions: 12:03 P.M.
- 2. Review/revise/approve Agenda for April 7, 2010 meeting: Approved without changes.
- 3. Review/revise/approve draft Minutes from March 3, 2010 meeting: Approved without changes.

#### 4. General Business

#### A. Action Item-Recognition of Student Interns (Sally Cumiskey)

Certificates of Appreciation were presented to the following student interns who were placed through the CJCC Student Intern Program: Katie Russell (Public Defender's Office); Carrie Simmons (Public Defender's Office); Colleen Norwell (Public Defender's Office); Emily Neuenschwander (CJCC); Bonnie Bjorke-not present (CJCC); Morgan Dannecker (Restorative Justice); Rachel Lund (Restorative Justice); Julie Syverson-not present (Restorative Justice); Deanna Whittlef (County Recorder's Office); Jennifer Serafin (County Recorder's Office); Tiffany Stavish (Court Administrator's Office). Intern supervisors noted that the work of the interns was excelling in quality and very much appreciated.

### B. Action Item-Miller Community Service Tribute Award (Sally Cumiskey)

For his numerous volunteer contributions to the Winona Community (including his contributions to the CJCC), Justin Green was selected as the 2010 recipient of the Miller Community Service Tribute Award. He was recognized and congratulated by the CJCC for this award.

### C. Information Item-Review of CJCC Procedure/Purpose (Sally Cumiskey)

Sally Cumiskey noted that if a change in procedure, new program or other idea is going to impact other agencies or members, it is important that it be communicated in a timely fashion to those it may affect. Providing a forum for better communication is one of the purposes and functions of the CJCC. The recent change in city prosecutorial responsibilities resulted in frustration to several affected agencies and members because there was little to no communication about what was happening. Karin Sonneman reminded all members of the bylaws and mission of the CJCC. Gerry Krage acknowledged that the City could have done a better job of communicating with the County about the issue. The City Council viewed the initial vote as a straw vote--subject to the County's input--looked at it as a cost savings measures. Jim Pomeroy viewed it as a way to share the grant wealth, noting that he did not want the decision to hinder other operations or departments. Chuck MacLean stated that he had proposed the change in prosecution responsibilities to the area police chiefs many months ago at a Chief's Meeting. When he found out that Brian Glodosky was leaving and the City Attorney's Office was close to hiring a replacement, he had to act quickly to get the matter on the Winona City Council Agenda in time for the meeting. He wanted to be able to share the grant wealth. He does not feel repentant and believes that it was a good decision that will benefit the community. Sally Cumiskey noted that Chuck MacLean would be the first person to complain about not being included in meetings and decisions being made, as evidenced by the misdemeanor work group last summer. All she is asking for is the same consideration for all—to be notified of and included in the process. Mena Kaehler asked if we could use e-mail if such emergent situations arose in the future. Kalene Engel noted that she could circulate such e-mails and also reminded members that the activities of workgroups are recorded in the minutes which are circulated to all members and posted on the website.

### 5. Committee Reports

### A. Community Outreach & Diversity – Carmaine Sturino

The COD Committee and Human Rights Commission are co-sponsoring a forum at Maplewood Community Center this evening called "Crime, Race & Justice." The CJCC will be represented by a judge, police officer, prosecutor, defense attorney and court administrator. The next major project will be the Dakotah Reconciliation, which is scheduled for June 5<sup>th</sup> and 6<sup>th</sup>. A potential new project is to develop an annual school event to help put a "face" on government and to allow government representatives to meet people in the community.

#### B. Jail & Jail Alternatives – Craig Brooks

The CARE Program Policy & Procedure manual is nearly done and will be available for review soon. Ongoing issues for CARE clients have been a focus of this group, among which are housing, coordination of resources, transportation, employment and other issues. Bethany House will be closing temporarily and Sterling Motel is facing licensing issues. Vic Souders attended mentor training and is working on curriculum. St. Marys University has donated a service of voice messaging system for offenders for job search purposes. A description of duties for nurse time for the CARE Program is being finalized. Winona County will be part of a pilot project which will hopefully provide additional services for CARE clients. Kalene Engel presented on the CARE Program at a National Criminal

Justice Association Conference in March. According to the Association, three factors will greatly influence future grant awards: (1) strategic planning; (2) evidence-based practices; and (3) community/key stakeholder involvement.

Justin Green provided an update on Fresh Start. The flooring has been donated (much of it by Dave and Therese Ziegweid at Lyle's) and could be installed within a week or two. There is a Fresh Start fundraiser on April 16<sup>th</sup>.

Karin Sonneman expressed concerns about the possible elimination of Sentence-to-Service and wondered with the JJA Committee should address this issue. If STS were eliminated, it would greatly affect Winona County's jail population. Rena Patterson stated that she will not know what will happen until the end of the session, but the current proposal is to have the State pay 25% of the program and the County pay 75% (at present, it is 50/50). The STS crews are overflowing with offenders. Duane Hebert stated that Winona County has talked to legislators about the importance of STS and has taken a wait and see approach.

### C. Crime Prevention Committee - Gerry Krage

The Committee briefly discussed Best Practices, which was approved that evening by the City Council. The Committee approved Gerry Krage's request to enter into discussions with the County regarding expanding the scope of the Social Host Ordinance to make it county-wide. He has since had discussions with both Chuck MacLean and Duane Hebert and hopes that the County Commissioners will consider this on April 13<sup>th</sup>. CrimeReports.com, the crime reporting software company, will be doing a web presentation for the Committee at its next meeting. Winona State University is very interested in partnering on a Restorative Justice approach to minor offenses. Committee members are talking to other colleges that have similar programs.

### D. Juvenile Justice Committee – Rena Patterson

The Committee did not meet in April; the next meeting is April 29, 2010 in the DOC Conference Room.

### E. Data Information Committee – (no report)

#### F. Courts – Sally Cumiskey:

The first two "Mega-Settlement" days went well. The soundproofing issue continues to be a work in process, with some work being done on the courthouse and other issues being discussed. Implementing referees for Conciliation Court was temporarily delayed due to concerns by the Board of Professional Responsibility that any referees would not then be able to practice law in front of that court. The Chief Judge has now signed an order to have a separate division called "Conciliation Court" which would mean the referees are only prohibited from practicing in that division. Once the judges meet to discuss some additional guidelines, those attorneys who have received training should be able to serve as referees.

### 7. Adjournment: 1:05 p.m.

May Meeting Items:

- -Determine date of strategic planning session
- -Discuss meeting with County Commissioners

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING PACKET



- 1. AGENDA: May 5, 2010
- 2. PRELIMINARY MINUTES: April 7, 2010
- 3. INFORMATION ITEMS:
  - a. Project Fine Taste of International Cuisine June 13, 2010
  - b. Restorative Justice Golf Tournament August 20, 2010
- 4. COMMITTEE MINUTES
  - a. Community Outreach & Diversity
  - b. Jail & Jail Alternatives
  - c. Crime Prevention
  - d. Juvenile Justice

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA

## The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1<sup>st</sup> Wednesday of each month at 12:00 p.m. unless otherwise noted

### MEETING DATE – WEDNESDAY May 5, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for May 5, 2010 meeting.
- 3) Review/revise/approve draft Minutes from April 7, 2010 meeting.
- 4) GENERAL BUSINESS
  - A. Information Item-Criminal Justice Institute Presentation in August 2010 (Chuck MacLean)
  - B. Information Item-Project FINE Diner Event—June 13, 2010 (Fatima Said)
  - C. Information Item-Restorative Justice Golf Event—August 20, 2010 (Rena Patterson)
  - D. Action Item -Set Strategic Planning Session Date (Sally Cumiskey)
  - E. Action Item-Community Health Services Representation on CJCC (Sally Cumiskey)
  - F. Action Item-City of Winona Representation on CJCC (Sally Cumiskey)
  - G. Action Item-City Prosecutor Representation on CJCC (Sally Cumiskey)
  - H. Action Item-Set Meeting with County Board (Sally Cumiskey)

#### 5) COMMITTEE REPORTS

- A. Courts Committee- Hon. Nancy Bostrack
- B. Community Outreach/Diversity Committee-Carmaine Sturino
- C. Jail and Jail Alternatives Committee-Craig Brooks
- D. Crime Prevention Committee-Gerry Krage
- E. Juvenile Justice Committee-Rena Patterson/Judge Mary Leahy
- F. Data Information Committee-Steve Buswell
- 6) ADJOURN

## APPROVED MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL MAY 5, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: CJCC Chair Sally Cumiskey (Court Administrator—also proxy for Judge Bostrack); Craig Brooks (Department of Human Services); J.P. Plachecki (Winona County Bar Association); Justin Green (Public Member); Rená Patterson (Corrections' Supervisor); Deb Salyards (Winona City Council Member); Paul Bostrack (Winona Police Chief); Fatima Said (Public Member), Bruce Nelson (City of Winona), Steve Buswell (Jail Administrator); Mena Kaehler (County Commissioner); Chuck MacLean (Winona County Attorney).

Members Absent: The Honorable Nancy Bostrack (Winona County District Court Judge); Duane Hebert (County Administrator), Travis Volkman (Goodview Police Dept), Judy Gilow (Public Member); Vice Chair Karin Sonneman (Assistant Public Defender); Dave Brand (Winona County Sheriff)

Guests Present: Kalene Engel (CJCC Executive Director); Carmaine Sturino (Chair of Community Outreach & Diversity Committee), proxy for Karin Sonneman.

### Minutes by Kalene Engel.

- 1. Call to Order: 12:07 P.M.
- 2. Review/revise/approve Agenda for May 5, 2010 meeting: Approved without changes.
- 3. Review/revise/approve draft Minutes from April 17, 2010 meeting: Approved without changes.

#### 4. General Business

- A. Information Item-Criminal Justice Institute Presentation in August 2010 (Chuck MacLean): Chuck Maclean and Victor Souders will be presenting on the Winona County CJCC at a breakout session of a statewide criminal justice institute in late August. If anyone has any input regarding the presentation, please provide it to Chuck.
- B. Information Item-Project FINE Dinner Event (Fatima Said): Project FINE is having its annual Taste of International Cuisine Event on June 13, 2010 at Signatures Restaurant from 4:30 7:30 p.m. This year is the 20<sup>th</sup> anniversary of Project FINE and it will be introducing a new cookbook to the community at the dinner. The dinner will include recipes from the cookbook as well as Polish, French and Middle-Eastern dishes and will again feature international entertainment. Tickets are \$100 per person or \$500 per table of six.
- C. Information Item-Restorative Justice Golf Event (Rená Patterson)

Restorative Justice is holding its annual golf event on Friday, August 20, 2010 at Cedar Valley Golf Course. In addition to an afternoon of golfing and golf cart, the event features a prime rib and walleye buffet, a goodie bag and a chance to win other great prizes. Sponsorships are also available.

D. Set Strategic Planning Session (SPS) Date (Sally Cumiskey): Last year the CJCC held a SPS in September with Justin Green as facilitator. We need to determine a date for our 2010 SPS so that we can begin preparing for it. Sally suggested to hold the meeting during

our normal October meeting time and have Justin facilitate again. There were no objections. Kalene Engel circulated a handout of efficiency ideas that had been compiled by Brad Kaeter, Hennepin County CJCC Coordinator and asked members and committees to be working on generating ideas for future projects. Kalene and Justin will coordinate the SPS and distribute information to the committee chairs.

- E. Action Item Community Health Services Representation on CJCC (Sally Cumiskey): Tabled until June meeting.
- F. Action Item City of Winona Representation on CJCC (Sally Cumiskey): Because of new employment, Gerry Krage is no longer able to serve on the CJCC. Deb Salyards, another City Council Member, has replaced him on the CJCC. Deb noted that Gerry really enjoyed his work with the CJCC. Kalene will talk to Travis Volkman to see whether he would be interested in replacing Gerry as chair of the Crime Prevention Committee.
- G. Action Item City Prosecutor Representation on CJCC (Sally Cumiskey): Bruce Nelson assumed that he would continue to attend meetings on behalf of the City of Winona. This item was tabled until the June meeting.
- H. Action Item Set Meeting with County Board (Sally Cumiskey): A long time ago the CJCC was going to have a meeting with the County Board. Duane Hebert suggested that we have a smaller group of CJCC members (such as the Executive Committee) talk to the Board at one of its regular meetings. Craig Brooks suggested that we also prepare an Annual Report to present to the Board at that time. As part of the SPS planning process, Kalene will be preparing something similar to an Annual Report. The Executive Committee will determine which meeting to attend. If anyone else is interested in attending this meeting, please let Sally know.

### 5. Committee Reports

### A. Courts Committee – Sally Cumiskey, proxy for Judge Bostrack

The Courts Committee did not meet this month; however, two workgroups were active. Chuck MacLean reported on the work of the Case Clearance Workgroup. He noted that the statistics circulated last fall had changed significantly since then—from a 77.7% clearance rate to a 95.8% clearance rate. He feels that this doesn't mean that Winona County is "healed," but rather that the numbers are poor numbers from which to make decisions. The workgroup has talked about various ways to make hearings meaningful and efficient. One issue being discussed is a way for defense attorneys to advise the court, without a hearing, that they do not intend to request an omnibus hearing. The workgroup did not focus on the "traffic light reports"—which is a report detailing whether cases flowing through the system are meeting the timing objectives set by the Supreme Court.

The Discovery Workgroup discussed e-discovery. The County IT department is working on a way to have a central repository on the internet for evidence, initially focusing on having a system that will work between prosecutors and the police department. Eventually, it is hoped that this will be expanded to defense attorneys. Some counties, including Olmsted are doing something like this already. Currently, the Board of Public Defense will not accept electronic discovery, except in CD/DVD format.

### B. Community Outreach & Diversity Committee - Carmaine Sturino

The Human Rights "Crime, Race & Justice" was well-attended by service providers, but poorly attended by the general public. Possible ideas to increase recruitment include turning recruitment over to other entities (Project FINE; other groups with connections to the intended clientele) and giving a greater incentive for people to attend such an event.

On May 4, 2010, several members of CJCC or its workgroups participated in a Project FINE "Voices in Harmony" event in St. Charles which focused on drivers' licenses. There were at least 45 members of the public in attendance and the event was very successful. The discussion evolved into two main issues: statutory changes needed to allow currently non-eligible individuals to obtain licenses and immediate solutions for transportation needs. The presenters encouraged attendees to first focus on the more immediate concerns and try to find creative solutions for transportation issues. Mena Kaehler felt that there was a great educational benefit to attendees.

Upcoming COD events include the Great Dakota Gathering (June 5<sup>th</sup>-6<sup>th</sup>) and the Winona County Fair. Sign-up sheets were circulated.

### C. Jail & Jail Alternatives Committee - Craig Brooks

The Committee continues to focus on the CARE Program. A Policy & Procedures Manual has been drafted and is available for viewing at the link noted in the JJA minutes. Currently, 80 people have been screened for entrance into the program and 23 have been deemed eligible. Four clients who had challenging employment issues were able to secure employment. On behalf of the CARE Program, Vic Souders spoke to the County Board in support of the Sentence to Service Program (which was funded for another six months by the Board). Mentoring curriculum is being developed and workgroup will be formed to review that curriculum. A nurse job description was finalized and the hours need to be approved. Discussion about housing options, including possibly using farm settings, was discussed. Fresh Start should soon be in a position to house residents in its upper level. It may also open up a separate apartment unit for use by this population.

### D. Crime Prevention Committee – Kalene Engel (for Gerry Krage)

CrimeReports.com gave a demonstration on its software to the Committee. Kevin Kearney will speak to the Rochester Police Department about its crime reporting software. Winona State University has embraced the idea of Restorative Justice and is moving forward with it. According to Rená Patterson, Winona County Restorative Justice will be providing training to all hall monitors, resident assistants and others this summer. Best Practices has been implemented. The idea of a countywide social host ordinance was discussed with the County Board. The County Attorney's Office is currently taking a look at the ordinance to see if and how it could be modified to apply countywide. The Tavern League continues to be active and is looking into better ways to monitor IDs. The recent alcohol compliance checks were very successful, with only 2 violations out of 60 checks.

### E. Juvenile Justice Committee – Rená Patterson

Dr. Timothy Wright will be speaking in Winona on June 4<sup>th</sup> regarding youth sex offenders. Family & Children's Center (FCC) has presented another option for psychosexual evaluations in the form of Dr. Kathryn Hollenhorst. FCC is also willing to expand its therapeutic foster home concept (currently in use in Wisconsin) to Minnesota. This would

be used for juveniles who have completed treatment, but need additional services—but not secure detention. FCC will be compiling additional information on this for the committee. If the committee recommends proceeding with this concept, Joanette Robertson of FCC will attend the June CJCC meeting to discuss/answer questions. The alcohol education class at Hiawatha Valley Mental Health Center is being offered, but the April class was cancelled due to low numbers. HVMHC wants a minimum of 12 participants to offer the class. The next class is scheduled for May 21<sup>st</sup>. Kalene will be working on the JDAI data during the summer.

### 7. Adjournment: 1:17 p.m.

June Meeting Items:

-Community Health and City of Winona Attorney Representation on CJCC



#### (Focus on Integrating Newcomers through Education)

County Office Building, 202 West Third Street, Winona, MN 55987 Voice 507-452-4100 Fax 507-452-4644 <a href="mailto:info@projectfine.org">info@projectfine.org</a>, www. projectfine.org

Engel Law Office Kalene Engel 157 West Third Street Winona, MN 55987

April 26, 2010

Dear Kalene.

Oh, how times have changed! This year marks a very special milestone for Project FINE, as we are celebrating our 20th Anniversary. What began in 1990 as a program designed to assist a small number of Hmong families in Winona has grown into an organization that now serves over 2,500 newcomers. During the last 20 years, we have seen an increase in diversity, as many immigrants and refugees have chosen to build a life in Winona. Through the support of Project FINE, these newcomers have found employment, purchased homes, continued their education and become contributing members of our community. These success stories are possible because of your continued support of Project FINE and our mission.

Each year, we invite our friends and supporters to attend our annual fundraising event, A Taste of International Cuisine, which features ethnic dishes and entertainment from around the world. This year, we are "cooking up" a very special and unique evening. Last August, several friends of Project FINE developed the idea to share their favorite recipes and create a unique cookbook. The International Cuisine Cookbook highlights the rich culinary diversity of area, features traditional recipes from over 22 countries, and will be available at the event.

The Project FINE Board of Directors and staff cordially invite you to join us as we celebrate Project FINE - 20 Years in the Making. The Fifth Annual Taste of International Cuisine will be held on Sunday, June 13, 2010 from 4:30pm to 7:00pm at the Visions Event Center at Signatures Restaurant. Individual tickets are \$100 each, and a reserved table for six is \$500. Tickets may be obtained by contacting Project FINE via phone or email, or by mailing in the form below. Board members also have tickets available.

Hope to see you there!

Scott Hannon Board President

Dr. Swott su. Harmon

Fatima Said Executive Director

John Daid

#### Response Form

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Checks can be made payable to: **Project FINE** 

Send your response form and enclosed checks to:
Project FINE
202 West 3rd Street

Winona MN 55987

## **Restorative Justice** Best Ball 10th Annual Golf Scramble

Making a Difference for Kids

Friday, August 20, 2010 CEDAR VALLEY GOLF COURSE - WINONA 12:00 Shotgun Start

Entry Fee: \$70 per Golfer

Includes

18 holes of golf, golf cart, all-you-care-to-eat buffet with prime rib and walleye, goodie bag, and a chance to win door prizes!

