

Crime Prevention Committee Meeting
Winona County Criminal Justice Coordinating Council
January 27, 2014
2:30 p.m. at Kensington Banquet Room

Present: Travis Volkman, Kalene Engel, Janneke Sobeck

Minutes by: Kalene Engel

Call to Order: 2:35 p.m.

Approval of Agenda: Approved without changes.

Safecam Workgroup Update: The workgroup met on January 10, 2014 to discuss/develop the proposal for public surveillance cameras for the downtown area. The group reviewed some research articles and standards on public surveillance, which provided guidance on how to approach the issue. Some of the important factors to consider include involving the community at the outset, prioritize training, establish guidelines to balance utility (need for cameras) with privacy. Insofar as public support is concerned, the committee wanted input on how to best present the issue to the city council and what other municipalities—such as La Crosse or Minneapolis—were using for guidelines.

Automated Pawn System Follow-Up: The Committee would like to hear from law enforcement as to the level of need and support for pursuing APS.

IntoxBox Presentation Review: Travis did reach out to the IntoxBox representative and gave him additional information on the procedure used by law enforcement to process DWIs. He also offered to act as a liaison with them. The difficulty with attempting to gather data from individuals who are arrested for DWIs is that they may not be cooperative. There has to be some incentive for people to provide information—one idea mentioned was giving a coupon for something if an individual completes a survey following the use of the IntoxBox. Travis will respond as needed to requests from IntoxBox.

Minor Consumption Payables: Judge Thompson spoke to the CJCC on January 3, 2014 and provided information on a local option (via a procedural rule change) for increasing the fine for a minor consumption. He also provided information on other strategies for reducing underage and binge drinking. Many of the strategies could be incorporated into a strategic plan for the ASAP Group (see below). Kalene stated that she had received an e-mail about a possible task force for underage/binge drinking and would check into that and report back as this committee does not want to duplicate efforts being undertaken elsewhere. (Post-meeting note: there is no new task force.)

Other:

- **Tavern League:** Drink specials have again started to pop up among local bars. The bar owners who attended the last Tavern League Meeting agreed that they did not like drink specials. Possible alternatives to combat drink specials include a drink special ordinance,

a county ordinance or possibly imposing more restrictions on liquor licensees as a condition of obtaining a license. Kalene will get the most current Best Practices guidelines from the City of Winona. We will wait until the new Community Liaison Officer is in place and bring the issue back to the table.

- **ASAP:** The Alliance for Substance Abuse Prevention is holding another meeting on February 5, 2014. The focus of this meeting will be to finalize the coalition members and drugs of focus for the Drug Free Coalition grant application. ASAP is still waiting from additional data for the grant.
- **Social Host:** We will request a status update on this issue for the February meeting.

Next Meeting: February 24, 2014 at 2:30 p.m. at Kensington Banquet Room.

Adjourned 3:24 p.m.

Crime Prevention Committee Meeting
Winona County Criminal Justice Coordinating Council
February 24, 2014
2:30 p.m. at Kensington Banquet Room

Present: Travis Volkman, Kalene Engel, Janneke Sobeck, Gerry Krage, Tom Williams, Christina Davenport, Alex Kromminga, Kate Hansen

Minutes by: Kalene Engel

Call to Order: 2:30 p.m.

Approval of Agenda: Approved without changes.

Approval of Minutes from January 27, 2014 Meeting: Approved without changes.

Introduction of WSU Representatives: Kate Hansen introduced herself as the new Health promotion Coordinator at Winona State University. She oversees the Choices Program and alcohol self-assessments and works closely with Alex Kromminga (WSU Conduct & Citizenship Officer, who was also present) to monitor the students who have been sanctioned for drug and alcohol violations.

Safecam Workgroup Update: Tom Williams contacted the police departments from La Crosse and Minneapolis to get copies of their public surveillance policies/guidelines. La Crosse had none; however, Minneapolis did provide copies of their policies. The Minneapolis police representative suggested that the workgroup look into Port Authority grants. He also noted that Philadelphia was working on a project to inventory privately owned cameras in case footage was needed for law enforcement purposes. Gerry Krage felt that the elected officials would be open to the concept, but suggested that some sample guidelines be presented. Tom will distribute the Minneapolis policies/guidelines to the workgroup and City Attorney Chris Hood. Kalene will arrange another meeting of the workgroup.

Automated Pawn System Follow-Up: Currently, the City of Winona is an authorized user of the APS and has used it to solve several residential burglaries. Absent state legislation, a city ordinance would have to be passed to require pawn dealers in the City of Winona to use APS. The legislature recently passed a law that would require scrap metal dealers to use APS to record scrap metal purchases made after January 1, 2015. After discussion, the committee elected to table this issue until after January 1, 2015 to determine what impact the new scrap metal dealer registration requirement will have on the use of APS.

Minor Consumption Payables: Judge Thompson spoke to the CJCC on January 3, 2014 and provided information on a local option (via a procedural rule change) for increasing the fine for a minor consumption. Such a change would also require the passage of a city ordinance. The committee discussed the reasons for a higher fine, as well as other interventions that could encourage earlier intervention and prevention. Alex Kromminga and Kate Hansen reviewed the WSU procedures for off-campus behavior issues involving drugs and alcohol. The current

procedure is to review citations for minor consumption, minor possession, disorderly conduct and DWIs to determine whether a WSU student was involved. If so, the WSU student goes through the intervention process developed by WSU. WSU passes the citation information along to Southeast Technical College who, in turn, passes it along to St. Mary's University. WSU has now started charging for conduct violations and this shows up on the tuition bill (thereby alerting some parents to these behaviors). Alex also tries to incorporate a module on "crime consequences" in orientation. In addition, all incoming WSU freshman are required to take an alcohol education classes (currently "Choices" but that curriculum might be changing). Kalene suggested that WSU consider having a presentation on Collateral Sanctions by Emily Baxter of Crime and Justice Institute. Gerry suggested that WSU include a segment during orientation on "how to be a good citizen." He noted that simply having the WSU students knock on their neighbor's doors and introduce themselves at the beginning of the school year could go a long way towards preventing later conflicts. Alex noted that some landlords are incorporating WSU conduct policy into their leases to require the off-campus students to adhere to the same conduct requirements as the on-campus students. Alex stated that he would be very interested in hearing about how the diversion program is working so the committee agreed to invite Stephanie Nuttall, Diversion Coordinator, to the March meeting for an update on the diversion program. After extensive discussion, the committee decided that it would not pursue an ordinance to raise the payable fine at this time, but rather focus on other intervention/prevention strategies.

Next Meeting: March 24, 2014 at 2:30 p.m. at Kensington Banquet Room.

Adjourned: 3:24 p.m.

Crime Prevention Committee
March 24, 2014

The Crime Prevention Committee did not meet in March of 2014. The Safecam Workgroup met on March 10, 2014 and developed a draft policy for a public surveillance camera system in the City of Winona (see document that follows).

WINONA POLICE DEPARTMENT
SAFECAM POLICY AND PROCEDURES

PURPOSE

The Winona Police Department (WPD) recognizes that the use of electronic technology can serve to improve the delivery of police service within the City and contribute to increased public safety and livability for our citizens.

The WPD has instituted a SAFECAM video observation system which utilizes fixed video cameras to record areas in the public domain which will produce live video feeds for passive monitoring at the Winona County Law Enforcement Center and in tWPD squad cars and stored for permissible purposes pursuant to this policy. Hereafter, this system will be referred to as SAFECAM.

The WPD shall comply with all Federal, State, and City ordinances, laws, and regulations regarding privacy and the use of SAFECAM for traffic and pedestrian monitoring in the public domain.

POLICY

1. The policy of the WPD is to use SAFECAM to protect citizens and property in the City of Winona.
2. The use of the SAFECAM system is an element of the WPD's mission to protect citizens and will be used to enhance public safety.
3. The WPD's SAFECAM system will be used to augment, and not replace, efforts already in place to prevent crime and fear in the City of Winona.
4. The SAFECAM system will not be used when there is a reasonable expectation of privacy by citizens.
5. All data, except evidentiary recordings, but including routine recordings, activity logs, and procedures regarding the SAFECAM system shall be considered public information unless otherwise classified by the Minnesota Government Data Practices Act.
6. All WPD employees authorized to operate and utilize the SAFECAM system shall be familiar with the policies and procedures regarding its use.
7. All WPD employees authorized to operate and utilize the SAFECAM system shall abide by the policies and procedures contained in this order.
8. A superior officer shall periodically monitor operation of the SAFECAM system to ensure that operators are complying with all policies and procedures.
9. Information that will be used for evidentiary purposes shall be maintained and secured as evidence under the supervision of a supervising officer.

10. Unauthorized use of the SAFECAM system will result in disciplinary sanctions.

REGULATIONS

A. Authorization for the Use of SAFECAM

1. The Chief of Police or his/her designee shall authorize members of the WPD to utilize the SAFECAM system prior to its use by them.
2. WPD Shift Supervisors shall monitor and supervise activities conducted with the SAFECAM system.
3. Recorded information shall be maintained and secured as a record under the supervision of the WPD Shift Supervisors.

