

State Criminal Justice Coordinating Council: Meeting Minutes

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

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

Virtual Meeting

Members Present:	Attorney General Josh Kaul, Secretary Kevin Carr, 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
Members Not Present:	Joaquin Altoro, District Attorney John Chisholm, Tiana Glenna, Hon. Jo Deen Lowe, Pamela McGillivray
DOJ Staff:	Ashley Viste, Steve Wagner, Chris McKinney, Mike Austin, Lara Kenny, Donna Hahn, Brad Kelly, David Rinderle, Chris Henning, Mike Derr, Kerrie Fanning, Derek Veitenheimer, Danielle Long
Other Attendees:	Adam Plotkin, Megan Jones, Melissa Roberts, Mandy Potapenko, Supreme Court Justice Rebecca Dallet, Constance Kostelac, DA Kimberly Lawton, Erika Schoot, Kevin Reddy, Grace Knutson, Leigha Weber

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

APPROVAL OF 6/8/2022 MEETING MINUTES

Motion was made by Mark Abeles-Allison and seconded by Chief Daniel Hardman to approve the 6/8/2022 meeting minutes. The motion was approved. Honorable Judge Dorow abstained

LEGISLATIVE UPDATES

Chris McKinney updated the council that the DOJ agency budget would be sent to DOA the next day. There was a significant TAD request in the budget submission. The request also included statutory language changes for TAD.

Melissa Roberts updated the council on DOC.

- 1) Legislative Audit Bureau: DOC's Division of Community Corrections (DCC; AKA Probation & Parole) is undergoing an audit focused their violation and revocation response policies. In 2019, DCC updated their policies to reflect evidence-based response to violations best practices. The goal of these reforms are to use data to drive decision and allocate resources appropriately. LAB is analyzing trends in our response to violations and revocations; reviewing our process for assessing a client's risk and needs; and assessing the extent to which a client in need of programming ultimately receives that programming. Additional information about the audit can be found here: <https://legis.wisconsin.gov/LAB/audit-reports/audits-in-progress/>
- 2) Legislative Council Study Committee on Increasing Offender Employment Opportunities: There was a similar study committee commissioned in 2016. With the labor shortage Wisconsin is facing, there is renewed interest by the legislature to tap in to persons in our care and clients on community supervision to fill the workforce gap. DOC presented to the committee on August 30th along with our partners at the Department of Workforce Development and the Wisconsin Technical College System. An archive of this meeting can be found here: <https://wiseye.org/2022/08/30/2022-legislative-council-study-committee-on-increasing-offender-employment-opportunities/>
- 3) 2017 Act 185 created a grant program for counties or tribes to operate Secure Residential Care Centers for Children and Youth (SRCCCY). This is part of the statewide plan to close Lincoln Hills/Copper Lake Schools and operate smaller regional facilities that get our kids closer to home. Brown, Dane, Milwaukee and Racine counties were awarded grants. At this time, Milwaukee and Racine are the only 2 counties actively moving forward. The grant awards were based on design and construction estimates from 2019. Since that time, we have seen supply chain issues and increased cost for

construction materials. With that in mind, Milwaukee and Racine counties provided DOC with updated cost estimates. In August, the Joint Committee on Finance approved reallocation of Brown and Dane counties' grant funds to Milwaukee (~\$13 million) and Racine Counties (~\$8 million).

UPDATE FROM SUBCOMMITTEES:

RACE EQUITY, INCLUSION, AND ACCESS SUBCOMMITTEE

Discuss position on Wisconsin Supreme Court Rule Petition 22-01 on CLE Credits for DEIA Training

District Attorney Kim Lawton updated the council on the Race Equity, Inclusion, and Access Subcommittee (REIA). Mike Austin included the link for The Rules Petition provided: www.wicourts.gov/scrules/pending/2201.htm. The petition is pending right now and not yet up for public hearing. The written comment period has now passed.

The CJCC had a discussion about whether it should take a position to support the CLE credits of the DEIA training.