To register, call: 507-457-6478

#### \$5,000 HOLE-IN-ONE CONTEST

Other prizes include:

Roundtrip Airfare or 4-Day/3-Night Cruise for 2

Premium Golf Equipment Package

Premium Electronics Package

Four-Person Team Scramble Prizes for 1st, 5th & 10th

On-the-course contests with prize awards

#### **ENTRY FORM**

TEAM NAME (Teams of less than 4 will be teamed up with other golfers)	Entry Fee \$70/Player	Gimme Rope \$10/Team	Mulligan \$5/Player	TOTAL PAID
Player 1				
Player 2				
Player 3				
Player 4				

Send to: Restorative Justice Winona County, Courthouse, 171 West Third Street, Winona, MN 55987



### Restorative Justice 10TH ANNUAL GOLF SCRAMBLE

& SILENT AUCTION

FRIDAY, AUGUST 20, 2010 •12 O'CLOCK SHOTGUN START

### **Sponsorships**

Team Sponsors - \$280.00 (\$70 per player)

Sign up to participate in the golf tournament as a business-sponsored team (foursome) and receive the following:

- Team green fees and golf cart
- · Dinner and awards banquet immediately following play
- Free "goodies bag"
- Opportunities to win door prizes and on-the-course prizes
- Winning Team receives their team name on our Tournament Trophy

# All donations are Welcome!

#### One-Hole Sponsors - \$140.00

- Sponsor name identification on your very own golf hole located at the tee box with a brightly colored sign
- Business name/logo in pre- and post-event press releases and radio advertisements, in event program book and other event materials
- Business receives a Certificate of Appreciation

#### Half-Hole Sponsors - \$70.00

- Sponsor name identification on a shared golf hole located at the tee box
- Business name/logo in event materials
- · Business receives a Certificate of Appreciation

#### Silent Auction Sponsors - Put your logo to work for you!

Donate silent auction prizes with your company logo for great advertisement at a low cost. Donating businesses will receive recognition in the event program book and in other event materials.

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#### YES! I want to help out!

Business Name:	COUNT ME IN!	Price
Contact:	☐ Team Sponsor	\$ 280
Address:	☐ Hole Sponsor	\$ 140
Phone/Email:	☐ ½ Hole Sponsor	\$ 70
	☐ Silent Auction Items	
METHOD OF PAYMENT	I wish to donate:	
☐ Check enclosed for \$	☐ Monetary Donation	\$
<ul> <li>Please pick up donated items at your earliest convenience at the address above.</li> </ul>	□ Other:	
Please mail or fax this registratio	on form to us to endorse your sponsorship.	

#### You Can Help Make a Difference in Our Community!

All proceeds from our Annual Golf Scramble go toward supporting our Restorative Justice programs. Our programs provide positive programming for youth currently involved with the juvenile justice system. If you have any questions about the Golf Scramble or our programs, please contact Joyce Packard or Jessica Radke at (507) 457-6534 or <a href="mailto:ipackard@co.winona.mn.us">ipackard@co.winona.mn.us</a> iradke@co.winona.mn.us

#### With the funds raised, you will help us to . . .

- \* Provide fun, positive, and educational activities for mentors and youth
- \* Provide positive reinforcement to youth who successfully finish the program
- ★ Help youth understand how their behavior affects others
- \* Bring positive skills and learning experiences to youth
- \* Raise the attitudes, knowledge, and self-esteem of youth
- \* Help victims and the community heal after being a victim of a crime

Thank you for your time and consideration.



MN-Department of Corrections - Courthouse Unit 171 West Third Street • Winona, MN 55987 (507) 457-6534 • Fax (507) 454-9391

## CRIMINAL JUSTICE COORDINATING COUNCIL MEETING PACKET



- 1. AGENDA: June 2, 2010
- 2. PRELIMINARY MINUTES: May 5, 2010
- 3. ACTION/INFORMATION ITEMS
  - a. Dr. Timothy Wright Presentation
  - b. Therapeutic Foster Care
- 4. COMMITTEE MINUTES
  - a. Courts Committee
  - b. Community Outreach & Diversity
  - c. Jail & Jail Alternatives
  - d. Crime Prevention
  - e. Juvenile Justice

Congratulations to Fatima Said, recipient of the 10<sup>th</sup> Annual Women in Business Woman of the Year Award!

\*Hard copies of this packet will not be provided at the CJCC Meeting

#### **Upcoming Events:**

- 6/4 @ 9am: Dr. Timothy Wright presentation; COB, Room A
- 6/5-6<sup>th</sup> all day: Great Dakota Gathering, Unity Park
- 6/13 @ 4:30: Project FINE Dinner, Signatures
- 7/7-11<sup>th</sup> all day: Winona Co. Fair, St. Charles
- 8/20 noon: Restorative Justice Golf Tourney, Signatures

## CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA

### The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1st Wednesday of each month at 12:00 p.m. unless otherwise noted

#### MEETING DATE – WEDNESDAY June 2, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for June 2, 2010 meeting.
- 3) Review/revise/approve draft Minutes from May 5, 2010 meeting.
- 4) GENERAL BUSINESS
  - A. Information Item-June 4, 2010 Dr. Timothy Wright presentation at County Office Bldg, Room A from 9:00 a.m. to 10:30 a.m., consultation time afterwards. See attached flyer.
  - B. Information Item-County Fair Educational Project (Carmaine Sturino)
  - C. Action Item-CJCC Budget (Chuck MacLean)
  - D. Action Item-Therapeutic Foster Care (Rená Patterson/Julie Thompson/Joanette Robertson)
  - E. Action Item-Community Health Services Representation on CJCC (Sally Cumiskey)
  - F. Action Item-City Prosecutor Representation on CJCC (Sally Cumiskey/Bruce Nelson)
  - G.

#### 5) COMMITTEE REPORTS

- A. Data Information Committee-Steve Buswell
- B. Courts Committee- Hon. Nancy Bostrack
- C. Community Outreach/Diversity Committee-Carmaine Sturino
- D. Jail and Jail Alternatives Committee-Sharon Summers
- E. Crime Prevention Committee-Travis Volkman
- F. Juvenile Justice Committee-Rena Patterson/Hon. Mary Leahy
- 6) ADJOURN

## APPROVED MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL JUNE 2, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: CJCC Chair Sally Cumiskey (Court Administrator—also proxy for Judge Bostrack); Justin Green (Public Member); Rená Patterson (Corrections' Supervisor); Deb Salyards (Winona City Council Member); Paul Bostrack (Winona Police Chief); Fatima Said (Public Member), Bruce Nelson (City of Winona), Steve Buswell (Jail Administrator); Mena Kaehler (County Commissioner); Travis Volkman (Goodview Police Dept), Judy Gilow (Public Member); Vice Chair Karin Sonneman (Assistant Public Defender).

Members Absent: The Honorable Nancy Bostrack (Winona County District Court Judge); Duane Hebert (County Administrator), Dave Brand (Winona County Sheriff); Chuck MacLean (Winona County Attorney), Craig Brooks (Director-Department of Human Services), Paul Bostrack (City of Winona Police Chief); J.P. Plachecki (Winona County Bar Association).

Guests Present: Kalene Engel (CJCC Executive Director); Carmaine Sturino (Chair of Community Outreach & Diversity Committee); Sharon Summers (Department of Human Services, proxy for Craig Brooks); Karen Bunkowski (Department of Human Services, proxy for Craig Brooks); Kevin Kearney (Winona Police Department, proxy for Paul Bostrack); Joanette Robertson (Family and Children's Center); Victor Souders (CARE Program); Nolan Rosenkrans (Winona Daily News); Julie Thompson (Department of Human Services); Kevin O'Laughlin (Assistant County Attorney, proxy for Chuck MacLean).

#### Minutes by Kalene Engel.

- 1. Call to Order: 12:07 P.M.
- 2. Review/revise/approve Agenda for June 2, 2010: Sally Cumiskey requested to add an agenda item regarding Fatima Said/Project FINE.
- 3. Review/revise/approve draft Minutes from May 5, 2010 meeting: Approved without changes.

#### 4. General Business

- A. Information Item Fatima Said/Project FINE (Sally Cumiskey): Congratulations to Fatima Said who was recently awarded the Woman of the Year Award from the Winona Women in Business. The Project FINE Taste of International Cuisine is being held on June 13, 2010 and tickets are still available.
- B. Information Item-Dr. Timothy Wright Presentation on 6/4/10 (Julie Thompson): Dr. Timothy Wright of Village Ranch Child and Family Services will be presenting on various juvenile treatment issues on June 4, 2010 starting at 9:00 a.m. at the County Office Building, Conference Room A. Following his presentation, he will offer time to consult with staff to discuss cases.
- C. Information Item-County Fair Educational Project (Carmaine Sturino): The CJCC County Fair booth will feature an educational component this year. All Council Members are being asked to furnish four department or justice-related questions to Kalene Engel as soon as possible.

- D. Action Item-CJCC Budget (Kevin O'Laughlin): Kevin O'Laughlin distributed proposed figures for the 2011 CJCC budget. These figures are unchanged from last year. By consensus, the council endorsed the proposed budget figures.
- Action Item-Therapeutic Foster Care (Rena Patterson/Julie Thompson/Joanette E. Robertson): The Juvenile Justice Committee has proposed that the CJCC endorse and recommend for approval to the County Board a Therapeutic Foster Care Program. Informational materials and statistics about the program and potential benefits (including cost savings) were distributed in advance of the meeting. Joanette Robertson from Family & Children's Center (the agency that would provide the program) discussed the program. The foster care would provide structured therapeutic family settings for children in a variety of settings including placements involving Department of Corrections and Department of Human Services. Three levels of care would be provided, with the most intensive level of care offering the most intensive services. In addition to intensive case management, the program would provide an on staff clinical supervisor and psychiatrist and would also offer respite care. Several families have expressed an interest in becoming therapeutic foster care providers and to qualify, they would have to go through an intensive training process. One of the great benefits to this program is to keep the children within the community in the least restrictive setting where they would have access to their family as much as possible. FCC has operated a similar program in Wisconsin for many years The potential cost savings, per Julie Thompson, are quite with very good results. impressive, even using conservative figures. She noted that there are still going to be children that require intensive institutional placement for a period of time, but this would be a way to avoid long placements and possible institutionalization of those children. Carmaine Sturino sees this as a good stepping stone to getting back in the community. By consensus, the CJCC recommended that the County Board consider entering into a contract with FCC regarding the Therapeutic Foster Care Program.
- E. Action Item Community Health Services Representation on CJCC (Sally Cumiskey): At the request of Duane Hebert, this item was tabled until the July meeting.
- F. Action Item City Prosecutor Representation on CJCC (Sally Cumiskey): Although the County Attorney is currently handling the criminal prosecution for the City, the civil work is still being handled by Bruce Nelson's office. Bruce is willing to stay on the CJCC and there were no objections to this by any Council Member.

#### 5. Committee Reports

- A. Data Information Committee Steve Buswell: No report.
- B. Courts Committee Sally Cumiskey, proxy for Judge Bostrack

Conciliation Court Referees will be starting on June 21<sup>st</sup>. The five referees are Kalene Engel, Carmaine Sturino, Wayne Schauble, Greg Wohletz and David Kuehner. A meeting is scheduled for tomorrow with the architect regarding soundproofing issues. Last month work was completed in Judge Thompson's jury room. The County Attorney's Office and Winona Police Department are working in conjunction with County Informational Technology Department on e-discovery. As of right now, the State Public Defender's position on electronic discovery is that discovery can be accepted electronically via CD or DVD. Locally, however, e-mailed discovery is common practice.

C. Community Outreach & Diversity Committee - Carmaine Sturino

The next major undertaking for this group will be a Minnesota Constitution Day Event in October. This might involve going into the classrooms and talking to 6<sup>th</sup> grade students and/or inviting them to the Courthouse and other government buildings. Kalene Engel is contacting the schools to see what would be of interest to them. This weekend several committee members are volunteering at the Dakota Gathering. The County Fair is taking place on July 7-11<sup>th</sup> and volunteers for the CJCC booth are still needed. Kalene Engel created a hardcover scrapbook of the October 4, 2009 Courthouse Open House event. If you are interested in purchasing a copy of the book, please let her know.

#### D. Jail & Jail Alternatives Committee - Sharon Summers

The CARE Program is starting its ninth month. Thus far, 85-90 applicants have been screened for admission into the program and there are 23 active clients. Six of the active clients are employed. The CARE Team meets every other week to review referrals and develop CARE Team plans. New language has been developed for clients who leave the program to allow them to redeem themselves within 90 days. An aftercare component has also been developed. The Committee also discussed the predatory offender release concerns referred to it by the Crime Prevention Committee and concluded that it was likely an anomaly, as most often other entities would have some advance notice of an impending release. Karen Bunkowski added that the Level 3 Sex Offender would not have been eligible for the CARE Program.

#### E. Crime Prevention Committee - Travis Volkman

Much discussion was had on concerns raised when a Level 3 Sex Offender was released into the community from a treatment center with no advance warning. The concerns centered on getting notification of the release as well as the need for additional housing. This issue was referred to the Jail and Jail Alternatives Committee. The Social Host Ordinance is being considered for passage both by the City of Goodview and County of Winona. Mena Kaehler indicated that she was concerned that a landowner could get charged with no notice that underage consumption was occurring on their land. Bruce Nelson noted that the City of Winona version contained language that the landowner must know or have reason to know of the underage consumption. The Downtown Tavern League is teaming up with the Downtown Revitalization Committee to hold three clean-up days in Downtown Winona. The Committee continues to explore crime reporting software and local options. St. Mary's University was approached, but not interested in providing the service. Kevin Kearney is checking with the Rochester Police Department regarding the cost and service provider for its crime reporting software. Winona State University is continuing to pursue a Restorative Justice Program for its students. Travis Volkman will be researching what other universities, such as UW-River Falls, are doing in this area. Deb Salyards will be joining this Committee.

#### F. Juvenile Justice Committee - Rená Patterson

Most of the meeting was spent discussing Therapeutic Foster Care Program (discussed above). The first Adolescent Substance Abuse Class was held on May 24, 2010. Night Campus is up and running with six juveniles.

#### 6. Adjournment: 1:18 p.m.

\*\*\*\*\*\* WINONA COUNTY \*\*\*\*\*\* INTEGRATED FINANCIAL SYSTEM BUDGET INFORMATION

COUNTY 85

IFB21 PAGE 71

01 FUND FISJS
4/26/10 REVENUE FUND
12:33:05 093 DEPT
CRIMINAL JUSTICE COORD COUNCIL 12:33:05

ION REPORT BASIS: CASH 1/08-12/08 1/09-12/09 1/10- 4/10

ACCOUNT NUMBER	DESCRIPTION		2008 ACTUAL	2009 ACTUAL	2010 ACTUAL	2010 BUDGET	2011 PROPOSED
01-093-000-0000-5500	FEES FOR SERVICE		0	164CR	0	0	**
01-093-000-0000-5590	FEES INTRA COUNTY		. 0	21,739CR	0	21,733CI	* 31733 CF
01-093-000-0000-5760	DONATIONS RESTRICTED		, 0	1,921CR	0	0	**
01-093-000-0000-6205	POSTAGE		0	0	0	200	* 900 *
01-093-000-0000-6233	PHOTOCOPYING & DUPLICATING		34	41	0	1,000	* . (000. *
01-093-000-0000-6243	ADVERTISING		2,843	0	0	0	**
01-093-000-0000-6245	MEMBERSHIP DUES & FEES		. 0	0	0	500	* 200 *
01-093-000-0000-6273	CONTRACTED PURCHASED SERVICE		.51,508	64,542	20,667	62,000	.62000 .
01-093-000-0000-6332	MILEAGE (WITHOUT TRAINING)		0	0	0	0	**
01-093-000-0000-6334	TRAINING & STAFF DEVELOPMENT		0	38	182	500	* 200 *
01-093-000-0000-6335	TRAVEL (WITHOUT TRAINING)		0	0	0	0	**
01-093-000-0000-6401	OFFICE SUPPLIES		0	0	0	0	**
01-093-000-0000-6404	PROGRAM SUPPLIES		378	958	132	500	* Zro *
01-093-000-0000-6457	REFERENCE BOOKS & LIBRARY MATERIA	LS	0	28	0	500	*.500.*
01-093-000-0000-6623	EQUIPMENT PURCHASED	*INAC*	0	0	0	0	**
01-093-000-0000-6635	CAPITAL LEASES		0	0	0	o	**

01 FUND FISJS
4/26/10 REVENUE FUND
12:33:05 093 DEPT
CRIMINAL JUSTICE COORD COUNCIL FISJS CRI

\*\*\*\*\*\* WINONA COUNTY \* INTEGRATED FINANCIAL SYSTEM
BUDGET INFORMATION REPORT BASIS: CASH
1/08-12/08 1/09-12/09 1/10- 4/10

NET

COUNTY 85

IFB21 PAGE 72

CRIM	INAL JUSTICE COO	RD COUNCIL		1/00 12/00	1/03 12/03	1/10 4/10			
	ACCOUNT NUMBER	DESCRIPTION	REVENUE	2008 ACTUAL 0	2009 ACTUAL 23,824CR	2010 ACTUAL 0	BUDGET	2011 PROPOSED	
			EXPEND.	54,763	65,607	20,981	65,200	**	
			NET	54,763	41,783	20,981	43,467	**	
*** 093 DEPT	TOTALS *	CRIMINAL JUSTICE	COORD COUNCIL						
			REVENUE	0	23,824CR	0	21,733CR	* **	
			EXPEND.	54,763	65,607	20,981	65,200	**	

54,763

41,783

20,981

43,467

Dr. Timothy Wright, Psy. D Village Ranch Child and Family Services June 4, 2010 9:00 a.m. – 10:30 a.m. Rm. A County Office Bldg.

Consultation with staff who would like to discuss cases in Winona County 10:30 – 11:30 a.m.

Dr. Wright will be presenting on the following:

- -Guidance and discussion regarding young juveniles exhibiting aggressive and violent behaviors including working with the parents and care takers of those juveniles. Defining what is age appropriate, responsible behaviors.
- -Victim stance of the juvenile and their families; moving them to survivor mentality and what can assist with that.
- -Defining and assessing the risks for law enforcement, courts, society, family's safety, and plan for moving forward after appropriate assessment and treatment.
- -Definitions and explanation of the forensic psychosexual and psychosexual; Value of the tools and reliability.
- -Transition planning after assessment/treatment.

Julie A. Thompson, MEPD, BSCJ Social Services Manager Winona County Dept. of Human Services



#### Foster Care Program Proposal

#### **Program Mission**

The Foster Care program provides a therapeutic family environment to children who have emotional, behavioral and or developmental challenges and who are unable to live with their own families. Foster care parents are provided with specialized training and intensive support so that they have the resources necessary to become powerful change agents for children. Each home is assigned a case manager who coordinates care and resources for each child and family. A clinical supervisors and a psychiatrist on staff provide on-going evaluation and support of the treatment process. The program is designed to stabilize and improve each child's emotions and behaviors in a manner that leads to well-being and success and promotes permanency planning.

#### **Description**

Services are tailored to meet the needs of each child and foster family by offering three levels of care:

- Enhanced Foster Care is designed for children who require the support of a professional team. These youth experience occasional disruptions in the home, school, and community.
- Treatment Foster Care is designed for children who require significant therapeutic interventions in multiple areas of their lives. These youth have persistent disruptions in the home, school, and community.
- Exceptional Treatment Foster Care is designed for children who require highly trained foster parents teamed with experienced support providers who are prepared to address severe disruptions in the home, school, and community. Many of these youth present safety risks to themselves or others, and needs may be extreme. Children at this level require intense resources to remain in a community setting.

Determination of placement level is assessed by the State of Minnesota Difficulty of Care Assessment.

#### Referral Process

Referrals to the foster care program are made by Minnesota County of Human Services Departments and County Corrections Departments. Other states may place children into placement as appropriate through interstate compact agreements. All placements must be court ordered.

