

Key Developments in Prosecution in Brown County

Presentation to the Green Bay Area Retired Men's Club

June 4, 2019

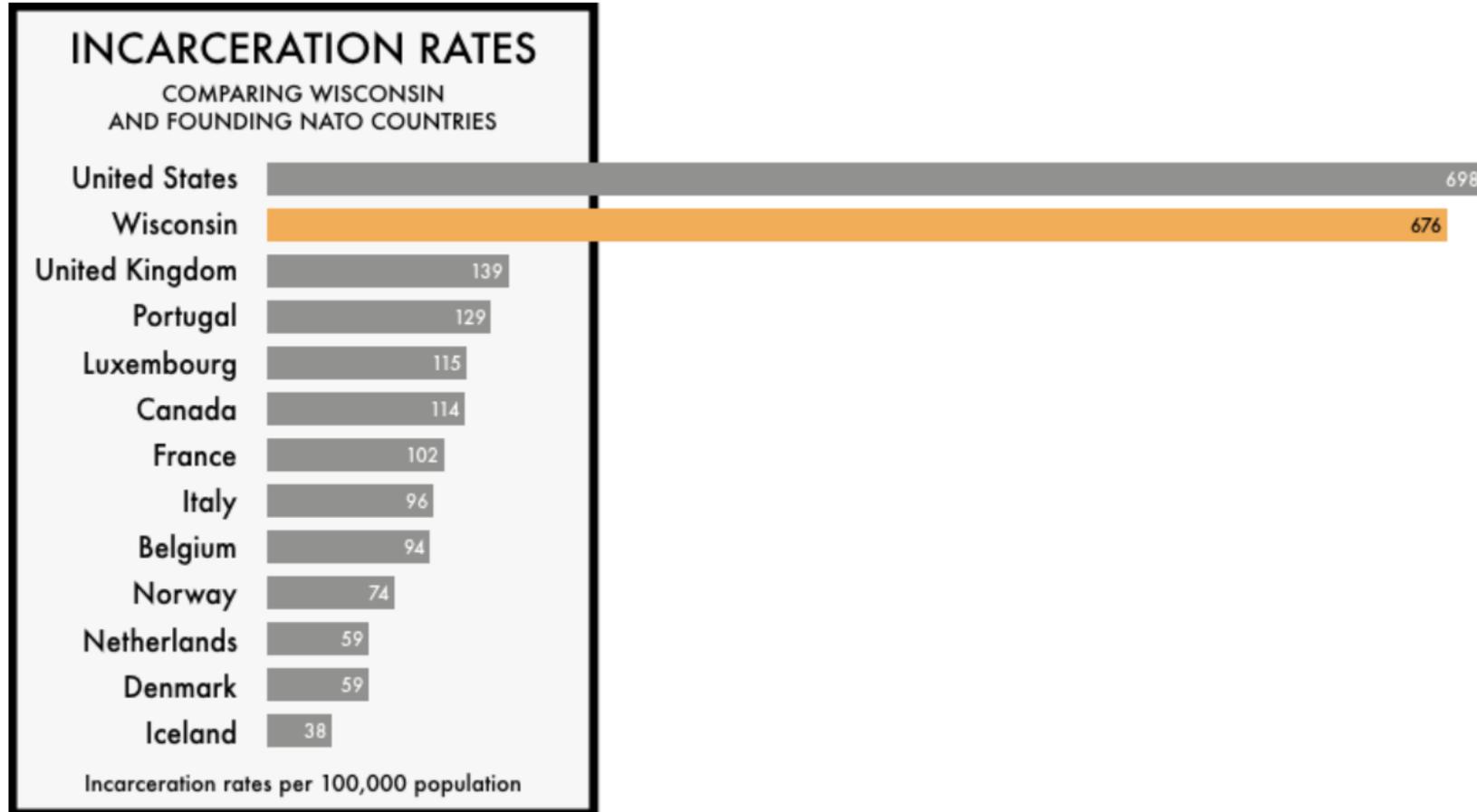
General Information

- Brown County District Attorney's Office has 16 FTE Prosecutors
 - 13 State funded, 1 grant funded, 2 funded by Brown County
 - According to the State of WI, we need an additional 12.76 FTE
- Roughly 10,000 referrals annually
- Case filings:
 - Felony – between 1800-1900
 - Misdemeanor – usually around 2000 (down substantially last year)
 - Criminal Traffic – around 1800 (also trending downward)
 - JV/TR/FO/Other

