

# State Criminal Justice Coordinating Council: Meeting Minutes

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

Wednesday, March 9, 2022, 1:00 p.m. – 3:00 p.m.

Virtual Meeting

<b>Members Present:</b>	Attorney General Josh Kaul, Secretary Kevin Carr, Lt. Governor Mandela Barnes, State Public Defender Kelli Thompson, Tiana Glenna, Mark Abeles-Allison, Chief Judge Greg Huber, District Attorney John Chisholm, Vanessa McDowell, Hon. Elliott Levine, Hon. Randy Koschnick, Hon. Jo Deen Lowe, Fran Deisinger
<b>Members Not Present:</b>	Joaquin Altoro, Patti Jo Severson, Holly Audley (DHS), Jane Graham Jennings, Pamela McGillivray, Chief Daniel Hardman,
<b>DOJ Staff:</b>	Ashley Viste, Steve Wagner, Chris McKinney, Mike Austin, Lara Kenny, Dennis Powers, Donna Hahn, Brad Kelly, Marsha Schiszik, David Rinderle, Chris Henning, Mike Derr, Derek Veitenheimer, Kiley Komro
<b>Other Attendees:</b>	Adam Plotkin, Megan Jones, Melissa Roberts, Rhonda Frank-Loron, Supreme Court Justice Rebecca Dallet, Constance Kostelac, DA Kimberly Lawton, Heather Kierzek, Jennifer Wakerhauser

The meeting was called to order by Secretary Kevin Carr at 1:06 p.m.

## APPROVAL OF 9/8/2021 MEETING MINUTES

Minutes will be approved at the 6/8/2022 meeting

## UPDATE FROM SUBCOMMITTEES: 2022 GOALS

### TREATMENT ALTERNATIVES AND DIVERSION SUBCOMMITTEE

State Public Defender Kelli Thompson updated the council on the Treatment Alternatives and Diversion Subcommittee (TAD) and Department of Justice (DOJ) staff work that has been done over the past six to eight months. DOJ staff completed the new competitive grant round for 2022 and is working on the next grant round, which will include \$2.5 million in additional funds. Thompson reported that the subcommittee supported DOJ's request for additional staff in the last budget because current BJP and TAD program staff are already overwhelmed with the existing TAD program workload, and additional staff is needed. She noted that receiving additional grant funds is always great but expanding a program needs to come with additional staff so the program can continue to work effectively.

The Subcommittee goals for 2022 will be focused on reviewing legislation that could impact the TAD program and on advising DOJ staff on setting priorities for the new funding available for 2023.

### RACE EQUITY, INCLUSION, AND ACCESS SUBCOMMITTEE

Supreme Court Justice Rebecca Dallet updated the council on the Race Equity, Inclusion, and Access Subcommittee (REIA). The members are working on setting the 2022 goals at their next bi-monthly meeting. Dallet reported they have worked on the mission statement and is now complete.

The subcommittee worked on Jury Instruction #50 to include Implicit Bias and their recommendation was presented to the Jury Instruction Committee who will be hearing it at their next meeting. Justice Dallet stated the subcommittee looked at other states, as well, in regard to implicit bias statements on jury instruction so they could provide context or other examples for the Jury Instruction Committee

Justice Dallet also reported that Tyler Brandt from the Office of State Courts presented to the subcommittee on juror selection. The report showed breakdown by race, county, and different points within the jury selection process. The subcommittee members will continue to discuss and identify ideas on how to involve the citizens of Wisconsin in jury selection.

Justice Dallet reported that Representative Stubbs and Representative Steinke presented to the subcommittee regarding the Task Force on Racial Disparities committee they co-chair.

Justice Dallet also reported the members will also be meeting with the CJCC Data Sharing Subcommittee co-chairs, and that discussion may impact the goals for 2022. **Dallet spoke about Judge Carl Ashley and attending a future Planning and Policy Advisory Committee subcommittee meeting at a future date.**

Justice Dallet also stated a legislative representative was needed on the subcommittee.

Attorney General Josh Kaul at this time recognized Matt Raymer DOJ staff member who passed on November 10, 2021 and asked for a moment of silence in remembrance of Matt.

### **EVIDENCE-BASED DECISION MAKING SUBCOMMITTEE**

March 24<sup>th</sup> will be the first meeting since August 2021. There is no update at this time.

### **DATA SHARING/OTIS SUBCOMMITTEE**

Megan Jones, Co-Chair of the Data Sharing Subcommittee, updated the council on the Data Sharing/OTIS Subcommittee. Jones reported on the goals the subcommittee set for 2022. The subcommittee had two tiers of goals. Jones stated the subcommittee will work on tier 2 after tier 1 is complete.