B. Unauthorized use or misuse of the SAFECAM System.

1. WPD employees operating the SAFECAM system shall not target/observe citizens based solely on race, gender, ethnicity, sexual orientation, disability, or any other classifications protected by ordinance or statute.
2. The SAFECAM system shall be used to observe areas regarded as public and areas where there is no reasonable expectation of privacy.
3. All WPD employees utilizing the SAFECAM system shall acknowledge that they understand the possible departmental and criminal sanctions resulting in the misuse of the SAFECAM system.

RETENTION

1. Routine recorded information, where viewing the information reveals no criminal activity or where no criminal activity is reported, shall be maintained for a maximum of 30 days. After the retention period has been met, the recorded information will no longer be available to anyone.
2. Recorded information that will be used for evidentiary purposes or that is requested with a court order shall be copied to a legally acceptable medium and maintained in accordance with WPD policies and procedures for evidence and state statutes regarding data storage.

ACCESS

1. Record information captured by the SAFECAM system shall be indexed for efficient access.
2. Requests for access to recorded information must be made in writing, stating the location(s) and time frame requested.
3. All access requests for recorded information shall be documented and retained in accordance with the retention requirements for data practices requests found in the City of Winona Guidelines and Procedures for the Minnesota Government Data Practices Act.

4. Fees for public access to public data shall be charged in accordance with the City of Winona Data Charges for Public Access to Public Data Policy.

MAINTENANCE

The WPD shall be responsible for servicing, maintaining, and safekeeping of the SAFECAM system. These tasks may be outsourced to an appropriate service provider.

AUDIT

WPD Shift Supervisors shall have responsibility for conducting regular audits of the SAFECAM operational procedures to ensure that the system is being used properly and policies and procedures are being followed. The compliance officer will be responsible for ensuring that the system's regular audit functions are followed, including the review of routine recorded information and recordings that are copied for evidentiary purposes or legal and civil proceedings.

I have read and understand the information regarding the SAFECAM system.

Printed Name

Date

Signature

Crime Prevention Committee Meeting
Winona County Criminal Justice Coordinating Council

April 21, 2014

2:30 p.m. at Kensington Banquet Room

Present: Travis Volkman, Kalene Engel, Kevin O'Laughlin, Stephanie Nuttall, Christina Davenport,

Minutes by: Kalene Engel

Call to Order: 2:35 p.m.

Approval of Minutes from February 24, 2014 Meeting: Approved without changes.

Winona County Diversion Program Overview: Stephanie Nuttall, Diversion Coordinator, provided an overview of the three diversion programs administered by the Winona County Attorney's Office.

1. **Juvenile:** The juvenile program is a pre-charging diversion program. Stephanie reviews all juvenile citations (including truancies) for diversion. The only thing that is not reviewed is a petition delinquency offense. Eligibility is determined based upon prior history, with gray areas decided through e-mailed panel review. Diverted truancy and runaway cases are supervised by Community Services; all others by Department of Corrections. Diversions are accompanied by a tracking form which is sent back by the supervising agency with the results of the diversion. Diversions outcomes can be successful, unsuccessful or returned (where the individual did not agree to the diversion). Successful diversions are filed in an archive box and never filed; unsuccessful or returned diversions are filed with the court.
2. **Misdemeanor:** The misdemeanor program is a program that relies upon the offender to apply for the program, rather than an automatic review by the County Attorney's Office. Applications can be submitted via website or on paper. Court staff notifies potential participants of the program at traffic court, but many people pay the citation without knowing about the diversion option. Once Stephanie receives a diversion application, she pulls the criminal history and reviews the law enforcement reports to determine eligibility. Gray areas of eligibility are referred to a panel. If the offender is eligible, he or she is referred to the Department of Corrections. Applicants are notified of their rights and must sign a waiver and admission and agreement to participate in the program. Charges are dismissed for successful diversion participants. Unsuccessful diversions will proceed through the normal court process, where the admission may be used against the participant at trial. The Community Responsibility Panel still exists, but there hasn't been an eligible offense for the panel in at least 6 months.
3. **Felony:** The felony diversion program is for property crimes only. All felonies are screened when charged by the assigned prosecutor, both for drug court and diversion. If the individual is eligible for felony diversion, the case is transferred to Stephanie, who

offers the program to the defendant. Interested applicants must complete all required paperwork including a Rule 15 with a full factual basis. The matter is set for a plea hearing and, if accepted by the Court, the defendant will be ordered into the diversion program and continue the criminal prosecution pending successful completion of the program. If the defendant successfully completes diversion, the charges are dismissed. If not, prosecution continues.

Some of the issues and/or future improvements to the diversion programs include the following: (1) notifying law enforcement of the results of diversions so they can dispose of evidence, if no longer needed for prosecution; (2) doing a better job of advertising the misdemeanor diversion program so defendants have the opportunity to avoid some of the collateral consequences of pleading guilty to a one-time bad judgment misdemeanor that could haunt them forever and (3) expanding the Community Responsibility Panel. Attached are current diversion guidelines for all programs. Stephanie will provide additional statistics on success rates and recidivism at a later time. Any questions regarding diversion can be directed to Stephanie at snuttall@co.winona.mn.us.

Safecam Workgroup: Assistant City Attorney Mike Flaherty reviewed and revised the draft Safecam policy and Kalene reformatted it to fit the format of the Winona Police Department General Duty Manual. The policy was distributed to workgroup and committee members. The committee unanimously recommended that the CJCC review and approve the policy for incorporation into the WPD General Duty Manual.

Social Host Ordinance: Jeremy Hildman of the Whitewater Country Coalition is helping Olmsted County with its Social Host Ordinance (SHO) efforts. He recently met with Kevin O’Laughlin, Dave Brand and Karin Sonneman regarding the Winona County SHO. The ordinance was revised and additional information regarding SHO enforcement has been assembled. On behalf of the County Attorney’s Office, Kevin asked that the Crime Prevention Committee approve the SHO and present it to the full CJCC Council in May with a recommendation to the County Board to support the SHO for Winona County. The committee did so.

Alliance for Substance Abuse Prevention: Due to technical difficulties, the grant application for the Drug Free Communities Program was not submitted. However, efforts to establish the coalition will continue, with the next meeting on May 16, 2014 from 11:30 a.m. to 1:00 p.m. at the B.A. Miller Auditorium at Winona Health. Katie Lehman, Regional Alcohol, Tobacco and other Drug Prevention Coordinator will be present to present SAMHSA’s Strategic Prevention Framework.t

Open discussion: None

Adjourned: 3:20 p.m.

Next Meeting: May 19, 2014 at 2:30 p.m. at Kensington Banquet Room.

Winona County
Juvenile Diversion

Program Guidelines

Effective 3.28.2011
Revised 10.21.2011

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INTRODUCTION. The Winona County Attorney's Office, in conjunction with the Juvenile Justice Committee of the Winona County Criminal Justice Coordinating Council, has developed the Winona County Juvenile Diversion Program. Participation in the program is not a right of a juvenile, but rather an alternative to prosecution for those juveniles:

- (1) Who acknowledge that the conduct giving rise to possible prosecution was a violation of law;
- (2) Who are remorseful; and
- (3) Who have the ability to make appropriate restitution to the victim and reparation to the community in a timely manner.

Offenders who are accepted into and successfully complete the Juvenile Diversion Program will avoid having formal charges filed against them in court.

I. ELIGIBILITY. Admission into the Juvenile Diversion Program rests within the discretion of the Winona County Attorney's Office. A juvenile may be eligible for the Juvenile Diversion Program if the juvenile:

- A. Is charged with any juvenile petty offense, as defined in Minnesota Statute § 260B.007, subd. 16; any juvenile alcohol offense, as defined in Minnesota Statute § 260B.007, subd. 17; any juvenile controlled substance offense, as defined in Minnesota Statute § 260B.007, subd. 18; any juvenile traffic offense, as defined in Minnesota Statute § 260B.225; or any referral as a child in need of protective services for truancy or runaway.
- B. Has no prior adjudication(s) of delinquency for, or any pending juvenile delinquency case(s);
- C. Has minimal petty offender-level contact with the juvenile justice system, as determined by a review panel; and,
- D. Is not currently on probation or being supervised pursuant to a Stay of Adjudication, Continuance for Dismissal, or Diversion.

II. PROGRAM PROCEDURES.

A. ELIGIBILITY REVIEW

1. **Initial Review.** The Winona County Attorney's Office Diversion Coordinator (hereafter "Diversion Coordinator") will review all juvenile citations. If the juvenile has no prior history of any kind and there is no other reason to deny the application, the juvenile will be deemed eligible and referred to the Department of Corrections or Community Services for entry into the program. If the juvenile has any prior

adjudication of delinquency, or any such case pending; is currently being supervised by the juvenile justice system; or has been referred due to truancy with fifteen or more absences, the juvenile will be deemed ineligible and the case will be filed with the court. All other circumstances will be referred to a panel for review of eligibility.

2. **Panel Review.** The panel will consist of one or more representatives from each of the following departments/offices: prosecutor, law enforcement, probation, Restorative Justice and community services (social worker). The panel will review the reports and other relevant information, including, but not limited to, the juvenile's prior history as provided by the prosecutor's office, nature and circumstances of the offense, and any other mitigating or aggravating circumstances. The panel will then make a recommendation as to whether the juvenile is eligible.
3. **Determination.** The Diversion Coordinator has the final decision and has the discretion to override the panel where circumstances warrant, though great weight should be given to the panel's recommendation. If the juvenile is deemed not eligible, the citation will be filed with the court. If the juvenile is deemed eligible, the matter will be referred to the Department of Corrections or Community Services for participation in the Juvenile Diversion Program.