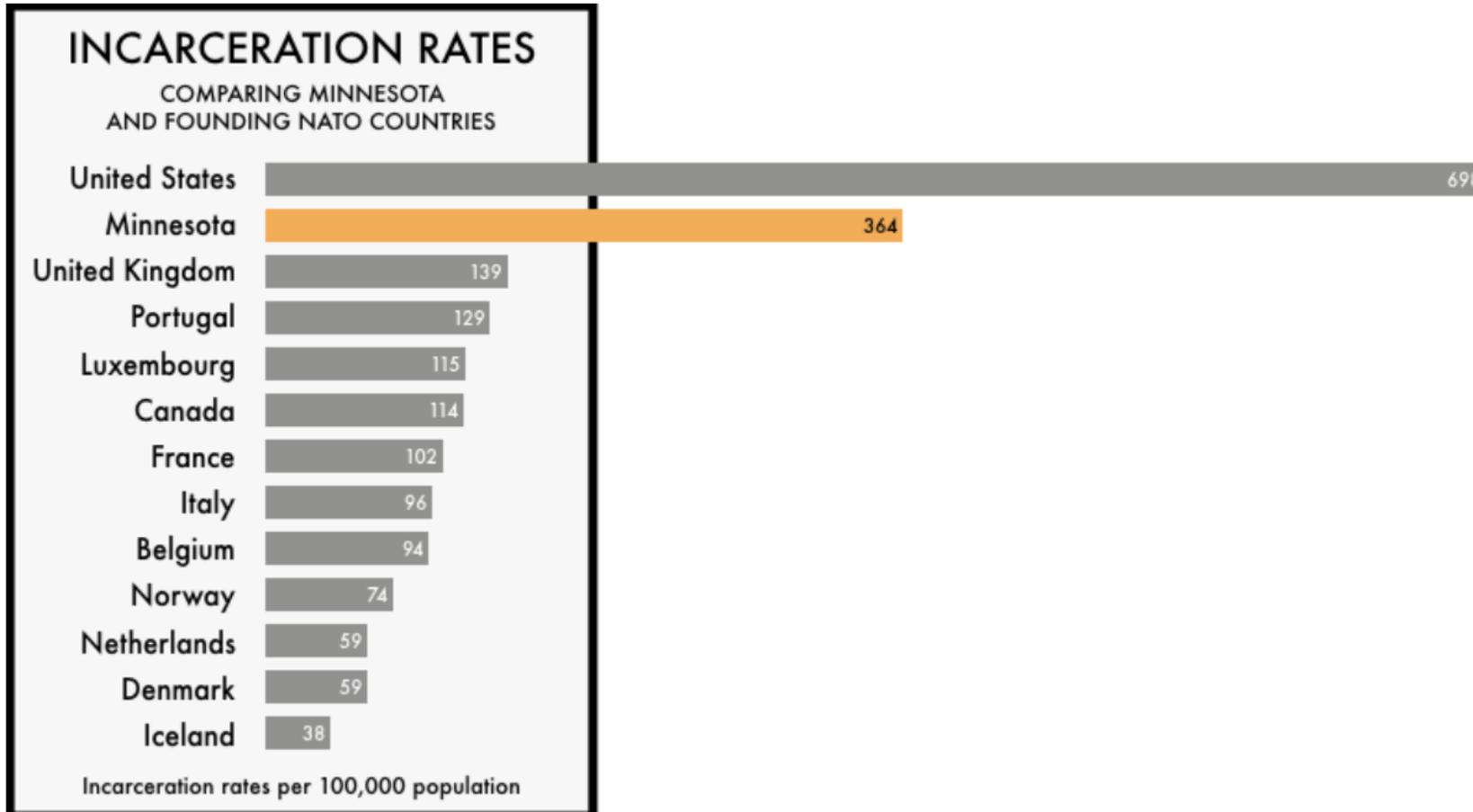
Trends in Case Load

- Nationwide crime is trending downward and has been for a while
- Overall, I expect Brown County to see that trend as well
- Crimes, and particularly prosecutions, are increasing in complexity, and I would argue, severity
 - Partially due to seeing more serious crime
 - Partially due to law enforcement and prosecution focusing efforts on more serious crime
- Continue to see that criminal activity is often driven by common denominators – drugs/alcohol, mental health, dual diagnosis