**Tier 1:** Update the Demographic Data Flow chart, Support for JRI Data Integration Project, Finalize the template Data Sharing Agreement, Update Existing Documents, and Cross-agency Communication

**Tier 2:** Identify some Performance Indicators to study, Collect Resources from Other States, Continue to Identify Data Gaps, and Develop Consistency in Data Collection

### **LEGISLATIVE UPDATES**

---

Chris McKinny-DOJ updated on Act 116, Act 117, and SB791/AB815

**2021 Wisconsin Act 116** creates statutory procedures and requirements related to transmitting, processing, and storing sexual assault kits. The act also grants health care professionals who conduct sexual assault forensic examinations immunity from civil and criminal liability under certain circumstances, requires the Department of Justice (DOJ) to collect certain information, and directs DOJ to promulgate rules implementing the act's provisions.

**2017 Wisconsin Act 117** requires the Department of Justice (DOJ) to establish a database, known as the Wisconsin Sexual Assault Kit Tracking System (tracking system), for the purpose of providing victims of sexual assault access to information about the status of any sexual assault kit the victim has provided.

**SB791 AB815**-expanding the treatment alternatives and diversion programs to include mental illness. The bill will not be heard this session.

Adam Plotkin-SPD updated on 2019 Act 106 OWI 5<sup>th</sup> & 6<sup>th</sup> and Cash Bail.

**2019 Act 106** Legislation was drafted to address the impact on alcohol treatment court of mandatory minimums for OWI 5th/6th from 2019 Act 106. It wasn't introduced before this session adjourned but we hope to get it introduced early in 2023.

**Cash Bail**-A constitutional amendment expanding the use of cash bail for violent offenses to include consideration of public safety passed the Legislature. It will have to pass the Legislature again next session before going to a statewide ballot. The CJCC may wish to consider providing information on cash bail versus preventive detention prior to January 2023.

Melissa Roberts-DOC updated on Act 140, Act 145, SB558 AB569 and SB520 AB524

**Act 140/Enacted 02.22.22/Includes refusal to wear GPS Tracking in Class I felony penalty.**

**Act 145/Enacted 03.03.22/Removes prohibition from DOC utilizing billboards.**

**SB 558 & AB 569/Law Enforcement Investigative Services** – provides a mechanism for local law enforcement to receive reimbursement for investigative services conducted at a DOC institution. **An amendment was introduced to expand the bill to include investigations that happen during the transit of a prisoner between facilities.** The amendment also removed the

appropriation from the bill. DOC supported the original bill but opposed the amendment that removed the funding. The bill passed the Assembly and Senate. It now sits with the Governor.

**SB 520 & AB 524**/Allocates \$42 million for funding a Type 1 youth facility in Milwaukee County, DOC Testified in SUPPORT. DOC submitted Fiscal. On Senate floor 02/20/2022, passage likely. Amendment added. Passed Senate and Assembly. Headed to the Governor for signature.

### **CRIMINAL JUSTICE DEMOGRAPHIC DATA PRESENTATION**

---

Connie Kostelac Co-Chair of the Data Sharing Subcommittee presented to the council members on the Criminal Justice Demographic Data Collection Assessment. The purpose of the assessment is to understand how data are collected so that we can understand demographic disparities or disproportionate outcomes within the criminal justice system.

Kostelac explained that a survey was sent to law enforcement agencies across the state to better understand how demographic data are collected across law enforcement agencies at various points (initial contact, reported crime, arrest, etc.). It was critical to know what data is collected and from which sources because the law enforcement data feeds much of the system from that point forward.

After sharing the results of the survey and how to interpret them, Kostelac provided information about the next steps in this project. The data sharing subcommittee will ultimately consolidate their findings into a report for the CJCC and related stakeholders, including finalized recommendations, and will disseminate the report. The target date for completion is April 29, 2022.

The PowerPoint will be provided to the council members after the meeting.

### **NOTICE OF DOJ ACTION ITEM FOR COLLABORATION ON GRANTS**

---

Lara Kenny Director Bureau of Justice Programs (BJP) presented to the council members on the need to better collaborate with other state agencies on potential grant opportunities. Staff at agencies are learning about duplicated efforts and there could be improvement in coordination of efforts when applying for federal grants and administering grants to locals. In order to assist with this collaboration, DOJ staff will be reaching out to people in other agencies, including members of the CJCC, to help build out a contact list for those staff at agencies that are administering grants that relate to the work of the CJCC. This may also help with gathering information and having staff at other agencies, not just DOJ, report out to the CJCC on grant programs that are relevant to the CJCC's work.

### **PUBLIC COMMENT**

---

Mark Abeles-Allison of Bayfield County spoke in regard to Zoom and the TAD program, how much of an asset, cost savings Zoom has been during the pandemic for treatment courts, the criminal justice system and other aspects within the TAD program.

Judge Koschnick spoke in regard to Act 141 and the use of Zoom in juvenile proceedings. Koschnick was asked if he would be able to send out the "Lessoned Learned Report" to the council members. He will send to DOJ staff and they will send it to council members.

### **ADJOURN**

---

A motion was made by Mark Abeles-Allison and seconded by Secretary Kevin Carr to adjourn the meeting. The motion was approved.

The meeting was adjourned at 2:15 p.m.