B. DIVERSION PROGRAM. Upon receiving a referral to the Juvenile Diversion Program the supervising agency will determine the appropriate diversion track for the juvenile, based upon the offense and other circumstances, and will assign each juvenile a supervising agent.

1. Tracks

- a. **Community Services:** Juveniles referred to the Juvenile Diversion Program who are charged as a Runaway or Truant will be referred to Community Services for supervision.
- b. **Mail-In Diversion:** The Department of Corrections will send an Admission & Diversion Agreement to the juvenile and his/her parents notifying them of (1) the Mail-In Diversion opportunity; (2) the juvenile's rights; and (3) the option to pay a fine, complete community work service or deny the allegations and request a court hearing. If the juvenile wants to participate, the Admission and Diversion Agreement must be returned to the Department of Corrections within 7 days.
- c. **Regular Diversion:** The Department of Corrections will send a notice to the juvenile and his/her parents notifying them of (1) the Regular Diversion opportunity; (2) the juvenile's rights; and (3) a date and time for a mandatory meeting with the probation officer. If the juvenile wants to participate, he or she

5. **Time Period.** A juvenile entering the Juvenile Diversion Program shall have six (6) months from the date of signature on the Admission and Agreement to comply with the terms of the Juvenile Diversion Program. The Department of Corrections can extend this time period for good cause shown, with notice provided to the Diversion Coordinator.

III. DISCHARGE

- A. **RETURNED.** If the juvenile wants to deny the charge(s), fails to meet with a supervising agent or return the mail-in Agreement, or does not agree to the Agreement terms or sign an Agreement, they will be returned to the Winona County Attorney's Office. The Department of Corrections or Community Services will send the completed Tracking form to the Diversion Coordinator and the citation will be filed with the Court.
- B. **SUCCESSFUL DISCHARGE.** If the juvenile completes the terms of the agreement within the time period, the juvenile will be successfully discharged from the Juvenile Diversion Program. The Department of Corrections or Community Services will send the completed Tracking form to the Diversion Coordinator so that files may be closed.
- C. **UNSUCCESSFUL DISCHARGE.** If the juvenile fails to complete any one or more terms of the agreement within the time period, the juvenile will be unsuccessfully discharged from the Juvenile Diversion Program. The Department of Corrections or Community Services will send the completed Tracking form to the Diversion Coordinator, who will file the citation with the court.

IV. DATA COLLECTION & DISSEMINATION

- A. **COLLECTION.** The Diversion Coordinator will keep records of the number and characteristics of persons and offenses applying for and entering into the Juvenile Diversion Program and whether they are returned, successfully discharged, or unsuccessfully discharged.
 - B. **DISSEMINATION.** The Diversion Coordinator will provide collected information on an annual basis by January 31st of each year to the Winona County Criminal Justice Coordinating Council, the Juvenile Justice Committee, and the County Board of Commissioners.
- V. **EFFECTIVE DATE.** The Winona County Misdemeanor Diversion program Guidelines are effective March 28, 2011, and will apply to any charges pending at or after that time.
- A. **REVISION.** The Winona County Juvenile Program Guidelines were revised on October 21, 2011, and supersede any previous Guidelines.

Winona County

Misdemeanor Diversion

Program Guidelines

Effective 3.1.2011
Revised 7.20.2012

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INTRODUCTION. The Winona County Attorney's Office, in conjunction with the Misdemeanor Diversion Workgroup of the Winona County Criminal Justice Coordinating Council and representatives of Winona State University, has developed the following Misdemeanor Diversion Program. Other prosecuting authorities within the county may not elect to participate in this program—this information can be obtained from the Diversion Coordinator or the individual prosecuting authority. Participation in the program is not a right of the defendant, but rather an alternative to prosecution for those defendants:

- (1) Who acknowledge that the conduct giving rise to possible prosecution was a violation of law;
- (2) Who are remorseful; and
- (3) Who have the ability to make appropriate restitution to the victim and reparation to the community in a timely manner.

Defendants who are accepted into and successfully complete the Misdemeanor Diversion Program will have the charges pending against them dismissed.

I. **ELIGIBILITY.** Admission into the Misdemeanor Diversion Program rests within the discretion of the prosecutor. A criminal defendant may be eligible for the Misdemeanor Diversion Program if the defendant:

A. Is charged with any of the following petty misdemeanor, misdemeanor, or gross misdemeanor offenses, or any other offense deemed appropriate for diversion by the prosecutor:

Alcohol & Related Offenses

- Furnishing Alcohol to a Minor*
- Minor Consumption of Alcohol
- Minor Possession of Alcohol
- Social Host*
- Open Bottle (Passenger only)

Theft & Related Offenses

- Theft (including Shoplifting)
- Criminal Damage to Property
- Financial Transaction Card Fraud*
- Receiving Stolen Property
- Check Forgery/Offering Forged Check*
- Issuing a Dishonored Check
- Computer Theft
- Possession of Stolen/Counterfeit Checks
- Identity Theft*
- Bringing Stolen Goods into the State

Drugs & Related Offenses

- Possession of Drug Paraphernalia
- Possession of a Small Amount of Marijuana
- Possession of Marijuana in a Motor Vehicle

Obstruction Offenses

- Obstruction of Justice*
- Fleeing a Peace Officer (Foot)*
- False Information to Peace Officer*

Other Offenses

- Disorderly Conduct (not fighting)
- Trespass
- Public Urination
- Barking Dog/Dog at Large
- Loud Party*
- Noise Ordinance Violations

**all eligible cases must be reviewed & approved by the panel*

- B. Has no prior conviction(s)/adjudication(s) of delinquency for, or any pending, felony, gross misdemeanor, or targeted-misdemeanor (as defined in Minn. Stat. § 299C.10, subd. 1(e)) case(s); and
- C. Has minimal misdemeanor or petty misdemeanor level contact with the criminal justice system, as determined by a review panel where appropriate.

II. PROGRAM PROCEDURES.

A. **APPLICATION.** The defendant is responsible for applying for the Misdemeanor Diversion Program. Every effort will be made to ensure that defendants are made aware of the program, but it is the defendant's responsibility to submit the application in a timely manner. Absent extenuating circumstances, lack of notice will not be grounds for withdrawal of a plea in a case that could have been diverted or for approval of withdrawal in any future case which is not eligible due to an offense that could have been diverted but was not. Applications will be accepted for consideration at any point in the case process up to the conclusion of the pretrial hearing. Applications will be available at traffic court, at court administration, from the prosecutor, and on the Winona County Attorney's website. Applications may be turned in to the prosecutor for forwarding or directly to the Winona County Attorney's Office. Court Administration will be notified and court proceedings will be suspended.

B. **ELIGIBILITY REVIEW**

1. **Initial Review.** The Diversion Coordinator will review all applications initially. If the defendant has no prior history of any kind and there is no other reason to deny the application, the defendant will be deemed eligible and referred to the Department of Corrections for entry into the program. If the defendant has any prior felony, gross misdemeanor, or targeted-misdemeanor conviction or adjudication of delinquency, or any such case pending, the defendant will be deemed not eligible and the case will be returned to court. All other circumstances will be referred to a panel for review of eligibility.
2. **Panel Review.** A panel comprised of a prosecutor, a law enforcement officer, a probation agent, a Department of Human Services representative, a Restorative Justice representative, and a higher education representative will review the reports and other relevant information, including, but not limited to, the defendant's prior history, nature and circumstances of the offense, law enforcement input, and any other mitigating or aggravating circumstances. The panel members will then make their recommendation as to whether the defendant is eligible and provide the reasons that would support their recommendation. Panel members must have a signed Confidentiality Agreement on file with the Diversion Coordinator prior to participation.

3. **Determination.** The Winona County Attorney in consultation with the Diversion Coordinator has the final decision and has the discretion to override the panel where circumstances warrant, though great weight will be given to the panel's recommendation. If the defendant is deemed ineligible, the Diversion Coordinator will notify the defendant, prosecutor, and defense attorney, where appropriate, of the ineligibility and future court date. If the defendant is deemed eligible, the matter will be referred to the appropriate diversion track for participation in the Misdemeanor Diversion Program.

C. DIVERSION PROGRAM.

1. **Misdemeanor Diversion Tracks.** Defendants deemed eligible for diversion will be processed through the appropriate diversion track.
 - a. **Standard Diversion.** A defendant eligible for standard diversion will be referred to the Department of Corrections for supervision. The Department of Corrections will notify the defendant by letter and schedule a date and time for the defendant to meet with an assigned probation agent. At that meeting the defendant will sign an Admission and Agreement containing the terms of his or her diversion.
 - b. **Community Responsibility Council.** The Community Responsibility Council ("CRC") is a diversion track intended to help offenders understand their role within the Winona County community and the ways in which their conduct impacts others. The CRC will be comprised of community members, including criminal justice professionals, educators, business owners, and neighborhood residents.
 - i. **Eligibility.** Defendants charged with Social Host, Furnishing Alcohol to Minors, Loud Party/Barking Dog/Noise Ordinance Violations, Disorderly Conduct, or Public Urination violations will be diverted through the Council. Other offenses may be referred at the Diversion Coordinator's discretion, after consideration of any panel or law enforcement recommendation and the level of participation of any direct victim(s).
 - ii. **Process.** When the CRC track is determined to be appropriate, the Diversion Coordinator will notify the defendant of the CRC meeting the defendant is to attend and provide information regarding the process. The defendant may contact the Diversion Coordinator if they need to reschedule to a different Council meeting date.
 - The Diversion Coordinator will contact any identifiable victims of the offense and invite their participation in the CRC. Any victim that wishes to participate in the process will need to notify the Diversion Coordinator of their intent to participate.

