

**Minutes**  
Eau Claire County  
Committee on Judiciary and Law Enforcement  
Thursday, June 06, 2019 – 4:00 PM  
Courthouse – Room 1273

**Members Present:** Sue Miller, Brandon Buchanan, and Gerald Wilkie

**Members Absent:** Sandra McKinney and Stella Pagonis

**Others Present:** Captain Dan Bresina, Captain Joel Brettingen, Lieutenant Dave Riewestahl, Lieutenant Cory Schalinske, Tiana Glenna, Dana Swanstrom, Jean Gay, Susan Schaffer, Kathryn Shauf, Mike Felton, Gary King, and Eric Huse

**Call to Order**

The meeting was called to order by Chairperson Sue Miller at 4:00 PM.

**Public Comment**

No public comment was made.

**Approve Minutes from May 02, 2019 Meeting**

Vice-Chairperson Wilkie moved to approve the minutes from the May 02, 2019 meeting. The minutes were adopted as published in the meeting materials via a 3-0 voice vote.

**1<sup>st</sup> Quarter Fiscal & Performance Metrics**

There was general discussion regarding performance metrics. The performance metrics are being excised from the general budget process and departments were asked to review and revise the current performance measures being utilized and reported. The committee would like to see the current and proposed new metrics presented by each department at the July meeting.

- **Circuit Court/Clerk of Courts**
  - Susan Schaffer presented the Court's fiscal report. Revenues are on target through the first quarter. Expenses are also on target through first quarter. The Clerk of Court and Circuit Court budget was combined in the fiscal report distributed in the meeting materials, it was noted that this is different from previous updates. This new format was provided by the Finance department.
- **District Attorney**
  - Eric Huse presented the District Attorney's Office update. Performance metrics are still being worked on to provide a more meaningful representation of what the department is doing. One attorney recently retired and will need to be filled. Revenues are misleading for quarterly reporting due to grant funding. Currently on target with both revenues and expenses, once grant funding is considered.
- **Register in Probate/Clerk of Juvenile Court**
  - Jean Gay presented the Register in Probate/Clerk of Juvenile Court update. On the horizon, potential state-level changes to certain functions of the office. Changes would likely have no effect on revenues or expenses. Currently, the department is right on pace with budgeting.

**Criminal Justice Collaborating Council**

- 1<sup>st</sup> Quarter Fiscal & Performance Metrics
  - Tiana Glenna presented the Criminal Justice Collaborating Council update. Work is being done to streamline and update performance measures. 1<sup>st</sup> quarter fiscal looks okay right now. On the horizon, there is a retirement upcoming that will need to be filled and there will be the addition of one grant funded position.

- Dashboard Reports Update
  - A packet with reports was handed out at the meeting and are included with these minutes. Total out of county housing expenses through April 2019: \$28,984.
- The Function of Probation in the County Jail
  - Mike Felton, Field Supervisor for Probation and Parole, presented information about probation and corrections relationship with the county jail. Various handouts were distributed and are included with these minutes.

### **Eau Claire County Sheriff's Office Updates**

- 1<sup>st</sup> Quarter Fiscal & Performance Metrics
  - Captain Brettingen presented the 1<sup>st</sup> quarter report. Revenues are hard to track because most reimbursements do not occur until the end of the calendar year. Expenses are currently coming in under budget. Currently, the jail is fully staffed (with exception for medical/military leaves); patrol is down two staff members.
- Jail Population
  - As of this meeting, 82% capacity secure population with 7 inmates housed out of county. See "Dashboard Reports Update" and related data packet included in these minutes for additional information.

### **Sheriff's Office New Position Requests**

Captains Brettingen and Bresina presented the Sheriff's Office requests. The requests have come out of analysis and conversation to reduce overtime expenditures. The anticipated start date of these positions would be 4<sup>th</sup> quarter 2019. There were general questions and comments regarding the requests between the committee and Sheriff's Office staff. The consensus of the committee was the request is not feasible mid-year 2019, but it could be considered as part of the 2020 budget process.

### **Future Meeting Date**

The next committee meeting is scheduled for Thursday, July 11, 2019 at 4:00 PM.

### **Future Agenda Items**

- Sheriff's Office
  - Protective Status Legislation
  - ECCJ Population Update
- Marijuana/THC Forfeiture
- Homelessness/Affordable Transitional Housing
- Weekend Court/Night Court Availability
- Resolution Relating to Gun Violence
- Department Performance Metrics
- 2020 Department Budget Requests

### **Adjourn**

The meeting was adjourned by Chairperson Miller at 6:18 PM.

Respectfully Submitted:

*Eric Huse*

Eric Huse  
Committee Clerk

## 2019 Judiciary and Law Monthly Report

The following is a table of all the bookings by type that have occurred so far in 2019.

Description	Count
Blank_In_Spillman	32
EC Warrant	272
Federal Sent/Hold	1
Felony Pre-Trial	360
Hub Transfer/Other Agency	5
Huber Sentence	95
Misd Pre-Trial	266
Other County Warrant	72
Out of State Warrant	13
PO Hold	447
PO w/Warrant	21
Pre-trial w/other hold type	69
Pre-trial w/PO Hold	210
Print and Release	63
Responsible Party	153
Secure Sentence	29
Total	2108

The following table shows some key figures from the first 5 months of 2019. All numbers represent Average Daily Populations calculated on a per month basis.

MONTH	ECC Entire Jail	ECC Secure	Other-Other	ECC_Secure_no_OO	ECC Paid to House Out of County	ECC Huber
1.0	309.9	245.0	11.6	233.4	6.5	64.8
2.0	293.6	231.4	8.7	222.7	7.2	61.9
3.0	290.3	226.6	11.7	214.9	4.8	63.5
4.0	310.3	237.6	14.4	223.1	3.5	72.3
5.0	300.8	235.5	13.8	221.7	10.7	65.2

Transferring inmates to out of county facilities occurred on the following dates.

Receiving Jail	Date of Transfer	Number transferred
Chippewa	2019-1-24	1
Chippewa	2019-1-29	1
Chippewa	2019-2-7	1
Chippewa	2019-3-2	1
Chippewa	2019-4-26	1
Chippewa	2019-5-3	10
Chippewa	2019-5-9	1
Chippewa	2019-5-23	1

This is a table of the length of stay amounts for all the bookings in **2018** that resulted in a release in **2018**.

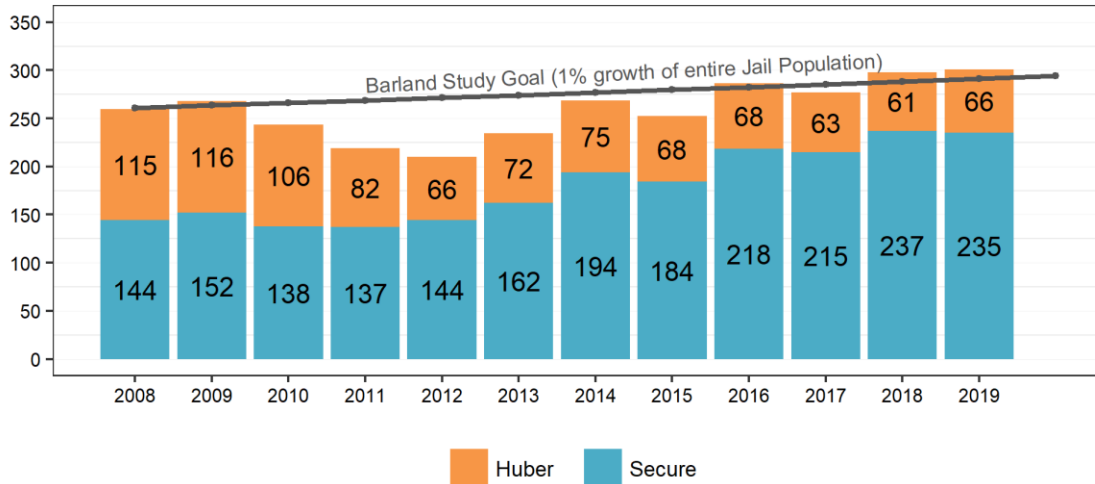
Year	Length of Stay	Number of Bookings
2018	< 2 Days	2530
2018	2-10 Days	1172
2018	10-20 Days	214
2018	20-30 Days	118
2018	> 30 Days	634
2018		4668

\*\* The last line indicates the total number of 2018 bookings that were also released in 2018.

The following graphs provide some additional information and historical background.

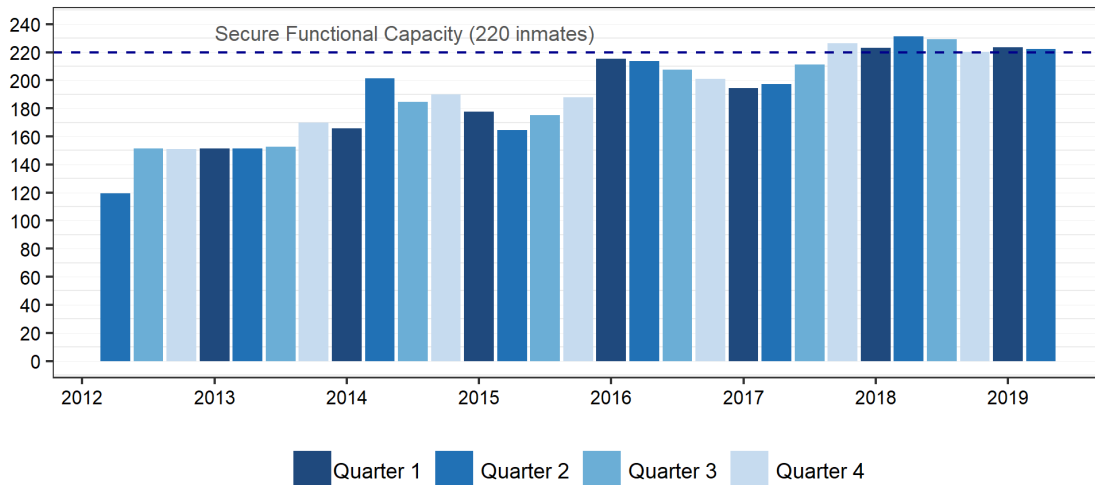
### ECC Total Jail Population: ADP by Year

From 2008 until 2018, the entire ECC jail's average daily population (ADP) has grown at an annual rate of slightly over 1%. The total jail population includes the Secure and Huber populations as shown. The numbers include all inmates on the jail's roster, even those on furlough or held by other counties.