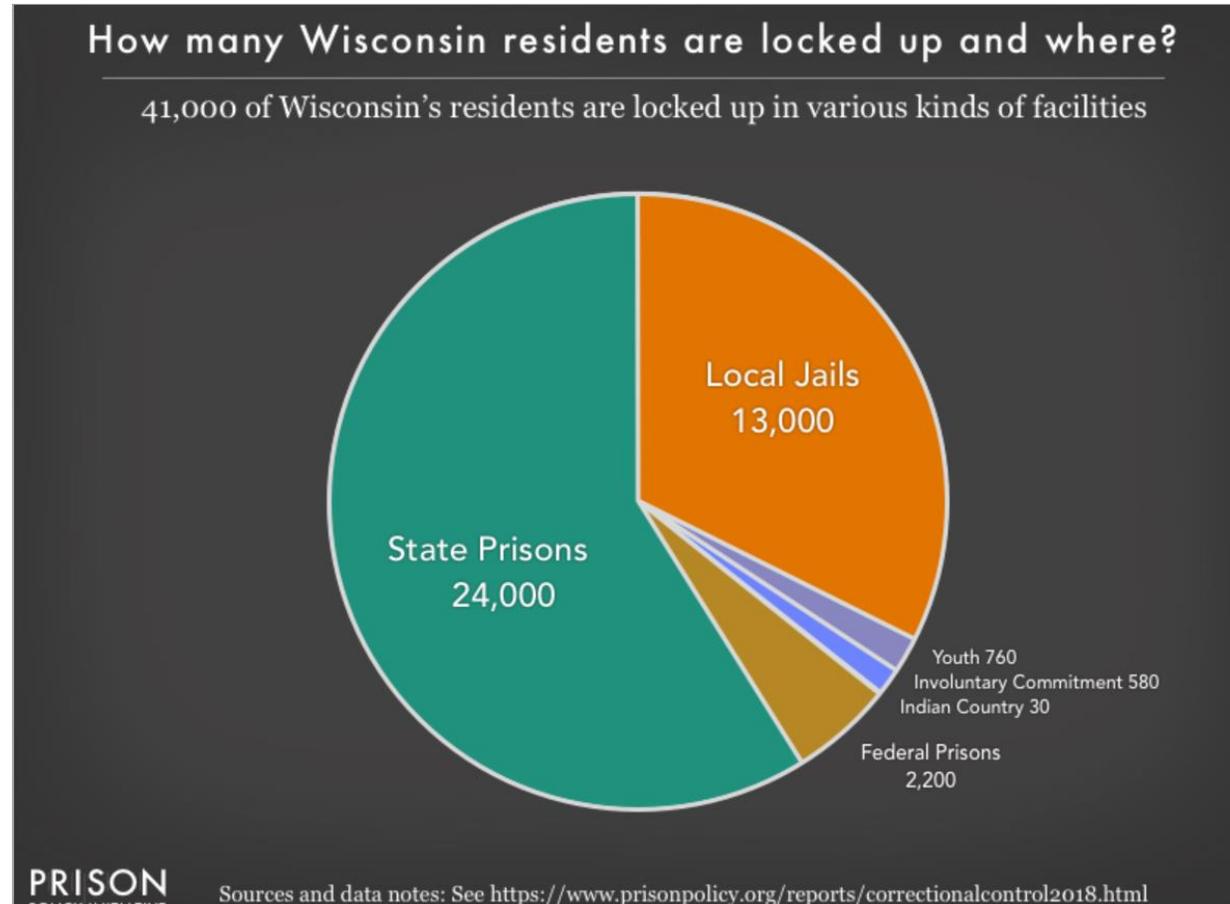
WI prison incarceration – approx. 23,000