- The Diversion Coordinator will contact the Facilitator at least two weeks prior to the scheduled CRC meeting and provide the contact information for the defendant and any victim that has elected to participate, along with information regarding the offense. The Facilitator will contact the defendant and any victim prior to the CRC meeting to ensure an understanding of the process and the expectations of participants.
- The Diversion Coordinator will send information regarding the offense and expected attendees to the CRC members at least three days prior to the scheduled meeting.

iii. **Meeting.** A facilitator will guide the offender, any victims present, and the CRC through the appropriate process, including the following steps:

- **Addressing the Issue.** All parties and CRC members will be given an opportunity to explain their position and how the offense at issue, or such offenses in general, affects them and/or their community, as well as ask questions of each other.
- **Admission & Agreement.** All parties and the CRC members will discuss what should be done to address the harm and will complete an Admission and Agreement as outlined below. The defendant will be provided with the name and contact information for the probation agent that will be supervising their diversion.

2. **Admission & Agreement.** Each defendant will be required to sign an Admission and Agreement containing the following:

- a. A waiver of applicable rights;
- b. An admission to the facts which make the defendant guilty of the charged offense(s); and
- c. An agreement to the terms of the defendant's participation in the Misdemeanor Diversion Program.

The defendant's signed admission may be offered in court at trial as evidence of the defendant's guilt, if the defendant is unsuccessfully discharged from the Misdemeanor Diversion Program.

3. **Terms.** Terms of the Misdemeanor Diversion Program may include payment of a \$100 program fee, payment of a County Law Library fee, remaining law-abiding, paying reasonable restitution, completing community service hours, paying a fine, completing an alcohol assessment or chemical dependency evaluation and following the recommendations, participating in educational programming, or any other terms considered appropriate by the Council or supervising agent.

4. **Restitution.** At the time of referral to the Misdemeanor Diversion Program, the Diversion Coordinator will send a letter and Affidavit for Restitution to any business or individual who may have suffered financial loss as a result of the defendant's offense. The Diversion Coordinator will include a deadline for receipt of the completed Affidavit and will notify the Department of Corrections of that deadline. The Diversion Coordinator will forward a copy of the Affidavit and any supporting documentation to the Department of Corrections upon receipt.
- a. **Disputed Restitution Amount.** The defendant is entitled to challenge a restitution amount if he or she believes the amount is unreasonable, unsupportable, or not attributable to the defendant's conduct. Challenging the requested restitution shall not be grounds for being returned from the Misdemeanor Diversion Program.
 - b. **Procedure for Dispute.** If a defendant disputes the amount of restitution requested by a victim, he or she must notify the Diversion Coordinator of the specific issue regarding the requested amount. The Diversion Coordinator shall attempt to resolve the issue of restitution with the victim and defendant. If the Diversion Coordinator is unable to resolve the issue, the Diversion Coordinator will request a court hearing to obtain a judicial determination of a reasonable amount of restitution.
5. **Time Period.** A defendant entering the Misdemeanor Diversion Program shall have six (6) months from the date of signature on the Admission and Agreement to comply with the terms of the Misdemeanor Diversion Program. The Department of Corrections can extend this time period for good cause shown, with notice provided to the Diversion Coordinator.

III. DISCHARGE

- A. **RETURNED.** If the defendant fails to attend the meeting with the supervising agent, denies the charges, or fails to sign the Agreement the case will be returned to the Diversion Coordinator, who will get a court date from Court Administration and notify the defendant, prosecutor, and defense attorney, where appropriate.
- B. **SUCCESSFUL DISCHARGE.** If the defendant completes the terms of the agreement within the time period, they will be successfully discharged from the Misdemeanor Diversion Program. The Department of Corrections will send the completed Misdemeanor Tracking Form to the Diversion Coordinator who will file a Dismissal of Charges and notify the defendant, prosecutor and defense attorney, where appropriate.
- C. **UNSUCCESSFUL DISCHARGE.** If the defendant fails to complete any one or more terms of the agreement within the time period, the defendant will be unsuccessfully discharged from the Misdemeanor Diversion Program. The Department of Corrections will send the completed Misdemeanor Diversion Form to the Diversion Coordinator,

who will get a court date from Court Administration and notify the defendant, prosecutor, and defense attorney, where appropriate.

IV. DATA COLLECTION & DISSEMINATION

- A. COLLECTION.** The Diversion Coordinator will keep records of the number and characteristics of persons and offenses applying for and entering into the Misdemeanor Diversion Program and whether they are returned, successfully discharged, or unsuccessfully discharged.
- B. DISSEMINATION.** The Diversion Coordinator will provide collected information on an annual basis by January 31st of each year to the Winona County Criminal Justice Coordinating Council, Courts Committee, Board of Commissioners, and all City Councils.

V. EFFECTIVE DATE. The Winona County Misdemeanor Diversion program Guidelines are effective March 1, 2011, and will apply to any charges pending at or after that time.

- A. REVISION.** The Winona County Misdemeanor Program Guidelines were revised on October 12, 2011, and supersede any previous Guidelines.
- B. REVISION.** The Winona County Misdemeanor Program Guidelines were revised on July 20, 2012, and supersede any previous Guidelines.

Winona County
Felony
Diversion Program

Guidelines

Revised 10.12.2011

WINONA COUNTY ADULT DIVERSION PROGRAM GUIDELINES

The Winona County Attorney's Office, in conjunction with the Adult Diversion Workgroup of the Winona County Criminal Justice Coordinating Council, has developed the following Diversion Program, with the following purposes:

- Deliver specific intervention programming to targeted participants to prevent, eliminate, or reduce the rate of recidivism among the programs' participants.
- Provide eligible defendants with an alternative to the traditional court process and a criminal conviction.
- Promote the collection of restitution to the victim(s) of the defendant's crime.
- Develop responsible alternatives to the criminal justice system for eligible defendants.
- Reduce the costs and caseload burdens on the courts and the criminal justice system.

Participation in the Diversion Program is not a right of the defendant, but rather an alternative to prosecution for those adults (1) who acknowledge that the conduct giving rise to possible prosecution was a violation of law, (2) who have demonstrated the ability to follow the program components in a timely way, (3) who are remorseful, and (4) who have the ability to make appropriate restitution to the victim and reparation to the community.

I. ELIGIBILITY

A. Criteria. A defendant may be eligible to participate in the Felony Diversion Program if:

1. The defendant is charged with one or more of the following offenses and the value of the loss or damage is less than \$5,000:
 - Criminal Damage to Property (Minn. Stat. Sec. 609.595);
 - Possession/Receiving Stolen Property (Minn. Stat. Sec. 609.53);
 - Theft (Minn. Stat. Sec. 609.52);
 - Financial Transaction Card Fraud (Minn. Stat. Sec. 609.821);
 - Check Forgery and Offering Forged Checks (Minn. Stat. Sec. 609.631);
 - Possession of Burglary or Theft Tools (Minn. Stat. Sec. 609.59);
 - Possession of Shoplifting Gear (Minn. Stat. Sec. 609.521);
 - Issuance of Dishonored Checks (Minn. Stat. Sec. 609.535);
 - Computer Theft (Minn. Stat. Sec. 609.89);
 - Bringing Stolen Goods Into the State (Minn. Stat. Sec. 609.525);
 - Possession of Stolen or Counterfeit Checks (Minn. Stat. Sec. 609.528);
 - Wrongfully Obtaining Public Assistance (Minn. Stat. Sec. 256.98)¹;
 - Identity Theft (Minn. Stat. Sec. 609.527).

Other property offenses may also be included at the discretion of the prosecutor.

¹ To be eligible for Diversion, a defendant charged with this offense must sign a Disqualification Consent Agreement with the prosecutor, agreeing to be disqualified from the receipt of public assistance benefits pursuant to the public assistance program policy.

2. The defendant has minimal criminal history. Minimal criminal history is defined as:

- No prior or pending felony or gross misdemeanor convictions. A stay of imposition will be considered a felony or gross misdemeanor for this purpose, regardless of whether it has since become a misdemeanor-level conviction;
- Fewer than three prior or pending non-traffic misdemeanors; and
- No prior felony juvenile adjudications within the previous two years.

