



Criminal Justice Coordinating Council
Evidence-Based Decision Making Subcommittee
Meeting Minutes

Thursday, January 25, 2024, 9:00 a.m. – 11:00 a.m.
 Meeting location Virtual (Zoom)

Co-Chairs Kelli Thompson and Tiana Glenna

Subcommittee Members Present:	Kelli Thompson, Tiana Glenna, Heather Kierzek, Lance Wiersma, Ray Woodruff, Greg Peterson, Adam Plotkin, Sadique Isahaku, Kit Kerschensteiner, Jane Klekamp, Judge Elliot Levine, Nick Sayner
Subcommittee Members Not Present:	Judge Kelly McKnight, Holly Audley, Patti Jo Severson, Lisa Roys, Sarah Diedrick-Kasdorf
DOJ Staff:	Sabrina Gentile, Phil Zell, Lara Kenny, Marsha Schiszik, Kerrie Fanning, Katie Snell, Brad Kelly, Mike Derr, Mark Rather, Ashley Billig, Ryan Anderson, Mark Rather, Christine Schulz, Katie Snell
Other Agency Staff:	Tom Flitter, Tyler Brandt

Welcome and Opening Comments

Subcommittee Co–Chair Kelli Thompson welcomed members to the meeting at 9:00 a.m.

Approval of Meeting Minutes for October 26, 2023

Motion was made by Tiana Glenna and seconded by Jane Klekamp to approve the October 26, 2023, Evidence-Based Decision Making Subcommittee October 26, 2023, meeting minutes.

Motion approved.

The vote was: 12 Ayes, 0 No

Jail Program Needs Assessment

Presented by Kerrie Fanning, DOJ – Bureau of Justice Information and Analysis

Kerrie Fanning reported she will be conducting a statewide assessment of programs and services offered in Wisconsin Jails. Fanning will send an online survey to each facility to complete. Fanning emphasized this is just an assessment of programs and not directing jails what they should and should not have for programs.

The assessment aims to explore the following questions:

1. What types of programming and services are offered in Wisconsin jails?
 - a. What are the eligibility requirements, capacity, and frequency of the programs/services?
 - b. How are the programs/services funded?

2. Are there differences in which programs and services are offered in Wisconsin jails based on jail facility characteristics (e.g., location, size, population demographics)?
3. What areas or programming and services do jails identify as areas of need or to expand on?
4. What are some common barriers and facilitators of programs and services in Wisconsin jails (e.g., funding, space, capacity)?

Fanning asked the Subcommittee what types of programs or services they are interested in learning about. Fanning provided the following list of topics for discussion with more details.

- Mental health treatment
- Substance use treatment
- Parenting/Family relationship programs
- Visits/Contacts (type, length, frequency, cost)
- Education programs
- Life skills programs
- Job training/Employability preparation
- Reentry programs/Reentry preparation
- Social skills/Social relationships
- Legal services/Legal literacy programs

Members added more details to some of the above topics and added new topics:

- Accommodation services/Americans with Disabilities Act
- Chaplain services

Feedback from the Subcommittee members included:

- Confidentiality concerns regarding during interactions whether in person or over the phone with attorneys and allowing access to sign confidential documents.
- Jail visiting hours and the costs associated with visits and phone calls are barriers for individuals.
- Educational programs that are affiliated with Milwaukee Area Technical College can be limited. Need of programming in the correctional context. Do jails have the technology to administer programs?
- If jails do not offer programs, then why? Reasons may be length of stay for example. Jails have overarching barriers and barriers to a specific program type.
- Ask jails if they have a transition plan. A path after release to a community program.
- There are unknown disabilities for some individuals. Does the jail have plans to accommodate people with disabilities to have access to programs?
- Concerns that we want jails to be everything and not confident that this approach is evidence based or researched based. Need to focus on priority #1 and then additional services would be great.
- What does the Department of Corrections (DOC) – Office of Detention Facilities (ODF) Inspectors already collect?

- Individuals have mental health and mental competency issues. Ask if the jails partner with a restorative competency team.
- Ask jails if they have chaplain services. Jail chaplains are in most jails.
- Ask about medical assisted treatments and what types are offered.

Subcommittee member Lance Wiersma (DOC – Division of Community Corrections Administrator) offered to connect Kerrie Fanning and DOJ Staff to ODF Staff for information already available and what role ODF Staff may have.

Rebecca Luczaj, Waukesha County Justice Services Coordinator, suggested to send the survey to the CJCC coordinators because many coordinators monitor jail programs and could assist in completion of the survey.

Fanning encouraged the Subcommittee to email her other topics and more detailed information.