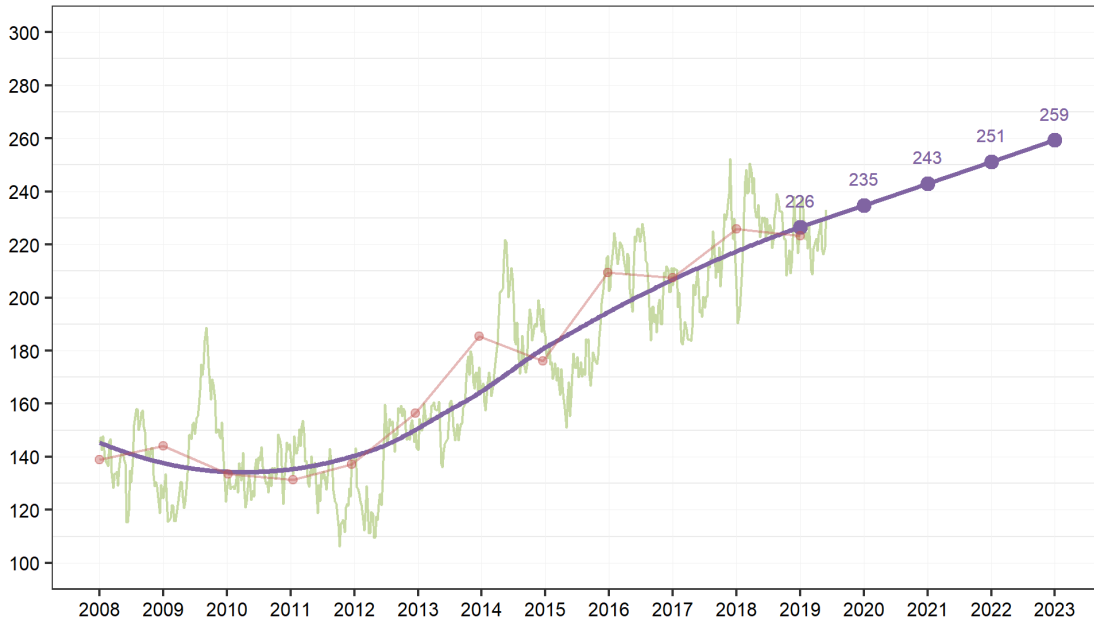
### Secure Inmates ECC Must House: ADP by Quarter

This graph shows the quarterly ADP values for the secure inmates that must be housed by ECC. Inmates on furlough or being held by other counties are not included in these values. As a result, these numbers represent the true population pressure placed on the secure jail.



## Predicting Secure ADP with Localized Regression

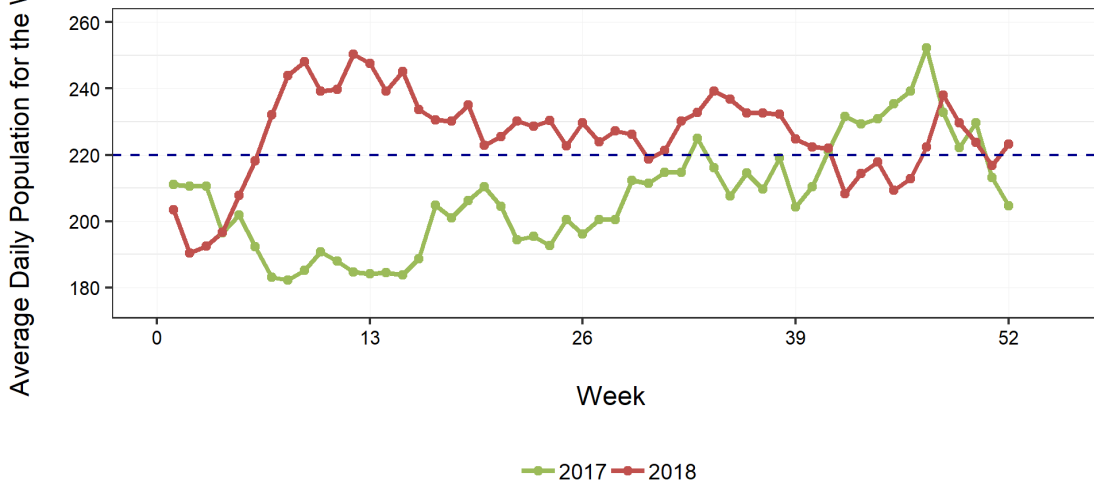
A statistical method known as Local Polynomial Regression Fitting examines the data in sections. In addition, This method uses more granular data. Instead of yearly ADP values, weekly values (green) were used to model and create a forecast for the next five years.



\*For reference, the historical yearly ADP values are shown in light red.  
The 2019 value represents December through May.

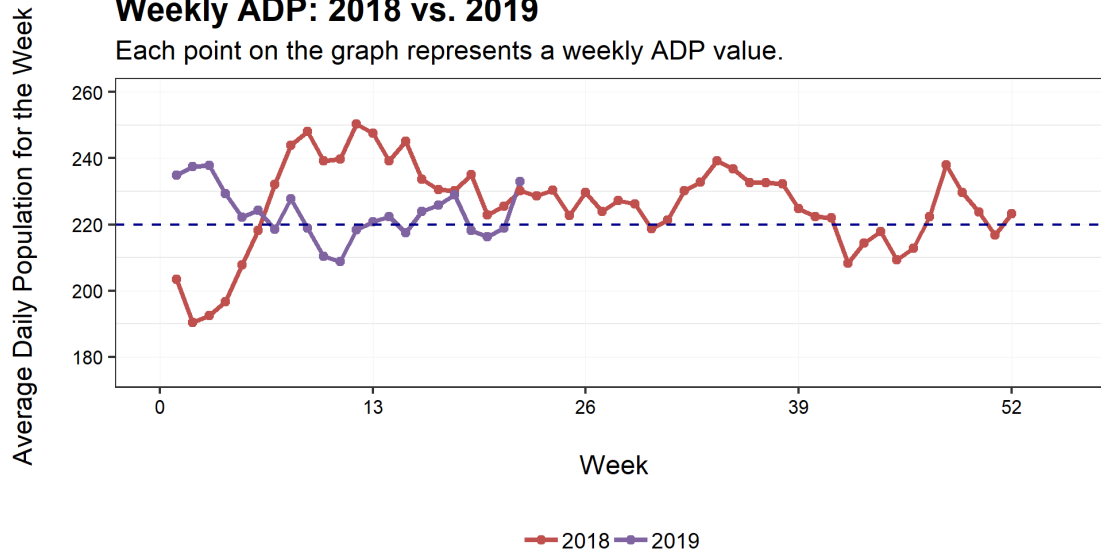
## Weekly ADP: 2017 vs. 2018

Each point on the graph represents a weekly ADP value for the secure jail.



## Weekly ADP: 2018 vs. 2019

Each point on the graph represents a weekly ADP value.



# Department of Corrections (DOC)- Eau Claire County Community Supervision

---

DIVISION OF COMMUNITY CORRECTIONS

PROBATION/PAROLE

SUMMER 2019



# OUTLINE

---

## **-Purpose, Background**

## **-DOC Evidence Based Practices (EBP)**

- Supervision
- Violation Responses

## **-DOC Data**

- Population overall
- Eau Claire County Jail and DOC data

---

“We did what we knew how to do,  
when we knew better,  
we did better.”

~Maya Angelou



# What does DOC Community Supervision Do?

---

Using research based methods, the 23 DOC agents supervise court ordered clients using effective interventions to change behaviors and respond to violations appropriately in order to increase accountability, enhance public safety and decrease victimization.

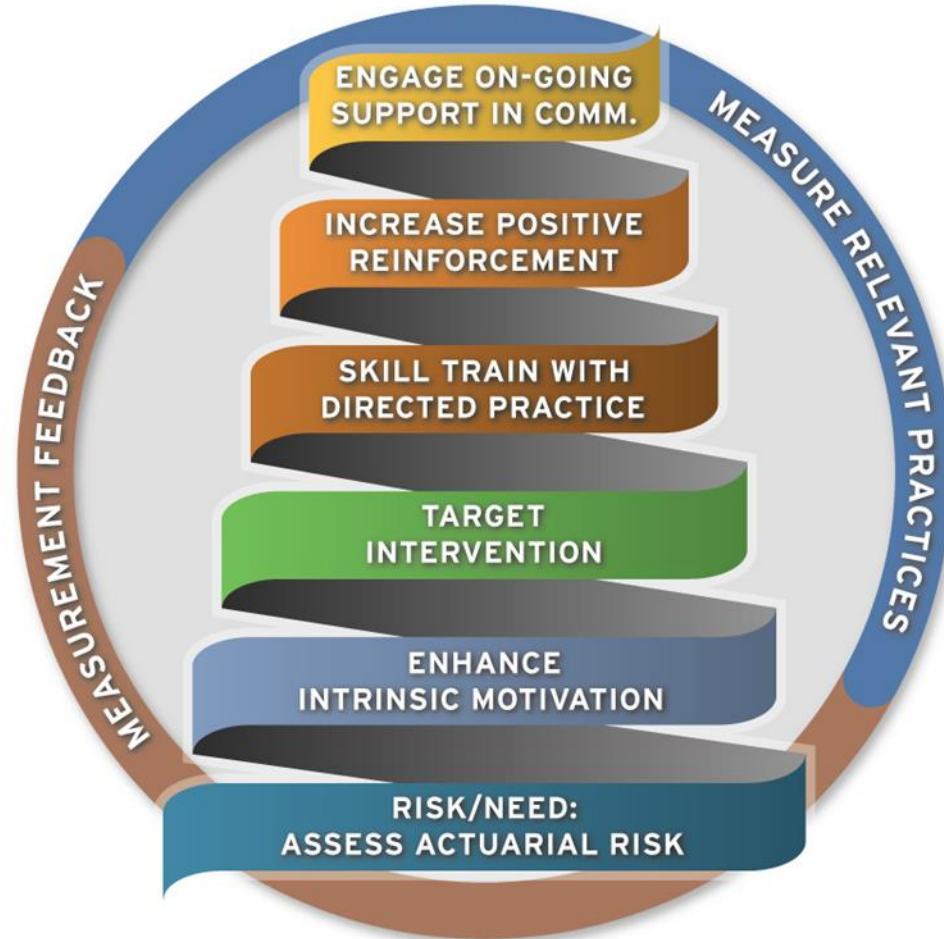
# Main EBP Supervision Takeaways:

---

- 1.** During EBP implementation over last 10 years throughout DOC, the Eau Claire County CJCC and EBDM process have partnered extremely well system-wide.
- 2.** COMPAS is our actuarial risk and need tool; nationally and statewide validated and normed.
- 3.** Lowest risk clients should be diverted, Medium and High risk clients and their Criminogenic needs should be focused upon for most impact on recidivism.