B. Prosecutorial Discretion: Admission into the Diversion Program rests within the discretion of the prosecutor. Some of the factors which may be considered by the prosecutor in making the recommendation for the Diversion Program include the following:

- Any previously diverted offenses or offenses for which the defendant received a continuance for dismissal or stay of adjudication;
- The nature and circumstances of the offense and the sanction or punishment to be imposed if a person is convicted of the charged offense;
- The probability of the conviction;
- Special characteristics of the defendant;
- The willingness of the defendant to cooperate and succeed in diversion;
- The interests of the victim;
- The recommendations of law enforcement;
- The age of the offense;
- Undue hardship on the defendant;
- Undue hardship upon or the reluctance of witnesses to testify; and/or
- Any mitigating or aggravating circumstances.

A prosecutor will not consider any personal or political advantages which a prosecution may bring, nor should a prosecutor consider in any way the race, ethnicity, gender, sexual orientation, religion, social status or economic status of the defendant, victim and/or witnesses in the diversion decision. After consulting with the prosecutor, the defendant or his/her attorney may appeal the prosecutor's decision not to recommend diversion to the County Attorney.

II. PROGRAM PROCEDURES

A. Eligibility Review. All felony level property offenses (except Burglary) referred to the Winona County Attorney's Office will be reviewed for eligibility by the Diversion Coordinator prior to charging. The Diversion Coordinator will complete a Review Worksheet in all cases, which will be kept as part of the file. Cases for which the defendant appears eligible for the Felony Diversion Program will be handled by the Diversion Coordinator. Cases for which the defendant is not eligible will be assigned for prosecution pursuant to office policy.

- B. Victim and Law Enforcement Input.** The Diversion Coordinator will consult with the victim and the appropriate law enforcement agency before a defendant is approved by the prosecutor for diversion. Reasonable objections from the victim or law enforcement will be given significant weight and shall be communicated to the court, though may not automatically disqualify the defendant from the program. Both the Diversion Coordinator and the court may, in their discretion, reject diversion.
- C. Restitution.** The Diversion Coordinator will contact any business or individual who may have suffered financial loss as a result of the offense and provide the victim with an Affidavit for Restitution. A copy of any received Affidavit and supporting documentation will be provided to the Department of Corrections as part of any referral. The defendant is entitled to challenge a restitution amount. If the defendant disputes the amount of restitution requested by a victim, he/she (or his/her attorney) must notify the Diversion Coordinator of the specific issue regarding the requested amount. The Diversion Coordinator shall attempt to resolve the issue of restitution with the victim and defendant. If the Diversion Coordinator is unable to resolve the issue, the Diversion Coordinator will request a court hearing to obtain a judicial determination of a reasonable amount of restitution.
- D. Notification.** Once a court file number has been assigned to a case, the Diversion Coordinator will prepare a Diversion packet in the case. The Diversion packet will contain the Program Guidelines, Application, Biographical Data Form, and Diversion Rule 15 Petition. At the first hearing where an eligible Defendant appears with an attorney or waives an attorney's representation, the prosecutor will provide the packet to the attorney, or the pro se defendant.
- E. Application.** A defendant who has been offered the diversion program must complete and submit an Application and Biographical Data Form to the Diversion Coordinator within two weeks of the defendant's first court appearance with (or having waived) legal representation on the charge, receipt of all discovery materials by the defense, or an Order following omnibus hearing, whichever is later. The prosecuting attorney has discretion to waive the time limit for the Diversion Application.
- F. Referral.** Upon receipt of the Application and Biographical Data Form, the Diversion Coordinator will refer the case to the Department of Corrections.
- G. Agreement.** Upon receipt of a referral, the Department of Corrections will meet with the defendant to sign a Diversion Agreement specifying the terms and conditions that must be followed during diversion.
- 1. Time Period.** The Diversion Agreement will specify a time period certain in which the defendant must complete diversion, usually one year. In exceptional circumstances, the Department of Corrections may extend the diversion period for an additional year. The Diversion Agreement must be signed before the Admission of Responsibility is made and a copy must be attached to the Rule 15 Petition to Plead Guilty.

2. Terms. Terms of the Felony Diversion Program may include:

- Payment of a \$150 program fee and a law library fee;
- Payment of reasonable restitution;
- Remaining law-abiding, including no new offenses supported by at least probable cause;
- Completing an alcohol or chemical assessment, or any other evaluation deemed appropriate by the supervising agent, and following any recommendations of that assessment;
- Attending counseling sessions, educational courses, or any other programming deemed appropriate by the supervising agent;
- Performance of community service; and/or
- Any other terms considered appropriate by the supervising agent.

H. Admission of Responsibility. At the defendant's next court appearance the defendant will offer a plea of guilty, including a waiver of constitutional and evidentiary issues and a factual basis, on the court record and through a Rule 15 Petition to Plead Guilty that has a copy of the signed Agreement attached. A factual basis regarding the offense includes, but is not limited to, the full, complete and truthful statement of the involvement of the defendant and others in the offense and cooperation in the ongoing investigation of the matter, including, but not limited to, complete and truthful information to law enforcement and/or testimony at any and all trials or hearings regarding co-defendants, accomplices and/or co-conspirators in this or any other jurisdiction. Pleas pursuant to North Carolina v. Alford, 400 U.S. 25, 91 (1970) will not be accepted.

I. Court Approval. If the court approves the defendant for diversion, the court will not accept the plea of guilty, but will order the defendant into the Diversion Program, defer acceptance of the guilty plea, and continue the criminal prosecution pending successful completion of the program. The written plea petition will be kept in the court file pending final disposition of the matter.

III. OUTCOMES

A. Returned to Court. If the defendant wants to deny the charge(s), fails to meet with a supervising agent, or does not agree to the probation terms or sign an agreement, they will be returned to the Winona County Attorney's Office for continued prosecution.

B. Successful Termination. A defendant who complies with the terms of the Agreement during the period of the Agreement will be discharged successfully from the Felony Diversion program. The Department of Corrections will notify the Diversion Coordinator that the defendant has complied with the terms of the Agreement. The Diversion Coordinator will verify that the defendant has committed no new offenses and, upon such verification, will file a Dismissal of Charges with the court.

Upon successful completion of the diversion program and dismissal of the charge or complaint against the defendant, the defendant shall not be entitled to a return of finger

and thumbprint data collected by law enforcement agencies, nor to photographs, distinctive physical mark identification data, or other identification data collected by law enforcement agencies, nor shall the defendant be entitled to the return of any arrest or offense reports and duplicates thereof in the hands of law enforcement or the prosecutor.

- C. Unsuccessful Termination.** A defendant who fails to comply with any term(s) of the Agreement during the period of the Agreement will be discharged unsuccessfully from the Felony Diversion Program. The Department of Corrections will notify the Diversion Coordinator that the defendant has failed to comply with the condition and the Diversion Coordinator will file a motion with the court and request a hearing date to address the defendant's alleged violation of the terms of the diversion program.
1. The Diversion Coordinator will send notice to the defendant and his/her attorney, if any, of the date, time and location of the hearing set by the court. If the defendant fails to appear in court on the date and at the time and location specified, the court may issue a warrant for the arrest of defendant.
 2. Upon the court's determination that the defendant has violated the terms of the diversion program the court will accept the defendant's previously entered guilty plea, enter judgment of conviction, and schedule a sentencing date following a pre-sentence investigation.
 3. A defendant failing to successfully complete the diversion program shall not be entitled to withdraw the earlier plea of guilty except as allowed by the court pursuant to Rule 15.05, Minnesota Rules of Criminal Procedure.

IV. DATA COLLECTION AND DISSEMINATION

- A. Collection.** The Diversion Coordinator will keep records of the number and characteristics of persons who successfully complete the program and those who fail to complete the program.
- B. Dissemination.** The Diversion Coordinator will provide collected information on an annual basis by January 31st of each year to the Winona County Board of Commissioners and the Criminal Justice Coordinating Council.

V. EFFECTIVE DATE. The Winona County Adult Criminal Diversion Program Guidelines are effective December 6, 2010 and will only apply to any charges pending at or after that time.

- A. Revised.** The Winona County Felony Diversion Program Guidelines were revised on October 12, 2011. These Guidelines supersede any previous Guidelines and apply to any charges filed on or after that time.

Crime Prevention Committee Meeting
Winona County Criminal Justice Coordinating Council
May 19, 2014
2:30 p.m. at Kensington Banquet Room

Present: Travis Volkman, Kalene Engel, Kevin O'Laughlin, Christina Davenport, Deb McClellan, Tom Wialliams

Minutes by: Kalene Engel

Call to Order: 2:29 p.m.

Approval of Minutes from prior Meeting: Approved without changes.

Safecam Workgroup: At the request of the Winona County Bar Association, CJCC action on approval of the proposed Safecam policy was deferred until the July 2014 CJCC Meeting. Tom Williams will make arrangements for HBC to do a presentation to the bar association, once that meeting is scheduled. Kevin O'Laughlin recommended that the costs for the system be included in the budget for the police department so that the delay in action does not result in a loss of funding.

Social Host Ordinance (SHO): The revised draft of the SHO was discussed at the CJCC meeting, but action was deferred to allow more time for consideration by CJCC members. Committee members reviewed the concerns raised by CJCC members and the responses provided (both orally and by way of written documentation) at the CJCC meeting. At this time, the Crime Prevention Committee is not asking for the CJCC to consider the revised SHO and recommends that the County Board take whatever action it was going to take on the SHO, independent of a recommendation by the CJCC.

