

State Criminal Justice Coordinating Council: Meeting Minutes

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

Monday, December 7, 2020 12:00 p.m. – 2:00 p.m.

Virtual Meeting

Members Present:	Attorney General Josh Kaul, Secretary Kevin Carr, Lt. Governor Mandela Barnes, State Public Defender Kelli Thompson, District Attorney David O’Leary, District Attorney John Chisholm, Jorge Fragoso, Tiana Glenna, Vanessa McDowell, Fran Deisinger, Sheriff David Mahoney, Chief Daniel Hardman, Mark Abeles-Allison, Patti Jo Severson, Holly Audley (for Secretary Andrea Palm, DHS), Hon. Randy Koschnick, Jane Graham Jennings, Chief Judge Robert VanDeHey
Members Not Present:	Pamela McGillivray, Joaquin Altoro
DOJ Staff:	Ashley Viste, Matt Raymer, Lara Kenny, Derek Veitenheimer, Renee Lushaj, Dennis Powers
Other Attendees:	Adam Plotkin, Megan Jones, Connie Kostelac, Jared Hoy, Katy Burke, Rhonda Frank-Loron

The meeting was called to order by Secretary Carr at 12:03 pm.

APPROVAL OF 6/9/2020 MEETING MINUTES

Motion was made to approve the 6/9/2020 meeting minutes. The motion was approved.

JUSTICE REBECCA DALLET DISCUSSION

- Justice Dallet addressed the committee members on her own accord, not as a representative of the Director of State Courts.
- She expressed growing concern of the racial inequities in the criminal justice system, especially over the last several months with the increased public concern due to reoccurring encounters with local police that have resulted in the death of African Americans around the country.
- Justice Dallet discussed an interest in being part of the solution to combat this growing issue.
- Members discussed the previous decision of this committee to forego the creation of a separate subcommittee to address the racial disparities in the state. The reason for that decision was to try and incorporate this critical issue in all of the subcommittees, rather than silo the discussion in one subcommittee.
- This decision was reconsidered and determined that a separate subcommittee should be established to address the racial disparities in our state.
- Justice Dallet was appointed as a co-chair of the new subcommittee. Staff will reach out to membership to request volunteers to co-chair or join the new subcommittee.

SUBCOMMITTEE REPORTS

- Treatment Alternatives and Diversion Subcommittee**
 - Co-Chairs Kelli Thompson and Sheriff Mahoney provided an update on the current issues being addressed in this subcommittee.
 - The subcommittee has focused on the proposed changes to the TAD Statute, with an emphasis on the violent offender restrictions.
 - Topic of concern was addressed regarding new legislation for OWI 5th/6th offenses, which requires a prison term of no less than one year and would not allow for an alternative to incarceration, such as a treatment court.
 - DHS provided an update to the subcommittee that, effective October 24, Medicare/Medicaid benefits would no longer terminate when the person becomes incarcerated. They will have their health care benefits suspended and then re-evaluated before they are released from jail or prison.
 - Work continues to revise the Wisconsin Diversion Standards by increasing the language regarding Equity and Inclusion and to address the procedures for drug testing in diversion programs.

- DOJ provided a training on the changes to Marsy's Law and how they impact treatment court operations and requirements. The subcommittee discussed having this training at the WATCP Conference next Spring.
 - TAD is moving towards a new funding cycle/process next year, for CY2022 funding.
- **Data Sharing/OTIs Subcommittee**
 - Connie Kostelac provided an update on the progress of the Data Sharing/OTIs Subcommittee, which has expanded to include some additional agencies. Now there is representation from the **Director of State Courts/CCAP, DOC, DOJ, DWD, State Patrol, DHS, SPD, DAIT, and a local CJCC director.**
 - Their focus is on developing standard data sharing agreements to facilitate the process of sharing data across agencies. As part of this work, the subcommittee has connected with other resources, such as UW-Madison to learn from their data sharing efforts and initiatives.
 - The subcommittee also **discussed various efforts focused on data documentation in different agencies.**
 - Efforts to identify and address disparities **or disproportionate outcomes by demographic factors, such as sex and race/ethnicity within the criminal justice system** have been ongoing. Questions were raised regarding the **source and accuracy of demographic data across different systems.**
 - **A draft action plan has been completed for the FY19 Justice Reinvestment Initiative (JRI) project. The project has not fully launched due to hiring delays for the full-time position within BJIA at DOJ. This is a priority for the subcommittee but will likely be on hold until this position is hired.**
 - **Evidence-Based Decision Making Subcommittee**
 - David O'Leary provided an update on the Evidence-Based Decision Making Subcommittee's focus areas.
 - Discussions with local EBDM coordinators have been ongoing regarding several issues, such as the impacts of COVID, the status of EBDM implementation around the state and the statewide pretrial efforts that continue.
 - The status of the Pretrial Pilot sites was provided to the committee. Sites are continuing their efforts to implement their programs and overcome COVID-related challenges.
 - An update on the FY20 Justice Reinvestment Initiative (JRI) Grant was provided and informed the committee members that **DOJ just received a \$1 million federal grant to further develop state data, research, and technical assistance resources for pretrial sites.**
 - As part of the subcommittee's next steps, the group will review the full list of change targets that was established during the EBDM system-mapping activities years ago and determine focus areas going forward.