# Evidence Based Practices – National Institute of Corrections, 2004

---



# How DOC Supervises:

---

Utilize Evidence Based Practices (EBP) grounded in research to supervise over last 10 years:

- **Risk:** Low Risk clients keep away as High Risk exposure can make them worse (risk: age, first arrest, criminal history)
- **Need:** Provide treatment/programs for High Risk clients according to highest need (top 8 criminogenic needs)
- **Programming:** all referrals and Agent interventions are Cognitive Based, focused on skill building

# Top 8 Criminogenic Needs

---

## Top Four

- Anti-Social Cognition
- Anti-social Peers
- Anti-social Personality
- Family/Marital Environment

## Lessor Four

- Substance Abuse (incl. in top 5)*
- Employment
- Education
- Leisure/Recreation

# How DOC Responds to Violations:

---

## Using Evidence Based Response to Violations Grid (EBRV) since 2011

- Based on Risk and Violation levels
- Includes sanction (accountability) and programming (behavior change) responses

Always options: jail, revocation, and prison as last options

## Custody by policy:

- Must occur for new Felony Charges, threats, or allegations of violence
- May not occur for low risk, low level violations unless override
- Public safety and law enforcement discretion (Afterhours Monitoring Center)



# Main Violation Response Takeaways:

---

1. Incarceration alone doesn't change behaviors, though it may interrupt current cycle. Effective programming (cognitive based) can change criminal behaviors (Stop and Think program, etc.).
2. Research shows 40% of High Risk clients will recidivate regardless of best programming (UofC Latessa, 2010).
3. Treatment options available, override is public safety.
4. Substance abuse alone doesn't earn revocation, criminal behaviors and compliance are focus of incarceration responses.

# EBRV Grid

		Risk Level			
		LOW	MEDIUM	HIGH	VERY HIGH
Severity of Violation	LOW	Low Response	Low Response	Medium Response	High Response
	MEDIUM	Low Response	Medium Response	High Response	High Response
	HIGH	Medium Response	High Response	High Response	Very High Response
	VERY HIGH	High Response	Very High Response	Very High Response	Very High Response

# DOC Population Takeaways

---

- Eau Claire County is 1.8% of Wisconsin population, any % of EC DOC population higher or lower than that would reflect our proportion.
- Eau Claire orders Probation much higher than state average: 1,124 compared to 736 of 100,000 (tab. 4)
- Eau Claire Prison population is much lower than state avg: 243 compared to 401 of 100,000 (tab. 6)

# DOC Holds in the ECCJ

---

## Detainers issued for:

- Violation allegation investigations
- Short term sanctions
- Pending program, treatment placements
- Alternative to Revocation pending
- Pending Court action, including Interstate
- Revocation Hearings

# Cancellation of Hold at ECCJ

---

- Investigation concluded
- Released to programming, ATR
- Client is transferred to another jail
- Client is revoked by Admin. Law Judge OR Rev. Hearing waived (Revocation Order and Warrant)

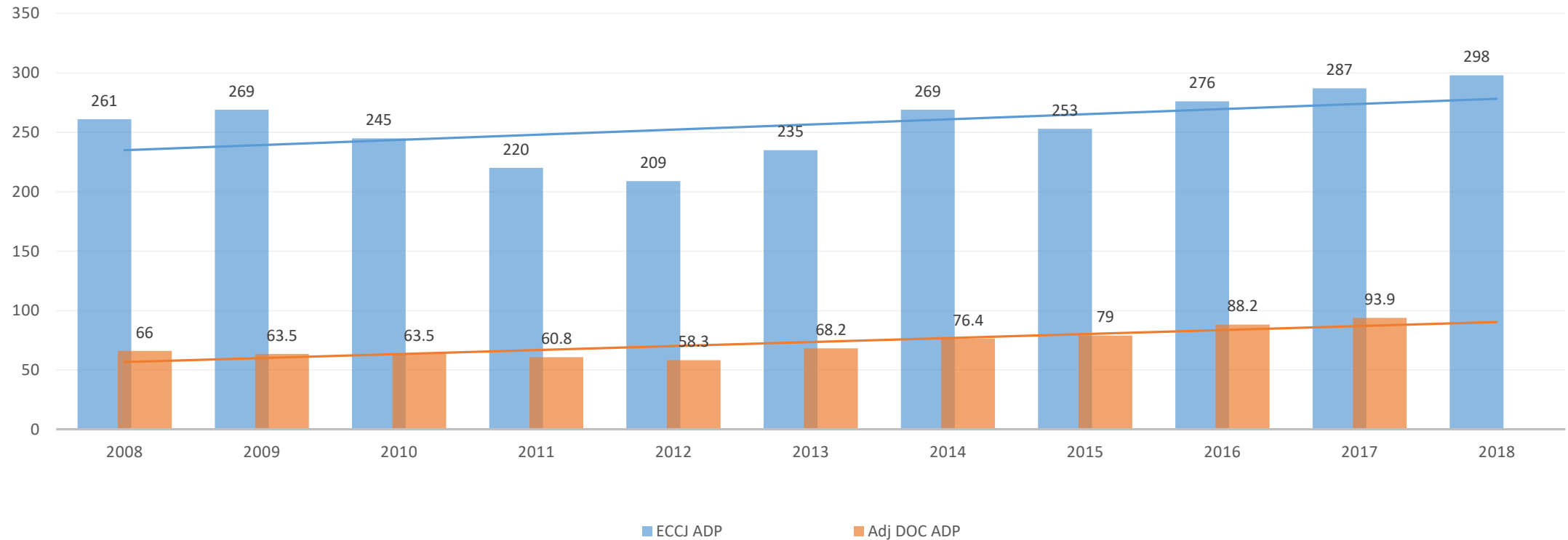
# Mistakenly Labeled as DOC Holds

---

- Custody pending a Sentencing After Revocation Hearing (after ROW filed)
- Serving sentence or conditional jail time after DOC hold dropped
- Booked as PO Hold, and then hold cancelled
- Awaiting pending prison transfer
- Out of state warrants
- Cancelled DOC Hold status not indicated

# ECCJ Average Daily Population, Compared with DOC ADP in ECCJ

ECCJ ADP vs. DOC ADP\*



# DOC Holds at ECCJ Takeaways:

---

1. Rules only DOC holds decreased (-33% since 2008), Criminal Behavior holds increased (+65.5%). Overall 37% increase in DOC jail bed days, though number of holds only increased 28.7%. (Table 10).
2. Revocations increased (+52% increase). However, only 7% recently are due to rules and accountability violations only.
3. 60-120 days LOS in jail sig increase in last 6 years at 100%, (Fig. 10), avg LOS total increased 1 day, all holds (Table 10).



# Data Conclusions

---

- Eau Claire Courts order Probation at a higher proportion than statewide average.*
- Jail population is around 33% DOC Jail Bed Days.*
- Prison usage for EC is less than statewide average.*
- Rules (compliance/non-criminal) violation responses have more included non-jail responses*
- Revocations have increased in last 5 years.*

# **Department of Corrections, Division of Community Corrections, Eau Claire Units**

The Wisconsin Department of Corrections (DOC) is designated by statute to provide for the supervision of persons placed on supervision and any subsequent violation investigation authority as per Wisconsin Administrative Code Chapter 328, 331 and Statutes found in 973. The Division of Community Corrections (DCC) is charged with supervising more than 68,000 offenders placed by the courts on probation, parole or extended supervision in the community. The mission of the Division of Community Corrections is to enhance public safety through the management and reduction of offender risk by providing supervision and collaboration with community partners to assist offenders to change their behavior and repair the harm they have done. The 23 DOC agents in Eau Claire work with clients on community supervision to make positive changes in their lives to reduce future crime and victimization, while making our community safer. This is best accomplished through applying the most current research supported methods to intervene and change criminal behaviors with clients on supervision, and applying violations responses that are supported through research to have the best impact on reducing future crime. If the client continues to violate criminal laws or violates their supervision rules, they are held to account by their agent through broad range of programming and response options, up to incarceration.

## **DOC Outline:**

The Eau Claire DOC staff utilizes the Eau Claire County Jail (ECCJ) for persons on community supervision for sanctions, violation investigations, and pending programming admissions after violations, or pending supervision revocation hearings. In order to fully outline the DOC usage of the jail, trendlines for overall DOC population of clients will be highlighted initially. Then the DOC and ECCJ working definition of a DOC hold will be outlined, together with our snapshot picture of the DOC jail usage. Further, a description of types of holds (criminal behavior versus rules violations only) and lengths of stay in the jail will be outlined. Then, a discussion about revocation of community supervision trends will be outlined.

Overall, DOC has had a measured use of our community's most expensive resource and has taken our role in using the jail responsibly over the years. The following data sets, tables, and trends will highlight the facts that DOC staff have risen to the challenges of the past 10 years in an innovate manner, and despite increases in methamphetamine involved individuals and more high risk clients for future criminal acts, Eau Claire DOC staff, together with our local stakeholders have strived and succeeded in managing the population on community supervision to the best of our resource capacity.

### **Notes about DOC Data Collection**

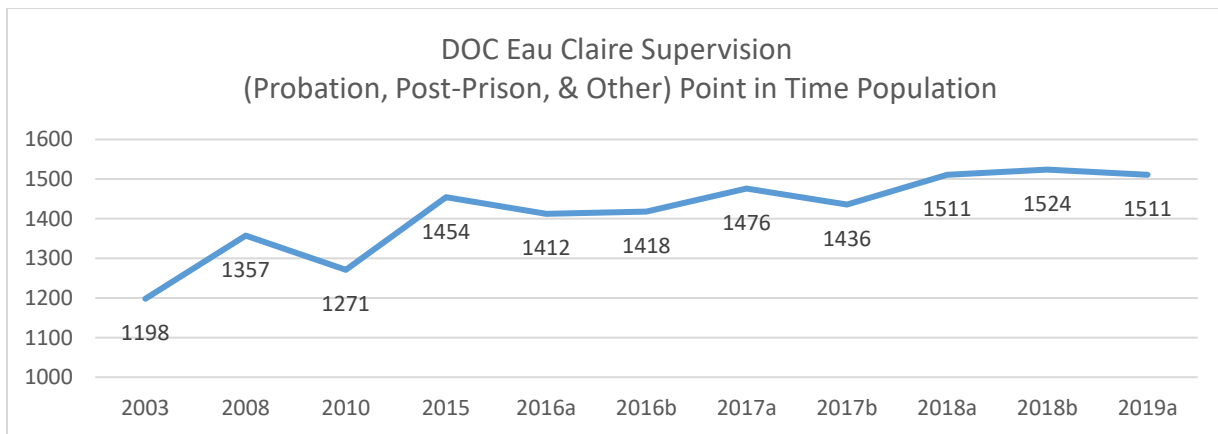
1. If indicated as a point in time, or snapshot, it is a moment in time data review. With current data management systems, it is impossible to reach back in time to review any moment and cross reference all individuals at any one moment across numerous systems. Much of the challenge is case load management systems are meant to be real time accurate, and therefore unless all systems are reviewed simultaneously, a fully accurate cross-referenced and verified data review

is impossible. Further, all systems used by the Eau Claire County Jail, the Courts, DOC, and District Attorney’s office are not fully data compatible.