Each referral must be accompanied by all necessary releases and background information and will be reviewed jointly by the Foster Care Case Manager and Foster Care Clinical Supervisor for appropriateness of fit for the program.

The initial contact is made to the Foster Care Case Manager. If the child appears appropriate for placement, referral information is requested. This includes a social history, psychological/psychiatric summaries, school records, legal records, or any other pertinent information.

Within three days of receiving the referral information, the Foster Care Case Manager, in conjunction with the Foster Care Clinical Supervisor, determines if the child is appropriate for a foster care home. If so, the needs of the child are matched with the skill and expertise of a foster care family and pre-placement visits are scheduled.

Pre-placement visits are set up in order to gain first hand information about the suitability of the youth for placement. This is an opportunity for the youth and potential foster care family to get to know each other. These visits may extend overnight.

Many criteria are considered to determine the most appropriate placement setting and level of care including: child's behavior, treatment needs, legal issues, family goals, permanency plan, educational planning, developmental needs, and medical needs.

#### **Admission Criteria**

Children and youth from birth through age 17 may be accepted for placement into the foster care program. These youth may include children who:

Have behavioral control problems

Have emotional/mental health needs

May be cognitively or physically challenged, or both

Have been unsuccessful in foster care placement

Have improved significantly in residential treatment or group home settings, making residential placement no longer appropriate

Foster care is not appropriate for children who are actively psychotic, unmanageably violent or dangerous to themselves or others, or who are better served in a less restrictive environment.

#### Services and support provided to the foster child

- Pre-placement meetings and visit(s) to the foster home
- Daily structured, supportive care in foster home setting
- Daily case management
- · Face-to-face contact by FCC staff at least once per month
- Team meetings and goal planning, at 30 days and then quarterly (followed by written report)
- Coordination of outpatient therapy
- Coordination of initial psychiatric assessment, followed by consultation and follow-up care as needed
- Transportation to family visits once per month
- Educational services coordination, initially and as needed
- Coordination of health care, per state foster care requirements
- Discharge planning

#### Services and support provided to the foster child's birth parents

- Member of treatment team
- Consistent communication with FCC staff and foster parent regarding child
- Coordinating contact with child throughout placement
- Notification of staffings, school meetings, and appointments
- Written reports regarding child's treatment, progress, and needs
- Transportation to family visits once per month
- Discharge planning

#### Services and support provided to the foster parents

- Pre-placement meetings and visit(s) to the foster home
- Minimum of weekly contact with case manager
- · Minimum of monthly visit at the foster home by case manager
- Mandatory support meetings two times per month
- Optional ongoing training each month
- · Four days of respite per month
- Emergency respite for family or placement crisis
- 24 hour a day, 7 day a week emergency assistance
- Paid training and professional development
- Reimbursed transportation costs for child's family visits after first 50 miles each month

The roles of the foster care staff and foster parents in providing services are described in further detail in the chart entitled Treatment Team Roles (attached with proposal).

#### Treatment Planning, Reviews, and Written Reports

For youth placed at the Treatment Foster Care levels, a team review is held thirty days after admission to develop a treatment plan. The county worker, natural family, foster parents, Foster Care Case Manager and relevant others (guardians, school counselor, and so forth) attend this meeting. Reports are heard from all disciplines represented. The team selects priority treatment needs as identified by individual disciplines and makes recommendations. If the youth is to remain in the Foster Care program, the team identifies implementation responsibilities and treatment modalities. It also may consider a projected discharge date and permanency plans.

Each youth's progress is formally reviewed at a review meeting held on a quarterly basis. Meetings may occur more often if necessary for intensive treatment needs, discharge planning, family or youth crisis times, or similar situations.

A written Social Service Assessment follows the initial team review meeting. In addition, a written summary of initial and quarterly review team meeting reports will be mailed to placing agency representatives and parents/guardians.

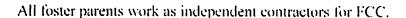
Each written report\ documents a full assessment of the case:

- goal and interventions regarding daily living strengths and concerns
- goal and interventions regarding behavioral stability strengths and concerns
- psychiatric report
- ♦ therapeutic report
- medical summary
- goal and interventions regarding social skill strengths and concerns
- goal and interventions regarding community integration
- school progress and placement
- supervision and safety within the treatment foster home setting
- legal status and permanency, including family interaction

#### Licensing Requirements for Foster Parents

All foster care homes are licensed according to the State of Minnesota Rules, Chapter 2960,3000-2960,3340. Prospective foster parents must also meet eligibility requirements and complete agency orientation training prior to becoming licensed.

A home study is completed by the Foster Care Case Manager, in consultation with the Foster Care Clinical Supervisor. This study assesses prospective foster family strengths and needs, relationships within the family, parenting skills, family support systems, knowledge of working with foster care and foster children, cultural awareness, spiritual beliefs and practices, and family financial stability. All family members are interviewed in their home environment throughout the home study process. Typically, there are at least three home visits made for study purposes.



#### **Evaluation and Outcome Measurement**

Outcomes are measured using the Child and Adolescent Service Intensity Instrument (CASII) for each child at intake and discharge. The CASII is a standardized dimensional rating system used to determine the intensity of needed services, and to assess changes and/or improvements over the course of treatment. A reduced difference in scores indicates an improvement in functioning in several domains. In conjunction with the CASII, a Strengths and Difficulties Questionnaire (SDQ) is completed for each client at intake and discharge. The questionnaire is a brief behavioral screening that is used to get a picture of each client's strengths and areas for improvement in multiple categories. The SDQ also assists with formulating a diagnosis and individual treatment plan and to reassess for any changes and/or improvement throughout service provision.

Discharge evaluations are completed by each foster child's parents and placing worker to assess the level of communication and cooperation that occurred by FCC staff. Children in therapeutic foster care levels also have treatment goals that are assessed quarterly by the treatment team

The Foster Care program annually collects program data for each client regarding: age, sex and ethnicity: legal reasons for placement; mental health diagnoses; medications prescribed; immediate and extended family resources; average length of stay in the program; and discharge placement. This data is used to improve program needs in order to best meet the needs of the youth that we serve.

#### Rate Setting

The foster care program's budget is based on serving an average of six foster children during the first year. A projected budget is attached to this proposal. The total anticipated cost of operating the program is \$118,780.97 for this first year. This cost covers the administrative portion of providing foster care services and is based on a daily administrative rate per child of \$54.23.

The primary expenses for the program are staff related and include: one full-time case manager, one part-time clinical supervisor, and administrative oversight. There is also \$13,500 allocated annually for psychiatry services, which includes an initial assessment, and ongoing consultation and medication management services for each child in care. Additionally, there is \$18,600 allocated annually for respite care for foster parents. The agency pays respite providers directly as respite care is utilized. It is expected that foster parent stipends for providing care are negotiated using the State of Minnesota Difficulty of Care Assessment and that foster parents stipends are not a part of this budget.

## Family & Children's Center Treatment Team Roles

Foster Care Staff	Enhanced Foster Care	Treatment Foster Care	Exceptional Treatment Foster Care
Foster Care Staff Contact with Foster Parent	At least once monthly in- person, twice monthly calls	At least twice monthly in-person, weekly calls	At least weekly in-person. frequent calls during week
Foster Care Staff with Youth	At least once monthly in- person	Once or twice monthly in-person	Two or three monthly in- person
Treatment Plan Reviews	Quarterly	Quarterly, with monthly progress report	Quarterly, with twice monthly progress report
Case Management	Foster Parent coordinates most services with Foster Care Staff input	Foster Care Staff and Foster Parent coordinate high level of community resources together	Foster Care Staff and Foster Parent collaborate intensively how to monitor child, coordinate resources and complete assessments
TFC Parent			
Skill Level	Orientation training, and 24 hours annually	Orientation training, and 24 hours annually including topics related to child's needs	Orientation training, 24 hours annually including topics related to child's needs, at least 2 years experience with special needs children
Contacts with Community	Primarily planned, scheduled contact with community providers	On-going, often unplanned contact and coordination with community providers	Intensive, often daily, unplanned contact and coordination with community providers
Respite	2 days per month, plus 14 optional days per year with prior approval	4 days per month, plus 14 optional days per year with prior approval	6 days per month, plus 14 optional days per year with prior approval
Supervision in Foster Home and Community	Increased supervision and some treatment needs due to moderate emotional, behavioral, psychological, and/or developmental needs	Intensive supervision and ongoing treatment needs due to serious emotional, behavioral, psychological, and/or developmental needs. Additional monitoring equipment in the foster home may be recommended. Recreational activities are modified as appropriate to the child's	Exceptional supervision. often eyes-on supervision. due to severe issues that pose a safety threat to the child, others, or the child's immediate environment. Additional monitoring equipment in the foster home may be necessary. Recreational activities are limited due to high-risk behaviors.

•		needs.	
orking with Educational Providers	Coordinate with foster care team and school personnel to provide assistance/intervention for the child, typically in a specialized classroom	Coordinate with foster care team and school personnel to provide special education services/intervention as needed for child, and consider alternative educational options when necessary	High amount of contact with foster care team and school personnel to provide special education services/intervention, alternative education, or to manage an expulsion
Working with Mental Health Providers	Ensure therapy occurs twice per month and that child is assessed as appropriate	Ensure therapy occurs twice per month and that child is assessed as appropriate. Regular adult intervention is required to ensure safety.	Ensure therapy occurs at least three times per month. Consistent, daily adult intervention is required to ensure safety.
Working with Health Providers	Coordinate routine health needs, monitor medications	Coordinate frequent contact with medical providers, monitor medications, arrange for assessments as needed	Coordinate with Foster Care Staff and medical providers complicated, frequent medical regime for unstable condition and/or medication usage, and arrange for assessments as needed

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#### Family & Children's Center Treatment Foster Care (TFC) Wisconsin Data Report Discharges 2009

Discharges in 2009: 16 youth

Average Length of Stav: 13.5 months

Range: 3 weeks to 4 years

Prior Placement Status	Discharge Placement Status	Discharge Status Change
Foster Home	Adoptive Home	Less Restrictive
Relative Home	Family Home	Less Restrictive
Detention	Group Home	More Restrictive
Residential Treatment	Group Home	More Restrictive
Group Home	Detention	More Restrictive
Group Home	Family Home	Less Restrictive
Residential Treatment	Treatment Foster Care	Same
Secure Detention	Detention	More Restrictive
Family Home	Family Home	Less Restrictive
Adoptive Home	Adoptive Home	Less Restrictive
Family Home	Independent Living	Less Restrictive
Residential Treatment	Adoptive Home	Less Restrictive
Family Home	Treatment Foster Home	Same
Residential Treatment	Family Home	Less Restrictive
Detention	Family Home	Less Restrictive
Family Home	Family Home	Less Restrictive

#### From TFC, discharge placement was:

Less Restrictive 62.5%
Family Home 25%
Adoptive Home 19%
Foster Home 12.5%
Independent Living 6%
More Restrictive 25%
Group Home 12.5%
Detention 12.5%

#### **Child and Adolescent Functioning Assessment Screening**

Same/TFC

Measures Role Performance, Behavior Toward Others, Moods/Self-Harm, Substance Abuse, Thinking, and Caregiver Support

12.5%

• 63% showed reduction in level of clinical scores from admission to discharge

180 Day Program Follow-up (44% response rate)

Placement Status	School Status	Legal   Involvement
Adoptive Home	EBD Resource	None
Family Home	EBD Resource	None
Residential Treatment	Residential School	None
Treatment Foster Care	EBD Resource	Yes
Adoptive Home	EBD Resource	None
Foster Home	EBD Resource	None
Adoptive Home	EBD Resource	None

May - 2010

Budget Analysis of Cost Savings to Winona County Utilizing Alternatives to Long Term Residential Placements

Submitted By: Julie A. Thompson, Social Service Mgr. –Winona County Dept. of Human Services

This is a very conservative cost analysis with probable actual savings much higher if the results of this type of placement prove to be successful by shorter periods of placement in residential settings (Three months residential/6 months therapeutic foster care maximum for average youth). Average stays for residentially placed youth from Winona County are one year at a cost of:

\$85,775.00 per youth vs. 3 months residential/6 months therapeutic foster care for \$30.825.00 per youth utilizing the therapeutic foster care homes. The following break down of the budget supports these figures.

Proposed Budget for Therapeutic Foster Home times one year based on six youth.

See attachment.

\$118,780.00

Therapeutic Foster Care
9 yr. Old – 11 yr. old
\$51.37/daily rate times 365 days times
Two youth

37,500.00

Therapeutic Foster Care
12 yr.old – 14 yr.old
\$54.55 daily rate times 365 days times
Two youth

39, 821.00

Therapeutic Foster Care
15 yr.old. – 18 yr. Old
55.28 daily rate times 365 days times
Two youth

40,354.00

\$236,455.00

#### Costs Calculated now for placement in residential facilities:

Daily cost for six youth in three of evaluation and residential treatment facilities:

Average Daily rate of \$235.00/day time one year times six youth: \$514.650.00

Cost Savings: \$278,195.00

#### Other cost savings:

Social Worker/Correction's Agent times 6 agents based on average salary & benefits:

\$50.00/hr. times 4 hr./month = \$200.00 times six staff per month x's 12 mo. \$14,400.00

\$

Mileage .50 x's avg. mileage to facility of 300 miles x's 36 trips

5.400.00

\$19,800.00

Total Cost Savings: \$297,995.00

(A savings of about \$49,665.00 per juvenile based on six juveniles)

#### Other benefits to juvenile and family:

More home like setting and structure. Not an institution with institutional structure.

Outpatient psychiatric services available and part of therapeutic foster care home cost.

Juvenile is closer to community, school, and family making transitions comfortable and planned out with family and others in a realistic living situation.

Research based findings that support moving juveniles out of treatment facilities quickly once evaluation and treatment completed. The statute for placement of juveniles supports not using the residential treatment program as a consequence program.

## CRIMINAL JUSTICE COORDINATING COUNCIL MEETING PACKET



- 1. AGENDA: July 7, 2010
- 2. PRELIMINARY MINUTES: June 2, 2010
- 3. COMMITTEE MINUTES
  - a. Juvenile Justice
  - b. Courts Committee
  - c. Community Outreach & Diversity
  - d. Jail & Jail Alternatives
  - e. Crime Prevention

#### **Upcoming Events:**

- 7/7-11<sup>th</sup> all day: Winona Co. Fair, St. Charles
- 8/20 noon: Restorative Justice Golf Tourney, Signatures

<sup>\*</sup>Hard copies of this packet will not be provided at the CJCC Meeting

## CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA

### The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1st Wednesday of each month at 12:00 p.m. unless otherwise noted

### MEETING DATE – WEDNESDAY July 7, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for July 7, 2010 meeting.
- 3) Review/revise/approve draft Minutes from June 2, 2010 meeting.
- 4) GENERAL BUSINESS
  - A. Action Item-Community Health Services Representation on CJCC (Sally Cumiskey)
  - B. Information Item-Strategic Planning Session Planning (Justin Green)
- 5) COMMITTEE REPORTS
  - A. Juvenile Justice Committee-Rena Patterson/Hon Mary Leahy
  - B. Data Information Committee-Steve Buswell
  - C. Courts Committee- Hon. Nancy Bostrack
  - D. Community Outreach/Diversity Committee-Carmaine Sturino
  - E. Jail and Jail Alternatives Committee-Craig Brooks
  - F. Crime Prevention Committee-Travis Volkman
- 6) ADJOURN

## APPROVED MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL JULY 7, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: CJCC Chair Sally Cumiskey (Court Administrator—also proxy for Judge Bostrack); Justin Green (Public Member); Rená Patterson (Corrections' Supervisor); Fatima Said (Public Member), Bruce Nelson (City of Winona), Steve Buswell (Jail Administrator); Mena Kaehler (County Commissioner); Travis Volkman (Goodview Police Dept), Judy Gilow (Public Member); Duane Hebert (County Administrator); J.P. Plachecki (Winona County Bar Association), Chuck MacLean (Winona County Attorney)

Members Absent: The Honorable Nancy Bostrack (Winona County District Court Judge); Dave Brand (Winona County Sheriff); Craig Brooks (Director-Department of Human Services), Paul Bostrack (City of Winona Police Chief); Deb Salyards (Winona City Council Member); Vice Chair Karin Sonneman (Assistant Public Defender)

Guests Present: Karen Duncan (Third Judicial District Public Defender), Julie Thompson (Department of Human Services, proxy for Craig Brooks); Tom Williams (Winona Police Department Deputy Chief, proxy for Paul Bostrack); Kalene Engel (CJCC Executive Director); Carmaine Sturino (Chair of Community Outreach & Diversity Committee); Victor Souders (CARE Program); Emily Schultz (Public Defender Intern); Abiane Campbell (Public Defender Intern).

#### Minutes by Kalene Engel.

- 1. Call to Order: 12:04 P.M.
- 2. Review/revise/approve Agenda for July 7, 2010: Approved without changes.
- 3. Review/revise/approve draft Minutes from June 2, 2010 meeting: Approved without changes.

#### 4. General Business

- A. Action Item- Community Health Services Representation on CJCC (Duane Hebert): Due to the consolidation of the Department of Human Services and Community Health, Duane Hebert believes that one representative from this combined department should be sufficient to represent its interests and report back on issues to the department. He has spoken with Merrily Hazelton of Community Health and she concurs. There were no objections to changing the CJCC bylaws to eliminate the Community Health position on the CJCC.
- B. Information Item Strategic Planning Session Planning (Justin Green): Justin Green requests that all Committees spend some time at upcoming meetings to do some advance planning for the October Strategic Planning Session. The planning session will be more difficult than last year because we have already addressed some of the easier problems. Each committee should spend time answering the following questions:
  - (1) Of the list of projects that the Committee has talked about, what has it accomplished?;
  - (2) What impact have these accomplishments had on the system and how much of this impact is attributable to the CJCC? Try to state this in terms of true impact—such as dollars saved or increased collaboration among departments; and
  - (3) What remains undone and what are the biggest challenges that the Committee would like to tackle.

#### 5. Committee Reports

- A. Juvenile Justice Committee Rená Patterson: Dr. Timothy Wright's June 4, 2010 was excellent. Some who attended would have liked more information as to how reports should/could be used in court. He apparently felt that the court should not depend upon the reports. A proposal for Therapeutic Foster Care is being readied for presentation to the County Board at the end of the month. The attendance at the Substance Abuse Class is low and more referrals are needed or the program will be discontinued. Youth Night Campus has 3 current participants and three referrals. Most of the meeting was spent on evaluating progress on ideas/goals that the Committee has worked on. Next meeting: July 13, 2010 at noon at the Dept of Corrections Conference Room, Courthouse 5<sup>th</sup> Floor
- B. Data Information Committee Steve Buswell: No report. The Jail and Jail Alternatives Committee did request a one day snapshot of preconviction inmates in the Winona County Jail and that was completed by Jerry Obieglo and Vic Souders.
- Courts Committee Sally Cumiskey: The judges started using the new MNCIS Sentencing Order on July 1, 2010. The Committee discussed public defender screening and felt that are currently insufficient resources to do a background check to make sure a person truly qualifies for a public defender. The Conciliation Court Referee system started on June 21, 2010 and went well. The soundproofing issue is still being addressed, with current work being done on sealing doors. Karen Duncan gave an update on the Public Defender's Office and staffing. A meeting has been set up by the public defender's office to discuss a statewide diversion policy. Neither Chuck MacLean nor anyone from his office plans to attend the meeting. Next Meeting: July 15, 2010 at 8:00 a.m. at 4<sup>th</sup> Floor Jury Room
- D. Community Outreach & Diversity Committee Carmaine Sturino: Several committee members volunteered at the Dakota Gathering in June. Several more are volunteering at the Winona County Fair Booth. The next long term goal is to establish a Constitution Week event in October, either by inviting students to the Courthouse or going to their schools The Committee would also like to participate in the National Night Out event (August) and host the German police (September). Student interns, Emily Schultz and Abiane Campbell, were introduced. Next Meeting: July 14, 2010 at 7:30 a.m. at Kensington Banquet Room
- E. Jail & Jail Alternatives Committee Julie Thompson: The CARE Program has 27 participants, with one graduate and one soon-to-be graduate. The graduate has decreased his LSI-R (risk assessment) score by 13 points from where he started. Warren Green is facing some serious health issues and a fundraiser for him may be in the works. Hiawatha Valley Mental Health has mental health crisis services available which can be accessed by calling the center. Next Meeting: July 27, 2010 at 1:30 p.m. at Kensington Banquet Room
- F. Crime Prevention Committee Travis Volkman: For several months, the committee has been examining crime reporting software and websites. Following the June CJCC Meeting, Nolan Rosenkrans of the Winona Daily News alerted Travis to the crime mapping software available through Lee Enterprises (parent company of the newspaper). Someone from the Daily News will be at the next committee meeting to discuss this software. Restorative Justice on WSU Campus is still in the planning stages. Good

feedback has been received from bar owners on the Best Practices Program. The City of Winona passed a Social Host Ordinance; the County did not. Mena Kaehler was concerned about the ordinance placing too much responsibility on landlords/landowners. Dan English reported that the Tavern League had one downtown cleanup which was not well-attended. The second clean-up was also not well attended. Next Meeting: July 19, 2010 at 2:30 at Kensington Banquet Room.

