

Coulee Region Joint Municipal Court Committee

Thursday, April 18, 2019

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1 The meeting of the Coulee Region Joint Municipal Court Committee was called to order at 3:32
2 p.m. on Thursday, April 18, 2019. It was noted that the meeting had been announced and a
3 notice posted at City Hall.

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5 Roll call was taken with the following members present: Village of Holmen Police Chief Shane
6 Collins (alternate), Town of Campbell Representative Terry Schaller, Village of Bangor Police
7 Chief Scott Alo, Village of West Salem Chief of Police Charles Ashbeck, Town of Holland
8 Representative Mike Hoffman, Village of West Salem Administrator Teresa Schnitzler

9
10 Also Present: City of Onalaska Deputy Financial Services Director Kim Isensee, City of
11 Onalaska Attorney Sean O’Flaherty, Municipal Court Judge John Brinckman

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13 **Item 2 - Approval of minutes from the previous meeting**

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15 Motion by Police Chief Alo, second by Police Chief Collins, to approve the minutes from the
16 previous meeting as printed and on file in the City Clerk’s Office.

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18 On voice vote, motion carried.

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20 **Item 3 – Public Input (Limited to 3 minutes/individual)**

21
22 Teresa called for anyone wishing to provide public input.

23
24 **Bill Oldenburg and Bobbie Tippery, La Crosse Area Restorative Justice Project**

25
26 Bill said he is a trained restorative justice facilitator who joined with former YWCA Executive
27 Director Ruthann Schultz and La Crosse County Circuit Court Judges Elliott Levine and Scott
28 Horne in an attempt to restart the Restorative Justice Project in La Crosse. Bill noted the
29 Restorative Justice Project was the longest-running program of its kind in the State of Wisconsin,
30 running more than 20 years. Bill said the program lost both support and direction, and the
31 aforementioned individuals wanted to see it return. While the first attempt failed, Bill said both
32 he and Bobbie have been attempting to restore it to its former state. Bill noted it used to be a
33 referral program for both Municipal and Circuit courts. It was started in Municipal Court to
34 obtain data, and Bill said the project will have the opportunity to apply for grants so that an
35 operational program may begin. Bill said several community leaders, as well as UW-La Crosse
36 and Viterbo University, support the initiative. Bill said the goal is to start in this area and the
37 surrounding communities. According to a handout given to committee members, after data
38 collection and adequate funding is established, the La Crosse Area Restorative Justice Program
39 will expand to include misdemeanor cases in Circuit Court.

40
41 Bobbie noted several counties in the State of Wisconsin are utilizing restorative justice.

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42 According to the handout, there are restorative justice and peer court practices in Barron, Dane,
43 Eau Claire, Marathon, and Milwaukee counties, among others. Bobbie noted she previously had
44 coordinated the La Crosse County Peer Court, and she told committee members Bill had reached
45 out to her in 2017. Bobbie noted she had been able to obtain referrals from La Crosse County
46 municipalities, and she said she would like that practice to begin again. Bobbie said it would
47 lessen caseloads, and it also would reduce victims' fears and give them more of a voice when an
48 offender is punished. According to the handout, offenders range in age from 15 to 24 at the time
49 of an incident. The types of offenses include low-level property crimes such as vandalism,
50 trespassing, and solicitation; disorderly conduct; and theft (up to \$600 or statute).

51

52 Bill referred to the handout and noted that La Crosse County had hosted both the Restorative
53 Justice Project as well as the Peer Court Program. Data was utilized nationally from the
54 Restorative Justice Project, and the Governor had recognized the Peer Court Program for its
55 successful reduction of recidivism.

56

57 Bobbie said, "Right now we're just doing this on our own and our own time because we believe
58 in it, and we have a lot of people in the community who support us."

59

60 Bill asked that this item be placed on a future meeting agenda so that he and Bobbie may make a
61 formal presentation.

62

63 Teresa asked Judge Brinckman if this is a program he would utilize in his courtroom.

64

65 Judge Brinckman said there are a few jurisdictions that do several diversion agreements, adding
66 that he would be interested in the program. Judge Brinckman told committee members he was
67 practicing law when the program was utilized in Circuit Court, and thus he already is familiar
68 with it.

69

70 Teresa asked Judge Brinckman if he would work with the attorneys.

71

72 Judge Brinckman said he would have to advise attorneys that instead of the way they are
73 handling diversions that it should be handled in a different manner. Judge Brinckman said one
74 of the terms of a diversionary agreement automatically should be a referral.

75

76 Teresa inquired about the Joint Municipal Court Committee's role.

77

78 Judge Brinckman told Teresa he is uncertain and said, "It's something that we could do right
79 now without any vote."

80

81 Police Chief Ashbeck said he believes the Joint Municipal Court Committee would become
82 involved if there is a cost to the court.