2. Secondly, unless otherwise indicated, all date ranges below for DOC data is by Fiscal Year (FY) of July 1 to June 30<sup>th</sup> of the stated year. This is how all data is collected and stored and distributed by Central Office for Department of Corrections.
3. The term client, individual or person on supervision, and offender may be used interchangeably below, however it is the latter term we are moving away from Department-wide and our system utilizes older data sets which may still include this term.

## **1. DOC Client Population Trends**

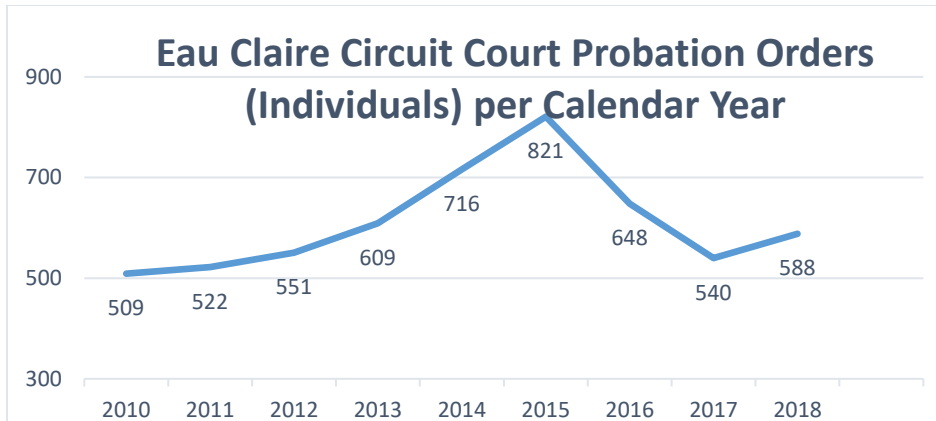
The Eau Claire DOC office has managed a somewhat steady population on community supervision (probation, parole, extended supervision) over the last 4 years, with only about 5% variation at most between bi-annual snapshots. Current overall population of individuals on supervision in Eau Claire County by the DOC is about 19% higher than 9 years ago in 2010. Note also the most low risk individuals have been diverted through the Eau Claire County Diversion program which truly began earnest in 2012 with at least 250 clients a year in that program. Many of those individuals may have otherwise ended up on probation would that program not have existed and our DOC numbers would be much higher.



**Figure 1: DOC Point in time population of clients**

(snapshot dates 6-03-03, 1-16-08, 11-15-10, 10-30-15, 1-16-16, 7-16-16, 1-31-17, 7-31-17, 7-01-18, 1-15-19)

Note: Other includes DHS co-supervision (980, NCI) and also Interstate Compact from other states)



**Figure 2: Eau Claire County Probation Cases ordered 2010 to 2018 Calendar years, data from Central office DOC data**

As seen in the above table, probation ordered (by individuals not cases/counts) rose steadily from 2010 to a high in 2015, and has decreased recently. This increase and decrease could have many causes including court system processes and staffing levels, individuals sentenced at different times, and the methamphetamine crises bringing more people into the system.

Lowest Risk (1,2) COMPAS Scores	
2016	199
2017	190
2018	170
2019	159
*Point in time, Jan.	

**Table 1: Lowest Risk on DOC Supervision**

As seen above, the population of those lowest risk to reoffend has dropped 20% over 4 years. This means more clients are diverted from DOC community supervision through the diversion process and other measures. Ultimately, the fewer lowest risk (non-public safety) individuals on supervision, the better.

Another way to measure how many fewer low risk candidates come into the system is by looking at how low risk individuals have been supervised over the last 10 years. DOC Eau Claire utilizes an Agent who only works on minimum, low risk supervision clients. This caseload was over 320 individuals in 2010, however is currently at approximately 100. This alone gives a solid indication of the higher risk, and thus more appropriate clients being ordered to DOC community supervision over the past 10 years.

**Statewide population:** Overall Eau Claire County citizen population compared with the rest of the State is about 1.75%-1.8% total statewide population. As of 2018, Eau Claire County was at 104,534, compared to the State of Wisconsin overall at 5,818,049, or a total of 1.8% total population.

Populations	WI Pop	EC Pop	%
2010	5690403	99018	1.74%
2011	5705812	99936	1.75%
2012	5721075	100837	1.76%
2013	5736673	101708	1.77%
2014	5751272	101644	1.77%
2015	5759744	102032	1.78%
2016	5773000	102885	1.78%
2017	5795483	103671	1.79%
2018	5818049	104534	1.80%

**Table 2: Wisconsin and Eau Claire County total Populations (estimated, US Census)**

Therefore as a guide, any comparison numbers of Eau Claire criminal justice population in comparison to Wisconsin Criminal Justice population that is over 1.8% is higher than statewide average distribution, and anything well below 1.8% is less than statewide average distribution.

## **2. DOC Case Population Totals, Compared to Wisconsin**

Year*	WI Post-Prison	EC Post-Prison	%
2015	19,072	233	1.22%
2016	20,362	239	1.17%
2017	20,394	269	1.32%
2018	20,521	279	1.36%

**Table 3: Post-Prison Populations only (Extended Supervision or Parole)**

*\*Numbers based on Dec 31 population of that year.*

Per 100,000 in 2018: Wisconsin: 353 out of 100,000  
Eau Claire County: 267 out of 100,000

Year	WI Probation	EC Probation	%
2015	45,968	1,144	2.49%
2016	44,605	1,200	2.69%
2017	43,716	1,198	2.74%
2018	42,858	1,176	2.74%

**Table 4: Probation only Populations**

*\*Numbers based on Dec 31 population of that year.*

Per 100,000 in 2018: Wisconsin: 736 out of 100,000  
Eau Claire County: 1,124 out of 100,000

This is a definite higher amount, yet as we will see, such higher levels of probation supervision have not equated to similar levels of higher jail usage or even prison usage in that amount.

Year	WI Total Community Supervision	EC Total Community Supervision	%
2015	65,040	1,377	2.12%
2016	64,900	1,439	2.22%
2017	64,110	1,467	2.29%
2018	63,355	1,455	2.29%

**Table 5: Probation, Parole, Extended Supervision Populations (Total Community Corrections)**

*\*Numbers based on Dec 31 population of that year.*

*Note: all above numbers in Tables 1-3 do not include "Other category" which would include DHS and Interstate Compact (non-WI) cases.*

Per 100,000 in 2018: Wisconsin: 1,089 out of 100,000  
 Eau Claire County: 1,392 out of 100,000

Year	WI Prison	EC Prison	%
2010	22117	208	0.94%
2011	22112	tbd	tbd
2012	22043	197	0.90%
2013	22164	257	1.16%
2014	22385	239	1.06%
2015	22734	254	1.12%
2016	23124	250	1.08%

**Table 6: Wisconsin Prison Population Point in time, compared to Eau Claire County Prison Population Point in time (year end- missing 2011 data).** Data based on WI DOC year end reporting, and historical snapshot data collected 10/30 each year.

Per 100,000 in 2016: Wisconsin: 401 out of 100,000  
 Eau Claire County: 243 out of 100,000

New Prison Cases only			
	Intake WI Prison	Intake Eau Claire	%
2013	8701	92	1.06%
2014	8862	95	1.07%
2015	8840	126	1.42%
2016	9116	147	1.61%

\* calendar year

**Table 7: Prison Intakes by Calendar Year totals.** Data provided by WI Central Office, and BJS.

Per 100,000 in 2016: Wisconsin: 158 out of 100,000  
 Eau Claire County: 141 out of 100,000

Year	WI Jails	EC Jails	%
2013	12636	235	1.86%
2014	12215	269	1.94%
2015	12266	253	2.06%
2016	12476	276	2.15%

**Table 8: Wisconsin Yearly Jail ADP population Average, Compared to ECCJ ADP.** Data compiled and reported through Bureau of Justice Statistics, no more recent reporting available for WI Jail ADP currently.

Per 100,000 in 2016:      Wisconsin:                      216 out of 100,000  
                                          Eau Claire County:              268 out of 100,000

### **3. Probation Hold: a Working Definition**

A simplified definition of Probation Hold is needed. When an inmate is booked at ECCJ and the first and primary indication of why they are being booked is through a hold (detainer) authorized by the Department of Corrections, this is labeled as a “Probation Hold.” This includes those that are on probation, but also on any parole, extended supervision, interstate compact, or joint DHS supervision. This covers any period from initial custody through the investigation of the violation, all the way through either a release to treatment and programming, or through an eventual revocation hearing in front of an Administrative Law Judge.

The client may be investigated pending an alleged violation that requires a full investigation and statement from the client prior to release, or it may involve a further step where the client is served with a Revocation Notice pending a Revocation Hearing. While awaiting this hearing, programming or treatment may be appropriate and instead of seeking revocation, the client may be released on an Alternative to Revocation (ATR) agreement.

If the client has their DOC supervision revoked by a Revocation Order and Warrant (ROW) by the Administrative Law Judge after a Revocation Hearing, or if the client waives such a hearing, then the client’s case is officially revoked and this ROW is filed with the Jail and with the Court. If the probation sentence was initially withheld, then the client returns to the sentencing Court for a Sentencing after Revocation (SAR) hearing. Between the ROW and the SAR, the client is technically no longer on a DOC as their community supervision status has been revoked and they are awaiting sentencing. When an ROW is issued, the Probation Hold is cancelled as the ROW pending Court action is in place.

Therefore, when discussing length of probation holds, all the above would determine length of such and when a probation hold is cancelled.