Alliance for Substance Abuse Prevention: Deb and Kalene provided a summary of the ASAP meeting that was held on May 16, 2014 from 11:30 a.m. to 1:00 p.m. at the B.A. Miller Auditorium at Winona Health. Katie Lehman, Regional Alcohol, Tobacco and other Drug Prevention Coordinator presented on SAMHSA's Strategic Prevention Framework and Jeremy Hildman of the Whitewater Country Coalition outlined the work being performed by that coalition. Janneke Sobeck and Justin Green discussed the plans keep ASAP moving forward with plans to apply for a Drug Free Communities grant in 2015.

Open discussion: None

Adjourned: 2:52 p.m.

Next Meeting: June 16, 2014 at 2:30 p.m. at Kensington Banquet Room.

Crime Prevention Committee Meeting
Winona County Criminal Justice Coordinating Council
E-Minutes for June 16, 2014 Meeting

Social Host Ordinance: Kevin O’Laughlin and Jeremy Hildman (Whitewater Country Collation Coordinator) did a presentation at the township officers meeting on June 11, 2014. Those individuals who voiced a position seemed to be concerned about the concept of a social host ordinance. The County Board may still consider the matter at some point in the future, but it is unclear when that would be.

Alliance for Substance Abuse Prevention Update: Unfortunately due to several complications we were unable to submit our application in time for the Drug Free Communities program. A DFC peer reviewer provided positive feedback and encouraged us to apply in 2015. We are still moving forward with this effort and are in the early stages of establishing 2 committees – Data and Evaluation, and Strategies and Programs. These working groups will keep the momentum going as we prepare to apply for a DFC grant in early 2015. To view committee charges please visit <http://www.livewellwinona.org/join-the-community/asap/>. Our Data and Evaluation committee is a little thin on participants, so if you are interested in being involved (in either committee) please contact me.

Safecam Update: We are still waiting for a bar association meeting date as the bar association wanted to demo/discuss Safecam before weighing in on the subject.

Next Meeting Date: August 18, 2014 at 2:30 p.m. at Kensington Banquet Room

Crime Prevention Committee Minutes
Criminal Justice Coordinating Council
July 21, 2014 at Noon
Kensington Banquet Room

Present: Kalene Engel, Christina Davenport, Janneke Sobeck

Minutes by: Kalene Engel

The meeting was spent reviewing the progress made on the 2013-14 Strategic Planning Goals for the committee, as follows:

Support Efforts of Alliance for Substance Abuse Prevention (ASAP): ASAP is a multidisciplinary coalition comprised of representatives from various sectors of the community with the following mission: *To bring together organizations and entities in Winona County committed to preventing substance abuse to create a comprehensive program focused initially on residents 18 years of age and younger. By working together, the community will develop effective programs to reach all young residents and encourage them to resist the attraction of substance use.* The initial task force to establish the coalition and seek grant funding includes two members of this committee as well as a member of the CJCC Main Council. Thus far, the coalition has been formed, a draft grant proposal has been written, multiple meetings have been held and two committees have been formed—a Programs & Strategies Committee and a Data & Evaluation Committee. At present, the two committees are continuing to meet on a regular basis to identify resources and gaps in the community and to analyze available data to help create a strategic plan. The coalition is currently being coordinated by Livewell Winona and plans to apply for a Drug Free Communities Grant in early 2015.

Pawnshop Tracking: The Committee received an online demonstration of the Automated Pawn System (APS) pawnshop tracking software. Absent state legislation, a city ordinance would have to be passed to require pawnshop dealers to use the software. Law enforcement is in favor of using the system, but it does add costs for pawnshops. As of January 1, 2015, a new law would require scrap metal dealers to use APS to record scrap metal purchases. Thus, the committee elected to defer action on this issue until 2015 to determine what impact the new law had on the use of APS.

Support/Strengthen Tavern League: The Tavern League met with Mayor Peterson and representatives of law enforcement in early October to discuss concerns related to all-you-can drink specials and similar issues. Tavern League members expressed an interest in self-regulation (as opposed to regulation by city ordinance) of drink specials. During a later review of the issue, the Crime Prevention Committee decided to wait until the new Community Liaison Officer was in place before further pursuing the issue.

Distracted/Obstructed Driving: The committee has not addressed this issue yet; however, efforts have been made by others to address this issue (i.e. horse patrols, County Fair displays). All present felt that this was a worthwhile issue for the committee to work on in the future.

Social Host Ordinance: The SHO was revisited, largely through the efforts of the County Attorney's Office, Sheriff's Office and Jeremy Hildebrand of the Whitewater Country Coalition. More research was conducted and the ordinance was revised to provide more clarity as to the level of knowledge a landowner would need before being convicted of the crime. The revised ordinance was presented to the Main Council CJCC and to a group of Township Officers, but was not well-received. The Crime Prevention Committee decided that it would not pursue the matter further and would leave it up to other proponents to advance the cause, if they so choose.

Safecams Downtown Camera Systems: Following a demonstration of a public surveillance camera system, a workgroup was formed to review privacy and other concerns related to such a system. A draft policy was formed and presented to the CJCC, but was tabled to allow the Winona County Bar Association to receive a demonstration of the system. The demonstration is set for the next WCBA meeting on July 25th. Meanwhile, the City of La Crosse (which was the impetus for the Winona system) has reached its funding goal of over \$300,000 for a comprehensive system and will begin installation of the system shortly.

Suggested New Goals:

- Support the efforts of the Winona County Attorney's Office in crime prevention as it relates to human trafficking and elderly & vulnerable adult financial exploitation.
- Promote education/awareness of the responsible use of technology by children

Meeting adjourned: 3:20 p.m.

Crime Prevention Committee Meeting
Winona County Criminal Justice Coordinating Council
August 18, 2014
2:30 p.m. at The Kensington Banquet Room

Present: Travis Volkman, Kevin O’Laughlin, Bill Spitzer, Deb McClellan, Stephanie Nuttall, Gretta Poser (SMU), Dave McConville (SMU), John Ebert (SMU), Tom Williams

1. **Call to Order:** 2:33 p.m.

2. **Alcohol Related Offenses Presentation:** Stephanie Nuttall from the Winona County Attorney’s Office gave a presentation of the findings from a lengthy study she had completed as part of her Master’s Degree at St. Mary’s University regarding alcohol related offenders in Winona County. Her study included information that was gathered over a four year period between 2007 and 2010. Amongst other things, the study looked at the likelihood of first time offenders to re-offend. Stephanie also plotted alcohol related offenses on a geographical map to attempt to identify hotspot locations that may indicated trends or problem areas within the county. Although the study is considered complete for her academic purpose, Stephanie stated she plans to continue tracking information going forward to continue to build a more comprehensive outlook at alcohol related offenses in the area.

3. **Safecam Update:** Tom Williams gave an update on the Safecam project. The technology has advanced since the project first began and now a reliable 4-camera system could be up and running in about half the price that was previously thought. Four locations have been identified in the downtown Winona area on businesses that have agreed to house the camera system if the project gains approval. Tom stated he is currently waiting for approval to seek funding for the project.

Adjourned: 3:32 p.m.

Next meeting: Monday, September 15, 2014 at 2:30 p.m. at Kensington Banquet Room.

Crime Prevention Committee Meeting
Winona County Criminal Justice Coordinating Council
September 15th, 2014
2:30 p.m. at The Kensington Banquet Room

Present: Travis Volkman, Kevin O’Laughlin, Kalene Engel, Janneke Sobeck

1. **Call to Order:** 2:37 p.m.
2. **All You Can Drink Specials:** Dan English of the Downtown Tavern League contacted Travis regarding renewed concern among bar owners of the All You Can Drink Specials. Last year several downtown bar owners met with Mayor Peterson and some law enforcement officers to talk about the same issue. At that time, the committee was considering some ordinances which would further deter binge drinking and associated conduct. The bar owners preferred to self-regulate. In addition to new ordinances, the City could consider limiting the number of licenses that are available—which would make them more valuable to those who have them, such that they would perhaps work more diligently to prevent underage/binge drinking. Kalene noted that there is some Best Practices training scheduled soon which might present a good opportunity to speak with the bar owners. Travis will contact Dan to find out what type of intervention he is seeking.
3. **Promote Education/Awareness of the Responsible Use of Technology by Children:** This is a new strategy for the committee this year. The Bureau of Criminal Apprehension offers some free training on this topic which would be worth pursuing. Eric Mueller also just ordered and received some educational material. A potentially good forum at which to present information about this subject would be at the Middle School Open House. Kalene will follow up with Eric to see what he plans to do on this strategy.
4. **Alliance for Substance Abuse Prevention:** Justin Green is meeting with students regarding focus groups for this project. Two committees have been formed and are meeting regularly: a Programs and Strategies Committee and a Data and Evaluation Committee. A joint meeting of the two committees will be held on September 22, 2014 at 1:30 p.m. Stephanie Nuttall will give her presentation on underage/minor consumption and committee members will then participate in a webinar on the SUMN.org website—the Minnesota Substance Use website.
5. **Other:** Kevin O’Laughlin suggested that the committee devote some time to discussing cultural awareness in treatment programs, particularly as it relates to Spanish interpreters for treatment programs.

Meeting Adjourned: 3:15 p.m.

