

State Criminal Justice Coordinating Council: Meeting Minutes

Co-Chairs: Attorney General Josh Kaul and Department of Corrections Secretary Kevin Carr

Wednesday, December 14, 2022, 1:00 p.m. – 3:00 p.m.

Virtual Meeting

Members Present:	Attorney General Josh Kaul, Melissa Roberts, Lt. Governor Mandela Barnes, State Public Defender Kelli Thompson, Mark Abeles-Allison, Chief Daniel Hardman, Jane Graham Jennings, Hon. Jennifer Dorow, Hon. Elliott Levine, Hon. Randy Koschnick, Holly Audley (DHS), Fran Deisinger, Patti Jo Severson, Vanessa McDowell, Tiana Glenna
Members Not Present:	Joaquin Altoro, District Attorney John Chisholm, Hon. Jo Deen Lowe, Pamela McGillivray
DOJ Staff:	Ashley Viste, Steve Wagner, Ashley Billig, Chris McKinny, Mike Austin, Ryan Anderson, Starr Moss, Lara Kenny, Donna Hahn, David Rinderle, Phil Zell, Caitlin Snyder, Marsha Schizik, Chris Henning, Mike Derr, Kerrie Fanning, Derek Veitenheimer, Danielle Long
Other Attendees:	Adam Plotkin, Megan Jones, Supreme Court Justice Rebecca Dallet, Constance Kostelac, DA Kimberly Lawton, Erika Schoot, Kevin Reddy, HJ Waukau, Karley Downing

The meeting was called to order by Attorney General Josh Kaul at 1:03 p.m.

WELCOME AND OPENING COMMENTS

Attorney General Josh Kaul updated the council that a new Executive Order will be done after the first of the year. The group should think about goals for the new year and areas that we want to focus on.

Attorney General Kaul introduced Ryan Anderson the new Criminal Justice Supervisor in Bureau of Justice Programs.

APPROVAL OF 9/14/2022 MEETING MINUTES

Motion was made by Honorable Judge Jennifer Dorow and seconded by Mark Abeles Allison to approve the 9/14/2022 meeting minutes. The motion was approved.

UPDATE FROM SUBCOMMITTEES

RACE EQUITY, INCLUSION, AND ACCESS SUBCOMMITTEE

Supreme Court Justice Rebecca Dallet updated the council. The Race Equity, Inclusion and Access subcommittee had a great year. The subcommittee focused mainly on Jury Master List-Jury selection. Where does the main list come from? Dept of Transportation houses the DMV and State ID's which are the main lists, but the subcommittee is working on other lists to capture more information. For example, Indiana uses more than one list and they have a capture rate of 99%. Milwaukee County alone has only 79%. Current statutes allow for other lists to be utilized, i.e., Child Support list. The Tribal population is in need of help with capturing information. A huge focus of the effort is education regarding the importance of jury service. The subcommittee has had many speakers who will continue to work with them.

Judge Emily Lonergan presented a video at one of the meetings on Implicit Bias that was created in Outagamie County and use during their selection process. Since Judge Lonergan shared the video La Crosse County now uses the video as well.

TREATMENT ALTERNATIVES AND DIVERSION SUBCOMMITTEE

State Public Defender Kelli Thompson updated the council. The subcommittee worked with BJP staff to develop guidance for the current TAD grant funds. There is nearly \$10 million in grant funds with \$2.5 million in new funding. The subcommittee formed a Legislative work group to review the current TAD statutes for the budget process and make recommendations. Some of the requests in the budget was to eliminate the financial match for TAD grantees, with a proposal of 10% match, drug testing standards, streamline reporting requirements, carry-over grant funds, staff turn-over training, evidence-based definitions, and give the power to local grantees in regard to violent offenders. The request also included if expanding TAD funds, they also need to include staff at DOJ.

DATA SHARING/OTIS SUBCOMMITTEE

Megan Jones, Connie Kostelac Co-Chairs of the Data Sharing Subcommittee, updated the council on the Data Sharing/OTIS Subcommittee. The subcommittee worked on both Tier 1 and Tier 2 goals. The subcommittee accomplished most of the goals in both Tiers.