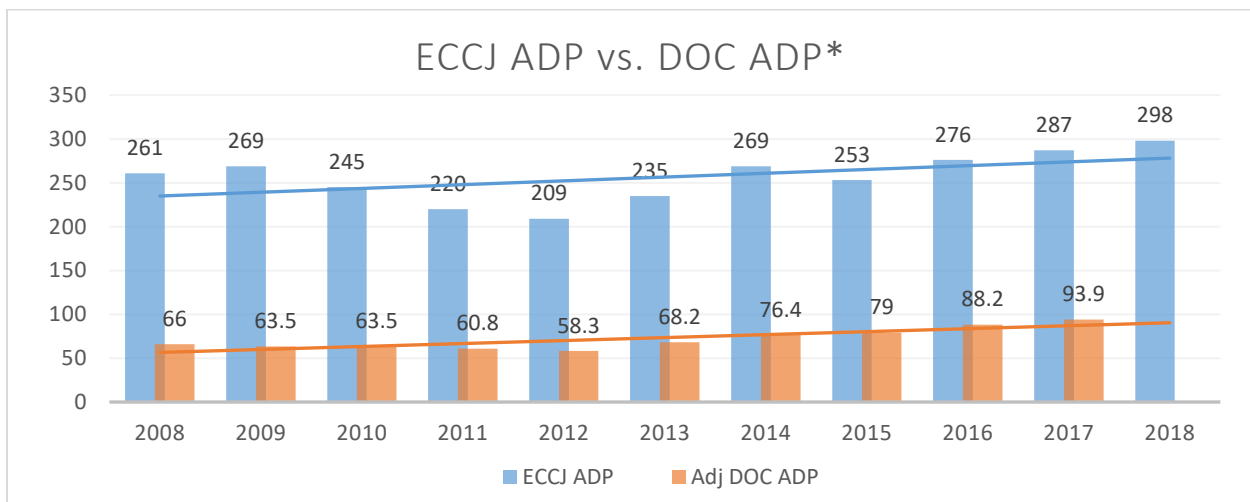
#### 4. ECCJ Population with DOC Probation Holds

Year	EC Jails ADP Calendar Year (CY)	EC Jail Revised to Fiscal Year (FY)	DOC ADP in ECCJ FY	% DOC ADP FY	Adj DOC ADP to CY	DOC ADP Adj Cal Year %
2008	261		68.3		66	25.3%
2009	269	265	63.7	24%	63.5	23.6%
2010	245	257	63.3	24.60%	63.5	25.9%
2011	220	233	63.6	27.30%	60.8	27.6%
2012	209	215	57.2	26.60%	58.3	27.9%
2013	235	222	59.4	26.80%	68.2	29.0%
2014	269	252	77	30.60%	76.4	28.4%
2015	253	261	75.8	29%	79	31.2%
2016	276	265	82.1	30.10%	88.2	32.0%
2017	287	282	94.3	33.40%	93.9	32.7%
2018	298	293	93.5	31.91%		

\*Calendar year      \*Split Year      \*Fiscal year      \*Adjusted to CY

**Table 9: ECCJ Average Daily Population compared to DOC ADP (by FY Holds).**

Note: Column 3 is a split average of the Calendar Year ADP of ECCJ so it is a closer approximation of the ADP by Fiscal year of the DOC Probation Holds found in Column 4. Column 6 adjusts the DOC from FY to an approximation of Calendar Year with next column showing percentages.

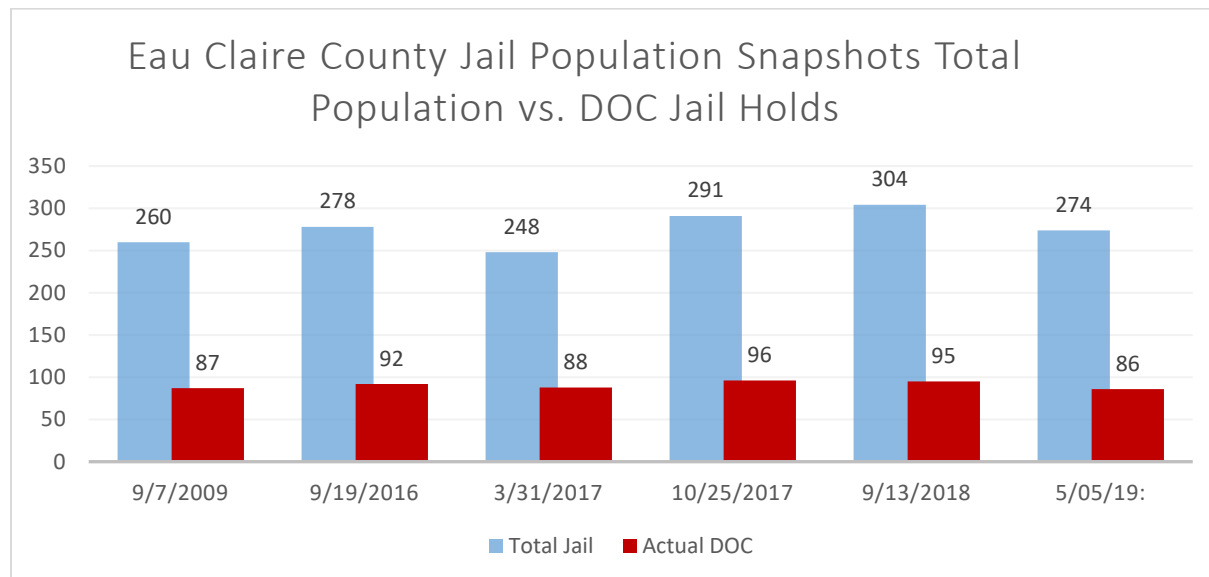


**Figure 3: ECCJ ADP compared to DOC ADP Adjusted to Calendar Year from Fiscal, with trendlines**

It is a significant challenge to moment by moment validate all DOC Probation holds against the overall Jail population, but a rolling snapshot of previous days at the time of analysis may be helpful. A challenge not indicated previously is the status and statute coding within the ECCJ Spillman software which would indicate a Probation Hold when one may no longer be active. This creates the issue where all few hundred individuals in the jail must be painstakingly cross referenced between systems and



databases for most accurate real time status within the system. Not insurmountable or impossible, but simply time consuming as this must be done by hand analysis for each individual. With future software updates, this issue may certainly be alleviated in the near future with a more automated data warehouse collection system. Again note, the snapshot is useful at a point in time to fully compare and cross reference case by case all individuals in the system between all databases of the ECCJ and DOC, as well as with Court records.



**Figure 4: Jail Population Snapshot, DOC Holds; data from ECCJ and DOC holds comparisons**

	Reported Total ECCJ Population	Actual DOC Holds, % of Total ECCJ Pop
9/07/2009:	260	<b>87 (33.5%)</b>
9/19/2016:	278	<b>92 (33%)</b>
3/31/2017:	248	<b>88 (35.5%)</b>
10/25/2017:	291	<b>96 (32.9%)</b>
9/13/2018:	304	<b>95 (31.3%)</b>
5/05/19:	274	<b>86 (31.4 %)</b>

Overall jail population as part of DOC numbers has been seemingly consistent at about 31-35% of total population for snapshot comparisons over the years. These dates had been picked at the time due to high ECCJ populations and the corresponding need to compare those DOC clients in custody on DOC holds on those particular high jail population dates. Some of these dates do not include inmates housed out in other counties, or inmates in Huber. Snapshots are only possible as historical runs of data for dates are not feasible with current jail and DOC software to have a historical reach back to compare dates. Only real-time print outs and time consuming client by client comparisons are available. If software between the two departments were the same vendor, it would be much simpler to coordinate data comparisons on a much more regular basis.

This consistent 31-35% of jail beds utilized at any one point in time by DOC probation holds is consistent through time recently over the last few years, and even when there were specific dates, Figure 4, where

it seemed the jail population was incredibly high. However, 24-25% ADP utilization was indicated in 2009 and this ADP for DOC beds has steadily increased. This increase could be due in part to increases in overall county population, probation clients, methamphetamine as well. Further, there has been a steady increase in revocations for criminal behaviors as we shall examine in the next sections.

## **5. DOC Holds Investigations Process**

Again, it helps to understand there are different reasons for a Probation Hold. Agents will investigate an alleged violation promptly (statement and reports gathered within first 3 business days, may seek extensions). If a short term sanction in jail and other programming is appropriate, the client is released from the probation hold.

If the decision in staffing with the supervisor is the violations are severe enough to warrant a possible revocation of supervision, the client is served a revocation notice and they go into the second category: Pending Revocation or even an Alternative to Revocation (ATR).

If there is a hearing in front of an Administrative Law Judge, or if the client has waived the hearing, there is a time period of awaiting the Revocation Order and Warrant (ROW), which is the next category of Pending Revocation Decision.

The final category of DOC Probation Holds is an Extended Supervision Sanction, (ES Sxn), which is used for those cases of someone on Extended Supervision which, instead of pursuing revocation of their case to return to prison, between 15 and 90 days may be sought for a short term option of DOC authorized conditional jail time.

The below estimates are fairly consistent over time as well but represent the bulk of the categories for DOC holds in the ECCJ.

