

**Jail & Huber
Minutes
September 15, 2014**

Attendance:

Tom Reed (SPD) (Chair)

Superintendent Mike Hafemann (HOC)

Nate Holton (CJC Director)

Pete Koneazny (Legal Aid Society)

Hon. Jeffrey Kremers (Chief Judge, Milw. Co. Circuit Court)

Kit McNally, (CJC Exec. Committee)

D.I. Kevin Nyklewicz (MSO)

Holly Szablewski (Courts Administrator)

Niel Thoresen, (DOC Community Corrections Regional Chief)

1) Report on Population Trends (Nate Holton).

Nate reported on his draft of a report summarizing the trends in jail and county-wide (Jail + HOC) incarceration levels. His data was taken from Sheriff's weekly "pie chart" population reports from 2011-2014. He noted that it is hard to draw many conclusions from the general data that was available, but that it appears that the overall system population numbers have been significantly lower (about 150-200 inmates per day) in 2014 compared to 2011 (typical ADP numbers hung around the 2650 level in 2011 but had dropped to averaging around 2450 in 2014). He noted that the data raises more questions than it answers. Comments regarding the report:

- Some population patterns are predictable. The population typically rises in the summer and peaks in September and is lowest during the winter months. That is reflected in the graphs.
- We hope we can start to gather more sophisticated data so we are able to understand reasons behind the trends and fluctuations in population.
- PK commented that, like with the trend numbers Nate studied, the population data for the two facilities raises questions about the characteristics of the individuals being held. For example, if they have been determined to be relatively manageable "lightweights" who can safely be housed in dormitories at the House, would many of these be better off managed outside of jail.

- With 2014 overall pretrial population numbers in the 800s and felony pretrial ADP typically in the 650-700 range, the Jail could house all the pretrial detainees in line with the design/purpose of the Jail as distinct from the HOC.
- Tom Reed commented that we should be getting better data to be able to connect length of stay and other data (CJIS information and is maintained by the Sheriff) connected with the kind of information gathered by the people doing pretrial screening. We'd like to have jail population data reports on an ongoing basis.
- Holly reported that the pretrial services database will not be ready until Spring 2015; at present the pretrial information does not capture much of what's on CJIS, including LOS data. Pretrial can track new cases, but could do more if there was access to the Sheriff's CJIS data to merge with pretrial services data.
- D.I. Nyklewicz agreed to review a request for data if Tom and/or Holly can identify in a memo what is needed. Tom will try to get such a memo to Kevin (no time frame mentioned).

2) Discussion of future implementation of Milwaukee sex offender exclusion ordinance
(Niel Thoresen):

- Niel reported that representatives of the City, State, County met with DOC on 8/18 to address possible problems with implementing the ordinance and whether there will be exemptions for people who would otherwise be homeless.
- Niel noted that in addition to substantive problems, the ordinance had confusing sections and some unclear language (particularly as to how one can ask a court to grant an exemption e.g.).
- The August discussion with the City did not result in much being explained or discussed; mostly the City people listened and did not respond.
- Ald. Murphy asked DOC to send the City a memo with questions; that has been done and DOC is still awaiting a response.
- Niel mentioned *State v. Dinkins*, a state Supreme Court case which addressed whether "homeless" can qualify as a sex offender's reporting address.
- Various approaches are being considered, including night time housing at MSDF.
- There are about 1700 "inactive" and about 700 "actively" supervised sex offenders total in Milwaukee County; the ordinance applies to about 540 of the active and 1400 of the inactive offender files/individuals in Milwaukee County.
- The ordinance does not apply to someone already living in a residence within a prohibited distance from a school etc. (i.e. they would not have to move to

comply); but it will apply to that same person as soon as he or she gives up that address and tries to move somewhere else in the City.

- The ordinance goes into effect in October.
- The City's concern is that Milwaukee has become the "dumping ground" for sex offenders because of restrictive ordinances in other cities. Niel questioned whether the assumption is true, at least at the level the City suggests; he believes a high percentage of offenders in Milwaukee actually were from Milwaukee to begin with and their high numbers here does not reflect relocating to Milwaukee and that Milwaukee is a magnet or dumping ground for other cities' sex offenders.
- The ordinance may create "third shift" homeless people; they can stay w/ friends or family during the day, but they don't "live" at the residence if they don't spend the night. So they have to roam the City all night.
- Possible impact on Jail population: violations can result in fines up to \$2500 per day. Individuals may end up with un-payable fines that result in jail time (even though one technically should not be sent to HOC for an unpaid fine if they could not afford the fine).
- Questions raised by ordinance include that it suggests that "courts" can make findings as to the applicability of and exceptions to the ordinance. But it is very unclear which courts are expected to hear such cases and how they would be administered.

3) Update on Sheriff's request for expansion of video conferencing.

- Holly S. has provided Kevin with a memo of issues to be addressed. The Sheriff has not yet responded.
- Kevin indicated that they anticipate having 3-5 stations for video conferencing set up in the "court staging" area of the Jail.

4) New business/announcements:

- (Kevin) Home link video visiting system is in the process of being set up. This will allow for free video visits at the jail and ability to have video visits between housing areas of the jail and visitors at home. This will be run by a private vendor.
 - Will cost 65 cents per minute, chargeable to the person at home. There is a system for charging, that Kevin doesn't know the details of. No minimum charge is a good feature. There will probably will be a 15 minute maximum for inmates contact so it will be available to most.

- They will be recorded conversations, Actual content kept for one year; list of who participates in calls will be kept for 7 years.
- Will have 11 video booths for video visits at the jail. Down 13 from the 24 booths they previously had for video visits at the jail, but the assumption is the home users will mitigate the on-site demand.
- Population spikes at the Jail (Kevin):
 - Population # was 974 today and has been running high for some time.
 - Reason? Usually surprise dumps by MPD, that get cleared out through the day.
 - HOC takes one or two buses per day.
 - HOC receiving of overflow is working smoothly at present.
 - Holly and Tom noted that intake numbers (cases actually going to court) have not been trending up. It appears to be an MPD-to-Jail issue. Communication appears to be imperfect, but Kevin did not think that the CJC could be useful in encouraging better communication/coordination between the two entities.
- (Neil) State legislation to reduce number of people revoked for rule violations alone (no new offense). There will be more people serving sanction time, but fewer revocations.
- (Tom) The work group that has been working (on the identified group of frequently jailed individuals with mental illness) has been working diligently. Nate noted that BHD will have a coordinator position for this in the budget. He noted that Eric Collins-Dyke has been personally exceptional in getting housing for these high risk/high need people. Hopefully there will be funding for (an additional Eric).

Meeting adjourned at 9:00 a.m.

Next Meeting Monday October 20th 8:00 a.m. Courthouse 609.