The Demographic Data Flow-how data is collected and flows through the criminal justice system is complete. The complete report should be ready in approximately six weeks.

The JRI Data Integration Project-Connie and Megan are on the team and the works continues.

Data Sharing Agreement-the final version is done and with each agency for use when needed.

Update Electronic Flow Map-Completed and on the CJCC website.

Framework for Defining and Measuring Recidivism-updated and on the CJCC website.

Cross-agency communication-this is data related and each member shares at each meeting.

Resources from Other States is being collected.

Identify Data Gaps-This document is being worked on and updated.

The goals in Tier 2 will be the focus for 2023 along with any other ones set at the first meeting in January.

EVIDENCE-BASED DECISION MAKING SUBCOMMITTEE

State Public Defender Kelli Thompson and Tiana Glenna updated the council.

A new funding round for Pretrial grants had opened in November which resulted in an increase in Pretrial counties. Pretrial sites Rock County-Elizabeth Pohlman McQuillen and Outagamie County-Beth Robinson presented to the subcommittee members on their programs.

The subcommittee members have been working on the Bail Reform bill along with all the other states nationally. Attorney Andy Phillips from Attolles Law Firm presented to the subcommittee on the Opioid Settlement along with Holly Audley and Paul Krupski. The presentation was very educational. Andy also provided information the Tribal Settlements are separate from the state.

Judge Levine continues to update the subcommittee on EJS.

The Bureau of Justice Programs has new staff in the Program and Planning area.

State Public Defender Thompson has reached out to the National Institute of Corrections (NIC) just to reconnect with them since we have not heard from them.

LEGISLATIVE UPDATES & STATE AGENCY BUDGET REQUESTS

DOJ

Chris McKinny updated the council. DOJ requested funding to:

- **make direct investments in law enforcement**, public safety is a top priority, including grant programs for community policing and local law enforcement officer recruitment, retention, and wellness efforts;
- **increase the number of special agents and criminal analysts** in DOJ's Division of Criminal Investigation (DCI);
- **provide additional agent and analyst positions** for Wisconsin's Internet Crimes Against Children (ICAC) Task Force;
- stabilize funding for **law enforcement training**;
- **fully fund DOJ's Office of School Safety (OSS)**;
- increase the number of **DNA analysts, toxicologists, and crime scene response positions** at the Wisconsin State Crime Laboratories (WSCL);
- fund additional positions for Wisconsin's **Treatment Alternatives and Diversion (TAD)** program;
- fund additional prosecutorial positions focused on **sexual assault and violent crime**;
- provide increased resources for **local** victim witness, sexual assault, violence prevention, and crime victim and reduction programs.

DOC

Melissa Roberts updated the council.

1) DOC has been engaged in legislative activity at the local level around siting a new Type 1 juvenile facility in the City of Milwaukee. The City Plan Commission voted in support of the facility on 12/12/22. The next hearing is on 01.10.23 in front of the Zoning Committee.

2) DOC submitted their cost-to-continue budget on 09.15.22. The Governor is currently developing his biennial budget and holding public listening session to hear directly from the people of Wisconsin about what they need. The scheduled listening sessions are as follows:

- 12/13-Kenosha (in-person event)
- 12/14-Virtual
- 12/20-Green Bay (in-person event)

STATE PUBLIC DEFENDERS OFFICE

Adam Plotkin updated the council on a budget summary of State Public Defender requests for the 2023-2025 Budget. To increase recruitment and retention, the SPD requested raising the starting salary of an Assistant State Public Defender pay from \$26.50 to \$35 per hour. Due to the additional staff support necessary to address the workload impact of direct representation requirements such as motion practice, working with attorney and clients to investigate and prepare their cases for trial, assistance with administrative matters such as drafting and eFiling court documents, and reviewing video evidence; the SPD requested to fund 67 FTE positions to provide adequate support staffing to SPD attorneys. The SPD also requested to increase the private bar rate to \$125 an hour for in-court work, \$100 an hour for out-of-court work, and \$50 an hour for travel.