6. Adjournment: 12:40 p.m.

## CRIMINAL JUSTICE COORDINATING COUNCIL MEETING PACKET



- 1. AGENDA: August 4, 2010
- 2. PRELIMINARY MINUTES: July 7, 2010
- COMMITTEE MINUTES
  - a. Crime Prevention
  - b. Juvenile Justice
  - c. Courts Committee
  - d. Community Outreach & Diversity
  - e. Jail & Jail Alternatives

## CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA REVISED

### The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1st Wednesday of each month at 12:00 p.m. unless otherwise noted

#### MEETING DATE – WEDNESDAY August 4, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for August 4, 2010 meeting.
- 3) Review/revise/approve draft Minutes from July 7, 2010 meeting.
- 4) GENERAL BUSINESS
  - A. Discussion Item- The propriety of CJCC members wearing campaign paraphernalia supporting an individual candidate while the CJCC member is appearing in public representing the CJCC-Chuck MacLean
  - B. Action Item- CJCC Representation at the Minnesota Criminal Justice Institute (Victor Souders)
  - C. Action Item- Recognition and thank you to Chuck MacLean for service to CJCC (All)
- 5) COMMITTEE REPORTS
  - A. Crime Prevention Committee-Travis Volkman
  - B. Juvenile Justice Committee-Rena Patterson/Hon Mary Leahy
  - C. Data Information Committee-Steve Buswell
  - D. Courts Committee- Hon. Nancy Bostrack
  - E. Community Outreach/Diversity Committee-Carmaine Sturino
  - F. Jail and Jail Alternatives Committee-Craig Brooks
- 6) ADJOURN

## PRELIMINARY MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL AUGUST 4, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: CJCC Chair Sally Cumiskey (Court Administrator); Justin Green (Public Member); Rená Patterson (Corrections' Supervisor); Fatima Said (Public Member), Bruce Nelson (City of Winona), Steve Buswell (Jail Administrator); Travis Volkman (Goodview Police Dept), Judy Gilow (Public Member); Duane Hebert (County Administrator); J.P. Plachecki (Winona County Bar Association); The Honorable Nancy Bostrack (Winona County District Court Judge); Craig Brooks (Director-Department of Human Services).

Members Absent: Dave Brand (Winona County Sheriff); Paul Bostrack (City of Winona Police Chief); Deb Salyards (Winona City Council Member); Vice Chair Karin Sonneman (Assistant Public Defender); Mena Kaehler (County Commissioner); Chuck MacLean (Winona County Attorney).

Guests Present: Tom Williams (Winona Police Department Deputy Chief, proxy for Paul Bostrack); Kalene Engel (CJCC Executive Director); Carmaine Sturino (Chair of Community Outreach & Diversity Committee); Victor Souders (CARE Program); Justin Wesley (Assistant County Attorney, proxy for Chuck MacLean); Jim Pomeroy (Proxy for Mena Kaehler); Emily Schultz (Public Defender Intern), Abiane Campbell (Public Defender Intern).

#### Minutes by Kalene Engel.

- 1. Call to Order: 12:05 P.M.
- 2. Review/revise/approve Agenda for August 4, 2010: Approved without changes.
- 3. Review/revise/approve draft Minutes from July 7, 2010 meeting: Approved without changes.

#### 4. General Business

- A. Discussion Item-The propriety of CJCC members wearing campaign paraphernalia supporting an individual candidate while the CJCC member is appearing in public representing the CJCC (Justin Wesley, proxy for Chuck MacLean): Chuck MacLean requested this agenda item because of a individual who was spotted wearing a campaign button or sticker while representing the CJCC at the County Fair. All agreed that, to protect the non-partisan nature of the CJCC, such actions should be avoided.
- B. Action Item -CJCC Representation at the Minnesota Criminal Justice Institute (Victor Souders): Chuck MacLean had signed up to do a presentation on CJCCs at the Minnesota Criminal Justice Institute later this month and had recruited Victor Souders to assist him in the presentation. With Mr. MacLean's departure, he will no longer be available to do the presentation. Sally Cumiskey, Karin Sonneman and Carmaine Sturino have volunteered to do the presentation. Victor Souders will forward the materials he had compiled for the presentation to Kalene Engel, who will prepare and submit written materials by the deadline of August 6, 2010.
- C. Action Item Recognition and thank you to Chuck MacLean for service to CJCC (All): Chuck MacLean will be leaving on August 6, 2010 to accept a law school teaching position in Tennessee. Although he was not present, he was recognized and thanked for his service to the CJCC over the past few years.

#### 5. Committee Reports

- A. Crime Prevention Committee Travis Volkman: The Committee spent the majority of the meeting discussing crime mapping/reporting. Nolan Rosenkrans was present and stated that the Winona Daily News may be interested in funding the project so that it could include a link to the data from its website. Several issues/concerns were discussed and members of a workgroup will gather more information from the two main vendors: Crime Mapping.com and CrimeReports.com. The Committee also discussed strategic planning, noting that most goals had been achieved. Jessica Radke gave an update on the implementation of a Restorative Justice program at WSU. At the next meeting, members will report on a webinar which was held at WSU addressing party registrations. The Committee will also look at after school/in-school programming as it relates to crime prevention. Next meeting: Monday, August 15, 2010 at 2:30 p.m. at Kensington Banquet Room.
- В. Juvenile Justice Committee - Rena Patterson: Much of the meeting was spent on completing the strategic planning session chart. The Substance Abuse Class is up and running but lacks referrals. Youth Night Campus is operational and almost at maximum capacity. The Therapeutic Foster Care Proposal will be on the County Board Agenda for its August 24th meeting. A significant concern, particularly since it is a grant-funded program, is the lack of referrals by the County Attorney's Office to Restorative Justice. In July, only two referrals were made. Tom Williams reported that there were several cases that month that the police felt would be appropriate for diversion. Sally Cumiskey reported that the juvenile court filings were also down. Concern was expressed that there may be a backlog of juvenile cases waiting for action at the County Attorney's Office. Justin Wesley indicated that no one has been assigned to juvenile cases in the County Attorney's Office yet, but that he would check into the matter. Cheryl Kreager from the Minnesota Juvenile Justice Coalition is coming to the Committee's September meeting (September 17th at noon). Don Johnson from Hennepin County Attorney's Office will be coming to Winona at an as yet undetermined date to present about juvenile processes. Invitations for his presentation will be forthcoming and it is hoped that a large crowd will be assembled. The Juvenile Justice Services Handbook that was compiled by a Restorative Justice Intern in February of this year is also being updated by Kalene and her staff. Next Meeting: Monday, August 30, 2010 at noon at DOC Conference Room, Courthouse 5th Floor
- C. Data Information Committee Steve Buswell: The Committee received a data request from Kalene Engel regarding pre-conviction incarcerations and cost of out-of-county inmate housing. This information is needed to apply for technical assistance to evaluate a pre-trial supervision program. Steve is working on compiling the information.
- D. Courts Committee Nancy Bostrack: Concerns about traffic court, including more not guilty pleas and lack of referrals to the driver's license return program were raised. Kevin O'Laughlin stated that he would check with County Attorney staff and report back at the next meeting. Centralized payables go into effect August 16<sup>th</sup>. Justin Green was present and facilitated a discussion of strategic planning for the Committee. Sally also reported that Court Administration will be implementing a phone tree, but this will not affect employee's direct dial numbers. Next Meeting: Thursday, August 19, 2010 at 8:00 a.m. at 4<sup>th</sup> Floor Jury Room

- Community Outreach & Diversity Committee Carmaine Sturino: E. meeting was spent on evaluating the past work of the committee and reviewing goals and objectives in preparation for the CJCC Strategic Planning Session. The County Fair was discussed and deemed to be a success, with two suggestions for improvement: shorter shifts and more volunteers. The Committee is still working on a Minnesota Constitution Week/Government Day and Lynn Theurer is coordinating this with the schools. The committee also intends to support National Night Out on August 26th as well as host the German police contingent in September. An additional issue that has arisen since the meeting is the Minnesota Community Pride Award. Karin Sonneman nominated our Courthouse Open House event for the award and we have been asked to create and monitor a display at the Minnesota State Fair on August 29th. Kalene Engel will create the display, but we need someone to staff the table between 10 a.m. and 3 p.m. on the 29th—and to accept the award if we receive it. Interested persons should contact Carmaine or Kalene. As part of the display, Kalene would like to get another group photo of the CJCC. This photo will be taken at the conclusion of today's meeting. The two public defender interns will complete their internships this month. They have been tremendous assets to the public defenders' office and will be missed. Next Meeting: Wednesday, August 11, 2010 at 7:30 a.m. at Kensington Banquet Room
- F. Jail & Jail Alternatives Committee - Craig Brooks: The CARE Program is doing very well and is close to or exceeding its capacity of 30 clients. The Committee might have to evaluate admission/exit criteria to make sure that staff can handle the number of clients. The Fresh Start housing facility is also full. The Committee talked about the problem that some people cannot post bond and therefore stay in jail awaiting trial/disposition. The Committee wants to look into the concept of a pre-trial supervision program that would provide more accountability for people released from jail pending trial/disposition. It is going to start by asking the Pre-Trial Justice Institute to provide technical assistance to evaluate this concept. The majority of the meeting was spent watching video about jail discharge programs specifically the programs from Steele and Stearns Counties on which the CARE Program was modeled. Kalene reported that the state grant manager conducted a site visit on the day after the Jail & Jail Alternatives Meeting and was very impressed with the program. Next Meeting: Tuesday, August 31, 2010 at 1:30 p.m. at Kensington Banquet Room.
- G. Other: The Winona Police Department received a \$5,000 Enforcing Underage Drinking Laws-College Enforcement Grant from the Minnesota Department of Public Safety. This is a collaborative effort between the WPD, Winona County Sheriff's Department and Goodview Police Department and was authored by Kalene Engel. Kalene noted that it was beneficial to be able to point to various CJCC initiatives such as the Social Host Ordinance, ZAP (Zero Adult Providers) Initiative and Best Practices Program when writing the grant request.
- **6. Adjournment**: 12:40 p.m.; followed by a photograph outside the courthouse.

## CRIMINAL JUSTICE COORDINATING COUNCIL MEETING PACKET



- 1. AGENDA: September 1, 2010
- 2. PRELIMINARY MINUTES: August 4, 2010
- 3. COMMITTEE MINUTES
  - a. Jail & Jail Alternatives
  - b. Crime Prevention
  - c. Juvenile Justice
  - d. Courts Committee
  - e. Community Outreach & Diversity

## CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA REVISED

### The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1st Wednesday of each month at 12:00 p.m. unless otherwise noted

#### MEETING DATE – WEDNESDAY September 1, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for September 1, 2010 meeting.
- 3) Review/revise/approve draft Minutes from August 4, 2010 meeting.
- 4) GENERAL BUSINESS
  - A. Action Item- Invite to Chief Justice Gildea
  - B. Action Item- New workgroup for the release of high-level sex offenders
  - C. Information Item- Report on Criminal Justice Institute presentation
- 5) COMMITTEE REPORTS
  - A. Jail and Jail Alternatives Committee-Craig Brooks
  - B. Crime Prevention Committee-Travis Volkman
  - C. Juvenile Justice Committee-Rena Patterson/Hon Mary Leahy
  - D. Data Information Committee-Steve Buswell
  - E. Courts Committee- Hon. Nancy Bostrack
  - F. Community Outreach/Diversity Committee-Carmaine Sturino
- 6) ADJOURN

## APPROVED MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL SEPTEMBER 1, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: CJCC Chair Sally Cumiskey (Court Administrator); Justin Green (Public Member); Rená Patterson (Corrections' Supervisor); Fatima Said (Public Member), Bruce Nelson (City of Winona); Travis Volkman (Goodview Police Dept); Duane Hebert (County Administrator); J.P. Plachecki (Winona County Bar Association); The Honorable Nancy Bostrack (Winona County District Court Judge); Craig Brooks (Director-Department of Human Services); Thomas Frost (County Attorney).

Members Absent: Dave Brand (Winona County Sheriff); Paul Bostrack (City of Winona Police Chief); Deb Salyards (Winona City Council Member); Vice Chair Karin Sonneman (Assistant Public Defender); Mena Kaehler (County Commissioner); Judy Gilow (Public Member); Steve Buswell (Jail Administrator)

Guests Present: Tom Williams (Winona Police Department Deputy Chief, proxy for Paul Bostrack); Kalene Engel (CJCC Executive Director); Nolan Rosenkrans (Winona Daily News)

#### Minutes by Kalene Engel.

- 1. Call to Order & Introductions: 12:03 P.M. Tom Frost (County Attorney), introduced himself.
- 2. Review/revise/approve Agenda for September 1, 2010: Sally requested additions for Student Internship (D) and Open House Community Pride Award (E).
- 3. Review/revise/approve draft Minutes from August 4, 2010: Approved without changes.

#### 4. General Business

- A. Action Item-Invite to Chief Justice Gildea (Sally Cumiskey): Chief Justice Gildea is interested in meeting with the CJCC. She will be in Rochester on October 6<sup>th</sup> and 7<sup>th</sup> and would have some time available on the 6<sup>th</sup> to meet with us, perhaps at our Strategic Planning Session or perhaps at a later time with a smaller group of representatives. Sally will follow up on her schedule and extending an invitation.
- B. Action Item—New Workgroup for Release of High Level Sex Offenders (Duane Hebert): Duane would like the CJCC to have a proactive plan for dealing with the release of committed sex offenders into the Winona community. Although no inmates have yet been released from the state program, several are approaching the final stages of review for release. The Crime Prevention Committee faced this issue a few months ago when a sex offender was released into our community by a hospital without forewarning. Travis agreed to have the Crime Prevention Committee undertake this responsibility.
- C. Information Item Report on Criminal Justice Institute Presentation (Sally Cumiskey): Sally, Carmaine Sturino and Karin Sonneman gave a presentation on the Winona CJCC on August 23rd at the Criminal Justice Institute. The presentation went very well. If anyone is interested in viewing the Powerpoint that was used, contact Kalene.
- D. Information Item Internship (Sally Cumiskey): The CJCC has had a student volunteer program for two years and the quality of interns/volunteers has been excellent. Sally has a volunteer, Tiffany Stavish, who is looking for an internship in the Spring of 2011. Kalene

reported that the County is working on standardizing its internship procedures and this may or may not include a merger with the CJCC internship program.

E. Information Item - State Fair (Sally Cumiskey): The CJCC Courthouse Open House Event received a second runner-up award in the Arts & Culture Category at the Minnesota Community Pride Contest at the Minnesota State Fair. Thank you to Kevin Kearney who staffed a display regarding the event at the State Fair and accepted the award on behalf of the CJCC.

#### 5. Committee Reports

- A. Jail & Jail Alternatives Committee - Craig Brooks: The CARE Program has around 30 clients, which is maximum capacity. CARE Staff will re-evaluate what is a reasonable caseload and whether intake or discharge procedures need to be modified. Some snags have occurred with mentor recruitment in that once the mentor recruits found out what was involved, they backed out. Justin Green indicated that the Poverty Roundtable was meeting on September 30<sup>th</sup> and would likely be able to supply volunteers if the slots are not filled by that time. Housing for CARE clients continues to be a major issue, so please notify CARE Staff if you know of any housing resources. The current CARE procedure has been modified to involve the client's family in the planning process. In addition to discussing CARE, the committee worked on the Strategic Planning Session chart. Another major topic that the committee is evaluating is the possibility of a Pre-Trial Supervision Program. Kalene has obtained free technical assistance from the Pre-Trial Justice Institute for this project and will be setting up a site visit in the near future. Craig has taken on a special role with the County of facilitating a merger of Health, Human Services and Veteran's Services. Therefore, he is resigning from the CJCC and appointing Julie Thompson in his place, who will start attending meetings with the October meeting. He will chair the next JJA meeting and ask the committee to name a replacement chair. The Council thanked Craig for his dedicated service to the CJCC. Next meeting: Tuesday, September 28, 2010 from 1:30 - 3:00 p.m. at Kensington Banquet Room.
- B. Crime Prevention Committee - Travis Volkman: The committee continued its review of crime mapping software and selected CrimeMapping.com as its preferred vendor. The biggest remaining question involves funding. Funding will be discussed by the committee at its next meeting with a possible recommendation for a trial period coming before the CJCC in November. The committee discussed a party registration program webinar sponsored by Colorado State University, but determined that the low amount of fine for a noise violation along with other underage drinking tools being used by Winona would decrease the effectiveness of instituting such a program in this area. The Social Host Ordinance issue was again discussed and committee members were provided with the changes in language between the city and county versions, some of which were fairly significant. Other issues discussed included after school programming, Restorative Justice training for WSU, and the completion of the Strategic Planning Chart. The National Night Out held on August 26<sup>th</sup> was a great success. Sally, who participated on behalf of the CJCC, encouraged other members to participate next year. Next meeting: Monday, September 20, 2010 at 2:30 p.m. at Kensington Banquet Room.
- C. Juvenile Justice Committee Rena Patterson: Much of the meeting was spent on completing the Strategic Planning Session chart, with the remainder of the meeting spent on reviewing and revising the Juvenile Justice Services Booklet. The committee has several concerns to bring to the attention of the council, as follows:

- The Winona Youth Home is closing on September 21<sup>st</sup> and is no longer taking referrals, so there is no shelter for youth in Winona. The nearest shelters will be Von Wald and Elmore.
- The Substance Abuse Class continues to lack referrals. Without referrals, the program will shut down. The Youth Night Campus also lacks referrals. The Committee seemed frustrated because all their hard work in developing programs is not being used.
- The Restorative Justice Program continues to have issues including lack of referrals, untimely referrals and lack of a consistent juvenile prosecutor.

Rena emphasized that it is important to have a representative of each affected department attend the meetings so that the committee can move forward on some of these issues. Next meeting: Monday, September 17<sup>th</sup>, 2010 at noon at DOC Conference Room, 5<sup>th</sup> Floor Courthouse. Guest Speaker: Cheryl Kreager of Juvenile Justice Coalition of Minnesota.

