





CJCC COURTS COMMITTEE AGENDA

January 19, 2012 at 8:00 AM

PLEASE NOTE: This meeting will be held in Courtroom 2 Jury Room.

- **Review and approval of December meeting minutes**
- **Update on drug court**
- **Update on soundproofing**
- **Update on furloughs**
- **Update on DOC's relocation to the courthouse**
- **Update on the relocation of the law library**

Next meeting February 16, 2012

CJCC COURTS COMMITTEE MEETING

January 19, 2012

Present:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Judge Buytendorp | <input type="checkbox"/> Judge Thompson | <input type="checkbox"/> Judge Leahy | <input checked="" type="checkbox"/> Karin Sonneman |
| <input type="checkbox"/> Michael Flaherty | <input checked="" type="checkbox"/> Kalene Engel | <input checked="" type="checkbox"/> Carmaine Sturino | <input type="checkbox"/> Sally Cumiskey |
| <input type="checkbox"/> Chris Ledebuhr | <input checked="" type="checkbox"/> JP Plachecki | <input type="checkbox"/> Rich McCluer | <input type="checkbox"/> Kurt Knuesel |
| <input type="checkbox"/> Tom Williams | <input checked="" type="checkbox"/> Lynne Caldwell | <input checked="" type="checkbox"/> Sue Smelser | <input type="checkbox"/> Marsha Metzler |
| <input type="checkbox"/> Renee Rumpca | <input checked="" type="checkbox"/> Stephanie Nuttall | <input type="checkbox"/> Judy Gilow | <input type="checkbox"/> Sherri Brekke |
| <input type="checkbox"/> Steve Buswell | <input type="checkbox"/> Julie Thompson | <input checked="" type="checkbox"/> Lori Larson | <input type="checkbox"/> Rena' Patterson |
| <input checked="" type="checkbox"/> Aarah Saugen | <input type="checkbox"/> Bruce Nelson | <input type="checkbox"/> Tami Mueller | <input type="checkbox"/> Justin Green |
- Doug Stokes

Purpose: 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.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, February 16, 2012.

Discussion:

Review and approval of December meeting minutes.

Update on drug court: Training is still on schedule for March 2012. One or two more people may be allowed to go to the training. The grant, however, would not pay for their attendance. The Drug Court Committee will be meeting on Monday, January 23, 2012.

Update on furlough: The in house furlough review is up and running in the jail. Right now this procedure is running nicely. If any questions or concerns are brought up, it will be mentioned in a courts committee meeting.

DOC felony unit relocation: The felony unit DOC has been "temporarily" relocated to the courthouse fifth floor. It is not yet determined if this will be a permanent move. There had been a sign posted on the old location regarding new address but that has been taken down.

Relocation of the law library: The law library has moved across the hall. It's recommended that people just go and check it out. There are some books missing at this time. There is talk about some day getting a temporary librarian for assistance.

Booking/New Cases: Karin Sonneman mentioned that they county attorney's office is receiving phone calls from the jail in regards to the proper paper work. We have recently gone to e-citations/e-charging. With that switchover some of the documents they require have not been given to them. Lynne Caldwell will report back to Court Administration and they will start to print the necessary paperwork to assure that the jail has all the information they need for booking.

Nancy Valentine/Katherine Jargo: Carmaine Sturino mentioned that with Katherine Jargo now taking over the caseload for Nancy Valentine, that it would be easier to refer people to stop into the office rather than trying to contact Ms. Valentine by phone.

Next meeting: February 16, 2012 at 8 a.m.

February agenda:

➤ Review/Updates

The Courts Committee did not meet in February 2012




CJCC COURTS COMMITTEE AGENDA


March 15, 2012 at 8:00 AM

PLEASE NOTE: This meeting will be held in Courtroom 2 Jury Room.

- **Review and approval of January meeting minutes**
- **New bail evaluation form – Kevin Burke**
- **Drug Court Update**
- **DANCO/No Contact Conditions of Release cancellations – Lynne Caldwell**
- **New Public Defender Application Form – Kalene Engel**
- **LaCrosse Area Veteran's Program – Judge Leahy**
- **Furloughs – Steve Buswell, Jerry O'bieglo**



Next meeting April 19, 2012



CJCC COURTS COMMITTEE MEETING

March 15, 2012

Present:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Judge Buytendorp | <input type="checkbox"/> Judge Thompson | <input checked="" type="checkbox"/> Judge Leahy | <input checked="" type="checkbox"/> Kevin Burke |
| <input type="checkbox"/> Michael Flaherty | <input checked="" type="checkbox"/> Kalene Engel | <input type="checkbox"/> Carmaine Sturino | <input checked="" type="checkbox"/> Kaitlyn, Law Clerk |
| <input checked="" type="checkbox"/> Chris Ledebuhr | <input checked="" type="checkbox"/> JP Plachecki | <input type="checkbox"/> Rich McCluer | <input checked="" type="checkbox"/> Karin Sonneman |
| <input type="checkbox"/> Tom Williams | <input checked="" type="checkbox"/> Lynne Caldwell | <input type="checkbox"/> Sue Smelser | <input checked="" type="checkbox"/> Marsha Metzler |
| <input type="checkbox"/> Renee Rumpca | <input checked="" type="checkbox"/> Stephanie Nuttall | <input type="checkbox"/> Judy Gilow | <input checked="" type="checkbox"/> Jerry O'bieglo |
| <input type="checkbox"/> Steve Buswell | <input checked="" type="checkbox"/> Ashley, Intern | <input checked="" type="checkbox"/> Lori Larson | <input checked="" type="checkbox"/> Donna |
| <input type="checkbox"/> Aarah Saugen | <input type="checkbox"/> Bruce Nelson | <input checked="" type="checkbox"/> Tami Mueller | <input type="checkbox"/> Justin Green |
- Doug Stokes

Purpose: 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.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, April 19, 2012.

Discussion:

Review and approval of January meeting minutes.

Furloughs – Jerry O'bieglo: The furlough committee is reviewing all furlough requests post conviction. If a request gets past the jail and to the Judge, the Judge is to return it to the jail. There also can be a standing order that the Judge's can order a furlough say for treatment at the time of sentencing. If treatment is not discussed at sentencing and being requested post conviction, those requests still need to be forwarded to the Judge for approval. So far the furlough committee feels this is going smoothly.

We also discussed inmate monitoring. There is a GPS system that is available to help the jail monitor the location of the inmates when they are out on furlough. This is something the jail is collecting information on for pre sentence inmates.