DHS

HJ Waukau updated the council. DHS requested funding for Medicaid expansion. The agency has virtual listening sessions planned. DHS is also working on getting funds from the \$31 million Opioid Settlement out the door including Narcan Direct program.

OFFICE OF STATE COURTS

Karley Downing updated the council. The Office of State Courts requested funding for:

1. Cybersecurity Program

Provide \$1,832,100 in FY 24 and \$2,092,100 in FY 25 in 20.680(2)(a) for new and ongoing cybersecurity initiatives and related maintenance. This would cover the costs of a mature cybersecurity program as well as the costs for the current program. Funding would be included in the DSCO 20.680(2)(a) GPR budget, which would relieve pressure on CCAP program revenues.

- In January 2020, CCAP established a small cybersecurity team with a focus on implementing many additional security systems and new procedures to keep the court system infrastructure and data secure.
- The need for a comprehensive cybersecurity program has continued to increase significantly. Cybercrime will continue to escalate, and digital records provide potential vulnerabilities for these cyber criminals to exploit.
- The initial cybersecurity program was funded through CCAP-Program Revenue, but there are additional tools that should be implemented that require a dedicated, sustainable funding base. Many of these tools require ongoing annual licensing costs. For the court system to realize a fully mature cybersecurity posture, there are several additional programs and tools that should be implemented over the next several years.

2. Digital Audio Recording (DAR) and Sum-Sufficient Re-Estimate

Provide \$790,000 in FY 24 and \$790,000 in FY 25 in additional sum sufficient expenditure authority on the Circuit Court budget (20.625(1)(a)) to support the installation and maintenance digital audio recording devices and associated hardware and related accessories annually.

- Since fiscal year 2019, over \$5.7 million has been expended to purchase new digital audio recording systems, and CCAP-PR funding has been used for over \$3.3 million of these new DAR systems. Each installation costs approximately \$16,000.
- The additional funding will enable the court system to complete installation process and maintain the DAR systems on a permanent basis. Use of DAR systems in courtrooms gives the court the opportunity to staff court reporter vacancies with digital court reporters, which is necessary due to the shortage of qualified stenographic court reporters and the increase in retirements among existing stenographic court reporter staff.

3. Position Authorization and Funding for Increase in Number of Circuit Court Branches

Provide position authority for 8.0 FTE GPR unclassified positions and associated funding of \$1,246,100 GPR FY 24 (ongoing and one-time costs) to establish each branch and \$1,223,200 GPR in FY25, in the appropriation under s. 20.625 (1) (a).

- Under 2019 Wisconsin Act 184, the number of circuit court branches in Wisconsin increased from 249 to 253 on August 1, 2021, and from 253 to 257 on August 1, 2022, and will increase from 257 to 261 on August 1, 2023.
- 2019 Act 184 requires Director of State Courts (DSCO) to request position authority and funding through the biennial budget process. 2021 Wisconsin Act 58 provided position authority and funding for the eight circuit court branches that began operations on August 1, 2021 and August 1, 2022.
- 2019 Act 184 requires DSCO to request position authority and funding for the remaining four circuit court branches to comply with the requirements of the Act.
- This position authority request includes: 4.0 judges and 4.0 circuit court reporters each year; and on-going funding for salaries, fringe benefits, and supplies and services, as well as one-time set-up costs (e.g. computer equipment, books, etc.).

4. Funding to Counties for Increase in Number of Circuit Court Branches

Provide \$438,700 GPR in FY 24 and \$438,700 GPR FY 25 as funding for counties to hold them harmless for the additional costs incurred by the increase in the number of circuit court branches.

To assist the counties in the shared responsibility of funding the circuit courts, DSCO makes payments to counties for circuit court costs, pursuant to s. 758.19(5)(b), Wis. Stats. The Director apportions the payments among the counties based, in part, upon the number of circuit court branches in the county.