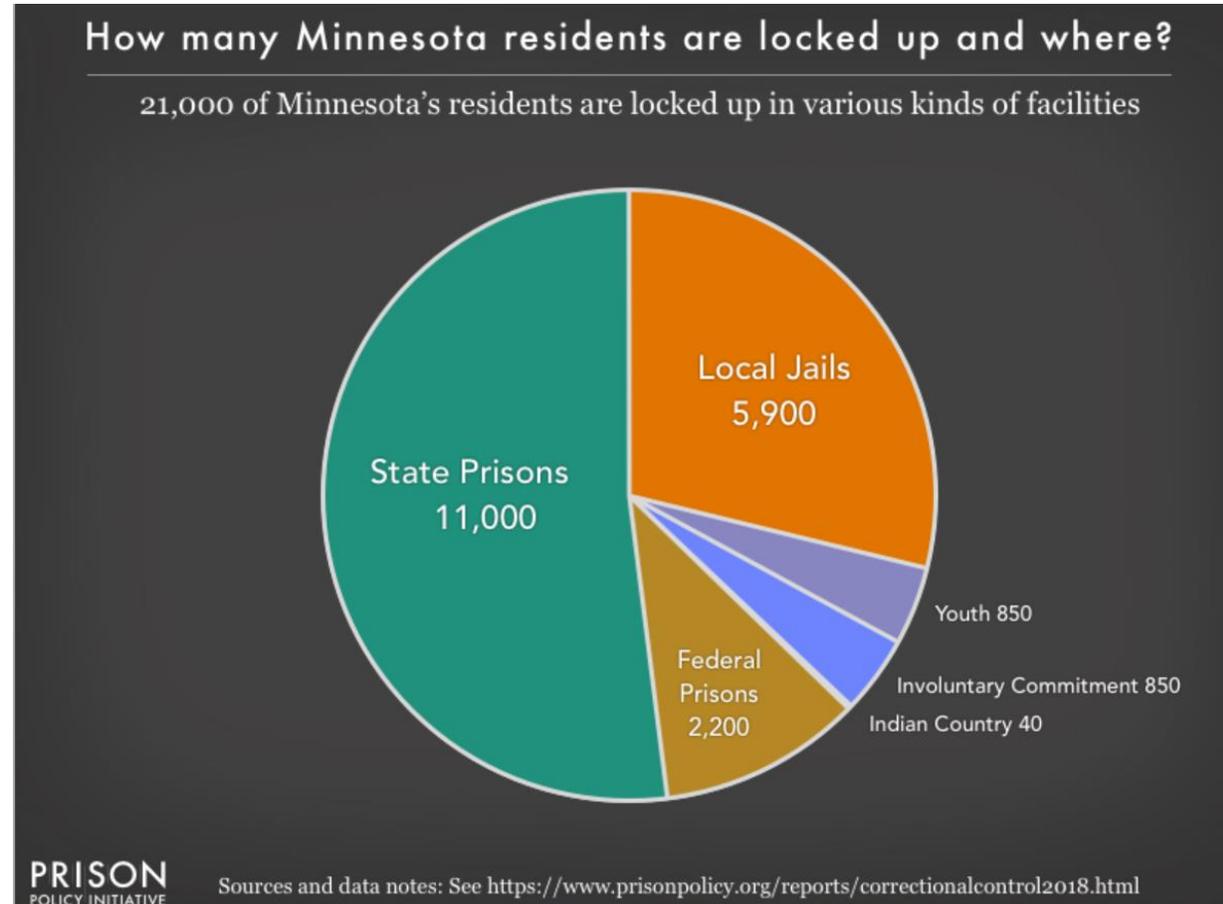
MN Prison Incarceration – approx. 11,000