- D. Data Information Committee Steve Buswell: no report
- E. Courts Committee Nancy Bostrack: Traffic court procedures has improved but there is still room for improvement. Winona County is scheduled to start e-charging in December. The committee has identified 8 goals and has discussed its progress towards achieving those goals. Because the committee has been working on goals outside its current committee charge, a revised committee charge has been recommended. The technical assistance provider from Pre-Trial Justice Institute will also evaluate pre-trial clearance rates, which is something that this committee has also addressed. With respect to the soundproofing issues, the architect has agreed to pay the costs for changes needed on the duct-work between the conference rooms, coverings for speakers in the ceiling, and doors in several areas. He has also agreed that he will cover half of the costs to provide more insulation to the walls (conference rooms and courtrooms). The contractor has refused to pay the other half so the issue is heading to dispute resolution. Next meeting: September 16, 2010 at 8:00 a.m. at 4<sup>th</sup> Floor Jury Room.
- F. Community Outreach & Diversity Committee Sally Cumiskey: On September 23<sup>rd</sup>, the committee will be hosting a group of German police officers for a breakfast meeting. A sign-up sheet was circulated and members were encouraged to attend. As noted previously, National Night Out was a great success. The Human Rights Commission has sent an invitation to the candidates for County Attorney to come to the next HRC meeting and to discuss thoughts on expanding the Commission to a county-wide commission. Duane would also like to speak to Tom Frost about this issue. Because of time constraints, the Law Day educational program is being moved out—possibly to May 1<sup>st</sup>. Lynn Theurer is following up with area schools and Kalene received a \$500 donation towards the project from the Third Judicial District Bar Association. Members recommended that contact be made with the Hiawatha Valley Marines about a possible partnership for the event. The Strategic Planning Session chart was completed. Next meeting: September 23, 2010 at 7:00 a.m. Breakfast with German Police Officers at Kensington Banquet Room.

Adjournment: 1:15 p.m.

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING PACKET



- 1. AGENDA: October 6, 2010
- 2. PRELIMINARY MINUTES: September 1, 2010
- 3. COMMITTEE MINUTES
  - a. Community Outreach & Diversity
  - b. Jail & Jail Alternatives
  - c. Crime Prevention
  - d. Juvenile Justice
  - e. Courts Committee

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA

### The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1<sup>st</sup> Wednesday of each month at 12:00 p.m. unless otherwise noted

#### MEETING DATE – WEDNESDAY October 6, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for October 6, 2010 meeting.
- 3) Review/revise/approve draft Minutes from September 1, 2010 meeting.
- 4) GENERAL BUSINESSA. Action Item- Strategic planning session
- 5) ADJOURN

Please review the strategic planning material at <a href="http://www.winonacountycjcc.org/strategicplanning.html">http://www.winonacountycjcc.org/strategicplanning.html</a> These materials will be provided for you at the time of the meeting. A meal will also be provided during the meeting.

# APPROVED MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL OCTOBER 6, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: CJCC Chair Sally Cumiskey (Court Administrator); Justin Green (Public Member); Rená Patterson (Corrections' Supervisor); Fatima Said (Public Member), Travis Volkman (Goodview Police Dept); J.P. Plachecki (Winona County Bar Association); The Honorable Nancy Bostrack (Winona County District Court Judge); Thomas Frost (County Attorney). Dave Brand (Winona County Sheriff); Vice Chair Karin Sonneman (Assistant Public Defender); Judy Gilow (Public Member); Steve Buswell (Jail Administrator); Craig Brooks (Director-Department of Human Services)

Members Absent: Paul Bostrack (City of Winona Police Chief); Deb Salyards (Winona City Council Member); Mena Kaehler (County Commissioner); Bruce Nelson (City of Winona); Duane Hebert (County Administrator)

Guests Present: Tom Williams (Winona Police Department Deputy Chief, proxy for Paul Bostrack); Kalene Engel (CJCC Executive Director); Carmaine Sturino (Chair of Community Outreach & Diversity Committee) Shelby Hoff and Terri Heinzen (Public Defender Interns); Julie Thompson (Supervisor, Department of Human Services); Ron Ganrude (Chief Deputy)

Minutes by Kalene Engel.

- 1. Call to Order: 12:20 P.M.
- 2. Review/revise/approve Agenda for October 6, 2010: Approved without changes.
- 3. Review/revise/approve draft Minutes from August 4, 2010: Approved without changes.
- 4. General Business-Strategic Planning Session; Justin Green

Justin explained that the 2010 planning session would be different than the 2009 planning session because each of the Committees has done pre-planning this year. He stated that this year's session would involve three major components: (1) identifying the two most significant things that each committee has accomplished during the past year and (2) identifying the two most significant things that each committee wants to accomplish during the next year and (3) reviewing the mission and vision statement to determine what part(s) of those statements we are not fulfilling by our committee work. The objective of this planning session is for everyone to be aware of what everyone else is doing, such that our plan of action is not just the plan of one Committee, but the plan of the entire CJCC.

<u>Past Accomplishments</u>: Each committee chair identified the two most significant accomplishments of the committee during the past year, as follows:

- Crime Prevention (Travis Volkman)
  - Passage of the Social Host Ordinance through the City and Goodview
  - O Best Practices Program in City of Winona for Liquor License Holders
- Courts (Judge Nancy Bostrack)
  - O Conciliation Court Referees
  - O Default Omnibus Hearings/Mega Settlement Days, both of which reorganize how cases are going through the system

#### • Community Outreach & Diversity (Carmaine Sturino)

- O Courthouse Open House Event
- O Increased recognition/awareness of the CJCC by the Community

#### Jail & Jail Alternatives (Craig Brooks)

- O Continued community interagency approach to people existing the jail
- O Establishment of the CARE Program

#### Juvenile Justice (Rená Patterson)

- o Therapeutic Foster Care
- O Youth Night Campus

<u>Future Goals & Strategies</u>: Each committee chair identified the two most significant goals (what the committee wants to accomplish) and the proposed strategies (how the committee is going to accomplish the goals) for the upcoming year, as follows:

#### Juvenile Justice (Rená Patterson)

- o To maintain the programs that the committee has developed
  - Substance abuse class
  - Therapeutic foster care
- o To use early intervention to prevent juveniles from entering into/progressing in the criminal system
  - Diversion
  - Collaboration, including possibly reaching out to the school systems

### Jail & Jail Alternatives (Craig Brooks)

- o To reduce recidivism
  - Sustain the CARE Program past next September, for the short-term by determining how much grant money can be carried over and in the long term by convincing the county that investing money in the program to save money elsewhere is worthwhile
- o To reduce the use of jail for pre-trial incarceration
  - Develop a pre-trial supervision program and coordinate with other similar work done by other committees

#### Community Outreach & Diversity (Carmaine Sturino)

- o To increase student awareness of the criminal justice system
  - Develop a program for schoolchildren, delivered either in/out of school
- o To increase general community awareness of the justice system and CJCC
  - Collaborate with existing programs in the community

#### Courts (Judge Nancy Bostrack)

- o To speed the resolution of cases
  - Develop an adult diversion program through the Diversion Workgroup
  - Continue to explore case resolution through the Case Clearance Rates workgroup
- o To encourage efficient the processing of cases
  - E-charging
  - E-citations

#### • Crime Prevention Committee (Travis Volkman)

- o To seek options to increase community awareness and participation of the safety of their neighborhoods
  - Crime Mapping
  - On campus efforts
  - Promote Neighborhood Watch activities/groups
- o To examine and evaluate ways to decrease underage and binge drinking
  - Downtown Tavern League
  - Work with universities
  - Explore other promising programs
  - Expand social host ordinance to County

By consensus, the Council agreed that the above goals were the goals of the CJCC for the upcoming year.

Review of Vision and Mission Statement: The Council then reviewed its mission and vision statement to determine what part(s) of those statements we are not fulfilling by our committee work. Observations made by Council members included the following:

- Lack of school involvement on the Council perhaps the vision statement should be revised to include "stakeholders" which would allow for entities like schools to be on the Council.
- Lack of CARE program for juveniles 18 and 19 year olds are "adjudicated" in the juvenile system, but not convicted per the CARE admission criteria, so they are not being allowed to participate
- More and earlier use of intervention and prevention to prevent issues from clogging up the criminal justice system when these issues could be best handled elsewhere (i.e. truancy).
- Lack of Alternative Courts, such as Drug Courts or Veteran's Courts

Justin noted that the Executive Committee will need to get together and discuss the gaps identified above. The Committee will then need to determine whether they want to address those gaps and if so, how.

6. Adjournment: 1:05 p.m.

#### **COURTS COMMITTEE CHARGE**

#### Old Charge

The purpose of the Committee is to make court case scheduling and case management more effective, efficient, and convenient.

#### New Charge

The Courts Committee will search for strategies and procedures that will enable the courts to function more effectively and at reasonable cost to the taxpayer while upholding due process and the rule of law.

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING PACKET



- 1. AGENDA: November 3, 2010
- 2. PRELIMINARY MINUTES: October 6, 2010
- 3. COMMITTEE MINUTES
  - a. Community Outreach & Diversity- No minutes
  - b. Jail & Jail Alternatives
  - c. Crime Prevention
  - d. Juvenile Justice
  - e. Courts Committee

<sup>\*</sup>Training Opportunity- Pharmaceutical Diversion Training (see following page)

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA

### The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1<sup>st</sup> Wednesday of each month at 12:00 p.m. unless otherwise noted

#### MEETING DATE – WEDNESDAY November 3, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for November 3, 2010 meeting.
- 3) Review/revise/approve draft Minutes from October 6, 2010 meeting.
- 4) GENERAL BUSINESS
  - A. Action Item- Entering into a trial period with CrimeMapping.com (Travis Volkman)
  - B Action Item- Change April CJCC meeting to Friday, April 1 to accommodate Chief Justice Lorie Gildea visit
  - C <u>Action Item</u>- Revision of By-Laws to reflect new charge for Courts Committee (Judge Bostrack)
  - D <u>Action Item</u>- Support for grant application for "Blueprint for Safety Program" (Judge Bostrack/Tom Frost)
  - E <u>Information Item</u>- Pharmaceutical Diversion Training (Rena Patterson

#### 5) COMMITTEE REPORTS

- A. Community Outreach/Diversity Committee-Carmaine Sturino
- B. Jail and Jail Alternatives Committee-Justin Green
- C. Crime Prevention Committee-Travis Volkman
- D. Juvenile Justice Committee-Rena Patterson/Hon Mary Leahy
- E. Data Information Committee-Steve Buswell
- F. Courts Committee- Hon. Nancy Bostrack
- 5) ADJOURN

## APPROVED MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL NOVEMBER 3, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: CJCC Chair Sally Cumiskey (Court Administrator); Justin Green (Public Member); Rená Patterson (Corrections' Supervisor); Fatima Said (Public Member), Travis Volkman (Goodview Police Dept); J.P. Plachecki (Winona County Bar Association); The Honorable Nancy Bostrack (Winona County District Court Judge); Thomas Frost (County Attorney); Vice Chair Karin Sonneman (Assistant Public Defender); Judy Gilow (Public Member); Steve Buswell (Jail Administrator); Paul Bostrack (City of Winona Police Chief); Mena Kaehler (County Commissioner); Duane Hebert (County Administrator); Julie Thompson (Supervisor, Department of Human Services)

Members Absent: Deb Salyards (Winona City Council Member); Bruce Nelson (City of Winona); Dave Brand (Winona County Sheriff)

Guests Present: Kalene Engel (CJCC Executive Director); Ron Ganrude (Chief Deputy, proxy for Dave Brand); Katie Johnson (Paralegal to Kalene Engel)

Minutes by Katie Johnson

- 1. Call to Order: 12:09 P.M.
- 2. Review/revise/approve Agenda for November 3, 2010: It was requested that city representation on the CJCC be added to the agenda.
- 3. Review/revise/approve draft Minutes from October 6, 2010: Approved without changes.
- 4. General Business-Strategic Planning Session; Justin Green
  - A. Action Item- Entering into a trial period with CrimeMapping.com (Travis Volkman)

    The Crime Prevention Committee asked the CJCC to approve entering into a 30 day free trial with Crime Mapping. The Committee has secured funding for half of the project from the Winona Daily News. It was suggested the Committee follow through with asking the Winona County Bar Association for funding. The CJCC gave its approval for this project.
  - B. Action Item- Change April CJCC meeting to Friday, April 1 to accommodate Chief Justice Lorie Gildea visit (Sally Cumiskey)
    The Council agreed to change the April meeting Friday, April 1, 2011 to accommodate Chief Justice Lorie Gildea.
  - C. Action Item- Revision of By-laws to reflect new charge for Courts Committee (Judge Bostrack)
    The CJCC gave its consent to have Kalene revise the By-laws to reflect the new charge of the Courts Committee.
  - D. Action Item-Support for grant application for "Blueprint for Safety Program"
    (Judge Bostrack/Tom Frost)

    Tom Frost gave an overview of the grant application which involves adoption of the domestic violence Blueprint for Safety prototype to Winona along with training

domestic violence Blueprint for Safety prototype to Winona along with training opportunities. A full time coordinator position will be funded by the grant for 18 months. The CJCC gave its support for this grant application.

### E. Action Item – City representation on the CJCC (Sally Cumiskey) Deb Salyards is no longer able to continue as a member of the CJCC. Sally will contact the City in regards to appointing a new city representative to the CJCC.

# E. Information Item- Pharmaceutical Diversion Training (Rena Patterson) Rena explained that more clients are abusing prescription drugs and that training is needed on prescription drugs, how to investigate these cases and the general process. The event will take place on 1/27/2011 from 9 a.m.-4 p.m. at the Government Center.

#### 5. Committee Reports

A. Community Outreach & Diversity Committee – Carmaine Sturino:

No meeting in October. At its next meeting, the Committee will discuss sending out congratulatory letters to the legislators who were just elected. Next Meeting:

Wednesday, November 10 at 7:30 a.m. at Kensington Banquet Room

#### B. Jail and Jail Alternatives Committee – Justin Green:

The Committee is still working with CARE as adjustments are made to improve the program. The Pre-Trial Justice Institute's report will be ready for members to review by 11/23/2010. Next Meeting: Tuesday, November 23 at 1:30 p.m. at Kensington Banquet Room

#### C. Crime Prevention Committee – Travis Volkman:

The Downtown Tavern League met on 10/18/10 to provide clarification on underage consumption laws, specifically the elimination of allowing a power hour. All bars were represented at the meeting except for Cheaters. Dr. Matt Vetter gave a presentation at the Committee's last meeting on after school programming. The Committee formed an After School Programming Workgroup to (1) compile a comprehensive list of after school programs in Winona County and (2) identify needs through surveys and address ways to meet these needs. The Social Host Ordinance was revisited. The Committee created a Sex Offender Release Workgroup. Duane Hebert's sister will be at the next meeting to present on the sex offender release policies. Restorative Justice training is being setup at WSU for December. Next Meeting: Monday, November 15 at 2:30 p.m. at Kensington Banquet Room

#### D. Juvenile Justice Committee – Rená Patterson:

The Committee discussed the goals that were identified at the Strategic Planning Session. Kalene updated the Committee on the after school program initiative and the Juvenile Justice Committee will partner with the Crime Prevention Committee on this. The Committee is revisiting truancy and looking into working with the schools. Reports from juvenile detention facilities for review hearings are not being sent to the County in a consistent manner. The County needs the reports in written format, however some facilities give oral reports. Kalene and her staff looked into this and all facilities reported they have a policy of giving written reports only. This will be discussed at the next meeting. Next Meeting: TBA

### E. Data Information Committee – Steve Buswell: No report.

#### F. Courts Committee – Nancy Bostrack:

The setup process for E-Charging and E-Filing will begin 1/1/2011. The process should be up and running by 3/1/2010. The Committee had a presentation on the in jail dual diagnosis program. Felony level staggered sentencing was discussed and clarified. Work is being done on the 3<sup>rd</sup> floor courtroom to correct the problem with the speakers and the ceiling. Sally and Tom compiled a list of the remaining issues and hope to meet with the architects soon. The Adult Pre-Trial Diversion Workgroup has met several times and has a draft policy. Initially the workgroup wanted to include only first time property offenders, this resulted in limited numbers of possible participants. The workgroup is looking at allowing other offenses to be eligible for the program. The Uniform Citation Workgroup is meeting tomorrow. The Law Library Board has been meeting and reorganizing the Law Library. Next Meeting: Thursday, November 18 at 8:00 a.m. at 4<sup>th</sup> Floor Jury Room

#### G. Other:

Mena Kaehler discussed the issues she had with the Social Host Ordinance. She is going to highlight the areas/wording she disagrees with and communicate that with Kalene. Judy Gilow said she will be attending the NAMI conference and will report back to the CJCC.

6. Adjournment: 12:45 p.m.

### Pharmaceutical Diversion Training

#### POST Credit 6 hours



Presenters: Ritch Wagner and Edward Cartwright, Purdue Pharma L.P.

January 27, 2011

9:00 AM to 4:00 PM

Winona County Government Center

177 Main St. 2nd Floor Board Room

To register, please contact

Rena` Patterson @ 507-457-6477 or email: rena.patterson@state.mn.us

### **Topics**

This training will provide a national overview of the abuse of prescription drugs, an understanding of the CSA as it applies to prescription controlled substances and a description of prescription drug crimes and their victims. Suggestions will be provided on the targeting, investigating and reporting of these offenses. Major case investigations will be presented.

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING PACKET



- 1. AGENDA: December 1, 2010
- 2. PRELIMINARY MINUTES: November 3, 2010
- 3. COMMITTEE MINUTES
  - a. Courts Committee
  - b. Community Outreach & Diversity
  - c. Jail & Jail Alternatives
  - d. Crime Prevention No Minutes
  - e. Juvenile Justice No Minutes

# CRIMINAL JUSTICE COORDINATING COUNCIL MEETING AGENDA

### The Kensington, 157 West Third Street, Lower Level Banquet Room Winona, Minnesota 55987

Meets 1st Wednesday of each month at 12:00 p.m. unless otherwise noted

### MEETING DATE – WEDNESDAY December 1, 2010 at 12:00 p.m.

### \*\*\* REMINDER TO MEMBERS - SEND AN INFORMED & AUTHORIZED PROXY IF YOU CANNOT ATTEND \*\*\*

- 1) CALL TO ORDER 12:00 P.M.
- 2) Review/revise/approve Agenda for December 1, 2010 meeting.
- 3) Review/revise/approve draft Minutes from November 3, 2010 meeting.
- 4) GENERAL BUSINESS
  - A. <u>Action Item</u>- Invitation to apply for membership in the new National Criminal Justice Coordinating Council Network. See attachment.
  - B. <u>Information Item</u>- Invitation to legislators to attend the January 5 CJCC meeting.
  - C. <u>Information Item</u>- PJI Report (to be further addressed at 1/5/11 meeting after committees have had a chance to review and make recommendations)
- 5) COMMITTEE REPORTS
  - A. Courts Committee- Hon. Nancy Buytendorp
  - B. Community Outreach/Diversity Committee-Carmaine Sturino
  - C. Jail and Jail Alternatives Committee-Justin Green
  - D. Crime Prevention Committee-Travis Volkman
  - E. Juvenile Justice Committee-Rena Patterson/Hon Mary Leahy
  - F. Data Information Committee-Steve Buswell
- 5) ADJOURN

## APPROVED MINUTES CRIMINAL JUSTICE COORDINATING COUNCIL DECEMBER 1, 2010 MEETING THE KENSINGTON BANQUET ROOM

Members Present: CJCC Chair Sally Cumiskey (Court Administrator); Justin Green (Public Member); Rená Patterson (Corrections' Supervisor); Fatima Said (Public Member); J.P. Plachecki (Winona County Bar Association); The Honorable Nancy Buytendorp (Winona County District Court Judge); Thomas Frost (County Attorney); Steve Buswell (Jail Administrator); Mena Kaehler (County Commissioner); Duane Hebert (County Administrator); Julie Thompson (Supervisor, Department of Human Services); Dave Brand (Winona County Sheriff); Kent Russell (Goodview Police Chief).