Under 2019 Wisconsin Act 184, the number of circuit court branches in Wisconsin increased from 249 to 253 on August 1, 2021, and from 253 to 257 on August 1, 2022, and will increase from 257 to 261 on August 1, 2023. 2021 Act 58 provided additional support to counties by increasing the Circuit Court Cost payment funding \$438,700 GPR in FY 22 and \$877,400 GPR in FY 23, maintaining FY21 per branch funding. Assuming the same method of distribution of these funds, the amount available for distribution to the counties will need to be increased in order to prevent a substantial number of counties from receiving lower payments. DSCO estimates that an additional \$110,000 per year per new branch would effectively hold the counties harmless.

PRESENTATION ON OVERDOSE FATALITY REVIEW (OFR)

Department of Health Services, Bureau of Justice Information and Analysis (DOJ) and Medical College presented to the council on the Overdose Fatality Review program.

GRANTS UPDATE

DOJ-NARCAN FOR LAW ENFORCEMENT

Danielle Long presented the Narcan for Law Enforcement grant program. DOJ and DHS work together on this grant program to provide Narcan to law enforcement agencies. As of November 2022 there were 1,156 law enforcement officers trained, 484 kits were distributed, and 52 lives were saved as a result of this program.

The October Drug Take Back Day resulted in Wisconsin DOJ collecting 54,000 lbs. which then resulted in Wisconsin being #1 in the country.

DOJ-JUSTICE COUNTS

Chris Henning from BJA presented to the council on the Justice Counts federal grant. This is a three-year project to collect data. He included the link below following his one-page presentation. The data will be collected from each agency.

<https://justicecounts.csjusticecenter.org/>.

DOJ-TAD

Mike Derr updated the council on the TAD program. There were 61 pre-applications as of September 2022, approximately \$9.7 million was requested of which \$500,000 more than was available. Currently, staff is working with grantees on Goals and Objectives, Benchmarks and Accomplishments. There are seven new Treatment Courts, three new sites, 16 program

enhancements/expansions, three programs that asked for evaluations and three or four left to award. Staff will be holding an all-site webinar training January 24-25th. BJIA sent out a survey and results will be available next March.

DOJ-STATE CRISIS INTERVENTION PROGRAM

Lara Kenny updated the council on the State Crisis Intervention Program. DOJ is administering a new grant program: the Byrne SCIP (State Crisis Intervention Program)

The Byrne State Crisis Intervention Program (Byrne SCIP) provides funding for the creation and/or implementation of extreme risk protection order (ERPO) programs, state crisis intervention court proceedings, and related gun violence reduction programs/initiatives.

As authorized by the Bipartisan Safer Communities Act of 2022, the grant program provides formula funds to implement state crisis intervention court proceedings and related programs or initiatives, including programs that work to keep guns out of the hands of those who pose a threat to themselves or others.

The preliminary grant application is due Monday, December 19 and DOJ staff will meet that deadline.

Wisconsin is eligible to apply for \$4,166,354 this year.

The performance period for this funding is 48 months (10/1/22-9/30/26) with the option for a one-year no-cost extension if it is needed.

States must form a diverse Crisis Intervention Advisory Board to inform and guide the state's related gun violence reduction programs/initiatives. The TAD subcommittee's existing membership, expertise in grants and problem-solving courts, and mission align well with the requirements of this grant program so the plan is to have the TAD subcommittee serve as the Crisis Intervention Advisory Board for this federal grant program.

In the first quarter of 2023, DOJ will work on next steps of this program including hiring at DOJ, beginning Wisconsin specific research on gun violence and programs that could be funded to combat it, convening the subcommittee to establish a set of priorities and funding plan that will guide DOJ's work, and clearing special conditions on the grant so the funding is available for subgrant opportunities. The way the program is designed, it is expected that states will spend about the first year or so doing planning work and subgrant opportunities won't be available for a while.

This current grant application for approximately \$4 million is for the FY22 and FY23 funding combined. There is a total of five federal fiscal years of funding dedicated for this program so DOJ will be submitting three additional annual applications in coming years.

As we learn more about this new grant program and work with the subcommittee, we will continue to update the CJCC.

PUBLIC COMMENT

Members of the general public were invited to address the Committee.

ADJOURN

A motion was made by Honorable Judge Jennifer Dorow and seconded by Mark Abeles Allison to adjourn the meeting. The motion was approved.

The meeting was adjourned at 2:40 p.m.