This discussion was tabled until a future meeting to give the council enough time to consider their position and include a procedural motion for a vote on the agenda.

EVIDENCE-BASED DECISION MAKING SUBCOMMITTEE

State Public Defender Kelli Thompson updated the council on the Evidence-Based Decision Making Subcommittee (EBDM). Tiana Glenna from Eau Claire County has been named the co-chair of the subcommittee. There is a meeting next week of the subcommittee.

The subcommittee is reviewing the bail reform bill and doing some work in order to facilitate some education on the topic of bail reform. The subcommittee will bring information to the full council at a future meeting.

State Public Defender Thompson let the full council know a prosecutor member is still needed on the EBDM subcommittee so please let DOJ staff or her know if anyone is interested.

DATA SHARING/OTIS SUBCOMMITTEE

Megan Jones, Connie Kostelac Co-Chairs of the Data Sharing Subcommittee, updated the council on the Data Sharing/OTIS Subcommittee.

Jones updated the council on the data sharing MOU template has been completed. It is now finalized and available to anyone who would like to use it.

Kostelac updated the council on the Recidivism Framework document. The document was sent out prior to the meeting, and sample timelines have been added. The document will be finalized by next week to replace the old document on the CJCC website.

TREATMENT ALTERNATIVES AND DIVERSION SUBCOMMITTEE

State Public Defender Kelli Thompson updated the council on the Treatment Alternatives and Diversion Subcommittee (TAD). Sara Benedict has been named the co-chair of the subcommittee. Sara has been a member of the subcommittee for years.

Thompson noted that Statutory changes were requested in the DOJ budget for TAD.

Chris McKinny, Beth Robinson, Sara Benedict, Adam Plotkin and Judge Elliot Levine formed the Legislative Committee that provided the following recommendations for TAD.

1. Eliminate the current 25% match requirement under s.165.95(2r). Alternatively, if a match requirement remains in the statute, recommend reducing the amount to 10%.
2. Remove the current language that is inconsistent with current drug testing standards, including the urine collection requirements language under s. 165.95(5m).
3. Streamline the current reporting requirements contained under s. 165.95(5p). This includes: requiring DOJ to complete progress reports every 2 years instead of annually under paragraph 1; and eliminating paragraph 2.
4. Add language explicitly allowing TAD grantees to carry over grant funds into the next calendar year.
5. Add language defining and describing “evidence based practices” throughout the statute that conforms with current research. Note: These changes would inherently provide DOJ and CJCC greater latitude in evaluating TAD grant applications.
6. Revise the ‘funding cycles’ section – s. 165.95(7m) – by stating that DOJ shall, every 2 years, make TAD grants available to counties and tribes based on a methodology to be determined by DOJ in consultation with CJCC. Strike out the “on the competitive basis” phrase. Alternatively, support language requiring DOJ to make grants available every 4 years.
7. Eliminate the current s. 165.95(3)(a) language that defines/restricts persons who are eligible to be served under a TAD-funded program.
8. Eliminate the definition of violent offender and the violent offender exclusion currently under s. 165.95(1)(bg). Do not add the revised violent offender definition proposed in 2020, which was based on language from 2015 AB 52. *[Note: The Legislative Committee recommends bringing this recommendation to the CJCC at its December 2022 meeting.]*

PRESENTATION ON OVERDOSE FATALITY REVIEW (OFR)

Attorney General Kaul updated the council on the opioid settlement. Settlements were reached with three distributors so far. The state will receive \$400 million over the next 18 years. \$90 million will be received this year. 70% of the settlement funds will go to local and county governments and 30% will go to the Department of Health Services (DHS). The Joint Finance Committee made modifications to the plan that was submitted by DHS. A number of companies are still in litigation for additional settlements.

GRANTS UPDATE

Brad Kelly updated the council on the COSSAP grants from DOJ. Five new grants were awarded under the COSSAP grant. Dunn County was awarded a grant for a law enforcement led Deflection program, and Clark, Kenosha, St. Croix, and Winnebago counties were awarded grants for Jail-Based MAT programs.