Pretrial Site Visits

Presented by Kerrie Fanning, DOJ – Bureau of Justice Information and Analysis

Fanning continues to review data provided by sites. This process is slow, and Fanning has reviewed about half of the data. Fanning has received Institutional Review Board approval for utilizing personally identifiable information from pretrial pilot programs to match records in Wisconsin Criminal History Repository (CCH).

The DOJ Bureau of Computer Services (BCS) will begin work on required changes to the Comprehensive Outcome, Research and Evaluation For Treatment Courts and Diversion Programs (CORE) for a pretrial data collection module. BCS is scheduled to begin working the end of January/beginning of February. Documentation regarding data fields to include workflow and other items have been created and provided to BCS.

Fanning is continuing to work on matching pretrial records in CCH with data from the DOJ Crime Information Bureau (CIB). Due to missing or inaccurate data, Fanning has to manually match each pretrial record in CCH. Fanning is a little over halfway complete with matching. Some datasets have additional issues preventing matching at this time that will need to be addressed first.

Fanning has done a preliminary assessment of matching success. The process is very slow due to matching manually. There is increased potential for human error and need to verify matches. Of the datasets that have been matched so far, even with CCH data, the records are still missing roughly 50% of the data (mostly due to not being able to match a pretrial record with CCH records).

Fanning reported the DOJ Staff will be doing a second round of site visits to complete some program mapping activities for evaluation purposes.

Pretrial Site Updates Presented by Pretrial Site Coordinators

Rebecca Luczaj, Waukesha County Justice Services Coordinator

Rebecca Luczaj reported Waukesha County implemented the Public Safety Assessment (PSA) – Pretrial risk tool on June 15, 2020, and is administered on newly booked individuals booked into the jail.

Waukesha County Data

In 2023, Waukesha County administered 2852 PSAs and of those:

- Level 1 = 1,536 (54%) No supervision is recommended at Level 1.
- Level 2 = 468 (16%)
- Level 3 = 234 (8%)
- Level 4 = 614 (22%) At Level 4, individuals are recommended for supervision with a score of 2 or higher.

Court Commissioners referred 357 for Pretrial Supervision in 2023 (this was 27% of the 1,316 defendants who scored a Level 2 or higher, who were recommended for some level of supervision by the PSA)

Total supervised in 2023 = 794 defendants (new referrals + carry-overs from 2022)

Ave. stay on pretrial supervision in 2023 = 289 days

Pretrial supervision success rate in 2023 = 73%

Waukesha County does not have the capacity to supervise all levels 2-4.

Waukesha County Trends

- 33% increase in arrests from 2019 to 2023 (about 7,500 referrals to the DA's Office in 2019, compared to over 10,000 referrals in 2023)
- Seeing an increase in more serious charges (felonies are up)
- More serious charges lead to longer stays on pretrial supervision
- 76% increase in jury trials from 2019 to 2023 (59 jury trials in 2019, compared to 104 jury trials in 2023)
- Waukesha County has had 6 jury trials so far in January 2023, with 1 week left in the month; if this pace continues throughout the year, Waukesha County will exceed the total for 2023

The DOJ Staff is meeting with Waukesha County on February 27, 2024, for pretrial system mapping.

Elizabeth Pohlman-McQuillen, Rock County Justice System Strategist

Elizabeth Pohlman McQuillen reported that Rock County contracts with JusticePoint.

- In 2023, Justice Point completed 158 clients. The clients closed out of JusticePoint services.
- In 2023, 2100 PSAs were completed. In 2022, 2140 PSAs were completed. Having National Crime Information Center (NCIC) changes the score 16% of the time.
- In 2023, 91% appearance rate for court. Safety rate was 81%. Increased from 71% in 2022.
- Average days on pretrial supervision 267. Down from 282 in 2022.
- Saved or averted 41,977 jail bed days in 2023.
- Had 185 to 200 pretrial participants. Capacity is 240.

- Trying to have judiciary be cognizant of who should be on supervision.
- Was not able to get the numbers for the concurrence rate data. Concurrence rate is the rate that supervision is ordered according to the level they score on the PSA. 122 of the 185 were ordered at Level 4 supervision. They were not necessarily screened as a Level 4.

Subcommittee member questions:

Why do judges override the assessment?

- Pohlman McQuillen said in Rock County, the stakeholders want the ability to make the determination. Judges are overriding the screening process. Level 2 could be level 4.

Is there a system to recommend reducing the level of supervision?

- Waukesha Co does. Rock County does not want any contact or communication about anything. If there needs to be a change the attorneys need to file a motion.

Stephanie Garbo, Milwaukee County, District Court 1

Stephanie Garbo reported in Milwaukee County, every time a scheduled court hearing case manager submits a report on progress of pretrial supervision. There has been a lot of discussion about changing supervision levels. They have tried to provide information in report so judges could make that decision to raise or lower supervision.

Garbo stated Milwaukee County is not part of the Justice Assistance Grant (JAG) Pretrial Pilot Program.