New Bail Evaluation Form – Kevin Burke: We have adopted the Hennepin county tool on the bail evaluation form. The form is easier to read and also one page. The second sheet is just showing the Court the defendant's previous record. Copies of the bail evaluation are being given to the Court, prosecutor, and defense attorney if present. If there is a defense attorney but the attorney is not present at first appearance, the clerk is sending the evaluation to the attorney after hearing.

Pre Trial Services Committee: April 1st a new public defender application will be started. The new form has most of the same questions on the top page and the instructions will be on the back side.

Drug Court Update – Kalene Engel: Training is next week (March 19-23). The training is being held in Minneapolis. The drug court grant has been submitted but we will not hear anything on that until June or July.

DANCO/No Contact Conditions of Release Cancellation – Lynne Caldwell: If conditions of release are being modified to allow contact, the request also needs to be made to modify the danco order. These are two separate orders.

LaCrosse Area Veteran's Program – Judge Leahy: There is a statute with regards to handling sentencing on veteran's. LaCrosse area has two groups. They have a Veteran's Court and also a Veterans mentor program. As soon as someone is arrested, we need to have a flag go up if they are a veteran. There are a lot of services out there to access in assistance with veterans. April 4th, Judge Leahy and Kaitlyn are going to meet with the people running the LaCrosse Mentoring program. We need to be able to identify veterans as anyone who has been enlisted, not just individuals who have seen combat. It's recommended that at the time of ordering a PSI that it is also brought up again if the defendant is a veteran. This will help assist DOC in making sure they are following all the rules on the appropriate statute. We will discuss this issue again at our May meeting. At that time, we can consider whether a workgroup is necessary. Anyone could access www.lavmp.org online to see the policy and procedures manual they are using for LaCrosse Veterans Court.

April 19, 2012 Meeting: Judge Buytendorp will not be present for this meeting. Kalene Engel will chair.

Next meeting: April 19 at 8 a.m.

April agenda:

➤ Review March meeting minutes

CJCC COURTS COMMITTEE AGENDA

APRIL 19, 2012 at 8:00 AM

PLEASE NOTE: This meeting will be held in Courtroom 2 Jury Room.

- **Review and approval of March meeting minutes**
- **Jail Credit for Sentencing Hearings – Judge Buytendorp** (Attached copy of the jail credit principles)
- **Veteran’s Program/Statute – Judge Leahy and Kaitlyn, Aarah Saugen**
- **Order for Rule 20 evaluation – Lynne Caldwell** (Attached copy of an example of the order)

Next meeting May 17, 2012

CJCC COURTS COMMITTEE MEETING

April 19, 2012

Present:

- | | | | |
|--|--|--|---|
| <input checked="" type="checkbox"/> Judge Buytendorp | <input type="checkbox"/> Judge Thompson | <input checked="" type="checkbox"/> Judge Leahy | <input checked="" type="checkbox"/> Karin Sonneman |
| <input type="checkbox"/> Michael Flaherty | <input checked="" type="checkbox"/> Kalene Engel | <input checked="" type="checkbox"/> Kaitlyn Wahlsten | <input type="checkbox"/> Sally Cumiskey |
| <input type="checkbox"/> Chris Ledebuhr | <input type="checkbox"/> JP Plachecki | <input type="checkbox"/> Rich McCluer | <input type="checkbox"/> Kurt Knuesel |
| <input type="checkbox"/> Tom Williams | <input checked="" type="checkbox"/> Lynne Caldwell | <input checked="" type="checkbox"/> Sue Smelser | <input checked="" type="checkbox"/> Marsha Metzler |
| <input type="checkbox"/> Renee Rumpca | <input type="checkbox"/> Stephanie Nuttall | <input type="checkbox"/> Judy Gilow | <input checked="" type="checkbox"/> Sherri Brekke |
| <input type="checkbox"/> Steve Buswell | <input type="checkbox"/> Julie Thompson | <input type="checkbox"/> Lori Larson | <input checked="" type="checkbox"/> Rena' Patterson |
| <input checked="" type="checkbox"/> Aarah Saugen | <input type="checkbox"/> Bruce Nelson | <input type="checkbox"/> Tami Mueller | <input type="checkbox"/> Justin Green |
- Doug Stokes

Purpose: 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.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, May 17, 2012.

Discussion:

Review and approval of March meeting minutes.

Veterans Program/Statute: Judge Leahy handed out a summary of the information she has collected regarding the veterans mentoring program and veterans court. Right now, there is no funding for this court in LaCrosse. They are running it all on contributions. After a defendant has been identified as a veteran, a letter is sent to give them a piece of guidance to get some help. Judge Leahy mentioned that it might be good to get the veterans mentoring program set up before we start to focus on veteran's court. She is going to be checking out Hennepin County and see what model they use for their program. The goal for this would also be to go across county lines and work together. Judge Leahy will be checking with the police department and sheriff's department to see if there are any reports that may be available identifying veterans involved in our system.

Kalene mentioned that veteran's court is typically only used for the more serious cases. The less severe cases just remain in the mentoring program. She believes that our local jail is going to start to question defendants as they are being booked if they are a veteran. The veterans mentor program in LaCrosse is also for people who do not have pending criminal charges. So this mentoring program does also function as an independent unit.

Judge Buytendorp mentioned that this program may work well with the drug court. Many veterans that come through the system have substance dependence issues

Aarah wondered if this is something that could be put on the public defender application.

Karin Sonneman advised that if her office is informed that an alleged defendant is a veteran, they would be able to put that on their complaint. The proper question to use is "have you ever served in the United States Armed Forces".

We will discuss this in the July meeting.

Jail Credit for Sentencing Hearings: Judge Buytendorp discussed that the Courts are not consistently addressing the proper jail credit time. At the sentencing hearing, we do need to have an accurate number. Currently jail credit is mentioned in the psi. However, if a hearing gets continued or moved that date can be inaccurate.

Aarah Saugen mentioned that we need to also calculate treatment and furloughs in that figure. She notes that we should get clarification on whether defendants can get a full day credit if they have only been in the jail for just a short time, i.e. if they turn themselves in at 10:30 am and then appear in court at 11:00 am. Karin Sonneman has agreed to check on this and get back to us. We need to be consistent on reporting this jail credit and making sure that it's accurate at the time of sentencing.

Order for Rule 20 evaluation: St Peter has specific templates that need to be used when ordering a rule 20 evaluation. Lynne has the templates and will send them out and also ask Hannah from Rich McCluer and JP Plachecki's office to distribute among the bar. St Peter is the only place at this time that has their own rule 20 forms.