Members Absent: Deb Salyards (Winona City Council Member); Bruce Nelson (City of Winona); Travis Volkman (Goodview Police Dept); Vice Chair Karin Sonneman (Assistant Public Defender); Judy Gilow (Public Member); Paul Bostrack (City of Winona Police Chief).

Guests Present: Kalene Engel (CJCC Executive Director); Ron Ganrude (Chief Deputy, proxy for Dave Brand); Roseanne Shaw (proxy for Bruce Nelson); Nolan Rosenkrans; Victor Souders; Tom Williams (Chief Deputy, Proxy for Paul Bostrack); Carmaine Sturino (Assistant Public Defender, proxy for Karin Sonneman), The Honorable Jeffrey Thompson (District Court Judge).

Minutes by Kalene Engel

- 1. Call to Order: 12:02 P.M.
- 2. Review/revise/approve Agenda for December 1, 2010: Agenda approved with following additions:
  - Winona County Bar Christmas Party Sally Cumiskey/J.P. Plachecki
  - Blueprint for Safety Grant Tom Frost
  - Holiday Celebration Fatima Said
  - City Council Representation Sally Cumiskey
- 3. Review/revise/approve draft Minutes from November 3, 2010: Approved without changes.
- 4. General Business
  - A. Action Item- Invite to National Criminal Justice Coordinating Council Network:

    Several national justice groups are forming a National Criminal Justice Coordinating Council to bring together CJCC and share information/ideas on CJCC-related issues. Membership is by application and selection. No matching funds are required. The group will meet in person twice a year for 2-3 days per time. Travel expenses for one staff person and one executive committee member will be provided through Bureau of Justice Assistance funding. There may also be an opportunity to host a meeting locally. By consensus, the Council agreed to apply for the National CJCC Network.
  - **B.** <u>Information Item- Invitation to Legislators to January 5, 2011 meeting:</u> We have extended an invitation to area Senators and Representatives to attend our January 5, 2011 meeting. Unfortunately, they are back in session on January 4<sup>th</sup>, so we may not have a good response to our invitations.
  - C. <u>Information Item-PJI Report</u>: The Pre-Trial Justice Institute's report on our Technical Assistance Request was released last week. Sally suggested that since not all of the

committees have had a chance to discuss the report, we allow the committees to review the report and bring back to the Council any discussion/information/action items. There were no objections to this suggestion.

- D. <u>Information Item Winona County Bar Association</u>: The Winona County Bar Association Christmas Party will be held on December 10, 2010 at Westfield Golf Course from 3 to 7 p.m. The cost is \$14 per person, payable to Winona County Bar Association. Sally Cumiskey will be emceeing.
- E. <u>Information Item Blueprint for Safety</u>: We learned today that we were awarded approximately \$95,000 in funding for the Blueprint for Safety Program that was endorsed by the Council at the November meeting. The funds will be used to hire a project coordinator to implement the Blueprint for Safety Program in Winona, along with other program expenses. The County's matching share of the project involves no cash outlay—only provision of office and meeting space as well as time spent by other county participants.
- F. <u>Information Item Celebration of Holidays in Winona:</u> Project FINE is participating with Theatre du Mississippi in a celebration of holidays around the globe. The event will be held on Saturday, December 11, 2010 at 7:00 p.m. at the Masonic Building.
- G. <u>Information Item City Council Representation</u>: Sally spoke with Monica-Hennessy Mohan about the City of Winona representation on the CJCC. Ms. Mohan stated that the Mayor will be appointing Michelle Alexander to the CJCC as the City's representative.

#### Committee Reports

Courts Committee - Hon. Nancy Buytendorp: At the November 18, 2010 meeting, A. Char Wilson of Midwest Monitoring presented information on a number of monitoring devices that are available through her company. As far as soundproofing is concerned, the third floor speakers are now covered. The Adult Diversion Workgroup has developed a draft policy which will be implemented soon. The program is for first time property offenders and the process will involve having the judges hear the admission of guilt but not enter it as a plea. If the participant successfully completes the program, which also involves restitution, the participant will not have the offense on his/her record. A diversion program for bad checks is also being considered and a presentation by Financial Crimes Services will follow the December CJCC meeting. The Uniform Citation Committee met and Justin Wesley will be conducting training for officers on completing citations. The rolling shelves in the law library have been claimed by Veteran's Services and are in the process of removing the books so that the shelves can be removed. The Blueprint for Safety Proposal, as noted above, was approved for funding. The PJI Report will be discussed at the next committee meeting.

Next Meeting: Thursday, December 16, 2010 at 8:00 a.m. in Jury Room

#### B. Community Outreach and Diversity – Carmaine Sturino:

The next major Committee project is the Law Day Event. This will be held on May 2, 2011 and involve 6<sup>th</sup> graders coming to the courthouse and possibly to other government buildings. We have also secured some funding for transportation expenses. Justin Wesley is working on a mock trial appropriate for 6<sup>th</sup> graders and we hope to obtain a student intern to help with the project. Mena offered to check with the rural school districts to see if there was interest in participating in Law Day. The Committee also wants to reach out to its newly elected officials and, as noted earlier, letters have already been sent out. Judge

Thompson noted that the Chief Justice has asked the courts to participate in legislative outreach and he and Sally are the lead contacts in this area. He would like to see if the CJCC could work together with the judicial delegation to coordinate a meeting place/time/agenda for a legislative outreach session.

Next meeting is December 8, 2010

#### C. Jail and Jail Alternatives Committee – Justin Green:

After reviewing the regular CARE Program data updates, the committee discussed the PJI report (which was received the day prior to the meeting). Half of the report is focused on recommendations. The Committee discussed some of the recommendations and came up with some preliminary recommendations on workgroup or joint workgroup formation. Of note is the fact that the diversion program recommended in the report is already proceeding, so evaluation of that program may be a consideration for the Committee. The Committee will also likely be looking to the Data Committee for assistance in obtaining and compiling data. The Committee did not make any firm decisions but will re-visit the issues at its next meeting. With respect to veteran's issue, Duane Hebert suggests contacting Steve Johnson of Veteran's Services.

Next Meeting: Tuesday, December 28, 2010 at 1:30 p.m. at Kensington Banquet Room

#### D. <u>Crime Prevention Committee - Travis Volkman</u>:

The Committee did not meet in November. Jannine Hebert will be at the next meeting to present on the sex offender release policies.

Next Meeting: Monday, December 20, 2010 at 2:30 p.m. at Kensington Banquet Room

#### E. <u>Juvenile Justice Committee – Rená Patterson:</u>

The Committee did not meeting in November.

Next Meeting: Tuesday, December 21, 2010 at noon at DOC Conference Room

#### F. <u>Data Information Committee - Steve Buswell:</u>

No report.

#### G. Other:

Thank you to Tom Frost for the fine work he has done in his short time here.

6. Adjournment: 12:45 p.m.



Invitation to Apply for Membership in the New National Criminal Justice Coordinating Council Network

With funding from the Bureau of Justice Assistance, the Justice Management Institute (JMI), the Pretrial Justice Institute (PJI), and the National Association of Counties (NACo), are bringing together leaders and top-level staff from up to 12 criminal justice coordinating councils (CJCCs) across the country that have major roles in shaping decisions regarding criminal justice. (For more information about the partnering agencies, please see the attached descriptions.) The goal of this project is to provide a central place for the leaders and senior staff of CJCCs to share information and ideas about common problems and promising approaches to addressing these problems.

The objectives of this project include: 1) providing an outlet for CJCC leaders and senior staff to discuss common issues and opportunities; 2) facilitating a learning exchange among CJCCs on promising innovations and evidence-based policy and practice; 3) creating a network of CJCC leaders and staff for ongoing peer-to-peer technical assistance; and 4) developing materials that will aid CJCCs in their policy making and will assist other jurisdictions in developing effective CJCCs of their own.

If you are interested in participating, please complete the enclosed application and any relevant materials about your CJCC that you would like to include (such as copies of authorizing legislation and by-laws) by December 17, 2010. You may email the application to me at <a href="mailto:enugent@jmijustice.org">enugent@jmijustice.org</a> or by regular mail to JMI's Washington, D.C. office at 600 N. Abingdon Street, Arlington, VA 22203. Please also include a letter of interest in the network signed by the executive committee of your CJCC. We will review all applications received and make decisions about the membership in early January 2011.

We hope you take advantage of this important opportunity and look forward to hearing from you. If you have any questions about the project or application material, please contact feel free to contact me at 703-395-2650.

Sincerely,

M. Elaine Borakove

President

**Enclosure** 

M. Elaine Nugent-Borakove, President | Barry Mahoney, President Emeritus

Description of the C CC Network Project Partners

The U.S. I epartment of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA)

Strengthens the nation's criminal justice system and helps America's local, state, and tribal

advernments ceduce and prevent crime and violence. BJA delivers resources to state, local, and tribal
communities and justice agencies with an emphasis on partnerships and promoting data-driven and
evidence-based practices and policies to improve the efficiency and effectiveness of the justice
system.

- The Justice Management Institute (JMI) is a non-profit organization, formed in 1993, to focus on justice system improvement, with a particular emphasis on the courts. JMI's approach is three-fold:

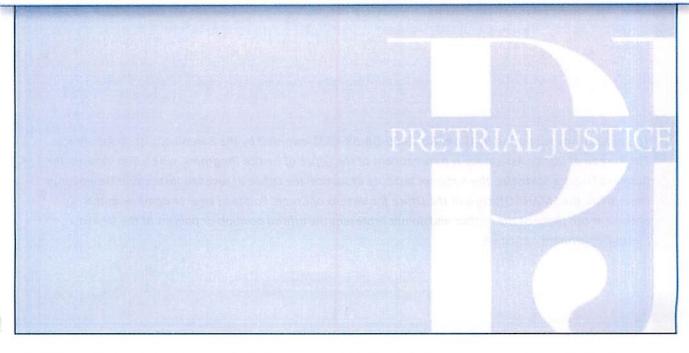
   to act as a think tank and engage in research to assess emerging issues in the administration of justice and to document strategies for address these issues;
   to provide education and training to inspire improvement in justice system operations and outcomes;
   to affect real and meaningful change in the administration of justice that is results-oriented, cost-effective, sustainable, and practical though the provision of direct technical assistance.
- Established in 1935, NACo represents the interests of the nation's 3,068 counties and their locally
  elected officials before Congress and the administration, works to enhance the positive public image
  of counties and, through our 501(c) (3) subsidiary, the National Association of Counties Research
  Foundation (NACORF), provides research, education, training, and technical assistance to help counties
  find innovative solutions to meet the challenges they face.
- The Pretrial Justice Institute (PJI)'s mission is to advocate nationwide for fair and effective pretrial
  practices that eliminate inappropriate detention, optimize diversion from prosecution, and maintain
  community safety. PJI seeks to accomplish this mission by facilitating research that drives evidencebased practices, assisting state and local governments in improving their pretrial policies, and
  providing technical assistance to elevate local pretrial practice.



# Winona County Criminal Case Processing Analysis

Holly Szablewski

November 2010



This project was supported by Grant No. 2009-DB-BX-K021 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

#### I. Introduction

#### A. Background of Request

Winona County's Criminal Justice Coordinating Council (WCCJCC) requested technical assistance (TA) from the Pretrial Justice Institute's (PJI) Technical Assistance and Training Program, funded by the Bureau of Justice Assistance.

Like many counties across the country, Winona County is facing significant economic stress and is looking to ensure the most appropriate use of costly jail beds. There is significant concern with the number of jail beds utilized by pretrial defendants and the average length of stay for this population. There is also concern that significant case processing delays and resulting increased time to case disposition are driving increased pretrial detention and related costs.

The County has asked the technical assistance provider to:

- Evaluate the processing of cases, identify delay points and recommend strategies for improved efficiency;
- Review trends in the pretrial jail population;
- Evaluate the need for and feasibility of a supervised pretrial release program and/or other pretrial alternatives to incarceration;

Technical assistance was provided by Holly Szablewski, consultant for PJI. Ms. Szablewski has over 20 years of experience managing pretrial service programs and ten years of experience in court administration in Milwaukee County, Wisconsin. The consultant conducted a two-day site visit on September 15<sup>th</sup> and 16th, 2010. Prior to the site visit, the consultant gathered and reviewed County criminal justice system statistics, pertinent bail laws and legislation and the 2001 and 2005 technical assistance reports.

On site, the consultant spent two days conducting interviews with key stakeholders. Included in these interviews were the three District Court Judges, County Court Administrator, Assistant Public Defender, Interim County Attorney, Assistant County Attorney, Winona County Criminal Justice Coordinating Council Director, Winona Police Department Deputy Chief, Department of Corrections Supervisor and member of the local private defense bar.<sup>1</sup>

In addition to stakeholder interviews, the consultant observed one session of First Appearance Court, toured the Winona County Jail and attended a meeting of the WCCJCC Courts Committee.

#### I. Crime Statistics & Jail Data

#### A. Crime Statistics

Like most counties across the country, Winona County has experienced a reduction in its overall crime rate. Between 2005 and 2009, the overall crime rate per 100,000 inhabitants dropped 23% from 7,539 to 5,792. During the same period, the violent

<sup>&</sup>lt;sup>1</sup> For list of those interviewed, please see Appendix.

crime (murder, rape, robbery and aggravated assault) rate fell 19% from 1,854 per 100,000 inhabitants to 1,504. The property crime (burglary, larceny, motor vehicle theft and arson) rate per 100,000 fell 25% from 5,685 to 4,285<sup>2</sup>.

Between 2005 and 2009, arrests for violent crimes increased 79%. This is in direct contradiction to the reduction in the overall violent crime rate. During this same period, the percentage of both violent and property crimes cleared by law enforcement increased only slightly from 59% in 2005 to 62% in 2009<sup>3</sup>. From 2005-2008, arrests for property crimes fell 18% from 1,944 to 1,585. However, between 2008-2009 arrests for property crimes increased 15% from 1,585 to 1,828.

#### **B.** Jail Statistics

The Winona County Jail has a total of 83 beds. The main jail has a hard capacity of 35 inmates and there are 48 minimum security beds in the Huber Annex.

Daily admissions and average length of stay are the principle determinants of a jail's population and drive capacity issues. Statewide in Minnesota, the past few years have seen a 3.5% downturn in jail populations. Between 2006 and 2009, the Winona County Jail also saw a significant decrease in admissions, average length of stay (ALOS) and average daily population (ADP). In 2006, there were 1,605 admissions to the jail, the average daily population (ADP) for the facility was 52 inmates and the average length of stay was 11.82 days. From 2006 to 2009, admissions dropped 12.5% to 1,404, the ADP dropped 21% to 41 and the ALOS fell 9.5% to 10.7 days<sup>5</sup>. The reported average length of stay for the Winona County Jail is lower than the 20.9 day estimated national average. The 2009 ADP of 41 inmates placed the facility at an average daily operational capacity of 49%. This is well below the national average of 78.6% for facilities housing between 50 and 99 inmates<sup>7</sup>.

Total Population<sup>8</sup>

	2006	2009
Admissions	1605	1404
Total Days Confined	18976.10	15020.57
ADP	51.99	41.15
ALOS	11.82	10.70

<sup>&</sup>lt;sup>2</sup> "Uniform Crime Report", 2005-2009, State of Minnesota Department of Public Safety Bureau of Criminal Apprehension Minnesota Justice Information Services.

³ Ibid.

<sup>4</sup> http://minnesota.publicradio.org/display/web/2009/03/11/countyjailcrunch/?refid=0

<sup>&</sup>lt;sup>5</sup> Minnesota Department of Corrections Facility Usage Reports: Winona County Jail-2006-2009.

<sup>&</sup>lt;sup>6</sup> Data on national estimated daily average obtained from James Stefan, Senior Analyst for the Bureau of Justice Statistics, November 4, 2009.

<sup>&</sup>lt;sup>7</sup> Minton, T.D. (2010). Jail Inmates at Midyear 2009-Statistical Tables. Washington, D.C.: United States Department on Justice, Bureau of Justice Statistics. NCJ 230122.

Minnesota Department of Corrections Facility Usage Reports: Winona County Jail-2006-2009

It is important to note that facility usage reports break down the jail population into sentenced and non-sentenced categories. Each of these categories has several subgroups for which data is tracked. Included in the non-sentenced population are:

- Pending Charge/Investigation
- Pending Court Disposition (supposed to be for juveniles only)
- Adult Pre-Sentence
- Bench Warrant
- Adult Other
- Adult Pretrial
- Other

Sentenced vs. Non-Sentenced Populations<sup>9</sup>

	2006		2009	
	Non-	Sentenced	Non-	Sentenced
	Sentenced		Sentenced	
Admissions	1157	448	1083	321
Total Days Confined	8824.66	10151.44	7212.94	7807.63
ADP	24.18	27.81	19.76	21.39
ALOS	7.63	22.66	6.66	24.32

In 2009, the non-sentenced population accounted for 77% of jail admissions, 49% of the ADP and 48% of jail beds utilized. The pretrial population is really comprised of the following Facility Usage Report categories: Pending Charge/Investigation, Adult Pretrial, and Bench Warrant. Analyzing this population requires combining the data on these categories. The next table pulls out the pretrial population from the non-sentenced category.

2009 Winona County Pretrial Population<sup>10</sup>

	Adult Pretrial	Bench Warrant	Pend. Chg	Total
Admissions	228	143	671	1042
Total Days Confined	4810.69	220.53	699.71	5730.93
ADP	13.18	.60	1.9	15.70
ALOS	21.10	1.54	1.0	5.5

In 2009, the pretrial population accounted for 74% of jail admissions, 39% of the ADP, and 38% of jail beds utilized. The pretrial ADP is well below the 62% national average<sup>11</sup>. The Jail Administrator indicates that the jail population has declined significantly in the last 1.5 years from approximately 83 inmates per day to 54 as of 11/4/2010. The County used to have to pay to house as many as 40 inmates a day in other county jails. That

<sup>9</sup> Ibid

<sup>10</sup> Ibid

<sup>&</sup>lt;sup>11</sup> Minton, T.D. (2010). *Jail Inmates at Midyear 2009-Statistical Tables*. Washington, D.C.: United States Department on Justice, Bureau of Justice Statistics. NCJ 230122.

number is now down to five and includes only inmates who pose classification difficulties because of the jail's antiquated linear design.

Another population worth noting is the adult pre-sentence population which accounts for only 2.5% of the total population, but has an ALOS of 41 days and consumes 10% of all jail days utilized. These inmates have been convicted and are spending an average of 41 days awaiting sentencing. No data is available on the number of presentence investigations ordered or completed annually. Minnesota Department of Corrections (DOC) Division Directive 200.010 relating to policies on PSIs requires completion of the report within 21 days of a guilty plea or verdict for an in-custody defendant. Any extension beyond this time frame must be approved by the supervisor and the court. DOC supervisory staff interviewed indicates that it is extremely rare that a request for an extension of these time frames is made. This population is spending an additional 20 days in custody after completion of the PSI. Targeted efforts to reduce the time between conviction and sentencing could yield a reduction in population and associated detention costs.

While there is data identifying the ADP and ALOS for the pretrial population, data is not regularly reviewed for more in-depth analysis. ADP and ALOS data is not reported or reviewed on felony, misdemeanor, gross misdemeanor and/or traffic subgroups of the pretrial population. In addition, bail amount, type, and rates of release for ROR, secured bond, unsecured bond, conditional and unconditional bond are not reviewed on a regular basis. None of the stakeholders interviewed indicated that the jail population was driven by an over reliance on financial conditions of release. However, several stakeholders indicated that there seemed to be a high rate of release on commercial surety bonds. Breaking the pretrial population down to this level for further analysis is critical in identifying potential target populations for alternative interventions, future management of the jail population and for discussion and consideration of systemic policy changes in the pretrial process.