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84 Judge Brinckman said that with the current diversion agreements, a case is dismissed after a
85 certain period of time. However, an offender is required not to have any violations within that
86 period of time. Judge Brinckman said, "That kind of a cost, the loss of a fine, is the exact same
87 cost that the diversion agreements are experiencing right now. That wouldn't be any different."
88 Judge Brinckman asked if there would be any other costs.

89

90 Bill said that while there would not be any other costs, time would be needed to pull records and
91 ensure that there is not a repeat offense.

92

93 Judge Brinckman said it appeared that the program worked well in Circuit Court, "and I can see
94 some use for it here."

95

96 Teresa said the Joint Municipal Court Committee would not need to see a presentation.

97

98 Judge Brinckman said he can meet with Bill and Bobbie, and he told them he can make it a
99 prerequisite with any future diversion agreements. That includes the language it would go
100 through the Restorative Justice Project as another term in addition to no violations for six
101 months. Completing the Restorative Justice Project would be a necessity for an offender to
102 complete the diversionary.

103

104 Bill said that if he and Bobbie do not give a presentation, he would like some type of information
105 to know what someone will experience if he/she goes through the diversionary program.

106

107 Teresa asked Bill and Bobbie if they would like a presentation to appear on the agenda.

108

109 According to the handout, The La Crosse Area Restorative Justice Project's Mission Statement
110 reads as follows: "*We provide an alternative to standard criminal justice practices by increasing
111 offender accountability and repairing harms and reducing fears for victims and the community.*"

112 Bobbie said referrals would be screened, and if an offender is a good fit, he/she may be part of
113 the program. If he/she is not a good fit, the case is referred back to the court. Bobbie said it
114 would be same with the victim. Individuals would share stories with others who have
115 experienced similar situations. Bobbie said she hopes offenders could be part of the group.

116

117 Judge Brinckman said it is up to the victim if he/she wants to hear from the offender.

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119 Bill said there are instances when victims are placed with different offenders if they are not
120 comfortable facing their offender.

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122 Bobbie said there would be consequences/choices class. Individuals are monitored through a
123 survey.

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Sean told Bill and Bobbie this item is not on the agenda and they have exceeded their three-minute speaking limit for public input.

Consideration and possible action on the following items:

Item 4 – Nomination and Election of Chair

Motion by Police Chief Collins, second by Police Chief Alo, to nominate and elect Teresa Schnitzler as Chair of the Joint Municipal Court Committee.

On voice vote, motion carried.

Item 5 – Nomination and Election of Vice Chair

Motion by Police Chief Collins, second by Teresa, to nominate and elect Scott Heinig as Vice Chair of the Joint Municipal Court Committee.

On voice vote, motion carried.

Item 6 – Announce Police Chief Member based on rotation – Village of West Salem

Police Chief Ashbeck is the Police Chief Member based on the rotation.

Item 7 – Clerk of Court:

- a. Quarterly scorecard for Towns, Cities & Villages (T-C-V)

Kim reported the statistics for the first quarter of 2019:

- **Total citations filed:** 888
- **Citations dismissed:** 85
- **Trials:** 0
- **Guilty/No Contest/Default:** 713
- **Not guilty plea:** 23
- **Revocations/suspensions:** 16
- **NASP:** 2
- **DPA:** 16
- **Community service:** 23
- **Continued:** 162
- **Total:** 1,928

165
166 Judge Brinckman said the only paper he needs to utilize in court is a single docket sheet on
167 which he writes findings and fines. Judge Brinckman said the rest of the reports are available via
168 computer, noting he is able to access police reports and any other information he needs.
169 Prosecutors also are able to access information via their computers.

170
171 **Item 8 – Finance Department:**

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173 a. Financials

174
175 Kim reported revenues totaled \$103,834 when the City of Onalaska’s portion of the levy was
176 removed, and expenses totaled \$97,053.83. Kim reported \$58,588.73 was collected in fines and
177 forfeitures. Court costs totaled \$26,279.45, and the towns and villages received \$43,720.29
178 (\$14,868.44 was held back for the month of January).

179
180 Kim was asked if City of Onalaska Financial Services Director/Treasurer Fred Buehler separates
181 how much comes in from Tax Intercept, and if she knows how much was collected.

182
183 Kim said she did not bring that data with her, but is willing to email that information.

184
185 Motion by Police Chief Collins, second by Police Chief Alo, to approve the financials.

186
187 On voice vote, motion carried.