Other: Lynne mentioned that we have discovered that there are a lot of cases being suspended because of the need for booking. Defendants need to be booked on each case. So, repeat customers need to be booked each time they are brought in on new charges.

Next meeting: May 17, 2012 at 8 a.m.

May agenda:

- Jail Review Panel for Furlough, STS requests – Kalene Engel

1) JAIL CREDIT PRINCIPLES:

- a) A defendant is entitled to credit for "all time spent in custody in connection with the offense or behavioral incident for which sentence is imposed." *Minn. R. Crim. P. 27.03, subd. 4(B) (2008)*; *But See, State v Fritzke, 521 N.W.2d 859, 861 (Minn. 1994) (the focus in jail credit cases is no longer placed on whether the time was actually served "in connection with" the current offense);*
- b) A district court's decision whether to award credit is a mixed question of fact and law; the district court must determine the circumstances of the custody the defendant seeks credit for, and then apply the rules to those circumstances. *State v. Johnson, 744 N.W.2d 376, 379 (Minn. 2008)*;
- c) Awards of jail credit are governed by principles of fairness and equity and must be determined on a case-by-case basis. Jail credit is also subject to the standards established by the Sentencing Guidelines. *See Minn. Sent. Guidelines II.F. and III.3.C (2010)*; *State v. Arend, 648 N.W.2d 746, 748 (Minn. App. 2002)*;
- d) When the court sentences a defendant, it must state the number of days spent in custody in connection with the offense being sentenced. That credit must be deducted from the sentence and must include time spent in custody from a prior stay of imposition or execution of sentence. *Minn. R. Crim. P. 27.03, sub. 4(B)*;
- e) A defendant has the burden of establishing that he is entitled to jail credit for a specific period of time. Once defendant meets this burden, the granting of jail credit is not discretionary with the trial court. *State v. Willis, 376 N.W.2d 427, 428 (Minn. 1985)*. *State v. Razmyslowski, 668 N.W.2d 681, 683 (Minn. Ct. App. 2003)*;
- f) In cases dealing with concurrent sentences, the Court must ensure that the withholding of jail credit does not result in a *de facto* consecutive sentence. *State v. Goar, 453 N.W.2d 28, 30 (Minn. 1990)*; *MSG III.3.C*
- g) The total amount of time a defendant is incarcerated should not turn on irrelevant concerns, such as whether the defendant pleads guilty or insists on his right to trial, or on any other factor that is subject to manipulation by the prosecutor. *Id. at 30*; *MSG III.3.C.*
- h) A defendant who cannot post bail because of indigence should serve the same time that a defendant in identical circumstances who is able to post bail would serve. *Id. at 30*; *MSG III.3.C.*
- i) Failure to specify consecutive sentencing means that the sentence is presumed to be concurrent. M.S. 609.15.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

Case Type: _____

State of Minnesota,

Court File No. _____

Plaintiff,

vs.

**RULE 20.02
ORDER FOR EXAMINATION**

_____;

SIP No.: _____

C.A. File No.: _____

Defendant.

The above-entitled matter came on for hearing before the Honorable

_____, on _____. Present were the Defendant

_____, _____ on behalf of the Defendant; and

_____, Assistant _____ County Attorney, on behalf of the State.

A complaint dated _____ was filed charging the above-named Defendant with _____. On _____, this Court found probable cause to believe a crime was committed and that Defendant committed it.

Based upon the record including motions and representations of counsel, and this Court's observations of the Defendant, there is reason to proceed with this examination.

THE COURT HEREBY ORDERS:

1. The Minnesota Department of Human Services State Operated Forensic Services ("Forensic Services") is ordered to conduct an examination of the Defendant. The Forensic Coordinator for Forensic Services is designated as the contact person for implementing this order.

2. The Defendant shall be examined by a qualified examiner as defined in Minn. Stat. § 253B.02, subd. 7 (2010) employed by Forensic Services, who shall complete a written report to the court on the Defendant's mental condition as directed in this order.

3. The examination shall be conducted on an outpatient basis at a location determined by Forensic Services. If the defendant is in custody and the examination will be conducted on an outpatient basis by Forensic Services at a location other than the county jail, the _____ County Sheriff's Department is ordered to transport defendant to such location identified by the Forensic Coordinator of Forensic Services, remain present during the examination, and provide transportation back to the _____ County Jail upon completion of the examination.

If the defendant is in need of inpatient evaluation based upon the information that has been provided to the Forensic Coordinator, the Forensic Coordinator shall notify the court in writing of the need for inpatient evaluation. The evaluation shall then be completed on an inpatient basis at the Minnesota Security Hospital, ("MSH"), 2100 Sheppard Drive, St. Peter, MN 56082. The Defendant shall be confined at the MSH for the purpose of such examination for a period not to exceed 60 days, as soon as admission can be arranged by MSH. Upon notification of the need for inpatient evaluation by the court, the _____ County Sheriff's Department shall provide transportation to MSH once admission arrangements are made. Upon notification by MSH of the completion of said examination, the _____ County Sheriff's Department shall transport Defendant to _____ County Jail pending further order of this court.

4. By presentation of a copy of this order, whether mailed, facsimile, or personally delivered, any agency, department, or health care provider shall release all information and/or

records including medical, psychological, behavioral, chemical dependency, social service, probation/correction, developmental disability, employment and educational records to the Office of the Forensic Coordinator of State Operated Forensic Services by the custodian of the records for the purpose of the examination. The chemical dependency records are disclosed pursuant to 42 CFR Part 2. The interest of an accurate and complete examination outweighs the injury to the patient, and constitutes good cause therefore. Any further disclosure of this information is prohibited unless further disclosure is expressly permitted by the written consent of the patient or as otherwise permitted by 42 CFR Part 2.

5. The _____ County Attorney's Office shall immediately provide the Forensic Coordinator for Forensic Services with all discovery materials available to the Defendant under Rule 9 of the Minnesota Rules of Criminal Procedure to assist in the examination process and completion of the report.

6. At the conclusion of the examination, a written report shall be prepared and delivered directly to the Honorable _____ within 60 days from the date this order is filed if completed as an outpatient, or within 60 days from the date of admission to MSH if the examination is completed as an inpatient. The Honorable _____ shall cause copies of the report to be delivered to the prosecuting attorney and defense counsel. *See* Minn. R. Crim. P. 20.02, subd. 4.

7. The written report shall contain:

A. Pursuant to Rule 20.02:

- i. A diagnosis of the mental condition of the Defendant.
- ii. An opinion as to whether, because of mental illness or deficiency, the defendant at the time of the commission of the offense charged was laboring

under such a defect of reason as not to know the nature of the act constituting the offense with which defendant is charged or that it was wrong.