While Winona County is currently experiencing significant relief in its jail overcrowding situation, the jurisdiction should be concerned with the higher than average pretrial population and must remain diligent in monitoring and managing the systems and processes that impact jail populations on a daily basis.

#### II. Case Processing Review

#### A. Overview

Winona County is part of the 3<sup>rd</sup> Judicial District of Minnesota. Other counties in the district include, Wabasha, Olmsted, Fillmore, Houston, Mower, Freeborn, Dodge, Steele, Waseca and Rice. District counties closest in population size to Winona are Mower and Steele. The County has three district court judges who handle all cases.

<sup>12</sup> Minnesota Department of Corrections Facility Usage Reports: Winona County Jail-2006-2009

<sup>13</sup> Minnesota Department of Corrections Division Directive 200.010.

In Minnesota, criminal offenses are categorized as either major criminal or minor criminal. Major criminal offenses include felonies, gross misdemeanor DWIs and other gross misdemeanors. Felony offenses include crimes punishable by one year and one day (366 days) or more in prison. Gross misdemeanors include offenses punishable by up to one year in jail. Minor criminal offenses include 5<sup>th</sup> degree assault, misdemeanor DWI, traffic, and other non-traffic offenses. These offenses are punishable by up to 90 days in jail.

Between 2000-2009 total criminal case filings in Winona County decreased 45% from 10,157 in 2000, to 5,559 in 2009. However, major criminal case filings jumped 84%, from 366 in 2000 to 673 in 2009. This includes a 650% increase in serious felonies, a 146% increase in other felonies, 36% increase in gross misdemeanors, and 21% increase in gross misdemeanor DWIs. Minor criminal offense case filings fell 50% from 9,791 in 2000 to 4,886 in 2009 and included decreased filings for every minor criminal case type except 5<sup>th</sup> degree assault filings which increase 3%. <sup>14</sup>

The Minnesota Judicial Council has established timing objectives for criminal case dispositions as follows:

Type of Case	% of Cases to be Disposed Within Set Time
Major Criminal	90% in 4 months
(Felony, Gross Misd.)	97% in 6 months
	99% in 12 months
Minor Criminal	90% in 3 months
(5 <sup>th</sup> Deg. Assault,	97% in 6 months
Non-Traffic Misd.,	99% in 9 months
Petty Misd., Misd. OWI,	
Other Traffic)	

It should be noted that the American Bar Association "Standards of Timely Disposition" call for 90 percent of all felony cases to be adjudicated within 120 days of arrest, 98 percent within 180 days and 100 percent within one year. 15

2005-2009 Percent of Cases Disposed Within Guidelines-Major Criminal Cases<sup>16</sup>

	90 <sup>th</sup> Percentile	97 <sup>th</sup> Percentile	99 <sup>th</sup> Percentile
2005	44.8%	59.1%	91.2%
2006	35.1%	51.3%	85.5%
2007	38.2%	55.5%	85.3%
2008	34.5%	48.5%	86.8%
2009	34.9%	49.8%	81.8%

<sup>&</sup>lt;sup>14</sup> 2005-2009 Time to Disposition MNJAD Reports-Winona County

<sup>&</sup>lt;sup>15</sup> American Bar Association. (1992). Standards *Related to Court Delay Reduction*. Standard 2.52. . Chicago, IL: American Bar Association.

<sup>&</sup>lt;sup>16</sup> 2005-2009 Time to Disposition MNJAD Reports-Winona County

In 2005, the average time to disposition for major criminal cases was 179 days. In 2009 that climbed to 221 days, lead by serious felonies with an average time to disposition of 416 days, well beyond the established guidelines. The above table illustrates that Winona County has had significant case processing issues with more serious cases as it not meeting the established case disposition guidelines. In 2009, almost 20% of major criminal case dispositions took over 12 months to reach adjudication, up from 13% in 2008. Statewide, the 3<sup>rd</sup> Judicial District has the highest percentage of cases pending beyond the 99<sup>th</sup> percentile. This is well beyond the established standards and could pose significant problems in terms of jail bed utilization as defendants in major criminal cases are more likely to be held in custody pending case disposition. Case processing problems are further indicated by the fact that in January of 2010, there were at least two inmates in the Winona County jail incarcerated since 2008 awaiting disposition of their criminal cases.

2005-2009 Percent of Cases Disposed Within Guidelines-Minor Criminal Cases<sup>17</sup>

	90 <sup>th</sup> Percentile	97 <sup>th</sup> Percentile	99 <sup>th</sup> Percentile
2005	87.6%	96.3%	98.4%
2006	85.0%	95.6%	98.0%
2007	87.4%	95.9%	98.3%
2008	88.5%	95.8%	98.3%
2009	91.0%	96.8%	98.5%

In 2005, the average days to disposition for minor criminal cases was 36 days. In 2009, that number remained relatively stable at 35 days. The above table indicates that the County has experienced slight improvement in time to disposition for minor criminal cases and met standards for case disposition at the three month mark and is very close to meeting established standards for the three and six month guidelines.

Another measure of a jurisdiction's case processing efficiency is the case clearance rate. In order to avoid significant case backlog, jurisdictions should strive to resolve 100% of all cases within one year of filing. The below chart shows Winona County's case clearance rate for major criminal cases from 2005 through June, 2010.

Winona County Case Clearance Rate 2005-201018

	2005	2006	2007	2008	2009	6/2010
Serious Felony	53.8	62.5	68.2	55.2	106.7	130.0
Felony OWI	57.1	90.9	150.0	116.7	47.6	220.0
Other Felony	100.4	93.2	91.6	107.0	82.1	110.9
Gross M-OWI	94.8	119.7	90.6	105.8	85.2	142.6
Gross Misd.	91.2	128.9	99.0	97.8	67.2	93.3
Major Criminal	95.3	104.3	92.3	102.9	80.1	112.8

<sup>17</sup> Ibid

<sup>18</sup> Ibid

In 2009, the County disposed of only 80% of major criminal cases within one year of filing, down significantly from previous years. The statewide clearance rate for major criminal cases in 2009 was 103%. Only 48% of Felony OWI cases were disposed of within this time frame. Stakeholders noted that the low clearance rate for these cases is driven by both the prosecution and defense agreeing to postpone adjudication in order to allow defendants time to complete substance abuse treatment. The County appears to be making progress in improving the case clearance rate, as shown by the figures for 2010 through June.

In 2008, the 3<sup>rd</sup> Judicial District suffered budget cuts that resulted in significant (20%) staffing reductions.<sup>19</sup> Weighted caseload data show the district is judged at 94% of need. Public defender data show the office to be staffed at just 56% of need.<sup>20</sup> The majority of key stakeholders interviewed indicated that this pattern of understaffing, especially in the Public Defender's Office, is a significant factor in the County's case processing problems.

#### **Identified Case Processing Problems**

#### A. Continuances

The majority of stakeholders interviewed indicated that the largest problem facing the County in terms of case processing delays is the "culture of continuances." While budget cuts and public defender staffing levels were mentioned by stakeholders as presenting problems, the overwhelming majority of stakeholders interviewed indicated that cases just do not get pushed along and that the parties are not routinely held responsible for preparation of cases. In addition to causing court delays and case backlogs, the processing of continuance requests requires an enormous investment of limited court administration resources.

Court Administration provided the consultant with a list of continuance requests from July, 2009 through July 2010. The list included information as to the requesting party and the reason for the request. Below are several examples of continuance requests.

- Request received 12/23/09 for a jury trial scheduled 1/13/10. The trial was scheduled back on 9/30/09. Request by County Attorney because witnesses are not available.
- Request received 2/1/10 to postpone 2/22/10 jury trial that was scheduled on 12/11/09. Reason for the request is the witness is not available.
- Request received 2/17/10 to postpone 2/22/10 court trial. The trial was scheduled on 1/4/10. Reason for the request is the state's witness is not available.

<sup>&</sup>lt;sup>19</sup> "Performance Measures Key Results and Measures 2<sup>nd</sup> Annual Report", Minnesota Judicial Branch, State Court Administrator's Office-Court Services Division, Research and Evaluation. August, 2010.
<sup>20</sup> Ibid.

The majority of the requests were made by the County Attorney's Office. The primary reasons given for continuance requests are the unavailability of the state's witness, officers not being available or the prosecuting attorney being out of the office. Two additional examples show the significance of the continuance issue.

- Felony criminal sex case. Offense date is 12/29/08. Case filed 2/5/09. First appearance 3/3/09. Rule 8 hearing 3/12/09. Settlement conference was scheduled for 4/30/09 but did not occur because the case moved to trial posture. Pretrial hearing was scheduled for 7/8/09 but was postponed to 9/21/09 due to attorney not being available. The 9/21 date was postponed to 10/26/09 by agreement of the parties as the officer was not available. The 10/26/09 date was postponed to 12/2/09, which was postponed to 1/13/10, which was postponed to 3/23/10, again to 5/18/10 and again to 9/22/10.
- Misdemeanor theft case. Offense date is 9/15/08. Case filed 12/10/08.
   Arraignment 12/15/08. Another arraignment hearing scheduled for 1/26/09.
   Pretrial hearing scheduled 3/16/09 which was continued to 5/11/09 which was continued to 6/15/09. Four jury trial dates scheduled and postponed between 4/09-10/09. The October trial date was canceled because the defendant got a new attorney. New trial date scheduled for 2/22/10 postponed to 4/5/10, 5/11/10, 8/10/10 and 11/30/10.

The jurisdiction does have a formal continuance policy that requires the request be made in writing at least 14 days from a scheduled non-trial hearing date and 30 days prior to a scheduled jury or court trial. Stakeholders indicate that enforcement of this policy is very inconsistent and that last minute requests are often made and granted. Several stakeholders indicated that it is rare for either of the parties to object to the request and that the courts "grant them liberally." Two stakeholders noted that the judges need to provide stronger leadership in addressing this issue starting with enforcement of the continuance policy.

#### B. Case Screening/Preparation

As one key stakeholder noted, 90% of everyone's time is spent on routine, resolvable cases and only 10% is spent on the cases that really require a trial to reach disposition. Several stakeholders noted that a lack of early case analysis and poor case preparation on the part of both prosecutors and defense attorneys drive the issuance of continuances.

Stakeholders identified the key delay points as occurring between the Rule 5 (first appearance) and Rule 8 hearing, and again between the Rule 8 and Rule 11 hearings. The Rule 8 hearing is the second appearance in felony and gross misdemeanor cases and essentially serves as the arraignment. The Rule 8 hearing must be held within 14 days of the Rule 5 hearing unless there is a formal waiver. The only plea that may be entered at the Rule 8 hearing is a guilty plea. Critical to resolving cases at the Rule 8 hearing is the timely provision of discovery, appointment of defense counsel, as well as the ability

<sup>&</sup>lt;sup>21</sup> Minnesota Rules of Criminal Procedure

of the defense attorney to review the case and consult with the defendant and prosecutor prior to the hearing. Several stakeholders noted that because of the significant staffing shortage in the Public Defenders Office along with the timing of the appointment of counsel, the Rule 8 hearing is often the first time the defendant has seen their attorney. In addition, issues delaying the provision of discovery and realistic settlement offers to the defense hinder the parties' ability to engage in meaningful negotiations. Often the assigned attorney has had insufficient time to meet with the defendant and/or assess the strength of the case.

If the defendant does not plead guilty at the Rule 8 hearing, the arraignment must be continued to the Rule 11 hearing, also known as the Omnibus Hearing. This hearing must be held within 28 days of the Rule 5 hearing. However, Rule 8.04(c) allows this time to be extended for good cause on motion of one of the parties or court's initiative. The purpose of the Omnibus Hearing is for the court to hear all motions relating to probable cause, evidentiary issues, discovery, admissibility of other crimes or acts, relationship evidence or prior sexual conduct, constitutional issues, procedural issues, aggravated sentence or any other issues relating to a fair and expeditious trial. <sup>23</sup>

The jurisdiction has tried several initiatives in an effort to improve case processing. The jurisdiction tried scheduling cases for settlement hearings starting in 2008. Specific guidelines were created with the goal of identifying the "garden variety felony case" and moving it to disposition quickly. This effort met with minimal success and was ultimately discontinued. Stakeholders noted that the parties were not communicating in advance of the hearing, discovery was not being provided timely, offers were not made early enough and attorneys were just not prepared at the appearance to allow for successful negotiation and disposition of cases. Pretrials (default omnibus hearings) have now replaced settlement conferences.

The County has also implemented what is known as "Mega Settlement Day" in which the parties will identify misdemeanor cases for resolution involving both in and out-of-custody defendants. On average, approximately 20 cases per month are resolved on Mega Settlement Day. The majority of stakeholders indicated that this effort is meeting with some success and should be continued.

#### B. Budget/Staffing Issues

As noted earlier in this report, the 3<sup>rd</sup> Judicial District suffered significant budget cuts in 2008 that resulted in a 20% reduction in court operation personnel. In addition, weighted caseload data show that the district is understaffed and under judged, and that the public defender's office is staffed at just 56% of the identified need. The current average caseload for a full-time public defender is 200 cases, over double the stated target for this caseload. Stakeholders repeatedly and unanimously indicated that the shortage of public defenders directly impacted on case processing times and the system's ability to move cases along and expedite dispositions.

<sup>22</sup> Ibid

<sup>&</sup>lt;sup>23</sup> Ibid

#### III. Current Pretrial Process

Persons arrested and detained pending review and issuance of criminal charges are held in the County Jail. Minnesota State Statute 629.401 requires the defendant be taken before the court "without unreasonable delay." Minnesota Rules of Criminal Procedure direct that the person be brought directly before the court if in session. If the court is not in session, the person must be brought before the court no more than 36 hours after arrest, not counting the day of arrest, Sundays or holidays<sup>25</sup>.

A defendant's first appearance before a judge is the Rule 5 Hearing. The purpose of this hearing is to inform the defendant of the following:

- (1) charge(s);
- (2) rights, including the right to have counsel appointed if eligible; and
- (3) opportunity to enter a plea as permitted by Rules 5.06, 5.07, and 5.08, and;
- (4) to set bail and other conditions of release under Rule 6.02.

Upon appearance before a court, Minnesota Rule of Criminal Procedure 6.02(1) calls for a defendant's release on a personal recognizance bond or unsecured bond appearance bond "unless a court determines that release will endanger the public safety or will not reasonably assure the defendant's appearance."<sup>26</sup>

In Winona County, Rule 5 hearings are held Monday-Friday at 11:00 a.m. before one of three District Court Judges. Judicial assignment to Rule 5 hearings is on a rotational basis. Defendants appear pro-se unless they are able to hire private counsel. The County Prosecutor's office is present along with the court clerk. On average there are approximately three Rule 5 hearings per day.

Winona County does not have a formal pretrial services program. However, Minnesota Statute 629.74 Sec. 15 requires the local corrections department or its designee to conduct a pretrial bail evaluation of "each defendant arrested and detained for committing a crime of violence as defined in section 624.712(5)." In addition to violent crimes such as homicide, sexual assault, robbery and domestic violence offenses, included in the definition of crimes requiring an evaluation are what are typically considered non-violent offenses such as auto theft, burglary, and controlled substance offenses. According to the Department of Corrections (DOC) staff interviewed during the site visit, on average, there are one or two evaluations conducted each day. Each morning DOC staff receives the jail list from court administration to determine which defendants need to be evaluated. Criminal histories for those requiring an evaluation are run by DOC support staff. A DOC agent then goes to the jail to conduct the interview/bail evaluation. The bail evaluation tool in use is borrowed from Hennepin County and has been in use in Winona for approximately ten years. It should be noted

<sup>&</sup>lt;sup>24</sup> Minnesota State Statutes

<sup>&</sup>lt;sup>25</sup> Minnesota Rules of Criminal Procedure

<sup>&</sup>lt;sup>26</sup> Ibid

<sup>&</sup>lt;sup>27</sup> Minnesota State Statutes

that the tool's use and application in Winona County has not been subject to a validation study. It is a tool that uses a point system to weight and score the following risk factors:

- Use of a weapon
- Length of residence in Minnesota
- Living situation
- Employment status
- Prior failure to appear history
- Prior criminal record

The resulting score is then grouped as follows into bail recommendations:

No Bail Required (NBR) 0-8 points
CR (Conditional Release) 9-17 points

BAIL 18 points or above JUDICIAL OVERRIDE See list below

The "judicial override" is used for reasons such as:

- Out of state conviction(s)
- Same/similar conviction within last six months
- · Victim is fearful
- Seriousness of offense-used automatically for violent felonies, violent gross misdemeanors and sale/distribution of controlled substances even if score is NBR or CR.
- Residence less than one month in Minnesota
- Out of state residence (except Wisconsin border towns of LaCrosse or Hudson)
- Suicidal ideation/threat
- Threat to victim
- Statement by defendant or someone else that the defendant will not appear for court
- Incomplete record check
- Bench warrant in present case
- No permanent address
- Third OWI offense within ten years

The interview with the defendant takes approximately 10-15 minutes to complete. The agent then attempts to reach the defendant's collateral contacts to verify information obtained in the interview. If the case involves a victim, the agent must also attempt to contact them for input. After completion of verification, the bail evaluation is completed resulting in a one page report that is then sent to court administration for distribution at the defendant's Rule 5 hearing. The report includes information on the defendant's basic demographics, residency, living arrangement, pending cases, bail status, whether on probation/parole, victim contact, criminal history, substance use, mental health status and bail recommendation or override information.

During on-site interviews, stakeholders were asked to discuss the usefulness of the information gathered in the current bail evaluation process. The majority response was that this information is not particularly useful as it is currently presented. The judges indicated that they receive this information in only 10-20% of the Rule 5 hearings. They also indicated that it is not far enough in advance of the hearing, that there is not much understanding of the meaning of the information, especially the risk score, and it does not contain recommendations for conditions of release that address the defendant's identified risk/need level. DOC staff interviewed also indicate that the County Attorney's Office has "not approved" of the use of the current tool and that there is little "buy in" from this office on the application and use of the resulting information. The consultant observed one session of Rule 5 hearings in which there were five hearings scheduled. There was no mention of pretrial bail evaluation information by any of the parties during any of the hearings.

At the Rule 5 hearing, the judge has the following conditions available:

- (a) Place the person in the care and supervision of a designated person or organization agreeing to supervise the person;
- b) Place restrictions on the travel, association or place of abode during the period of release;
- (c) Require the execution of an appearance bond in an amount set by the court with sufficient solvent sureties, or the deposit of cash or other sufficient security in lieu thereof; or
- (d) Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

Minnesota Rules of Criminal Procedure Rule 6.02 states that if cash bail is set by the court, it must be set in two amounts, conditional bail — meaning the individual has other conditions he or she must agree to in addition to posting the bail amount. Conditional bail is almost always a smaller dollar amount, because the conditions imposed along with it are considered to help assure the individuals' appearance at the next hearing, and so less money is requested up front from the person and/or bail bondsman. The second amount is usually higher, because it is imposed without any conditions, meaning the individual must post bond in that higher amount, but no other conditions will apply, except that he or she must appear for the next court date.

Data is not consistently collected and reported on the rate of imposition of financial versus non-financial conditions of release. During stakeholder interviews, both judges and defense bar indicated anecdotally that there is a high rate of commercial surety release. Judges also often order drug and/or breathalyzer testing, curfews and absolute sobriety, but there is no formal mechanism in place for enforcing or monitoring these orders. In addition, it is unclear as to who bears the associated financial burden of

substance testing. One stakeholder described the ordering of such conditions as "a complete joke" as there is absolutely no formal structure in place to monitor and report on the defendant's compliance with conditions. Judges may also allow pretrial defendants to be released for work. The defendant is allowed to leave the jail to work, but must return to sleep at the jail at the end of their work shift. While the majority of stakeholders see value in this practice, several questioned the financial wisdom of such a policy in light of the County's limited jail bed capacity. If a defendant is seen as low risk enough to allow for release to the community for employment, why incur the cost of housing that person at all?