WI Jail Population – approx. 13,000



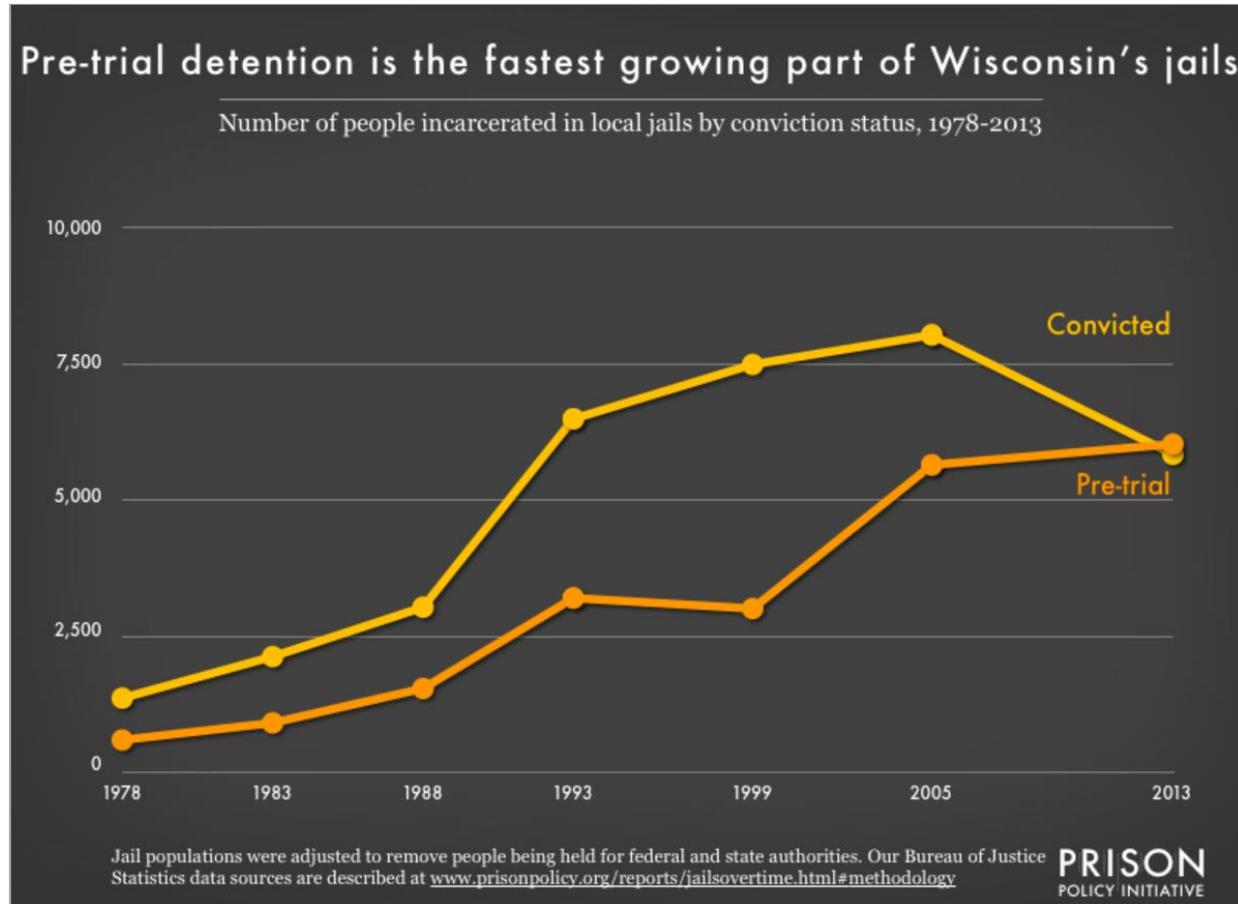
MN Jail Population – approx. 6000



Prison v. Jail

- Prison:
 - Long term housing
 - Post-conviction
 - Felony offenders
 - State funded
- Jail:
 - short term housing
 - Pre and post-conviction
 - Misdemeanor and Felony offenders
 - County funded