B. A statement of the factual basis upon which the diagnosis and opinion are based; and

C. If the examination could not be conducted by reason of the Defendant's unwillingness to participate, a statement to that effect with an opinion, if possible, as to whether or not the Defendant's unwillingness was a result of mental illness or mental deficiency.

8. Any statement made by the Defendant for the purpose of this examination and any evidence derived from this examination shall be admissible in evidence at the proceedings to determine whether Defendant is competent to proceed.

9. The admissibility at trial of any statement made by the Defendant shall be determined by the rules specified in Minn. R. Crim. P. 20.02, subd. 6.

10. The state court shall pay for all the costs associated with the examination pursuant to Minnesota Statute § 480.182. The county social service agency is responsible for all other costs, including costs related to room and board for inpatient admissions according to Minnesota Statute §253B.

Dated: _____

BY THE COURT

Judge of District Court

(Revised 2-11)

Next meeting May 17, 2012



CJCC COURTS COMMITTEE AGENDA

MAY 17, 2012 at 8:00 AM

PLEASE NOTE: This meeting will be held in Courtroom 2 Jury Room.

- **Review and approval of April meeting minutes**
- **Jail Review Panel for Furloughs, STS requests – Kalene Engel**
- **Communication of Court's Committee Issues – All**



Next meeting June 21, 2012



CJCC COURTS COMMITTEE MEETING

May 17, 2012

Present:

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> Judge Buytendorp | <input type="checkbox"/> Judge Thompson | <input type="checkbox"/> Judge Leahy | <input checked="" type="checkbox"/> Karin Sonneman |
| <input type="checkbox"/> Michael Flaherty | <input checked="" type="checkbox"/> Kalene Engel | <input type="checkbox"/> Carmaine Sturino | <input type="checkbox"/> Sally Cumiskey |
| <input type="checkbox"/> Chris Ledebuhr | <input checked="" type="checkbox"/> JP Plachecki | <input type="checkbox"/> Rich McCluer | <input type="checkbox"/> Kurt Knuesel |
| <input type="checkbox"/> Tom Williams | <input checked="" type="checkbox"/> Lynne Caldwell | <input checked="" type="checkbox"/> Sue Smelser | <input checked="" type="checkbox"/> Marsha Metzler |
| <input type="checkbox"/> Renee Rumpca | <input checked="" type="checkbox"/> Stephanie Nuttall | <input type="checkbox"/> Judy Gilow | <input checked="" type="checkbox"/> Sherri Brekke |
| <input type="checkbox"/> Steve Buswell | <input type="checkbox"/> Julie Thompson | <input type="checkbox"/> Lori Larson | <input checked="" type="checkbox"/> Rena' Patterson |
| <input type="checkbox"/> Aarah Saugen | <input type="checkbox"/> Bruce Nelson | <input type="checkbox"/> Tami Mueller | <input type="checkbox"/> Justin Green |
- Doug Stokes

Purpose: 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.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, June 21, 2012.

Discussion:

Review and approval of April meeting minutes.

Jail Review Panel: Furlough request that are post sentence are being referred to the jail review panel. We have had no complaints and feel this is running smoothly.

Communication of Court's Committee Meetings: The committee had a discussion in regards to how information from this meeting is being distributed to the departments. Court Administration stated that they bring up the related issues to the proper team members at the bi-weekly team meetings. (Each week Court Admin has a team meeting, but they alternate between civil team and criminal team.) If there is something from the meeting that they feel needs a faster turnaround, they will send out an office email to notify everyone of the information. Each department is represented in these meetings so just a reminder to make sure that the information is being shared with others.

Drug Court: The Drug Court Committee is meeting every other week. They working on the policy and procedures manual. They expect to have this manual completed and ready to share by July. Rebecca Church, the Drug Court Coordinator will be going to training in June with the department of corrections. Rena' stated that she hopes to have a probation agent identified soon who will be working with the drug court team.

Interstate Compact: Rena' reminded everyone how important it is to notify DOC when we have a defendant that has issues with state travel or work in neighboring states. All requests from probationers to leave the state must be referred to DOC for permission and proper handling. There are time restraints that DOC has to comply with. So if they are not told and then find out last minute that this person works in Lacrosse, they could be denied the permission to leave the state for another 30 days. Interstate compact is even more difficult if the defendant wants to go to another country. So bottom line is, only DOC can give probationers the go ahead to leave the state. *Revision: This is for defendants who "live" in another state, not "work" in another state.*

Discovery Issues: CJCC has been looking at the discovery issues in Winona County. This has been an ongoing issue for quite some time. We now have a facilitator who is a professor at Winona State who will be coordinating this *lean* proposal on discovery issues. One of the major concerns is from the first step. We have four law enforcement agencies that have different software and some that don't use the software they have. So the initial discovery information is being handled differently causing extra or duplicate entries being made. We want to be able to share information so that it does not have to be entered in more than once. Karin Sonneman did state that Justin Wesley from the County Attorney's office will be on this committee.

Next meeting: June 21, 2012 at 8 a.m.

June agenda:


- Veterans Program/Statute – Karin Sonneman



CJCC COURTS COMMITTEE AGENDA

June 21, 2012 at 8:00 AM

PLEASE NOTE: This meeting will be held in Courtroom 2 Jury Room.

- 
- **Review and approval of May meeting minutes**


 - **Veterans Program/Statute – Karin Sonneman, Update to see if this information can be marked on the complaint to flag veterans at the very beginning.**

 - **Contested Omnibus Motions**

 - **Scheduling presentence investigation interviews – Kurt Knuesel, Judge Buytendorp**

 - **Coverage of Chemical Dependency and Medical/Mental Health Services for Defendants on Furloughs - Kathryn Jargo**

 - **Issues in Post-Rule 20 Commitment Referrals - Kathryn Jargo**



Next meeting July 19, 2012

CJCC COURTS COMMITTEE MEETING

June 21, 2012

Present:

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Judge Buytendorp | <input type="checkbox"/> Judge Thompson | <input type="checkbox"/> Judge Leahy | <input checked="" type="checkbox"/> Karin Sonneman |
| <input checked="" type="checkbox"/> Michael Flaherty | <input checked="" type="checkbox"/> Kalene Engel | <input type="checkbox"/> Carmaine Sturino | <input type="checkbox"/> Sally Cumiskey |
| <input checked="" type="checkbox"/> Chris Ledebuhr | <input checked="" type="checkbox"/> JP Plachecki | <input type="checkbox"/> Rich McCluer | <input checked="" type="checkbox"/> Kurt Knuesel |
| <input type="checkbox"/> Tom Williams | <input type="checkbox"/> Lynne Caldwell | <input checked="" type="checkbox"/> Heather Marin | <input checked="" type="checkbox"/> Marsha Metzler |
| <input type="checkbox"/> Renee Rumpca | <input checked="" type="checkbox"/> Stephanie Nuttall | <input type="checkbox"/> Judy Gilow | <input checked="" type="checkbox"/> Sheila Yohnk |
| <input type="checkbox"/> Steve Buswell | <input checked="" type="checkbox"/> Kathryn Jargo | <input type="checkbox"/> Lori Larson | <input checked="" type="checkbox"/> Rena' Patterson |
| <input type="checkbox"/> Aarah Saugen | <input type="checkbox"/> Bruce Nelson | <input checked="" type="checkbox"/> Tami Mueller | <input checked="" type="checkbox"/> Michelle Kalmes |
| <input type="checkbox"/> Doug Stokes | | | |

Purpose: 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.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, July 19, 2012.

Discussion:

Review and approval of May meeting minutes.

CONTESTED OMNIBUS MOTIONS: Court Administration brought up that contested omnibus motions should be filed 3 days prior to the default omnibus setting in order for the hearing to be removed from the courts calendar. JP asked if we were going to have this 3 day rule, could the Judge's have a standing order like they do in Houston County. We ask that the Judge's discuss this issue and then we will bring this back on the agenda for next month.

SCHEDULING PRE SENTENCE INVESTIGATION INTERVIEWS: Kurt Knuesel discussed the concern over PSI interviews not being done in time for sentencing resulting in more hearings and at times defendants being held in custody to get the PSI completed. Winona County's procedure for doing these interviews is standard among the other counties and other counties face the same problem. After much discussion, the committee decided to have DOC review their internal policy and see if they feel that any changes that could be made to address the problem. Tami Mueller will report back at our next meeting.

COVERAGE OF CHEMICAL DEPENDENCY AND MEDICAL/MENTAL HEALTH SERVICES FOR DEFENDANTS ON FURLOUGHS: Some issues were addressed regarding coverage for medical services on defendants in custody. If the defendant has private insurance, this does not apply to them. This applies to people who do not have private insurance and are on Medical Assistance. Some defendants face conflict when they have been getting certain medications and then are sent to aftercare in which their medications are no longer paid for, resulting in them going back downhill. It would in some cases be *better if the furloughs were* not granted and the defendant was just released and allowed to go to treatment and aftercare.

The problem then is if the defendants don't report back to the jail after they are done with treatment, they will be charged with escape from custody. Kalene is going to get a Pre Trial Services meeting scheduled and address this issue at that meeting. We will have an update next month.

ISSUES IN POST RULE 20 COMMITMENT REFERRALS: After someone is found incompetent, they are reviewed by the pre trial screening for civil commitment. Not everyone who is found incompetent needs a civil commitment. If there is a not a civil commitment, how is the courts being notified of the status of the defendant? The defendants who are not having a civil commitment do not have supervision, therefore reports on their status does not get back to the Court. The committee did not come up with any resolution at this time, so we will put it back on the agenda in a couple months.

Next meeting: July 19, 2012 at 8 a.m.

July agenda:

- Veterans Program/Statute – Judge Leahy
- Contested Omnibus Motion – Judge Buytendorp/JP Plachecki
- Scheduling Presentence Investigation interviews – Tami Mueller
- Coverage of chemical dependency and medical/mental health services for defendants on furlough – Kalene Engel

CJCC COURTS COMMITTEE AGENDA

July 19, 2012 at 8:00 AM

PLEASE NOTE: This meeting will be held in Courtroom 2 Jury Room.

- **VETERANS PROGRAM/STATUTE – JUDGE LEAHY AND KAITLYN**

- **CONTESTED OMNIBUS MOTIONS – JUDGE BUYTENDORP AND
JP PLACHECKI**

- **PRESENTENCE INVESTIGATION INTERVIEW – TAMI
MUELLER**

- **PRE TRIAL SERVICES UPDATE – KALENE ENGEL**

- **DRUG COURT UPDATE – KALENE ENGEL**

Next meeting August 16, 2012

CJCC COURTS COMMITTEE MEETING

July 19, 2012

Present:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Judge Buytendorp | <input type="checkbox"/> Judge Thompson | <input checked="" type="checkbox"/> Judge Leahy | <input checked="" type="checkbox"/> Karin Sonneman |
| <input checked="" type="checkbox"/> Michael Flaherty | <input checked="" type="checkbox"/> Kalene Engel | <input type="checkbox"/> Carmaine Sturino | <input type="checkbox"/> Sally Cumiskey |
| <input checked="" type="checkbox"/> Chris Ledebuhr | <input checked="" type="checkbox"/> JP Plachecki | <input type="checkbox"/> Rich McCluer | <input type="checkbox"/> Kurt Knuesel |
| <input type="checkbox"/> Tom Williams | <input checked="" type="checkbox"/> Lynne Caldwell | <input checked="" type="checkbox"/> Sue Smelser | <input checked="" type="checkbox"/> Marsha Metzler |
| <input type="checkbox"/> Renee Rumpca | <input checked="" type="checkbox"/> Stephanie Nuttall | <input checked="" type="checkbox"/> Kaitlyn Wahlsten | <input type="checkbox"/> Sherri Brekke |
| <input type="checkbox"/> Steve Buswell | <input type="checkbox"/> Julie Thompson | <input checked="" type="checkbox"/> Duane Hebert | <input type="checkbox"/> Rena' Patterson |
| <input type="checkbox"/> Aarah Saugen | <input type="checkbox"/> Bruce Nelson | <input checked="" type="checkbox"/> Tami Mueller | <input type="checkbox"/> Justin Green |
|
 | | | |
| <input type="checkbox"/> Doug Stokes | | | |

Purpose: 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.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, August 16, 2012.

Discussion:

Review and approval of the June meeting minutes.

Veterans Program/Statute: Judge Leahy gave the committee an update on the status of the Veterans Program. She met with the police dept. to go over questions for officers to ask to determine whether individuals are veterans. The responses to the questions would then be put in the call for service information. With this information, the need for veteran services can be determined. To date, she has not received confirmation that this is being done yet. Karin Sonneman will be speaking with the sheriff's department regarding the county officers collecting this information. She will let Duane Hebert know if he should contact Steve Johnson for assistance in implementation. Judge Leahy will also discuss with Sandy Warnke to determine the feasibility of having this information added to the current forms. We will put this on the agenda for August to see where we are at with the process.