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189 b. Joint Municipal Court report regarding forfeitures/court costs

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191 The report contains the following data from the first quarter:

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Municipality	Forfeitures	Court Costs Due City	Total
193 Onalaska	\$36,663.16	\$15,760.08	\$52,423.24
194 Bangor	\$823.54	\$462.00	\$1,285.54
195 Campbell	\$5,972.34	\$2,813.20	\$8,785.54
196 Holmen	\$10,003.08	\$4,544.87	\$14,547.95
197 Shelby	\$779.31	\$318.00	\$1,097.31
198 West Salem	\$4,347.30	\$2,381.30	\$6,728.60
199 Totals	\$58,588.73	\$26,279.45	\$84,868.18

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201
202 c. Quarterly report containing cases not dismissed

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204 The cases not dismissed data for first quarter of 2019 is as follows:

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Reviewed 4/22/19 by Kim Isensee

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206	Agency	No.	YTD	Pct.
207	Onalaska	461	461	56.7734
208	Bangor	17	17	2.0936
209	Campbell	100	100	12.3153
210	Holland	--		--
211	Holmen	153	153	18.8424
212	Rockland	--		--
213	Shelby	6	6	0.7389
214	West Salem	75	75	9.2365
215	Total	812	812	100.0000

- 216
- 217 d. Second Amendment to the Joint Municipal Court Agreement regarding insurance
- 218 coverage in lieu of bond for Municipal Court Judge
- 219

220 Sean said this is only a discussion item today, noting State of Wisconsin Statute requires that the

221 Municipal Court Judge, in addition to having an oath, has a bond, and the municipalities pay for

222 a bond. Sean said there may be insurance put in place in lieu of a bond, and he told committee

223 members the insurance coverage has been a difficult issue because the City of Onalaska's

224 insurance coverage will cover Judge Brinckman for anything he does that has to do with

225 Onalaska cases. The Village of West Salem's insurance will cover Judge Brinckman for

226 anything he does that has to do with West Salem cases. Sean said, "But that doesn't make it

227 seamless, so I think before the next meeting the JMC is going to look at actually getting an

228 insurance policy that the JMC purchases for all jurisdictions ... and will meet the minimum

229 statutory requirement." Sean said the proposed amendment and the proposed ordinance attached

230 after it removes the requirement to be a bond, and it puts in the option of utilizing insurance.

231 Sean said, "That is the purpose of that. But until the insurance gets worked out, it doesn't make

232 sense to pass."

233

234 Teresa said Police Chief Alo had a correction to make under letter "A" of "Recitals," which

235 states the Joint Municipal Court Agreement was amended in 2015 to include the Village of

236 Bangor and the Town of Holland. Teresa noted the Village of Bangor has been a part of the

237 JMC since its inception in 2003.

238

239 Police Chief Alo asked if the Town of Holland was included in the JMC Agreement in 2015.

240

241 Sean said the Town of Holland has gone in and out of the JMC at least twice.

242

243 Judge Brinckman said letter "A" under "Recitals" should say the Village of Rockland and not the

244 Village of Bangor.

245

246 Police Chief Alo said he believes the Village of Rockland left the JMC in approximately 2010

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247 after contracting with the Village of Bangor, and then returned in 2015.

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249 Sean said this amendment would go into effect in 2020 for budgeting purposes.

250

251 Sean was asked the difference between the bond and having insurance.

252

253 Sean said that while there are several differences, the primary difference is cost. Sean said they
254 are both a pool of money, and that pool of money may be accessed if there is an act in which a
255 claim could be brought. Sean noted a bond is more expensive than insurance.

256

257 Teresa said many municipalities have dropped the bond for the treasurer due to the high cost, and
258 that ordinances have been created that the treasurers are covered under the insurance.

259

260 Sean was asked who would receive the bond.

261

262 Sean said the bond sits with the Clerk's Office.

263

264 Judge Brinckman asked if the bond would be returned if the court were to be dissolved in the
265 future.

266

267 Sean said yes, noting it is a surety bond and not a cash bond. Sean noted this item would become
268 a line item on the financials.

269

270 Teresa asked if Items 8d and 8e will be pushed to the July 18 Joint Municipal Court Committee
271 meeting.

272

273 Sean said yes, adding, "The change will be that JMC will get it."

274

275 Motion by Police Chief Collins, second by Police chief Ashbeck, to table until the July 18 Joint
276 Municipal Court Committee meeting Second Amendment to the Joint Municipal Court
277 Agreement regarding insurance coverage in lieu of bond for Municipal Court Judge, as well as
278 Ordinance revision relating to Joint Municipal Court.

279

280 On voice vote, motion carried.

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282 e. Ordinance revision relating to Joint Municipal Court

283

284 This item was covered under Item 8d.

285

286 **Item 9 – Next meeting date – July 18, 2019**

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288 A question was asked regarding including Bill Oldenburg and Bobbie Tippery and the La Crosse
289 Area Restorative Justice Project on the July 18 agenda.