Jail Populations and Pre-Trial Detention



WI Responses/Solutions to Incarceration

- Statewide Criminal Justice Coordinating Council (CJCC)
 - Established in 2012; co-chaired by AG and DOC Secretary
 - Evidence-Based Decision Making Subcommittee
 - Data Sharing/Outcomes Subcommittee
- Treatment Alternatives and Diversion
 - Funding for Problems Solving Courts (Post-Conviction)
 - Funding for Diversion Programs (Pre-Charging/DJA)

Brown County's Response

- Criminal Justice Coordinating Board
 - Been in existence for many years
 - Key Stakeholders in the Criminal Justice System
 - Jail Population is key focus
 - System Mapping
 - Day Report Center
- TAD Grant (2014)
 - Increased Treatment Court Funding
 - Diversion

Brown County - Current

- Criminal Justice Services Division
 - First created in the 2019 Budget
 - Coordinates all TAD and EBDM services under one division
 - Treatment Courts and Diversion
 - Report Center and PSA
 - Re-Entry Services

Treatment Courts and Pre- Charge Diversion

Treatment Courts- What are they?

Treatment Courts are problem-solving courts that take a public health approach using a specialized model in which the judiciary, prosecution, defense bar, probation, law enforcement, mental health, social service, and treatment communities work together to help individuals within the criminal justice system into long-term recovery.

Treatment Courts- How do they work?

- It is a specialized treatment court for alcohol and/or drug dependent offenders
- Intensive, judicially monitored, treatment
 - Frequent compliance testing
 - Treatment is tailored to the individual
 - Ensure treatment compliance
- Strict community supervision
 - Frequent home and office visits with the Coordinator
 - Frequent home and office visits with the Probation Agent
 - Frequent Drug Court hearings
 - Electronic monitoring, as needed
- Sanctions for rule violations
- Incentives for compliance with rules
- Average length for completion is 18-24 months

Treatment Court- Goals

- Enhance public safety
- Reduce crimes and law enforcement contact related to serious mental health illness and substance abuse
- Reduce recidivism
- Sanction violations
- Reward compliance and achievements
- Reduce costs to our community
- Reduce justice system related costs
- Increase Community Service
- Increase Employment
- Increase Education
- Ultimately transform participants into positive, contributing members of our community
- Engage participants in an ongoing recovery process
- Empower participants to become productive and responsible

Treatment Court- Team

- **Each team consists of:**
 - Circuit Court Judge
 - Representatives from District Attorney Office and Public Defender
 - Law Enforcement
 - Probation and Parole
 - Treatment Representative
 - Brown County Case Manager

Treatment Courts- Brown County

- Brown County has the most Treatment Courts in the State of Wisconsin
 - Drug Court
 - Veterans Courts
 - Heroin Court- Only court in the nation that is devoted to the Opioid Epidemic
 - Mental Health Court- Only 1 of 3 in the state with a fully functional court
 - OWI Court

Pre-Charge Diversion

- The Brown County Pre- Charge Diversion program was created to provide low-risk first time offenders a voluntary alternative to criminal adjudication by allowing them to address the “root” cause of the issues.
- This population is referred by the District Attorney’s Office and if successful in completing the requirements they’re not formally charged with the original offense.
- Average length of the program is 6 months

Report Center and PSA

Report Center and PSA- Report Center

- The Brown County Report Center provides intensive supervision and monitoring of adults currently involved and going through the Court System. This is done as an alternative to incarceration with goals of reducing criminal recidivism through direct support and supervision.
- Individuals are assessed post arrest and prior to their first court appearance. An actuarial risk assessment, Public Safety Assessment, is used to determine a presumptive risk level. This information is provided to the Court Commissioners and/or Circuit Judges to be used at their discretion in determining bond conditions.
- If individuals are ordered to report to the Brown County Report Center an intake is completed and they're supervised at the level indicated by the Public Safety Assessment. This monitoring continues until the case(s) are resolved.
- The Courts and relevant stakeholders are updated on the progress and/or violations of the individuals as they progress through the Criminal Justice process.

Report Center and PSA- What is the PSA?