Next Meeting: October 20, 2014 at 2:30 p.m. at Kensington Banquet Room

Crime Prevention Committee Meeting
Winona County Criminal Justice Coordinating Council
October 20, 2014
2:30 p.m. at The Kensington Banquet Room

Present: Travis Volkman, Kalene Engel, Janneke Sobeck, Christina Davenport, Jeff Peterson

1. **Call to Order:** 2:30 p.m.
2. **Approve Minutes from September 15, 2014 Meeting:** Approved without changes.
3. **Approve Agenda for October 20, 2014 Meeting:** Approved without changes.
4. **General Business**
 - a. **TZD (Toward Zero Deaths) Coalition (Jeff Peterson):** Jeff Peterson, Winona County Public Health Preparedness Coordinator spoke about the TZD Initiative. TZD is a grant project with two main grantees which provides education and enforcement on strategies intended to reduce traffic deaths (see attached brochure). The grant was previously called Safe and Sober, Safe Communities and Safe Roads, but is now commonly referred to as Toward Zero Deaths. Technically, Safe Roads is the public health component of the grant while Toward Zero Deaths is the law enforcement component. The grant cycle runs from October to September. The priorities for the current grant cycle include distracted driving, motorcycle safety and engagement. Winona County pioneered the parent education program that will, as of January 2015, be required for every driver's training course in the state. The class, which must be attended by at least one parent/guardian of the license recipient, offers education on the graduated license requirements/restrictions, parental responsibilities, distracted driving dangers and similar topics. In Winona, the class is a 2 hour class taught by law enforcement and incorporated into the United Driving School curriculum. The TZD has a coalition comprised of representatives from various industries—health care, insurance, law enforcement, education—which meets every other month to discuss strategies for the project. Part of the grant also requires a review of every crash resulting in a fatality or serious injury (Fatal Review Meeting). TZD also participates in the MADD Impact Panel presentations. Kalene offered to attend and give input at the TZD Coalition meetings as a representative of the Crime Prevention Committee. The next meeting will be held November 6th at noon at the Winona Ambulance conference room.
 - b. **POLD Database (Janneke Sobeck):** While attending a Minnesota Prevention Resource Center training, Janneke learned of a new database called the POLD Database. POLD stands for "Place of Last Drink" and the URL is <https://poldsystem.net>. Law enforcement officials around the state are being asked to enter some basic information on the place of last alcohol consumption for any offender involved in an alcohol-related incident. Each entry takes about a minute. Every city in Minnesota is in the database, but liquor retailers for different areas need

to be added and activated. Thus far, experience has shown that about 75% of offenders asked will reveal their place of last drink location. The rationale for the database is to identify retailers who are consistently the POLD and to work with them to change their practices. Discussion was had on how this information could be collected and transferred into the database.

- c. **All-You-Can-Drink (AUCD) Specials (Travis):** The Downtown Tavern Association, through Dan English, has asked for assistance from the Crime Prevention Committee in dealing with the AUCD Specials. Travis was unable to connect with Dan prior to the meeting to get more information on how the League would like the Committee to intervene. However, Travis did re-distribute a sample Drink Special Ordinance from Iowa City (attached). Travis will continue to try and connect with Dan.
- d. **Open Discussion:** None.

Meeting Adjourned: 3:23 p.m.

Next Meeting: November 17, 2014 at 2:30 p.m. at Kensington Banquet Room

One death on our roadways... is one too many

In Minnesota, each year we lose more than 400 lives on our roadways due to vehicle crashes. The Toward Zero Deaths program includes engineering, education, enforcement and emergency medical services to find best practices that will help Minnesota achieve a future where traffic fatalities and life-changing injuries are rare events.

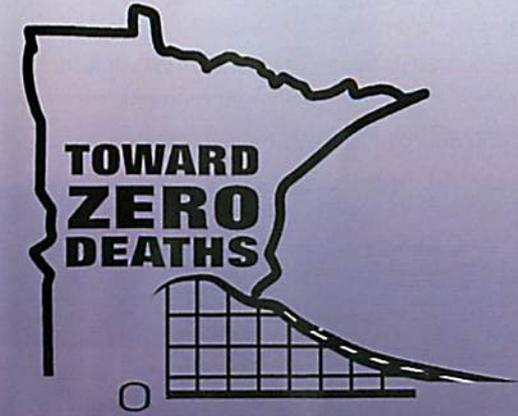
Minnesota TZD Program in cooperation with the:

Minnesota Department of Transportation

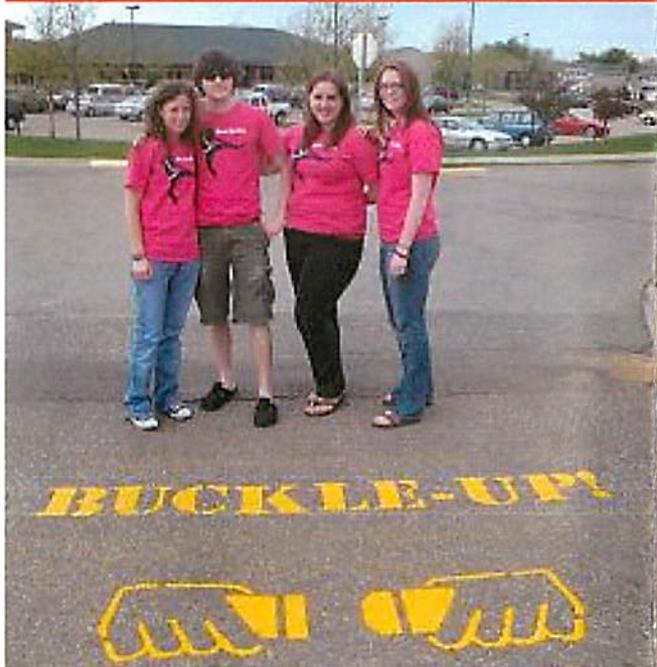
Minnesota Department of Health

Minnesota Department of Public Safety

University of Minnesota Center for Transportation Studies



SOUTHEAST MINNESOTA



Contact:

Kristine Hernandez
Southeast Minnesota
Toward Zero Deaths coordinator
2900 48th Street NW
Rochester, MN 55901
507-286-7601
kristine.hernandez@state.mn.us

www.minnesotatzd.org

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Southeast Minnesota Toward Zero Deaths

Mission

To move southeast Minnesota toward zero deaths on our roads, using education, enforcement, engineering and emergency medical services.



Goal 1 Objectives

- Increase seatbelt usage in southeast Minnesota, from 67 percent (2006) to the statewide average of 83 percent (2006). As of 2009, the seatbelt compliance rate in southeast Minnesota was 74 percent, compared to the statewide average of 90 percent.
- Decrease the number of people severely injured or killed in crashes where speeding has been identified as a contributing factor, from the past 3-year average (2004-06) of 78, down to 60 people. As of 2009, the 3-year average (2006-08) was 71.
- Decrease the number of people severely injured or killed in run-off-the-road crashes from the 3-year average (2004-06) of 105 down to 85 people. As of 2009 the 3-year average (2006-08) was 103.

Goal 2

Increase TZD awareness across southeastern Minnesota



Goal 1

Reduce traffic fatalities in southeast Minnesota from the past 3-year average (2004-06) of 67 down to 55 fatalities by 2012 through the following objectives:

Update

As of 2009, the 3-year average (2006-08) of traffic-related fatalities was 63.



Goal 2 Objectives

- Increase public and professional awareness regarding the TZD partnership/initiative
- Increase public awareness about how traffic safety advocates/stakeholders can become involved with the TZD initiative

Example: Iowa City

Drink special ordinance

LIMITATIONS ON SALES:

A. Unlawful: It shall be unlawful for a holder of a liquor control license, or wine permit or beer permit, or its employees or agents, to do any of the following:

- 1. Sell, offer to sell, dispense or serve for on premises consumption, two (2) or more servings of any alcoholic liquor, wine, or beer to any one person for the price of one such drink.**
- 2. Sell, offer to sell, dispense or serve for on premises consumption an unlimited number of servings of alcoholic liquor, wine, or beer for a fixed price or an unlimited number of servings for free.**
- 3. Increase the volume of alcoholic liquor contained in a drink, for on premises consumption, without proportionally increasing the price charged for such drink.**
- 4. Dispense or serve for on premises consumption, more than two (2) containers of any alcoholic liquor, wine, or beer at any one time to any one person. For purposes of this section a "container" is a receptacle, such as a glass or a cup, that holds a substance or substances.**
- 5. Encourage or permit any game or contest or tournament of any kind which involves drinking any alcoholic liquor, wine, or beer or the awarding of alcoholic liquor, wine, or beer as a prize.**
- 6. Dispense, pour, or otherwise serve any alcoholic liquor, wine, or beer directly into a person's mouth.**

B. Exceptions: Nothing in subsection A of this section shall be construed to prohibit a holder of a liquor control license, or wine, or beer permit, or its employees or agents, from including servings or drinks of alcoholic liquor, wine, or beer as part of a hotel or motel package which includes overnight accommodations.