1. Pending Investigation (typically 1-12 days avg.); **9-15% of all holds**
2. Pending Revocation or Alternative to Revocation (10-90+ days avg.) **76-83% of holds**
3. Pending Revocation Decision (after Revocation Hearing 10-15 days avg. to ROW) **8-10% of holds**
4. Extended Supervision Sanction (in lieu of Prison Revocation 45 days avg) **2-6% of holds**

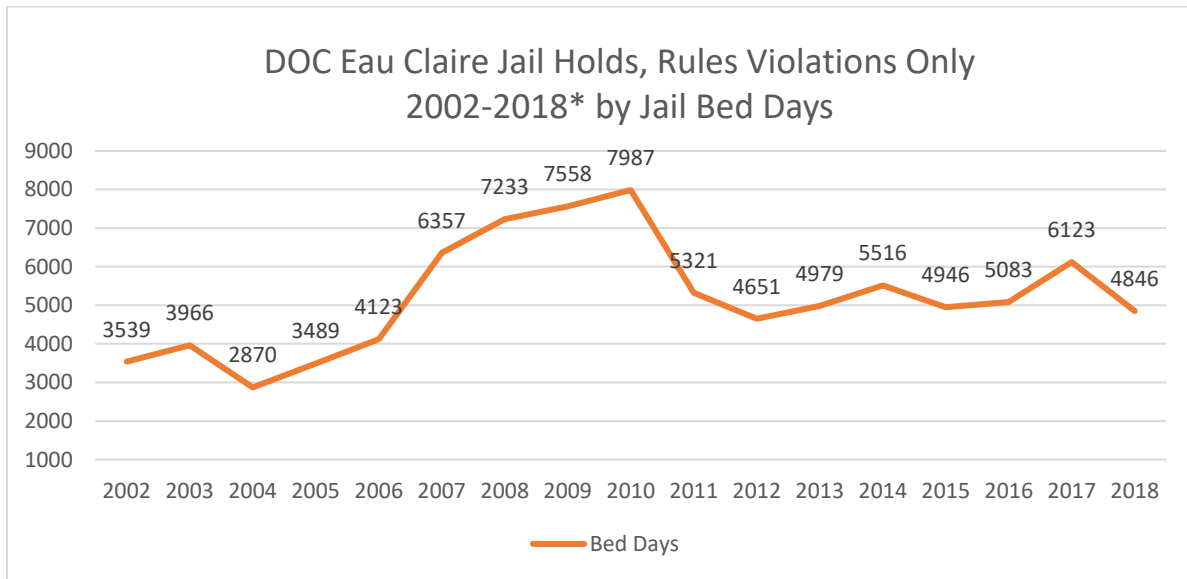
### **Probation Hold Type Descriptions**

A distinction can now be made between the categories of Probation Holds, based on type of violations. Namely, whether the violation being investigated by the DOC is due to a rules only violation or a criminal behavior violation.

Rules Violations: these are tracked extremely well for all individuals placed on community supervision (for felonies) as the DOC Central Office at the end of each fiscal year reimburses the jails throughout the state for any of these uses of the jail beds. Basically, the reasoning is that were it not for supervision rules (some examples may include: no drinking, report to your agent regularly, inform agent prior to moving your address, absconding, etc.), these individuals would not be placed in the jail for a custody were they not Court ordered to be supervised by DOC. Overall, due to the budgetary considerations, this gives a good window into the probation holds that are exclusively rules violations. Some jurisdictions in some parts of the country call these technical violations, but we will continue with Rules violations.

**Criminal Behavior Violations:** these are all other holds that are not rules only. They are alleged violations of a criminal law. Examples include possession of drugs, disorderly conduct, retail theft, bail jumping, drug use. However, these violations do not have to lead to *criminal charges* as sometimes law enforcement may choose not to bring charges, or there may not be a threshold of evidence there for charges, but there may be enough for a violation of community supervision (difference between beyond probable cause up to beyond a reasonable doubt for conviction, as compared to DOC standard for revocation hearings of preponderance of evidence 50.1%). Overall, these are violations that are not about rules violations, but other criminal behaviors that could and many times do include new charges.

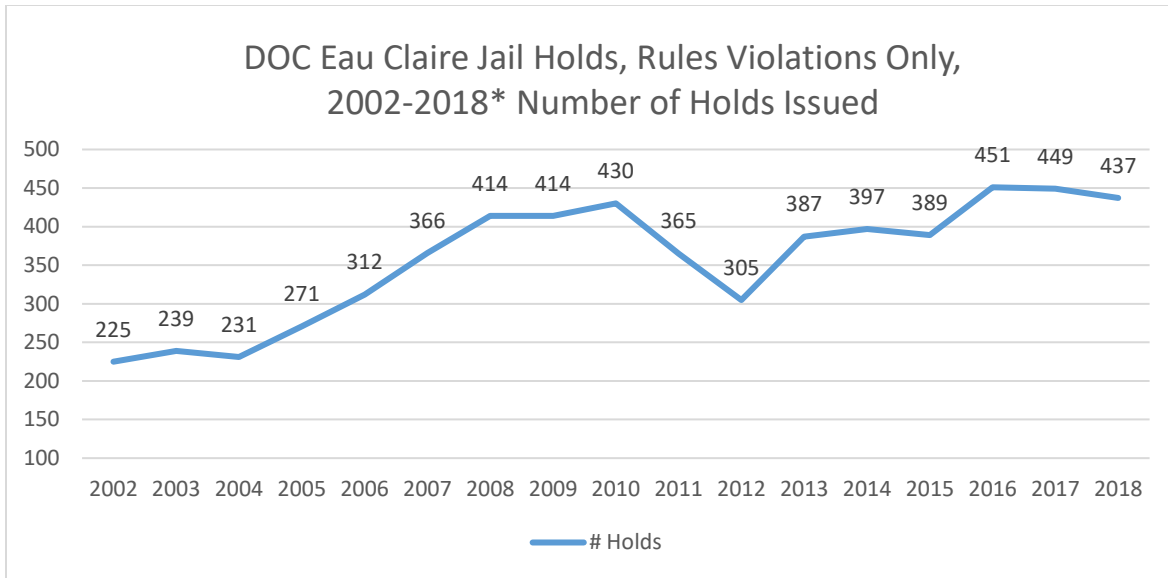
Reminder about all Tables with Dates in \*, these are for Fiscal Years, not calendar.



**Figure 5:** DOC Holds Jail Bed Days 2002-2018, Rules Violations Only 2002-2018\*

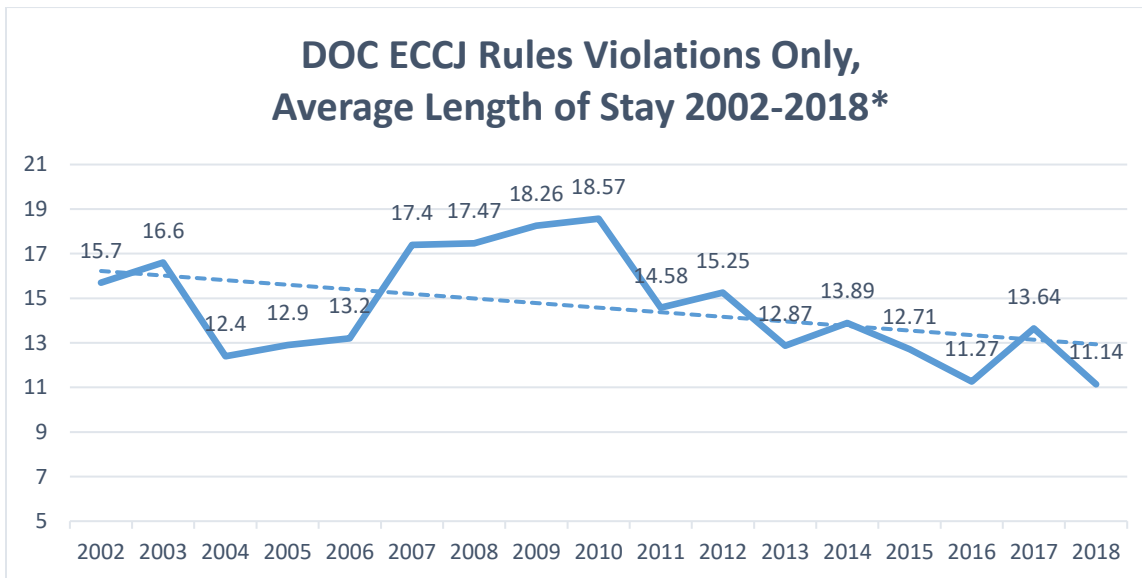
Takeaways from above graph is a steady rise in use of jail as a sanction for behaviors that were only rules violations through 2010, then a steady decline mostly over the years. As we will see in Table 6, there was a steady and at times abrupt increase in the Probation Holds that were for criminal behavior. While there may be many reasons behind this, it is beyond the scope of this document to pin the exact cause of many. While obviously more violations since 2013 were criminal behaviors instead of solely rules violations, it may be due to methamphetamine, or it may be due to the more higher risk caseloads agents have maintained since more clients were diverted from the system starting in 2012. As such, it makes some sense that there would be fewer rules infraction violation investigations, and there would instead be more criminal behavior violations.

Figure 5 alone doesn't paint the full picture as one would also need to examine the overall number of Rules Violation holds issued over the years as found in Figure 6. Of note, there has been a steady increase in overall numbers of Rules Violation only holds from 2012 before a recent leveling off, but this didn't match an overall increase in jail bed days found in Figure 5. In fact, the following average length of stay for



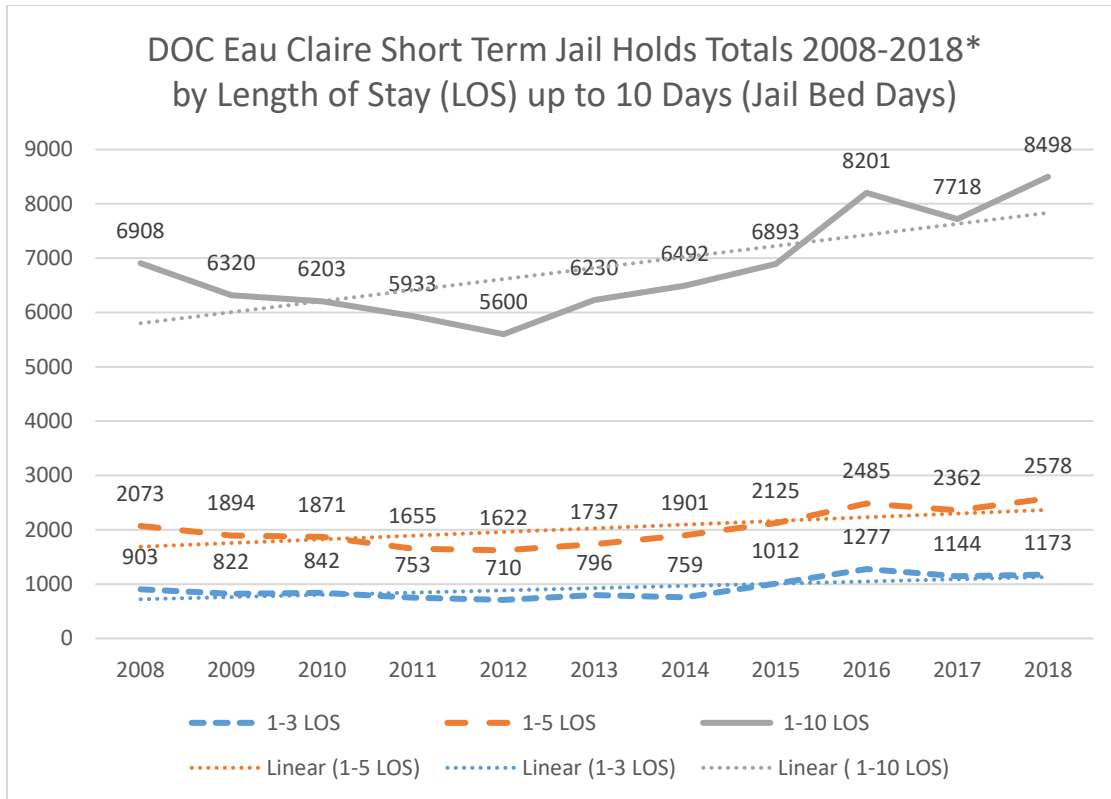
**Figure 6: DOC Holds Issued 2002-2018, Rules Violations Only 2002-2018\***

Of note, there has been a steady increase in overall numbers of Rules Violation only holds from 2012 before a recent leveling off, but this didn't match an overall increase in jail bed days found in Table 10 below. In fact, the following average length of stay for Rules Violations only highlights the steady decrease over time of the length of these Rules Violations only.