- The Public Safety Assessment (PSA) was created by the Laura and John Arnold Foundation in 2013 to help determine pretrial risk for individuals that are involved in the criminal justice system.
- Judges and/or Court Commissioners can use the tool when deciding whether to release or detain a defendant before trial.
- PSA uses neutral reliable data to produce two risk scores:
 - Likelihood of new criminal activity (NCA)
 - Likelihood of failure to appear for court dates (FTA)

Also provides a flag for likelihood of future criminal activity

Report Center and PSA- PSA Factors

- **The PSA Algorithm is broken down into 9 factors:**
- Whether the current offense is violent
- Whether the person had a pending charge at the time of the current offense
- Whether the person had a prior misdemeanor conviction
- Whether the person has a prior felony conviction
- Whether the person has prior convictions for violent crimes
- The person's age at time of arrest
- How many times the person failed to appear at a pretrial hearing in the last two years
- Whether the person failed to appear at a pretrial hearing more than two years ago
- Whether the person has previously been sentenced to incarceration

Report Center and PSA- Breakdown of Factors

- **Failure to Appear-** Pending Charge at the time of offense, Prior Conviction, Prior failure to appear pretrial in past 2 years, Prior failure to appear pretrial older than 2 years
- **New Criminal Activity-** Age of current arrest, Pending charge at the time of the offense, Prior misdemeanor conviction, Prior felony conviction, Prior failure to appear pretrial in past 2 years, Prior incarceration
- **New Violent Criminal Activity Flag-** Current violent offense, Current violent offense and 20 year old or younger, Pending charge at the time of offense, Prior conviction, prior violent conviction

Report Center and PSA- Scoring

- When the PSA is completed it will provide an individual score for New Criminal Activity and Failure to Appear
- Those scores are then plotted on a release matrix to determine the “Presumptive Release Recommendation”
- That recommendation is shared with the Court for consideration

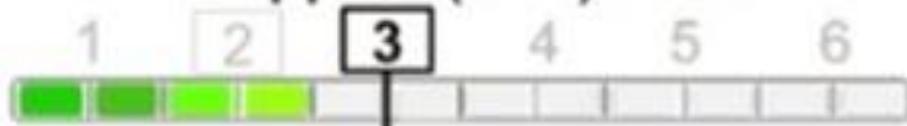
Pretrial Assessment Dashboard

New Criminal Activity (NCA) Score



Elevated risk of violence

Failure to Appear (FTA) Score



Current Charge(s)

- Aggravated assault, first degree
- Poss. marijuana

Recommendation

Release not recommended

	NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
FTA 1	Level 1 & ROR	Level 1 & ROR				
FTA 2	Level 1 & ROR	Level 1 & ROR	Level 2 & ROR	Level 3 & ROR	Level 4 & ROR	
FTA 3		Level 2 & ROR	Level 2 & ROR	Level 3 & ROR	Level 4 & ROR	Level 5 & Financial
FTA 4		Level 2 & ROR	Level 3 & ROR	Level 4 & ROR	Misd. Level 5 & ROR Fel. Level 5 & Financial	Level 5 & Financial
FTA 5		Level 3 & ROR	Level 3 & ROR	Misd. Level 4 & ROR Fel. Level 5 & ROR	Level 5 & Financial	Level 5 & Financial
FTA 6				Level 5 & Financial	Level 5 & Financial	Level 5 & Financial

	Level 1	Level 2	Level 3 (Standard)	Level 4 (Enhanced)	Level 5 (Intensive)	Level 5 (Intensive)
Bail	ROR	ROR	ROR	ROR	ROR	Cash
TOT	No	No	Yes	Yes	Yes	Yes
Face to Face Contact	No	No	1x/month	Every other week	Weekly	Weekly
Alternative Contact	No	1x/month	1x/month	Every other week	No	No
Supervised Conditions	No	No	As authorized	As authorized	As authorized	As Authorized
Court Date Reminder	No	Yes	Yes	Yes	Yes	Yes
Criminal History/CJIS	No	Yes	Yes	Yes	Yes	Yes

Re-Entry Services

Re-Entry Services- What is it?

- Brown County Re-Entry Services provides individuals, nearing the end of their sentence, with the resources necessary to productively transition back into society. By providing these opportunities to support themselves through legitimate and productive options it reduces recidivism and improves public safety.