Crime Prevention Committee Meeting
Winona County Criminal Justice Coordinating Council
E-Minutes for November 17, 2014 Meeting

Alliance for Substance Abuse Prevention: The ASAP Coalition recently held both a core group and combined Data/Programs Committee meeting recently. At both meetings, a group of students from Peter Sternberg's Program Planning Class gave a presentation on a Needs Assessment that they conducted for the Coalition. The students interviewed key stakeholders and conducted a literature review to select and recommend programs that would be beneficial for the Coalition to include in its strategic plan. Details about the two programs selected by the group are as follows:

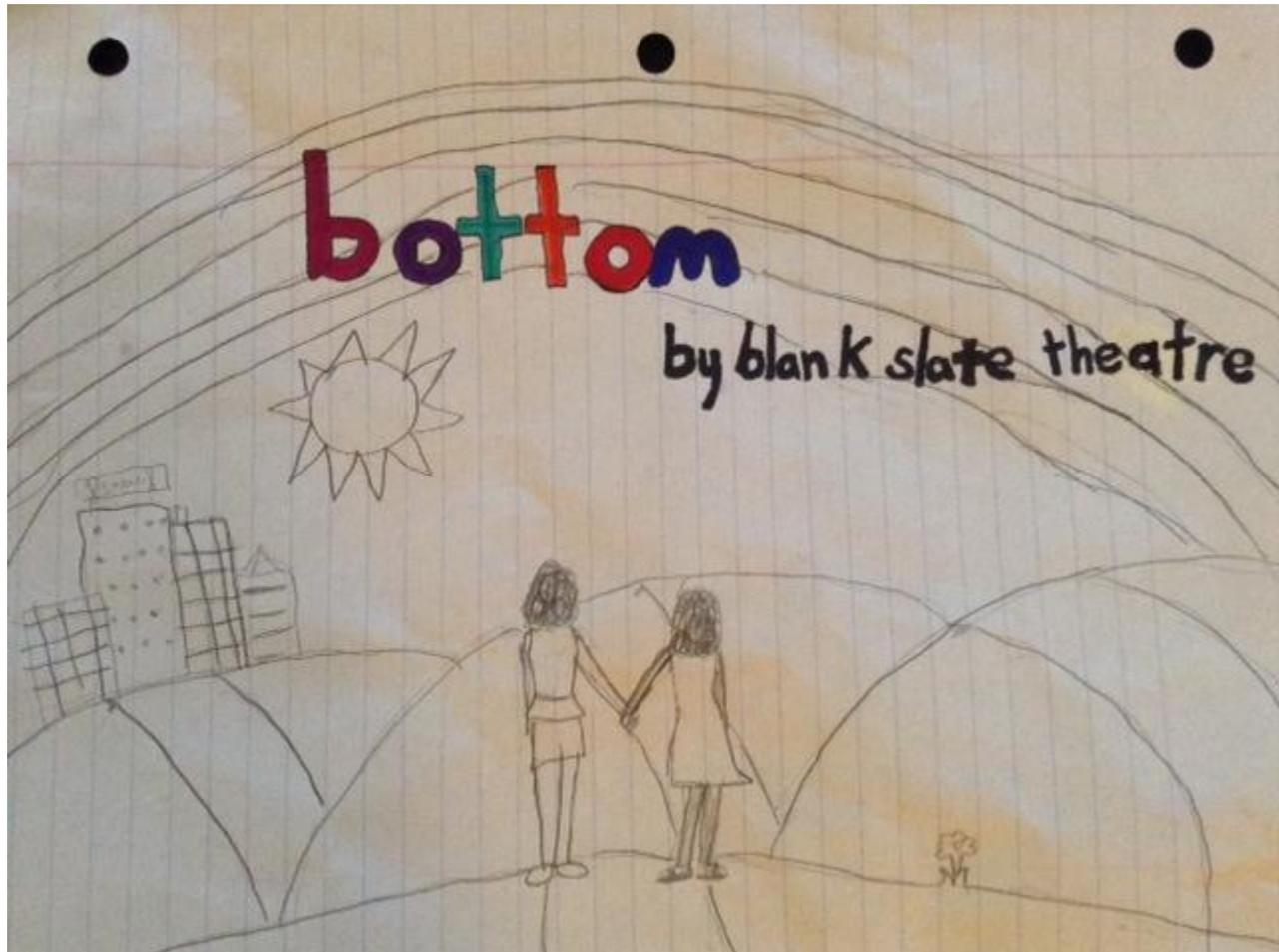
- Project Alert. Free program that focuses on reducing substance abuse, addressing attitudes, and teaching refusal skills. Two year program that targets 7th and 8th grade. Results show 60% decrease in current marijuana use, 24% decrease in alcohol use, and 40% drop in students already experimenting with tobacco.
- Life Skills Training. Teaches students personal self-management skills, social skills, informative and resistance skills. Three year program that targets middle school. \$175-\$275 for curriculum, plus additional resources and workshops. Data was collected 6 years after intervention. Study showed 50% less binge drinkers, and overall lower scores on substance use initiation, less cigarette use initiation, and less marijuana use initiation

A different group of students is conducting focus groups at Winona Middle School, Cotter, and Lewiston, with an initial report expected by early December. The information gathered by the Winona State students will be used to update the Drug Free Coalition (DFC) grant application. The Coalition is also waiting to find out whether the Whitewater Country Coalition is interested in joining forces on a combined DFC grant application.

Human Sex Trafficking Program: CJCC and multiple other community partners are collaborating with St. Paul's Episcopal Church and Winona Area Public Schools on a play and community panel discussion on Human Sex Trafficking. The play is called "bottom" and will be presented on Saturday, November 22, 2014 at 7:00 p.m. at Winona Middle School (see attached invitation).

Next Meeting Date: December 15, 2014 at 2:30 p.m. at Kensington Banquet Room

St. Paul's Episcopal Church & Winona Area Public Schools Present



an original play on human sex trafficking

Saturday, November 22 at 7:00pm

**Winona Middle School
1570 Homer Road, Winona, Minn.**

All it takes for evil to prosper is for good people to remain silent.*

In our "Minnesota nice" culture, we may prefer to remain silent about prostitution. Isn't prostitution something that happens somewhere else, the choice of a few immoral people?

The truth is not that simple. Prostitution often involves sex trafficking. Our silence endangers vulnerable young people. In 2014, sex trafficking is a systemic problem that includes violence, manipulation, isolation and abuse – even here in our community.

**Free admission. Play is 50 minutes / no intermission Ages 13+
Community panel discussion to follow**

Help break the silence to protect vulnerable young people in our community!

* paraphrase of Edmund Burke quote

Crime Prevention Committee Meeting
Winona County Criminal Justice Coordinating Council
December 15, 2014
2:30 p.m. at The Kensington Banquet Room

Present: Travis Volkman, Kalene Engel, Janneke Sobeck

1. **Call to Order:** 2:35 p.m.
2. **Approve e-Minutes from November:** Approved without changes.
3. **General Business**
 - a. **Crime Mapping through LETG:** Crime Mapping is apparently available through the LETG law enforcement software. Tom Williams forwarded the information on this to Travis, he will be reviewing it. Although the Winona Daily News currently has a similar function on its website, it is not clear whether they are just taking the information from media briefings or some other source.
 - b. **POLD (Place of Last Drink) Database:** Janneke inquired as to whether LETG had the capacity to track the place of last alcohol consumption for any offender involved in an alcohol-related incident. The issues this would present include having a place to track it, having the officer make the inquiry and identifying which stops would require the inquiry. It may be possible to run queries on alcohol-related incidents to see if there were specific bars or neighborhoods that frequently appeared, but if the charges were for an offense that did not specifically mentioned alcohol (like an assault), it may be difficult to capture this information. Kalene will speak to Stephanie Nuttall, who keeps a database of charting information as part of the diversion program, to see if she has any information that might be helpful in identifying trends.
 - c. **Tavern League and All-You-Can-Drink (AUCD) Specials (Travis):** Since the initial request for intervention by the Tavern League in the fall, things have apparently died down and there have been no more requests for assistance.
 - d. **ASAP (Alliance for Substance Abuse Prevention):** A student group from Winona State did some additional research including a needs assessment and focus groups. They initially recommended some specific prevention programs and later expanded that to recommend a curriculum development tool called HECAT (Health Education Curriculum Analysis Tool). HECAT was developed by the Centers for Disease Control and Prevention and has been in existence for approximately 2 years. Michelle Darst, a professor at WSU, is certified to teach HECAT. Since curriculum changes would have to be approved by administration, ASAP representatives are meeting with local schools. A pilot program of HECAT is being considered for a smaller school district. ASAP still plans to apply for a Drug Free Communities grant next year.

- e. **Pawnshop Tracking:** The new law is supposed to go into effect January 1st, but may be pushed back in order to work out some kinks with the APS software program.
- f. **Human Sex Trafficking:** A play on human sex trafficking called “bottom” was presented at the Winona Middle School on November 22, 2014. See the Community Outreach and Diversity Committee Minutes for more information on the post-presentation activities.
- g. **Open Discussion:** The possibility of moving the monthly meeting date and time was discussed. Mondays create conflicts with holidays and the 2:30 p.m. time slot may be difficult for people as it’s right in the middle of the afternoon. Holley Courtnay of St. Marys, Kendra Weber of WSU and Eric Mueller of the Winona Police Department were suggested as new members. Travis will check with Eric about his availability and let committee members know about a new date/time.

Meeting Adjourned: 3:15 p.m.

Next Meeting: To be announced.