**Figure 7: DOC Probation Holds Average Length of Stay for Rules Violations Only, 2002-2018\***

Last Fiscal Year 2018 ending on June 30, 2018, indicated the average length of stay for any DOC Probation Hold for Rules Violations was the lowest of the past 16 years, despite almost a doubling in the number of holds during the same period of time. This should lead to more data analysis being needed in the short term holds which can be found below. Note, this figure below considers all probation holds, not just rules violations.



**Figure 8: DOC Short Term Holds Jail Bed Days by Length of Stay 1-3, 1-5, 1-10 days, 2008-2018\***

The above figure highlights the steady nature of those numbers of holds from 1-3 days total, or those that are 1-5 days total before being released from custody after a quick investigation and response by the DOC Agent. However, the 1-10 days jail total increase between 2012 and 2018 is a 52% increase in total number of jail bed day over that timeframe. While this could mean more holds investigated more heavily before a custody release, it could also mean there is a relationship between the use of the Evidence Based Response to Violation Tool (EBRV) which began in Eau Claire in 2011. Basically, it provided a way to only provide a jail sanction to those clients who are medium risk and have a medium or higher violation behavior. Further, the 2012 mark was the first indication of an increase in the methamphetamine epidemic locally, as well as the transition to fewer low risk individuals being placed on DOC community supervision.

The following table will be analyzed in subsequent figures, but it is the basis for analysis overall for any year end hold comparisons.

Department of Corrections Summary of ECCJ Holds 2008 to 2019\* by Violation Type: Criminal Violations, Rules Only, All

	Crim Behavior/ Misd Violations Jail Bed			Rules Violations Only Felons DAYS HELD			Total DAYS HELD			% Change	FY
	# Holds	Avg. LOS	Jail Bed Days	# Holds	Avg. LOS	Jail Bed Days	# Holds	Avg. LOS	Jail Bed Days		
2008	896	19.72	17713	414	17.47	7233	1312	19.01	24946		2008
2009	821	19.1	15683	414	18.26	7558	1235	18.82	23241	-6.8%	2009
2010	785	19.25	15109	430	18.57	7987	1215	19.01	23096	-0.6%	2010
2011	769	23.27	17892	365	14.58	5321	1134	20.47	23213	0.5%	2011
2012	776	20.91	16229	305	15.25	4651	1081	19.32	20880	-10.0%	2012
2013	782	21.36	16707	387	12.87	4979	1169	18.55	21686	3.8%	2013
2014	849	26.61	22590	397	13.89	5516	1246	22.56	28106	29.6%	2014
2015	912	24.93	22734	389	12.71	4946	1301	21.28	27680	-1.5%	2015
2016	1099	22.64	24882	451	11.27	5083	1550	19.33	29965	6.6%	2016
2017	1111	25.47	28293	449	13.64	6123	1560	22.06	34416	14.9%	2017
2018	1251	23.54	29309	437	11.14	4846	1688	20.33	34155	-0.7%	2018
Total	10491	22.63	231194	4633	14.66	66057	15124	20.34	297251		

= > 5% increase from previous year  
 = > 5% decrease from previous year

\* By Fiscal Years, July 1 to June 30th

Table 10: DOC Probation Holds at ECCJ based on DOC Central Office Fiscal Year, 2008-2018

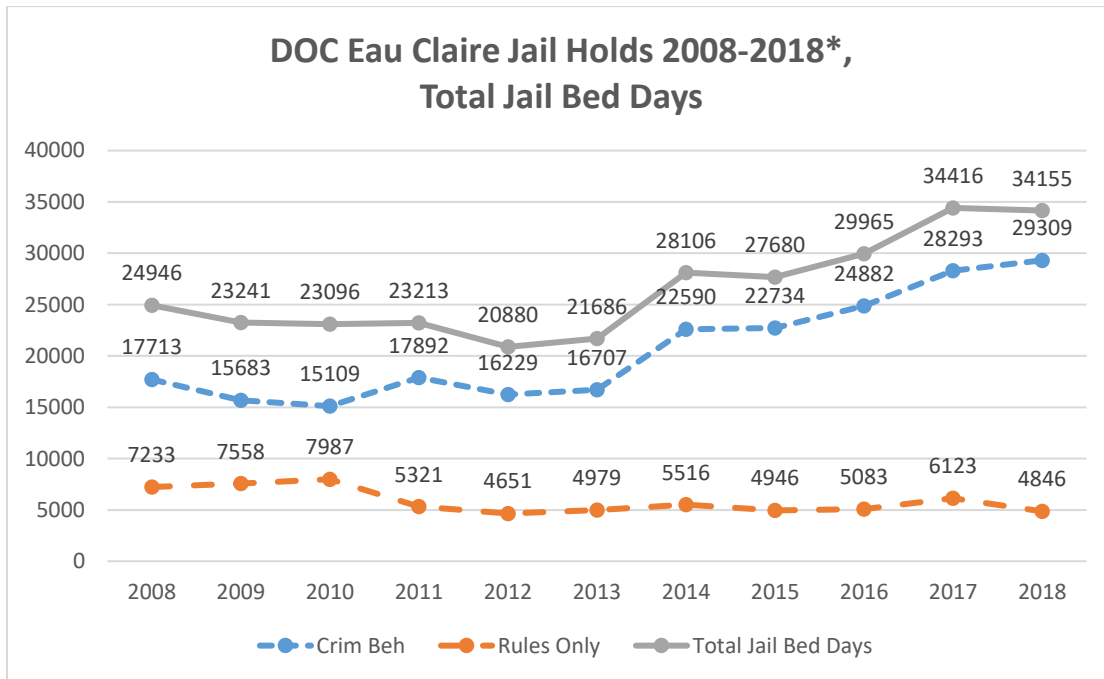
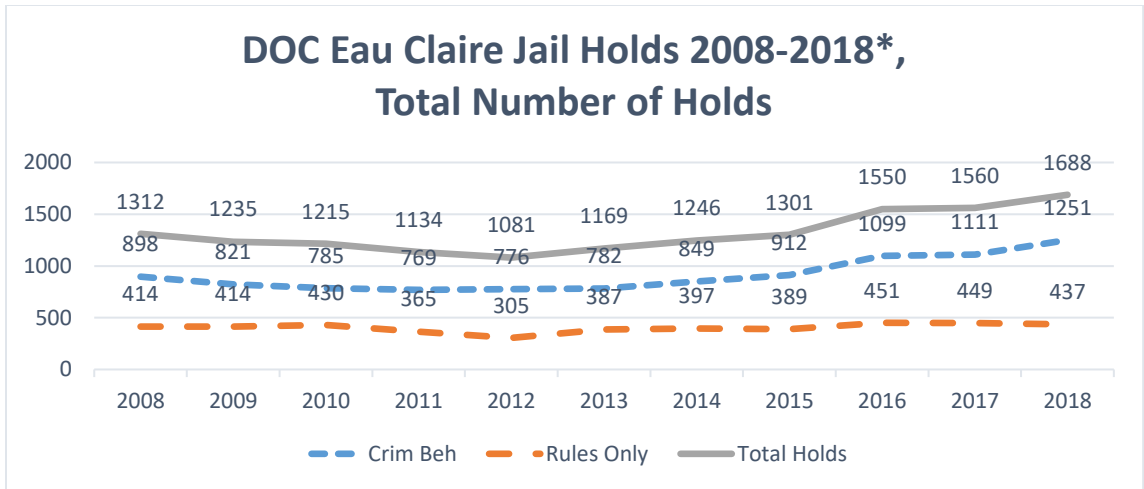
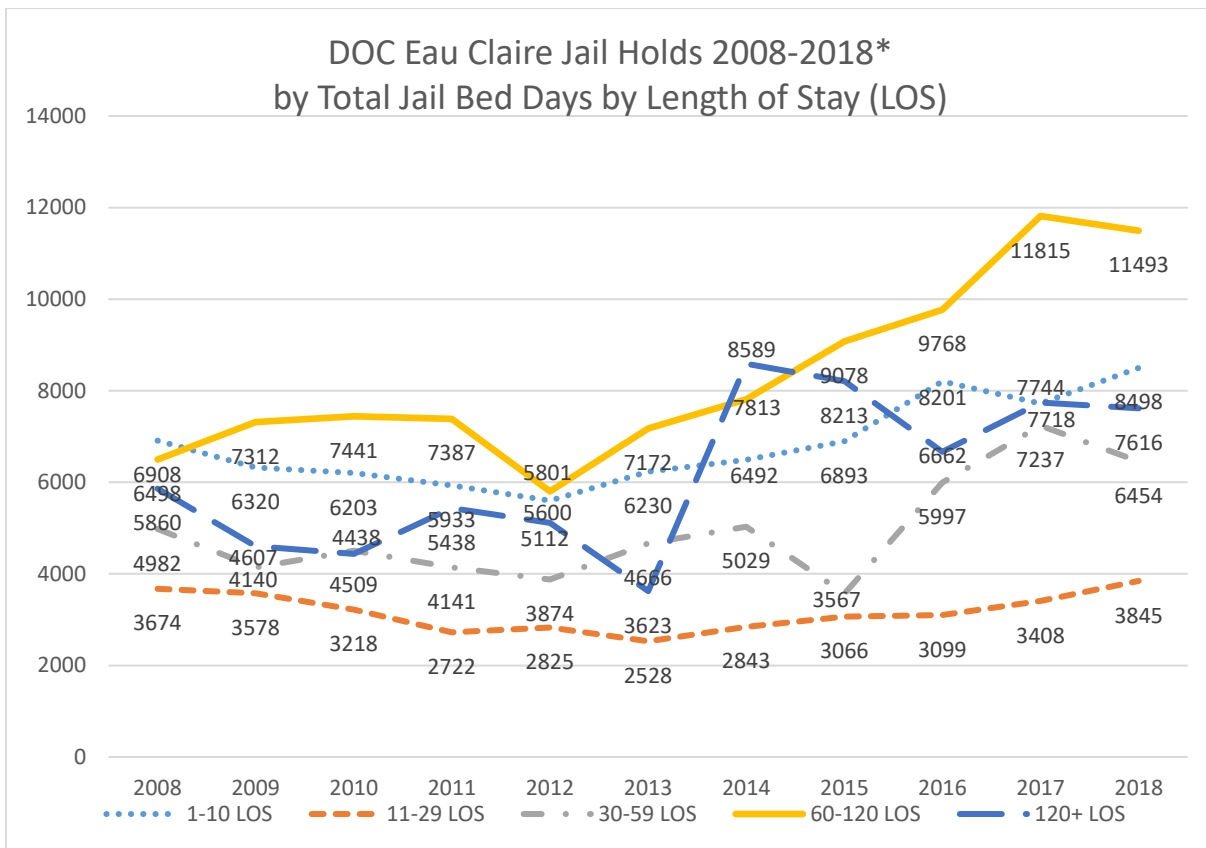