E-Dos: Duane Hebert was asking if we could form a subcommittee from the courts committee to work and start conversations on the electronic documents program. It was suggested that the following people be included in this subcommittee: Karin Sonneman, Stephanie Nuttall, Justin Wesley, Lynne Caldwell, Rich McCluer, Tami Mueller, Kevin Burke, Mark Anderson and someone from the law enforcement. Duane will get something set up and notify the above individuals.

Contested Omnibus Motions: Judge Buytendorp updated the committee that the Judges have discussed the concern regarding contested omnibus motions. Judge Thompson is

preparing an order stating that omnibus motions need to be filed three business days before the default hearing. This motion would trigger the hearing to be removed from the default calendar and a contested omnibus hearing would then be scheduled. If no motion is filed three days prior to the default hearing, the default hearing will take place. Motions for contested hearings can be filed at the default hearing. This will go into effect as soon as the order is complete and signed.

Presentence Investigation Interview: Tami Mueller updated the committee that discussions were had in DOC regarding the procedures for setting up appointment for presentence investigations. At this time, DOC does not have any changes that they will implement to help this issue. They did check with other counties, and our county handles PSI's the same as other counties. Discussions about having an intake person, or a master calendaring system were suggested. Tami will report back to Rena' Patterson. We will put this back on the agenda for next month.

Pretrial Services Updates: Justin Wesley and Kalene Engel have been reviewing data on the numbers of pretrial services. Within the next month, they are hoping to have a program proposal to discuss with Duane Hebert. This topic will be reviewed at the September meeting.

Drug Court Update: The Office of Justice Programs in Washington did contact Kalene to get some additional information regarding the grant. An answer from them on the grant should be coming in the next couple months. The procedure and policy manual is coming along and almost completed. The committee is meeting every week and we are still on track to start drug court in October of this year. Judge Buytendorp complimented our law enforcement support on this project.

Crime prevention: Karin Sonneman has been working with the Restorative Justice and Winona State in educating students about laws in our community and informing them of the diversion programs in Winona County. The purpose of this is to focus attention on community offenses such as social party, public urination. A council is being formed and applications are available. Council positions are for a six month term.

Next meeting: August 16, 2012 at 8 a.m.

August agenda:

- Veterans Program/Statute – Karin Sonneman, Judge Leahy
- Presentence Investigation Interview – Rena' Patterson

CJCC COURTS COMMITTEE AGENDA

August 16, 2012 at 8:00 AM

PLEASE NOTE: This meeting will be held in Courtroom 2 Jury Room.

- **APPROVAL OF MINUTES FROM LAST MONTH**
- **JAIL CREDIT FOR SENTENCING HEARINGS – JUDGE
BUYTENDORP**
- **ISSUES IN POST-RULE 20 COMMITMENT REFERRALS**
- **PRESENTENCE INVESTIGATION INTERVIEW – RENA'
PATTERSON (See attached)**
- **STRATEGIC PLANNING - KALENE**
- ➔ **VETERANS PROGRAM UPDATE**

Next meeting September 20, 2012

From: Mueller, Tami (DOC) [mailto:tami.mueller@state.mn.us]
Sent: Thursday, July 19, 2012 10:35 AM
To: Koop, Julie
Cc: Patterson, Rena (DOC)
Subject: Presentence Investigation Interview Update

I staffed this with Rena' again after today's meeting. The ideas that the committee suggested have previously been discussed and due to our office dynamics they will unfortunately not work. This is not solely a Winona issue and due to the population we work with it will likely continue. At this time, our scheduling practice will continue.

I'm sending this as I advised the committee that Rena' will be at the next meeting; however, while discussing this matter with her today I learned that she has a scheduling conflict and won't be attending.

Thank you,

Tami Mueller
Corrections Agent

.....



Strategic Planning
Sheet 2013.pdf

.....

CJCC COURTS COMMITTEE MEETING

August 16, 2012

Present:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Judge Buytendorp | <input type="checkbox"/> Judge Thompson | <input type="checkbox"/> Judge Leahy | <input checked="" type="checkbox"/> Karin Sonneman |
| <input type="checkbox"/> Michael Flaherty | <input checked="" type="checkbox"/> Kalene Engel | <input checked="" type="checkbox"/> Carmaine Sturino | <input type="checkbox"/> Sally Cumiskey |
| <input type="checkbox"/> Chris Ledebuhr | <input checked="" type="checkbox"/> JP Plachecki | <input type="checkbox"/> Rich McCluer | <input type="checkbox"/> Kurt Knuesel |
| <input type="checkbox"/> Tom Williams | <input checked="" type="checkbox"/> Lynne Caldwell | <input checked="" type="checkbox"/> Sue Smelser | <input checked="" type="checkbox"/> Marsha Metzler |
| <input type="checkbox"/> Renee Rumpca | <input checked="" type="checkbox"/> Stephanie Nuttall | <input type="checkbox"/> Judy Gilow | <input type="checkbox"/> Sherri Brekke |
| <input type="checkbox"/> Steve Buswell | <input type="checkbox"/> Doug Stokes | <input type="checkbox"/> Lori Larson | <input type="checkbox"/> Rena' Patterson |
| <input type="checkbox"/> Aarah Saugen | <input type="checkbox"/> Bruce Nelson | <input type="checkbox"/> Tami Mueller | <input type="checkbox"/> Justin Green |
| <input checked="" type="checkbox"/> Brian Pafundi | | | |

Purpose: 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.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, September 20, 2012.


Discussion:

Review and approval of July meeting minutes.

Jail Credit for Sentencing Hearings: The Judge's met with the jail staff regarding concerns on days of credit given to defendants at sentencing. It is not up to the jail to determine how many days credit the individuals have. Typically days of credit are listed on the PSI reports. However, there are times in which this number is not accurate. The Judges are asking the attorneys to make sure they have current numbers before coming into court for sentencing.

Rule 20 Commitment Referrals: There is still a question for this committee on what happens with defendants when they are referred for commitment but community services does not file a commitment petition. Brian Pafundi will research the matter and also attempt to find out what other counties do in this situation. We will have this topic on next month's agenda to see what Brian found out. A workgroup may be put together to find a resolution to this situation. The concern is that we don't want individuals to be in limbo without the Courts getting reports on how they are doing.