290

291 Police Chief Alo said he believes Bill and Bobbie would be better suited to meet with the police
292 chiefs, and he suggested perhaps also inviting the village attorneys. Police Chief Alo asked
293 Judge Brinckman if it would be the attorneys' choice if a restorative justice program is being
294 utilized.

295

296 Judge Brinckman said he believes that if there is a diversion agreement he can, to a certain
297 extent, demand that he will not approve of the diversion agreement "unless you also include this,
298 and I can do that." Judge Brinckman said he believes the town, city, and village attorneys should
299 understand the Restorative Justice Project is a tool at their disposal when they decide to utilize a
300 diversion agreement. Judge Brinckman noted diversion agreements can last anywhere from
301 three to six months, and charges are dismissed after that period of time if there are no further
302 violations. Offenders also sometimes must perform community service. Judge Brinckman said,
303 "This would add one more step in there where, depending on everything that's going on, if it's a
304 theft case or whatever, they might meet with the victims." Judge Brinckman noted statistics
305 show that recidivism rates decrease if the defendant has a one-on-one meeting with the victim,
306 who decides whether or not he/she wants such a meeting to occur. Judge Brinckman
307 complimented the program.

308

309 Police Chief Alo noted each town, city, and village attorney represents his/her respective
310 jurisdiction, and he asked if the judge decides if an offender is directed toward the Restorative
311 Justice Project, if the attorney does a deferred agreement, or if the attorney gets to choose.

312

313 Judge Brinckman said the agreement about which Police Chief Alo is speaking is the attorney's
314 choice, and that he may make it a condition if there is a diversion agreement. Judge Brinckman
315 said a municipality's attorney on his/her own may prepare a diversion agreement that has this as
316 a condition. Judge Brinckman said his position is never to put someone on a diversion
317 agreement, noting that always is the prosecutor's decision.

318

319 Teresa told Judge Brinckman her son had appeared before him for underage smoking, and her
320 son would be fined a certain amount unless he attended a smoking clinic. Teresa noted her son's
321 fine was reduced, and she asked Judge Brinckman, "Is that part of this, or does that totally go
322 away?"

323

324 Judge Brinckman told Teresa the smoking program still could be there, and it could be part of a
325 diversion agreement. Judge Brinckman told Teresa this program typically involves crimes with
326 victims, and that it is less likely to be used for violations such as underage smoking. Judge
327 Brinckman said prosecutors also can be invited to meetings, noting they all are aware of
328 alternatives that are available to them.

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330 Police Chief Ashbeck asked if a municipality is charged with a ticket not dismissed if an
331 offender participates in the Restorative Justice Project and a citation is dismissed.

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333 Judge Brinckman told Police Chief Ashbeck that topic had been discussed in the past, noting
334 there currently are diversion agreements where, from the Municipal Court Office's perspective,
335 the office does more work on a diversion agreement than it does on others. Judge Brinckman
336 said the office is done with a file if a defendant pays a \$100 fine. However, the file must be kept
337 open if there is a six-month diversion agreement, and the Municipal Court must look out for
338 violations. If there is a violation, the prosecutor will file a motion to eliminate the diversion
339 agreement and fine the defendant. Judge Brinckman said that while diversion agreements
340 require more work from the office, they have been included in the group of resulting in no
341 prosecution. Judge Brinckman said they have never appeared in the statistics.

342
343 Police Chief Alo said it is his understanding the workload related to the Restorative Justice
344 Project would be handled by the Municipal Court as staff would be responsible for tracking and
345 monitoring defendants, as well as doing the reports if there are violations.

346
347 Judge Brinckman said the work is done after the fact, noting the Municipal Court does not do the
348 follow-up on the defendants as much as the prosecutors do. Judge Brinckman said he relies on
349 the prosecutors from the different communities to come forward with a motion after they have
350 investigated a defendant to ensure he/she did not commit a violation anywhere. Judge
351 Brinckman said, "That would be another assistance in making sure that the diversion agreement
352 was complied with in all respects."

353
354 Police Chief Ashbeck expressed concern over sending violators to unknown individuals, noting
355 the program has not been established for several years.

356
357 Sean said the individuals are vetted, and that the prosecutors will decide if there should be a
358 diversion agreement or if they should proceed with the citation.

359
360 Police Chief Alo asked why the program has not been in operation for six years if it was
361 successful.

362
363 Judge Brinckman assured Police Chief Alo "they were not chased out of town" and said there are
364 several programs in Circuit Court, including new programs that fight for position. Judge
365 Brinckman said he believes the Restorative Justice Project "fell between the cracks," adding he
366 does not believe there ever was any alleged wrongdoing.

367
368 **Adjournment**

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370 Motion by Police Chief Collins, second by Police Chief Alo, to adjourn.

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372 On voice vote, motion carried.

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375 Recorded by:

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377 Kirk Bey