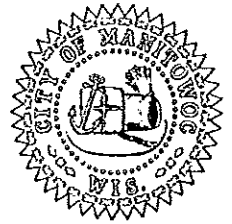


CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org

December 4, 2018



ELIZABETH MAJERUS

Assistant City Attorney

900 Quay St

Manitowoc, WI 54220

RE: Truancy Deposit

Dear Liz:

I ask that you prepare and take to Council an ordinance to adjust the Habitual Truancy deposit schedule from the current \$187 first offense to a single deposit of \$439, including statutory costs. That ordinance should also eliminate repeat offense penalties and set both Juvenile and Adult deposits at that same \$439. This request flows from a December 3rd meeting involving you and I, Lincoln Principal Thennes, Police Chief Reimer, Court Clerk Heyduk & School Resource Officer Check. This letter summarizes the reason for this request as agreed upon at that meeting, as well as how the Municipal Court will deal with habitual truancy going forward and why the change.

At the December 3rd meeting, the following procedure was agreed upon related to citations which are issued after the School District has exhausted its recently enhanced anti-truancy protocol. This procedure should have the District & Court working together to reduce truancy:

A maximum of one citation per semester will be issued with a standard deposit of \$439. This replaces the current 3 offense progressively increasing deposit schedule. The current 3 offense schedule, if 3 were issued in a semester, would be \$561 total.

The convicted student may 'work-off' the \$439 forfeiture at a rate of \$10.98 per day of school attendance. Sufficient time between conviction and imposition of the \$439 forfeiture and the due date will be allotted such that the student can completely work off the \$439 through school attendance, allowing some extra time for occasional back-sliding. In the event the student does not completely work-off the forfeiture through school attendance, the District will submit to the Court a summary form indicating what amount has been reduced via attendance, leaving a balance due.

There will be no change to simple truancy citations.

The Court will no longer impose a drivers license suspension as punishment upon conviction. The Court formerly imposed a 3 month suspension as punishment for a first offense conviction with longer suspensions for repeat offenses. This change is a 'carrot and stick' approach. If the convicted student does not either work-off or pay the forfeiture, or some combination thereof, a drivers license suspension of one year will still be imposed for failure to

Municipal Judge, Steven R. Olson

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pay the forfeiture. This is also a balancing of punitive sanctions - if the student does not work off or pay, he/she is now liable for \$439 rather than the former \$187.

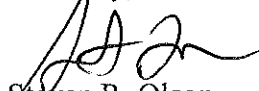
The Court will no longer jail for non-payment anyone convicted of habitual truancy. The Municipal Court has no power to jail anyone under the age of 17 at the time of offense. However, for someone over 17 as of the offense date, the Court can and formerly did jail for non-payment of a forfeiture, provided the defendant did not show they were indigent. This change to no longer jailing is prompted by several concerns. Might there be a disparate impact on who is jailed based on a protected status such as race, etc.? From a sociological standpoint, is jailing a 17 year old in an adult jail with drug offenders or whomever appropriate?

The Court-imposed due date for forfeitures imposed for a first semester conviction shall be the following June 1st; for a second semester conviction the following January 1st. Days to be counted toward work-off will begin the day after the conviction date and continue for nine school weeks, not counting regularly scheduled no school days. In the event a student receives both a first and second semester conviction, the work-off shall run concurrent - the daily rate of \$10.89 shall apply to both convictions. Work-off time required for the full \$439 requires 8 weeks of attendance - a school quarter is 9 weeks. This delayed due date allows the student at least the equivalent of a school quarter, including some potential back-sliding, to work-off the forfeiture in full, as well as approximately an additional 60 days thereafter to raise any needed money to pay off any balance due, apply for community service, or enter into a payment plan. The District shall calculate what amount has been worked off and report to the student and Court any remaining forfeiture due at least 60 days prior to either June 1st or January 1st.

This new procedure for handling habitual truancy convictions shall go into effect upon Council approval of the \$439 deposit. Upon the \$439 going into effect, citations will no longer be reopened and dismissed. Until School Resource Officers are made aware of the deposit change, they will continue to use the former \$187 deposit. Where the Court sees \$187 on the citation, the Court will operate under the former procedure of allowing the student to work off and have dismissed the citation upon proof of 60 continuous days of unexcused absences from school. Under the new procedure, the conviction shall remain of record.

The new procedure being implemented shall apply City-wide, including McKinley, middle and elementary schools. Principal Thennes & Officer Check will ensure other schools and School Resource Officers are aware of this change.

Sincerely,



Steven R. Olson
Municipal Court Judge

pc: Principal Lee Thennes
Chief Nick Reimer
SRO Miranda Check