If financial conditions of release are ordered and a defendant is unable to secure release, bail reviews are not automatically scheduled. The next scheduled court date, the Rule 8 hearing is scheduled two weeks after the Rule 5 hearing. If the defendant wishes to have their bail reviewed immediately following a Rule 5 hearing, a formal, written motion must be filed at least three days in advance. This is not often possible as the public defender appointment process does not occur until a couple of days before the Rule 8 hearing which is held 14 days after the Rule 5 hearing.

Unlike many surrounding counties, Winona County does not currently have an adult diversion program or formal pretrial services program. Other 3<sup>rd</sup> Judicial District counties including Olmsted, Dodge, Fillmore, Freeborn and Rice, have some form of diversion or pretrial services operation. Several stakeholders noted that Winona County is far behind neighboring counties in pursuing development and implementation of alternatives to incarceration.

Minnesota is a Community Corrections Act state. Chapter 401 of the Minnesota Statutes outlines the act which allows the Commissioner of Corrections to make grants to assist counties in the development, implementation, and operation of community-based corrections programs including but not limited to diversion and conditional release programs. To be eligible, the county must have an aggregate population of 30,000 or more. The County may qualify for a grant by enacting resolutions creating and establishing a corrections advisory board, designating the officer or agency responsible for administering funds and providing for the preparation of a comprehensive plan for the development, implementation and operation of the services.

#### IV. Conclusions/Recommendations

The WCCICC should be commended for its attention and efforts in addressing the County's detention, case processing and pretrial justice concerns. The council has been actively looking at systemic issues and has implemented initiatives such as settlement conferences and 'Mega Settlement Days" in an effort to better manage its detention population and resolve cases more expeditiously. The council is also currently considering an adult diversion program. These efforts should continue and should be given priority attention if Winona County wishes to avoid the cost of building and operating a new detention facility. It is clear that members of the council and other key

stakeholders share common concerns and desires for overall criminal justice system improvement.

While the overall picture for the County's detention population has improved, the County must remain diligent in closely monitoring crime, detention and case processing trends that could lead to serious overcrowding again. The WCCJCC should continue to explore pretrial interventions and alternatives to incarceration to reduce its overall detention population.

Below are the consultant's recommendations grouped by specific issue areas. Each addresses a particular major finding and, where applicable, are supported by accepted best practices in pretrial services programming and court caseload management. Hopefully, these proposals will help the county reduce or eliminate inappropriate utilization of detention resources.

### A. Case Processing Delays

"The fundamental goal of effective caseflow management is to maximize the possibility of achieving a just result in each case."<sup>28</sup>

A jail's population is driven by two key factors, the number of admissions and the length of stay. For defendants unable to post bail, the time to disposition has a significant impact on a facility's average length of stay (ALOS). While Winona County has seen significant reductions in its jail population, statistics show the County has significant problems with timely processing of cases. Effective caseflow management can also reduce the impact of budget and staffing reductions. The jurisdiction should focus efforts on improving time to disposition and case clearance rates. This is critical to future management of the jail population.

During the site visit and analysis of data provided by the County, several case processing delay points were identified:

- 1. Time between conviction and sentencing.
- 2. Procedure for granting continuances.
- 3. Delay in provision of discovery.
- 4. Timing of appointment of defense counsel.

The Bureau of Justice Assistance Criminal Courts Technical Assistance Project (CCTAP) published a report by Maureen Solomon titled, "Improving Criminal Caseflow", which identifies system practices and elements needed for effective criminal caseflow management. Solomon indicates in her report that effective caseflow management incorporates early judicial case management to achieve earlier dispositions in the

<sup>&</sup>lt;sup>28</sup> Solomon, M. (2008). *Improving Criminal Caseflow*. Washington, D.C.: Bureau of Justice Assistance, Criminal Courts Technical Assistance Project.

great majority of cases that will be disposed of without a trial and to create a predictable process and timetable for those cases that may ultimately require a trial.<sup>29</sup>

The CCTAP report prescribes the following system elements and specific caseflow management practices necessary for effective caseflow management<sup>30</sup>:

## **System Elements**

- 1. Early and continuous judicial supervision of case progress.
- 2. Assurance of credible hearing/trial dates and control of continuances.
- 3. Time standards and goals, both for the times between key case events and for disposition.
- 4. Information system to support caseflow management.
- 5. Continuing consultation with the bar and criminal justice agencies.

#### **Specific Caseflow Management Practices**

- 1. Early availability of the arrest report.
- 2. Realistic charging.
- 3. Early attachment/involvement of counsel.
- 4. Early exchange of information between prosecution and defense.
- 5. Negotiated dispositions are based on an early, realistic offer that is unlikely to Improve substantially with time.
- 6. Every proceeding is used as an opportunity to dispose of the case or move it to disposition.
- 7. Case management screening by prosecution, defense and judge.
- 8. Cases always have a future date with a specific purpose.
- 9. Trial dates are scheduled only if necessary.
- 10. Emphasis is on early disposition.

Consistent with these recommended practices, the consultant makes the following recommendations to address case processing delays:

1. Strict Enforcement of Continuance Policy

Routine granting of continuance requests without exceptional cause signals a lack of judicial control of case progress and leads to delays and backlogs. In courts where the prevailing view is that dates are not credible and continuances are routinely granted, attorneys are less likely to meet deadlines.<sup>31</sup> The Winona County judges, in consultation with the parties, should be scheduling hearing dates that are credible and that can be accommodated by everyone's schedule. The practice of granting of continuances simply because neither party objects

<sup>&</sup>lt;sup>29</sup> Ibid

<sup>30</sup> *Ibid.*, at pp.7-11.

<sup>&</sup>lt;sup>31</sup> Solomon, M. (2010). *Conducting a Felony Caseflow Management Review: A Practical Guide*, Washington, D.C.: Bureau of Justice Assistance.

must be discontinued. The three district court judges must take a very active leadership role in enforcement of this policy.

## 2. Employ the use of pretrial scheduling orders

One way the Winona Court system can begin to change the culture of continuances and create credible court hearings is to employ the use of a pretrial scheduling order. Such an order clearly spells out the court's expectations of the parties as to the timing of key events necessary for effective case processing. These events include exchange of discovery, timing and filing of any motions, final plea/negotiation date, final pretrial date, trial date and timing of any necessary related actions. If properly enforced, scheduling orders eliminate the practice of delay often seen when the prosecutor does not make a credible early offer and the defense attorney delays in an effort to obtain a better deal. Scheduling orders prohibit the entry of a guilty plea to a lesser charge after a date certain.

#### 3. Earlier Appointment of Counsel

Solomon indicates that one of the critical practices in effective caseflow management is the early appointment of counsel and prompt interview of the defendant.32

While the County has attempted to address this issue, defendants remain unrepresented at the Rule 5 hearing, one of the most critical decision points in the criminal justice process. If cash bail is set and the defendant is unable to post, the next scheduled hearing is the Rule 8 hearing two weeks later. There is no formal mechanism to have this bail reviewed, and without representation, it is unlikely the defendant will obtain a bail review on their own.

In addition, early disposition of cases is dependent on a variety factors, most importantly, the early appointment of defense counsel. Stakeholders noted that it is the exception rather than the rule that a public defender will have met with the defendant prior to the Rule 8 hearing. This results in fewer cases being disposed of at this stage and unnecessary delay and backlogs. While the consultant acknowledges the significant staffing issues facing the public defender's office, earlier appointment of counsel provides the opportunity to resolve cases and reduce caseload sizes.

#### 4. Earlier exchange of discovery

As more law enforcement agencies move to the electronic recording of offender statements, exchange of discovery becomes more complicated as there exists a mix of both paper documents such as the police report as well as recorded statements. Efforts have been made to improve exchange of paper discovery with mixed results. The County Attorney's Office also receives only one copy of any electronic recordings from the arresting agency. The County is currently pursuing efforts to implement the electronic exchange of discovery.

<sup>32</sup> Ibid.

Stakeholders indicate that this would help resolve this issue and expedite case resolution. These efforts should be continued with the goal being a complete exchange prior to the initial hearing.

- 5. Expand efforts targeted at early case resolution Identification of resolvable cases as early as possible is critical to effective caseflow management and reducing delay and backlog. Stakeholders indicate that Mega Settlement Day has demonstrated some success, resulting in approximately 20 misdemeanor cases being expedited for resolution monthly. The County should look into the feasibility of expanding this effort to include felony cases, especially those involving in-custody defendants.
- 6. Reduce time between conviction and sentencing
  Despite representing just 2.5% of the jail population, these inmates are
  spending on average, 41 days in custody and consume 10% of all jail bed days.
  Department of Corrections policies require that PSIs for in-custody defendants
  be completed within 21 days, yet this population is remaining in jail for an
  additional 20 days beyond this timeframe. The courts should consider
  scheduling sentencing hearings for in-custody defendants within 7 days of
  submission of the PSI. Based on 2009 jail statistics, making this change would
  save the County 468 jail bed days annually. Using a conservative cost per day of
  \$65, the County would save approximately \$30,000.
- 7. Address public defender staffing shortage
  One of the most critical issues that needs to be addressed is the shortage of public defenders needed to manage the current caseload. While many of the recommendations in this report can assist the County in addressing case processing and jail population concerns, the County will continue to struggle with delays until adequate staffing is restored.

Winona County should seek technical assistance with its caseflow management issues. Assistance is available through the Bureau of Justice Assistance Criminal Courts Technical Assistance Project (CCTAP). Another potential resource for technical assistance is the National Center for State Courts (NCSC) Court Consulting Services. Both provide technical assistance to all levels of courts in the areas of delay reduction, caseflow management and scheduling practices.

## B. Enhance Collection, Reporting and Analysis of Data on Pretrial Detainees

As noted earlier in this report, the County does not currently report admission, ALOS and ADP statistics on a regular basis for subgroups of the pretrial population. To effectively manage this population and identify trends and target populations for alternative interventions, this must be done on a consistent basis. Admissions, ALOS and ADP should be reported for both major criminal and minor criminal case types:

- Serious felony
- Other felony
- · Gross misdemeanor

- Gross misdemeanor DWI
- 5<sup>th</sup> Degree Assault
- Misdemeanor DWI
- Other Traffic
- Other non-traffic

In addition data should be collected and reported on a regular basis on bail type, bail amount and reasons for release from custody. Again, this data can identify important trends that will help the County better monitor and manage its detention beds. Much of this information is collected and entered into the jail's information system but is not aggregated, reported or analyzed on a regular basis. The WCCJCC should work with the jail administrator and information technology staff to develop a method for extracting this data and reporting it in a manner that is useful to the council.

## C. Establish a Pretrial Services Function

Pretrial services programs benefit the court by providing objective risk and need information. This allows judicial officers to make more informed decisions that take into account an offender's individual risk and needs and to fashion appropriate release conditions. Without this information, judicial officers are often left to make decisions based only on charge and often incomplete criminal history information. Community safety is enhanced with more informed decision making and utilization of limited and costly detention beds is maximized.

American Bar Association (ABA) Standard 10-1.10 on pretrial release states:

Every jurisdiction should establish a pretrial services agency or
program to collect and present the necessary information, present
risk assessments, and, consistent with court policy, make release
recommendations required by the judicial officer in making release
decisions, including the defendant's eligibility for diversion,
or other alternative adjudication programs, such as drug
or other treatment courts. Pretrial services should also monitor,
supervise, and assist defendants released prior to trial, and review
the status and release eligibility of detained defendants for the court
on an ongoing basis.<sup>33</sup>

The National Association of Pretrial Services Agencies (NAPSA) Standards on Pretrial Release (Standard 1.3) states:

Every jurisdiction should have the services of a pretrial services program to help ensure equal, timely, and just administration of the laws governing pretrial release. The pretrial services agency or program should provide information to assist the court in making release/detention decisions,

<sup>33</sup> American Bar Association House of Delegates. (1978. Revised Black Letter Standards 2002). ABA Criminal Justice Standards on Pretrial Release. Washington, D.C.: American Bar Association.

provide monitoring and supervisory services in cases involving released defendants, and perform other functions as set forth in these Standards.<sup>34</sup>

Essential elements of an effective pretrial services program include the following:

- Screening of every person arrested and booked into the jail.
- Interview and investigation of information prior to a defendant's first appearance before a judge, magistrate or bail commissioner.
- Use of a validated risk instrument to aid in the release decision and establishment of conditions to assure appearance in court and public safety.
- Supervision of release conditions with regular reports to the court regarding compliance.
- Court reminders prior to each scheduled appearance.

As noted earlier in this report, since 2000 Winona County has experienced a significant increase in the number of major criminal case filings and a decrease in minor criminal case filings. The types of cases entering the system are more serious and as such, the need for objective defendant risk and need information and supervision options provided by a pretrial services program is necessary to assure court appearances and public safety.

#### **Screening**

NAPSA Standard 3.3(a) states: In all cases in which a defendant is in custody and charged with a criminal offense, an investigation about the defendant's background and current circumstances should be conducted by the pretrial services agency or program prior to a defendant's first appearance in order to provide information relevant to decisions concerning pretrial release that will be made by the judicial officer presiding at the first appearance.<sup>35</sup>

Winona County already has the basis for a pretrial screening function. As mandated by Minnesota State Statute, the Department of Corrections is already screening certain classes of offenders prior to initial appearance. Stakeholders agreed that improving the bail evaluation process and resulting information would benefit the jurisdiction and lead to better informed release and detention decisions. The WCCJCC should establish a collaborative workgroup to do the following in regards to the current bail evaluation process:

- Evaluate current policies, procedures and practices of the bail evaluation process and align them with the ABA and NAPSA Standards.
- Implement the use of a validated risk instrument or validate the instrument currently in use. There are several organizations that could provide assistance and direction in accomplishing this task including the National Association of Pretrial Services Agencies and the Pretrial Justice Institute.

<sup>34</sup> National Association of Pretrial Services Agencies. (2004). Standards on Pretrial Release, 3rd Edition. Milwaukee, WI.

- Review and revise the bail evaluation report to insure inclusion of information called for in the ABA and NAPSA Standards. Obtain stakeholder input on content, format and timing of presentation.
- Develop formal training for key stakeholders on application and use of bail evaluation/risk information to inform decision making.
- Assess staffing requirements needed to expand screening to reach 100% of defendants prior to their first appearance in court. Given the volume and timing of Rule 5 hearings, it is possible that one full-time equivalent position could staff this function. Winona County is home to two universities.
   Consideration should be given to utilizing student interns to pilot this expansion.

## **Supervised Pretrial Release**

Winona County does not currently have a supervised pretrial release program. This leaves the jurisdiction with no formal, reliable and consistent way to monitor and report compliance with court ordered conditions of release. For conditions to be credible and to assure public safety, they must be supervised in a meaningful way. There must also be a mechanism in place to address to address non-compliance.<sup>36</sup>

NAPSA Standard 3.5 state that pretrial services programs "should establish appropriate policies and procedures to enable the effective supervision of defendants who are released prior to trial under conditions set by the court. The agency or program should: (i) monitor the compliance of released defendants with assigned release conditions; (ii) promptly inform the court of facts concerning compliance or noncompliance that may warrant modification of release conditions and of any arrest of a person released pending trial; (iii) recommend modifications of release conditions, consistent with court policy, when appropriate; (iv) maintain a record of the defendant's compliance with conditions of release; (v) assist defendants released prior to trial in securing employment and in obtaining any necessary medical services, drug or mental health treatment, legal services, or other social services that would increase the chances of successful compliance with conditions of pretrial release.

Conditions of release should be directly related to the defendant's identified risk and should be the least restrictive necessary to assure appearance and community safety. An optimal supervised pretrial release program provides a range of supervision options that match a defendant's identified risk and need level.

#### **Administrative Locus and Funding**

With the Department of Corrections already having statutory responsibility for conducting pretrial bail evaluations, administrative oversight of any pretrial services program could be placed with the department. The 2009 Survey of Pretrial Programs shows that the number of pretrial programs administered by probation departments has increased and the majority of counties with populations of less than 50,000 house

<sup>36</sup> Pretrial Justice Institute. (2009). Pretrial Services Program Implementation: A Starter Kit. p.12

the program administratively in the probation department.<sup>37</sup> There are numerous examples of other Minnesota Counties housing pretrial alternatives to incarceration within probation departments. Brown, Kandiyohi, Mille Lacs, Otter Trail, Stearns and Olmsted are all examples of counties with pretrial services and/or diversion programs that are administered through probation departments.

Most pretrial services programs are funded primarily by the local government. Minnesota is a Community Corrections Act state, and as such some costs for operation of pretrial services programs and other alternatives to incarceration may be partially or completely offset by state grant funding. Winona County should further explore this funding option. In addition, federal grant money may be available to develop and implement a pretrial services program. Considerations and steps for developing an operating budget are further outlined in the "Pretrial Services Program Implementation: A Starter Kit," available at <a href="https://www.pretrial.org">www.pretrial.org</a>. The Starter Kit also includes an appendix which lists the factors most frequently found in recent research to be related to higher risks of danger to the community and failure to appear in court. Technical assistance with program development and implementation may also be available from NAPSA (<a href="https://www.napsa.org">www.napsa.org</a>) and the Pretrial Justice Institute (<a href="https://www.pretrial.org">www.pretrial.org</a>). In addition, the Pretrial Justice Institute (<a href="https://www.pretrial.org">www.pretrial.org</a>). In ad

#### D. Implement a Diversion Program

Commendably, the WCCJCC has discussed implementation of an adult diversion program. Any efforts to safely divert non-violent offenders from the system should be explored. In addition to helping manage the detention population, diversion done on a pre-charging basis will reduce the number of cases coming into the court system. There is significant research available to assist the jurisdiction in framing development of a diversion program. Suggested documents include:

- "Performance Standards and Goals for Pretrial Diversion/Intervention" (NAPSA 2008)
- "Pretrial Diversion at the 21<sup>st</sup> Century: A National Survey of Pretrial Diversion Programs and Practices" (NAPSA 2009)
- "Promising Practices in Pretrial Diversion" (NAPSA 2009)

Additional technical assistance may be available from the Pretrial Justice Institute or National Association of Pretrial Services Agencies to aid in planning and implementing a diversion program.

<sup>&</sup>lt;sup>37</sup> Pretrial Justice Institute. (2009). 2009 Survey of Pretrial Services Programs. Washington, D.C. p. 27

## **APPENDIX**

# STAKEHOLDERS INTERVIEWED

Judge Jeffrey Thompson	District Court Judge	3 <sup>rd</sup> Judicial District
Judge Nancy Bostrack	District Court Judge	3 <sup>rd</sup> judicial District
Judge Mary Leahy	District Court Judge	3 <sup>rd</sup> Judicial District
Attorney Kalene Engel	Director, WCCJCC	Engel Law Office
Sally Cumiskey	Court Administrator	Winona County District Court
Rena Patterson	Supervisor	Minnesota Department of Corrections
Carmaine Sturino	Attorney/Public Defender	Law Office of Carmaine Sturino
Tom Williams	Deputy Police Chief	Winona Police Department
Tom Frost	Interim County Attorney	Office of Winona County Attorney
Kevin O'Laughlin	Asst. Winona Co. Attorney	Office of Winona County Attorney
Steve Buswell	Jail Administrator	Winona County Sheriff's Department
Richmond McCluer, Jr.	Attorney	Price, McCluer & Plachecki

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