Mike Derr updated the council on the TAD application process.

- DOJ has \$9,688,900 in TAD funds to award for 2023. Increase of \$2.5 million over 2022.
- Funds are supporting five priority areas: (1) support existing treatment court and diversion programs; (2) help meet rising program costs; (3) support start-up of new programs, both in new counties/tribes and with existing sub-grantees; (4) support existing programs with expansion/enhancement efforts; and (5) support program evaluation projects.
- This round includes a new pre-application stage which DOJ is just now completing.
- Also, this round will feature more streamlined final applications for counties and tribes to complete.
- Pre-applications were due August 19th.
- DOJ received 61 pre-applications. 56 were from existing sub-grantees, and 5 were from new counties/tribes. Total amount of requests is \$10,145,134, which is \$456,234 over what is available.
- DOJ staff reviewed pre applications, reviewed past and current performance of TAD sub-grantees, consulted with the multi-agency TAD grant review team on September 13th, and will soon develop preliminary grant award recommendations to share with the Attorney General’s Office, DHS Secretary. and DOC Secretary for approval.

- At present, tentative recommendations would allocate approximately:
 - \$7.6 million to support existing programs
 - \$200,000 to support “Rising Costs”
 - \$1.15-\$1.2 million to support new programs
 - \$600,000 - \$700,000 to support program enhancements/improvements
 - \$72,000 to support program evaluations
 - Also, tentative recommendations would award increased amounts to all 38 existing subgrantees seeking an increase. 17 existing subgrantees would receive the same amount as in 2022. Only one subgrantee would receive less in 2023, and this is at their request.
 - The 5 new applicants would receive approximately \$540,000 to fund new programs with TAD grants for first time.

Danielle Long updated the council on the Drug Disposal Product and Narcan for Law Enforcement grants. Long has been working with DHS to provide Narcan to state, tribal, county and local law enforcement agencies. DHS also has a Narcan Direct and Narcan in the jails program. With a reduction in Narcan costs, they were able to fund more agencies than expected. 1,054 officers were trained and 484 kits were distributed so far.

October 29th is Drug Take Back. Long also talked about the Drug Disposal Product grant funded by the Institute for Intergovernmental Research to provide drug disposal products to 18 of the Overdose Fatality Review sites.

Lara Kenny updated the council on JAG grants and new staff. Caitlin Snyder and Phil Zell recently joined the Bureau of Justice Programs staff.

Staff have been working on closing FY17 JAG and soon will be closing FY18 as well. JAG years FY19, FY20 and FY21 are active and have projects that are in progress. Staff submitted the FY22 grant application and are waiting for approval from U.S. DOJ. The award amount will be approximately \$3.1 million.

Leigha Weber from DOC updated the council on the PREA grant she receives from DOJ. The grant work is focused on prevention activities, purchasing materials for staff, and participating in required audits.

Grace Knutson from DOC updated the council on the SORNA grant she receives from DOJ. This is the grant DOC receives for the Sex Offender Act. The FY20 funding is used for specialized sex offender training. They are working on the mobile technology, updating software and graphics, educating the public, and working with the Children’s Hospital of Wisconsin Victims Sensitivity Unit. The FY21 grant funds will be used to work with the IT group to enhance the database sex offender registry Law Enforcement search for real-time data, and expand materials for public and National night out outreach. They have made significant progress with the SMART office compliance.

Holly Audley from DHS presented to the council on a wide range of grants they receive. The slides were sent out to the council members after the meeting.

Future CJCC meetings will include information about additional grant programs.

PRESENTATION ON OVERDOSE FATALITY REVIEW (OFR)

BJIA and DHS were ready to present on the Overdose Fatality Review program but due to a lengthy discussion earlier in the meeting on another topic, this agenda item was moved to a future meeting.

PUBLIC COMMENT

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

ADJOURN

A motion was made by State Public Defender Kelli Thompson and seconded by Honorable Judge Jennifer Dorow to adjourn the meeting. The motion was approved.

The meeting was adjourned at 3:06 p.m.

DRAFT