Presentence Investigation Interview: The Department of Corrections will not change their procedures on scheduling/processing presentence interviews at this time. The committee decided to have the attorneys monitor this situation. Keep track of how many people are not getting presentence interviews done, why they aren't getting done, and the consequences of failure to complete them. If there is a large portion of these interviews not getting completed, then we will bring it up again to the committee to be readdressed.



Veteran's Court Update: This topic will be put on the agenda for next month's meeting. The committee is hoping that law enforcement can collect veteran information at the front side of contact. We will ask Judge Leahy and Kaitlyn to attend next month's meeting for an update.

Drug Court: We got the grant! Thanks to everyone involved in that process! Drug Court is still on track to get up and running this October.

Strategic planning: Adam Brommerich is the new evidence technician at the police department. The County Attorney's office will work with Adam regarding discovery concerns. Our goal is to have a quicker turnaround time on evidence being given to defense. The committee needs to start to focus on what our goals will be for 2013. E charging/filing will remain as one of our goals. Discovery exchange will also be a goal that remains on the list for 2013. Some suggestions were made on what other topics we could put on the 2013 planning: Rule 20's, streamlining post-conviction procedures, billing for experts on crim sex cases, review procedures for crim sex evaluations, receiving psi's for review with a longer lead-time before hearings. All members will think about what other things we may want to have added to this list for planning. We will discuss this issue at the next meeting.



Next meeting: September 20, 2012 at 8 a.m.

September agenda:

- Review and approval of August meeting minutes
- Pre Trial Services Update
- Rule 20 Commitment Referrals
- Veterans Court Update: Judge Leahy/Kaitlyn
- Strategic Planning: Kalene





CJCC COURTS COMMITTEE AGENDA

September 20, 2012 at 8:00 AM

PLEASE NOTE: This meeting will be held in Courtroom 2 Jury Room.

- **Review and approval of August meeting minutes**
- **Pre Trial Services Update**
- **Rule 20 Commitment Referrals**
- **Veterans Court Update: Judge Leahy/Kaitlyn**
- **Strategic Planning: Kalene**
- **Plea Petition: Carmaine Sturino**



Next meeting October 18, 2012

CJCC COURTS COMMITTEE MEETING
September 20, 2012

Present:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Judge Buytendorp | <input type="checkbox"/> Judge Thompson | <input checked="" type="checkbox"/> Judge Leahy | <input checked="" type="checkbox"/> Karin Sonneman |
| <input checked="" type="checkbox"/> Brian Pafundi | <input checked="" type="checkbox"/> Kalene Engel | <input checked="" type="checkbox"/> Carmaine Sturino | <input type="checkbox"/> Sally Cumiskey |
| <input checked="" type="checkbox"/> Chris Ledebuhr | <input checked="" type="checkbox"/> JP Plachecki | <input type="checkbox"/> Rich McCluer | <input type="checkbox"/> Kurt Knuesel |
| <input type="checkbox"/> Tom Williams | <input checked="" type="checkbox"/> Lynne Caldwell | <input checked="" type="checkbox"/> Sue Smelser | <input checked="" type="checkbox"/> Marsha Metzler |
| <input type="checkbox"/> Renee Rumpca | <input checked="" type="checkbox"/> Stephanie Nuttall | <input type="checkbox"/> Judy Gilow | <input checked="" type="checkbox"/> Sherri Brekke |
| <input type="checkbox"/> Steve Buswell | <input checked="" type="checkbox"/> Kathryn Jargo | <input type="checkbox"/> Lori Larson | <input type="checkbox"/> Rena' Patterson |
| <input type="checkbox"/> Aarah Saugen | <input type="checkbox"/> Bruce Nelson | <input type="checkbox"/> Tami Mueller | <input type="checkbox"/> Justin Green |
|
<input type="checkbox"/> | | | |

Purpose: 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.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, October 18, 2012.

Discussion:

Review and approval of August meeting minutes

Pretrial Services Update: A program proposal is being worked out for the county's review. Funding still needs to be confirmed. At this time, there is positive feedback.

Rule 20 Commitment Referrals: After checking with other counties on this subject, some counties have the county attorney's office file commitment petitions and other counties have the Court schedule a commitment hearing. The rules don't say that there has to be a commitment, but it does say that there has to be a commitment hearing for review. Brian will coordinate a meeting with the following people/representatives: Karin Sonneman, Carmaine Sturino, Duane, Beth, Kathryn Jargo and Judge Buytendorp.

Kathryn Jargo and co-workers do have a presentation they could make to the Judge's. Julie will copy Sally Cumiskey to see if Sally could arrange this presentation with the Judges.

Plea Petition: The public defender's office would like the Judge's to discuss the option of having more plea petitions accepted by mail. A reference was made on the mega settlement days that if attorneys could file the petitions by mail prior to scheduled hearing that the hearings could be removed and defendants would not need to make an appearance. If this is an idea the Court would allow, then the form would have to be modified so that the factual basis could be written in the petition. This could also potentially save transport money when

defendants would no longer have to be transported from another jail and/or prison. We will ask Sally Cumiskey to put this on the Judge's agenda for a judge's meeting.


Veterans Court Update: Judge Leahy did have a conversation with Dave Brand. Dave stated that he has an individual that would be able to come down to train law enforcement on how to deal with veterans and answer the proper questions. This person would also be able to train both the city and county departments. This committee has decided that a workgroup is necessary to get this moving. We are suggesting that the following be invited to be members of the workgroup: Judge Leahy, Kaitlyn, Jerry Bigelo, Kalene Engel, Steve Johnson, Jon Borman, Tom Williams, and a representative from the county attorney's office. Kaitlyn will head the workgroup. Kalene did communicate with Sandy Warnke regarding their records management. There is a spot on the records in which this information can be entered. However, they have to be consistent on documenting it. If a meeting space is needed, Kaitlyn can contact Kalene on the availability of the Kensington. Julie will email this workgroup list to Kaitlyn and Judge Leahy. This will be reviewed in two months.

Strategic Planning: October 3rd the CJCC will be reviewing 2013 strategic planning. The items we have listed for our planning is: e-charging and filing, discovery exchange, streamline post-conviction procedure, psi process, rule 20 commitment/non commitment issues, implementing drug court, court appointed experts, implementing veterans mentor program. More ideas can be added to this list in the future.

Next meeting: October 18, 2012 at 8 a.m.

October agenda:

➤ Plea Petition



Courts Committee
October 18, 2012

The Courts Committee did not meet in October, 2012 due to Judge Buytendorp's unavailability.



CJCC COURTS COMMITTEE AGENDA

November 15, 2012 at 8:00 AM

PLEASE NOTE: This meeting will be held in Courtroom 2 Jury Room.