DOC VIOLATION RESPONSE AND REVOCATION

- Jared Hoy provided an overview of the policy changes DOC has recently made regarding sanctions and revocation proceedings. These include, but are not limited to:
 - Modification of standard rules;
 - Changes to the Evidence Based Response to Violation grid;
 - Revocation penalty grid modifications; and
 - Changes to the after-hours hold process.
- DOC's position is that community interventions shall be considered first as opposed to revocation proceedings for drug or alcohol related violations. DOC's policy is that a treatment referral is the most appropriate way to address this behavior.
- The committee discussed how this policy change has impacted alternative to revocation referrals for the state's treatment courts to provide additional oversight and accountability in these cases.
- DOC explained that initiating revocation proceedings is a response for a serious violation and the offender must be truly facing revocation if those proceedings are initiated. DOC would not initiate revocation for drug or alcohol use; therefore this response avenue cannot be used simply to refer an offender to a treatment court.

FEDERAL GRANTS UPDATE

- Matt Raymer provided a brief overview of federal grants received by DOJ and currently being applied for in FY20, and how these funds can support the work of the CJCC.
- In addition to the FY20 JRI grant discussed under the EBDM Subcommittee update, an update was provided on the FY20 State Coronavirus Emergency Supplemental Funding (CESF) grant, which is designed to address impacts of COVID-19 on the criminal justice system. A CESF Program Advisory Group provided input into the overall funding plan for this one-time award, in an effort to maximize the statewide impact of these funds across the criminal justice system.

- The Advisory Group placed a significant emphasis on using funds to keep the corrections facilities and courthouses safe as more normal operations resume. The group also agreed that efforts should be made to collaborate, share services, and innovate as much as possible.
- To incorporate these recommendations, WI DOJ seeks to create subaward opportunities that will spend the grant funds in a way that will work to meet the following criteria:
 - Address all disciplines within the criminal justice system;
 - Create grant opportunities that meet needs short-term and later in the grant cycle;
 - Attempt to address physical safety as well as mental health and wellness of officers, victims, and the public; and
 - Collaborate within counties/regions and with other state agencies in order to maximize funding.
- Program Update: Under this program/plan, a number of grant awards have been made or are going to be made shortly. This includes:
 - Approximately 40 grant awards totaling almost \$2.1 million were made to counties that did not receive a direct federal award.
 - Three grants totaling \$300,000 were awarded to state criminal justice agencies (DOJ, DOC, SPD).
 - Based on a population-based methodology, approximately 70 grants are scheduled to be awarded to local police departments.
- Following this initial rollout of this plan, additional analysis regarding current needs will develop future funding initiatives and grant announcements.

JUSTICE ASSISTANCE GRANT (JAG) STRATEGIC PLANNING

- Raymer discussed the current status of the JAG program and how a new planning process can be accomplished for FY2021 - 25 and can also be utilized to further develop and coordinate overall planning for the CJCC moving forward.
- Specifically, the overview discussed the following items related to the planning process:
 - Background on the JAG Program
 - Brief Discussion on the Current Strategic Plan
 - Additional Considerations for the FY21-25 Planning Process
 - Proposed Planning Process
- The planning process will include the following elements/activities:
 1. Analysis of current policies and practices
 - Review of current criminal justice system functions and what has changed since prior system mapping process
 - Review of prior change targets and updates
 - Survey of local jurisdictions/CJCCs, to include information such as:
 - ✓ Local programs being implemented
 - ✓ Local program needs
 - ✓ Efforts to address racial disparities in the criminal justice system
 - ✓ Use of risk/needs assessments
 - ✓ COVID-19 impacts/changes
 - ✓ Data needs
 2. Collection of quantitative and qualitative information
 3. Review of relevant research
 4. Developing a plan and seeking consensus from the full EBDM Subcommittee, additional subcommittees, and the State CJCC.
- There was consensus in moving forward with this process, and the Council will be updated at the next quarterly meeting.

NEXT STEPS

- Establish a Racial Disparities Subcommittee.
- Schedule State CJCC quarterly meetings for 2021.
- Begin development of the Justice Assistance Grant Strategic Planning process.

PUBLIC COMMENT

There was no public comment.

ADJOURN

The meeting was adjourned at 1:52 pm.