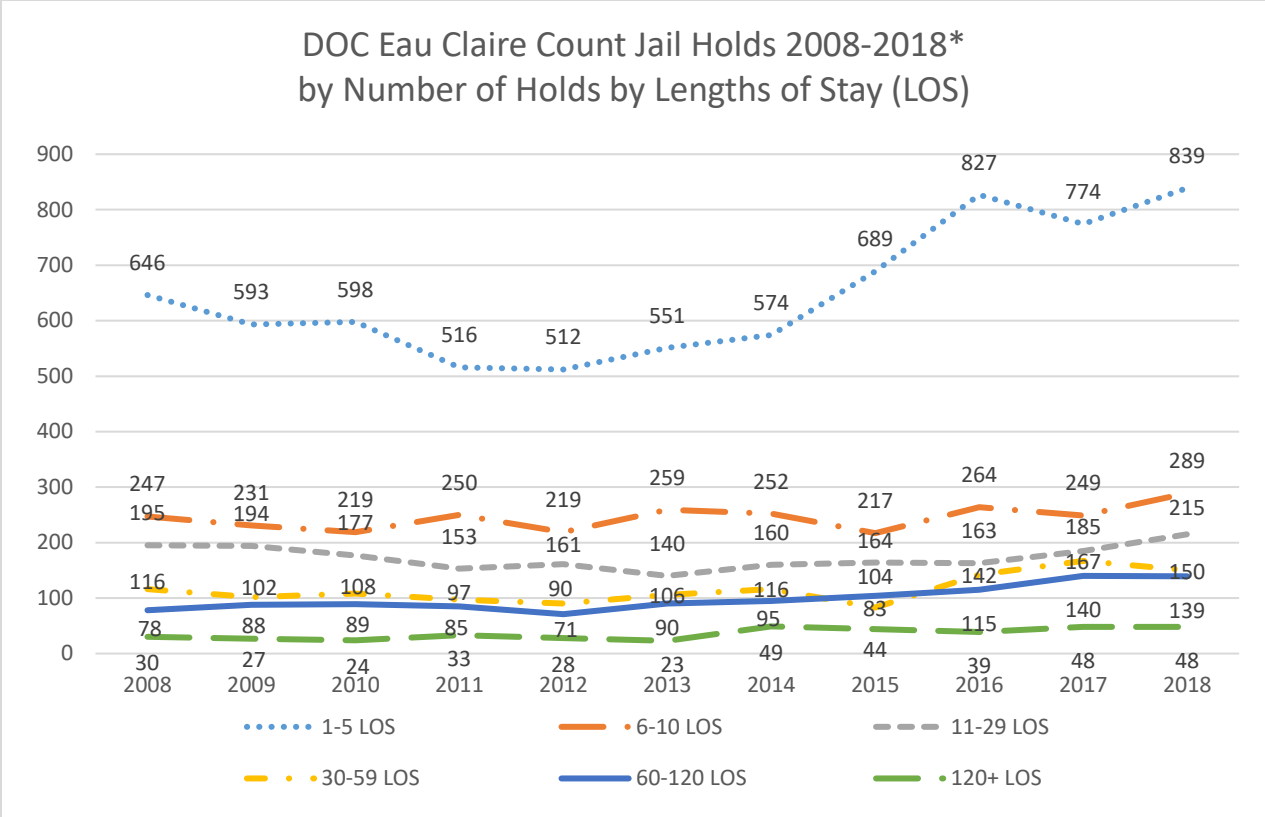
Figure 8: DOC Holds for Jail Bed Days, by Criminal Behaviors, Rules Only, and Total 2002-2018\*



**Figure 9: Total DOC Holds Issued, by Criminal Behaviors, Rules Only, and Total 2008-2018\***



**Figure 10: ECCJ Jail Probation Holds (DOC) Total Bed Days, sorted by Lengths of Stay 2008-2018 FY**



**Figure 11: ECCJ Jail Probation Holds (DOC) Total Hold Numbers, sorted by Lengths of Stay 2008-2018 FY**

**Discussion:** As can be seen, 2012 was a great dip overall for numbers of holds, and number of jail beds overall for probation holds. The difference between Figure 10 and 11 shows the overall bed days consumed however, which as the LOS increases, can trend higher quickly. Note for example that for the 26 extra jail holds in 2013 for LOS over 120 days, this amounted to an additional 4966 jail bed days. Those holds over 120 days for LOS are usually for contested revocation matters where the overall recommendation is either prison time or a lengthy period of incarceration.

While the 120+ days LOS in Figure 11 has tapered off, the number of jail bed days consumed by those inmates on a probation hold increased greatest for those staying 60-120 days custody. These jail bed days used in this category increased by 100% effectively in 6 years.

These inmates in this group of 60-120 days, more likely than not were pending revocation as well, though some did await treatment. Note, if community treatment is not available within 120 days, it is effectively “not available” to those on DOC supervision while they await a revocation hearing.



## 6. Revocation Trendlines

### Revocation Trendlines by Fiscal Year Eau Claire DOC

Eau Claire Revocations by Fiscal Year (July 1 to June 30)								
DOC FY	Prison Prob	Prison With I/S or ES	Prison Total Cases	Local Jail / Time serv	Total Cases	Multiple cases/ dup	Total Offenders	Tot Off Percent Ch
2008	33	86	119	324	443	208	235	
2009	23	80	103	367	470	238	232	-1.20%
2010	49	59	108	351	459	249	210	-9.50%
2011	38	75	113	242	355	167	188	-10.50%
2012	40	70	110	232	342	167	175	-6.90%
2013	76	79	155	248	403	220	183	4.60%
2014	93	40	133	327	460	261	199	8.70%
2015	78	74	152	275	427	242	185	-7.00%
2016	159	81	240	437	677	395	282	52.40%
2017	158	97	255	498	753	457	296	4.90%
2018	152	144	296	555	851	494	357	20.60%
2019	49	35	84	234	318	174	144	
			1868	4090	5958	3272	2686	

**Table 11: Revocations by Case type, with Approximated Total offenders.** Highlighted rows indicate over 10% growth. Numbers from DOC Central Office, by Fiscal Years.

	Revocations			
	WI Year Tot	EC Year Tot	% Rules Only	Rules Only
<b>2012</b>	10,725			
<b>2013</b>	9948			
<b>2014</b>	10,163	215	10.7%	23
<b>2015</b>	10,080	208	11.5%	24
<b>2016</b>	10,308	296	9.5%	28
<b>2017</b>	10,860	291	8.9%	26
<b>2018</b>	11,292	328	6.7%	22

**Table 12: Revocations Statewide Compared to Eau Claire, also % Rules only**

		Extended Supervision		Parole		Probation		Total	
		Count	Row N %	Count	Row N %	Count	Row N %	Count	Row N %
FiscalYear	2014	19	9.20%	1	0.50%	187	90.30%	207	100.00%
	2015	34	18.90%	1	0.60%	145	80.60%	180	100.00%
	2016	46	16.30%	1	0.40%	236	83.40%	283	100.00%
	2017	45	16.50%	0	0.00%	228	83.50%	273	100.00%
	2018	59	16.90%	0	0.00%	291	83.10%	350	100.00%
	2019	15	11.30%	1	0.80%	117	88.00%	133	100.00%
	Total	218	15.30%	4	0.30%	1204	84.40%	1426	100.00%

**Table 13: Revocations by Case types by Fiscal Year for Eau Claire**

**Accountability Responses:** <http://doc.helpdocsonline.com/evidence-based-response-to-violations>

Accountability Response aims to reduce crime by limiting the offender's capacity to carry out new criminal acts or violations (risk control).

**Accountability Response Options:**

**Level 1: Low Responses**

- Activity log requirement
- Apology Letter (Approved by Agent)
- Garnishment of wages
- Job log requirement
- Local geographic restrictions
- Loss of privileges
- Other no contact order
- Restrict contact with peers
- Restricted schedule/Curfew (Verbal, Short-Term and Non-EMP/GPS)
- Rule amendment
- Verbal warning/reprimand from Agent

**Level 2: Medium Responses**

- Amend existing GPS schedule
- Behavioral Contract – signed by offender
- Conference with Agent and Supervisor
- Court review
- Electronic Monitoring
- Extension of probation (only for non-payment or failure to comply with court-ordered treatment)
- House arrest (1 to 3 days)
- Impose community service work hours
- Increased reporting/supervision level

- Increased UA's and/or BA's
- Letter of reprimand from Supervisor or Chief
- Payment of extradition costs
- Placement on UA/BA/Sobriety/TAD
- Require removal or disposal of unapproved possessions
- Require sale of certain items
- Residence change required
- Travel restrictions
- Short term jail hold (1 to 4 calendar days)
- Start time with time tolled
- Written warning – signed by offender

**Level 3: High Responses**

- Conditional jail time (<60 days)
- ES Sanction (<60 days)
- Jail hold (5 calendar days or >)
- Placement on GPS
- Revoke of one case and leave other(s) active
- THS non-treatment (containment only)

**Level 4: Very High Responses**

- Conditional jail time (60 days or >)
- ES Sanction (60 to 90 days)
- Extended jail hold pending ATR placement
- Extended jail hold per Regional Office approval
- Revocation