- Review and approval of September meeting minutes
- Victim Empathy Class: Nicole Thompson
- Veterans Court Update: Kaitlyn/Judge Leahy (*No update to report at this time.*)
- Plea Petition: Carmaine Sturino
- ~~Domestic Violence Cases: Diana Miller, Woman's Resource Center~~ (*Postpone until next month's meeting – December 20th*)
- Disclosure of Defendant Criminal History: Carmaine Sturino

[2012\JUDICIAL TRAINING UPDATE 11-17 \(2\).dotx](#)

The above is a link pertains to jail credit. Right click on the link and select open to view.

Next meeting December 20, 2012

CJCC COURTS COMMITTEE MEETING
November 15, 2012

Present:

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Judge Buytendorp | <input type="checkbox"/> Judge Thompson | <input type="checkbox"/> Judge Leahy | <input checked="" type="checkbox"/> Karin Sonneman |
| <input type="checkbox"/> Brian Pafundi | <input checked="" type="checkbox"/> Kalene Engel | <input type="checkbox"/> Carmaine Sturino | <input type="checkbox"/> Sally Cumiskey |
| <input type="checkbox"/> Chris Ledebuhr | <input checked="" type="checkbox"/> JP Plachecki | <input type="checkbox"/> Rich McCluer | <input type="checkbox"/> Kurt Knuesel |
| <input type="checkbox"/> Tom Williams | <input checked="" type="checkbox"/> Lynne Caldwell | <input checked="" type="checkbox"/> Sue Smelser | <input checked="" type="checkbox"/> Marsha Metzler |
| <input type="checkbox"/> Renee Rumpca | <input checked="" type="checkbox"/> Stephanie Nuttall | <input type="checkbox"/> Judy Gilow | <input checked="" type="checkbox"/> Sherri Brekke |
| <input type="checkbox"/> Steve Buswell | <input type="checkbox"/> Kathryn Jargo | <input type="checkbox"/> Lori Larson | <input checked="" type="checkbox"/> Rena' Patterson |
| <input type="checkbox"/> Aarah Saugen | <input type="checkbox"/> Bruce Nelson | <input type="checkbox"/> Tami Mueller | <input type="checkbox"/> Justin Green |
| <input checked="" type="checkbox"/> Nicole Thompson | | | |

Purpose: 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.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, December 20, 2012.

Discussion:

Review and approval of September meeting minutes

Victim Empathy Class (Nicole Thompson-Restorative Justice Coordinator): Nicole and former RJ Coordinator, Jessica Radke developed a Victim Empathy Class for juveniles to fill a need for more programming focusing on building empathy. The class is a 7 week program, held once a week for two hours at the Wesley United Methodist Church. Referrals to the class can be made from anyone and it can also be court ordered. The class is intended for offenders who commit an offense with an identifiable victim, but excludes domestic violence and sex offenses. The curriculum will include four different modules which are geared toward getting the offender to take responsibility, understand the harm to the victim and think about what could be done to repair that harm. At this point, there will be a limit of 10 participants per class and there will be 4 sessions per year. However, the number of participants and amount of classes offered can be adjusted based upon need. Participants who miss two classes per session will be automatically enrolled in the next session. Thereafter, if they miss two sessions, they will be terminated from the course. See the attached handout on the Victim Empathy Class and contact Nicole with any questions.

Veterans Mentor Update: At the September meeting, a workgroup was formed to keep this project moving. Workgroup members identified included Judge Leahy, Kaitlyn Wahlsten, Jerry Obieglo, Kalene Engel, Steve Johnson, John Borman, Tom Williams, and a representative from the county attorney's office (Kevin O'Laughlin). Kalene will work with Kaitlyn to arrange a meeting of this workgroup.

Plea Petition: At the September meeting, the Public Defender's Office requested that the judges consider accepting more plea petitions by mail. The judges met and agreed that this was appropriate for gross and misdemeanor offenses, but not felony offenses. A Plea Petition form is being prepared and will need approval from the judges before it can start to be used. Lynne Caldwell noted that the judges needed to clarify whether a sentencing order still needed to be done on gross misdemeanors that were handled through the new plea petitioner or if sentencing orders still needed to be done.

Disclosure of Defendant Criminal History: According to Rule 9, prosecutors are supposed to be disclosing criminal histories on all offenses to defense attorneys. Defense attorneys feel that they are not being provided the same criminal history as what prosecutors receive and that it is not being disclosed on a timely basis. Unfortunately, there are severe restrictions on the redistribution of the NCIC (criminal history) report, so the prosecutors cannot simply copy and distribute it. The County Attorney's Office is working on developing a form that would list out a summary of the criminal history.

Rule 20 Commitments & Expert Witnesses: As a follow-up to the September meeting, a workgroup meeting was held which included the following individuals: Stephanie Nuttall (proxy for Karin Sonneman); Carmaine Sturino, Amy Moe, Karen Bunkowski, Kathryn Jargo and Lynne Caldwell, Judge Buytendorp and Brian Pafundi. When a criminal defendant is found incompetent to stand trial due to a Rule 20, the case is either dismissed (misdemeanors) or suspended pending a review by the court in 3 years or a request by someone to reactivate it due to the defendant gaining competency (gross misdemeanors or above). The rules seem to require a civil commitment hearing for those defendants found incompetent via a Rule 20, however, the standard for civil commitment is different than the standard for a Rule 20. One idea being discussed was to use the Rule 20 as the "petition" if Community Services declined to bring a commitment petition. Since the issues have not yet been resolved, another workgroup meeting is necessary. A related issue that needs to be discussed by the workgroup members plus Department of Corrections (Rena Patterson) is the cost/type and qualifications of expert witnesses. Since the issues involved most of the same people, the Rule 20 workgroup meeting can be scheduled, followed by the expert witness workgroup meeting. Kalene will work with Brian to schedule the meeting. Kalene will also attempt to obtain expert witness cost information from Kelly Anderson in Finance and Lynne will attempt to obtain court expert witness cost information from Sally.

Next meeting: December 20, 2012 at 8:00 a.m.

December agenda:

- Update on Rule 20 commitment issues
- Update on Veteran's Mentor Program
- Update on Plea Petition
- Update on Rule 20 Commitments/Court-appointed experts
- Update on Disclosure of Defendant Criminal History
- Update on Drug Court
- Domestic Violence Cases-Diana Miller

Courts Committee
December 20, 2012

The Courts Committee did not meet in December, 2012 due to a large snowstorm. It was rescheduled to January 3, 2013 at 8:00 a.m.