Subcommittee members discussed that there needs to be consistency among judges across Wisconsin and suggested to have pretrial training at the Wisconsin Judicial Conference.

Tonya Van Tol, La Crosse County Justice Support Services Manager

Tonya Van Tol reported in La Crosse County, all in custody defendants are currently given a presentence investigation (PSI). That equates to approximately 200 PSAs per month. La Crosse County currently uses PSIs for out of custody defendants as well. La Crosse County is investigating this practice as it is not evidence based, but it has been utilized to help flag for programming such as treatment court and diversion. La Crosse County has approximately 200 open cases.

Business Needs Analysis (based on best practices) – The pretrial team agreed to minimize the testing as part of a condition post – COVID and is now determined by social workers on a case-by-case basis. GPS continues to be ordered at a rate that is approximate 50% less than 2018. This is due to La Crosse County having reduced office hours and having reallocated staff resources.

How Counties are Using WCCA – REST Access

Presented by Tiana Glenna (Criminal Justice Director) and Crystal Ruzicka (Data Manger), Eau Claire County

Wisconsin Circuit Court Access (WCCA) – Representational State Transfer (REST)

REST Data is the same as WCCA but in bulk format. This makes it easier for data collectors. Some counties have access to REST CCAP data. Counties need to pay for the access. The cost is \$6200 per year.

Eau Claire County has a subscription and uses data information to populate internal dashboards for Eau Claire County. Eau Claire County connects arrest table with Avatar (case management system) data.

Dane, Eau Claire, Marathon and Milwaukee Counties have a subscription to REST CCAP data.

Tom Flitter, Wisconsin Court System, attended the meeting and reported counties that have a subscription receive the data in bulk, so the county does not have to search case by case. Coding can vary from clerk to clerk. Counties need to be aware when cases cross borders.

EBDM Subcommittee 2024 Goals Update

Ryan Anderson, Criminal Justice Supervisor

Ryan Anderson reviewed the 2024 Subcommittee Goals.

1. Enhance the scope of EBDM initiatives in Wisconsin.
 - Expected Outcomes:
 - Foster a collaborative effort between Subcommittee members and the Department of Justice (DOJ) to cultivate interest in pretrial and EBDM methodologies for additional jurisdictions, with the aim of bolstering fairness, minimizing unnecessary pretrial detention, enhancing procedural efficiency, and augmenting public safety. Updates on pretrial practices, deflection, and other relevant programs will be a standing item on the agenda of quarterly meetings.
 - Jointly identify and secure grants and resources that aid jurisdictions in implementing or enhancing EBDM based programming.
2. Advance the development and sustainability of local Criminal Justice Coordinating Councils (CJCCs) through EBDM system mapping.
 - Expected Outcomes:
 - Collaborative efforts between the Subcommittee and DOJ staff will aim to assess the necessity for systems mapping and the enhancement of capacities within local CJCCs.
 - Joint initiatives will also focus on identifying and securing resources necessary for training that broadens systems mapping awareness and fosters the adoption of effective policies and evidence-based decision making practices.
3. Facilitate and fund an EBDM Summit.
 - Expected Outcome:
 - The Subcommittee, along with DOJ staff, will endeavor to organize a statewide summit. This will involve securing sponsorship for the summit,

determining key educational topics for discussion, and constructing a comprehensive agenda.

4. Facilitate collaboration with the Treatment Alternatives and Diversion (TAD) subcommittee and DOJ staff to deliver and guide training and technical assistance (TA) pertinent to EBDM and TAD program implementations.
 - Expected Outcome:
 - Creation of training plans which include relevant CJCC topics including EBDM and TAD focused programming. Track and update Subcommittee members on trainings offered.
5. Utilize the EBDM Subcommittee meetings to facilitate discussions on a broad spectrum of challenging topics using the EBDM framework.
 - Expected Outcomes:
 - The subcommittee intends to cooperate with the CJCC and local entities to increase the visibility of EBDM initiatives, such as pretrial practices, law enforcement deflection strategies, among others, thereby serving as a conduit for local stakeholders to elevate their concerns to the state level.
 - Members will collaborate with the DOJ, and other state agencies, to seek out and procure grants and additional resources necessary to advance the efforts associated with currently funded initiatives.
6. Enhance uniformity in data collection and reporting processes.
 - Expected Outcome:
 - The Subcommittee will work in concert with other CJCC Subcommittees to identify opportunities for achieving uniformity in data collection practices. This effort will be guided by the principles of EBDM to heighten accuracy, augment efficiency, bolster accountability, and facilitate more informed decision making.

Subcommittee Member Elliott Levine reported state courts has engaged in an intercept model which is like EBDM. There are pilot programs in five counties that are doing system mapping specifically for mental health.

Subcommittee Member Heather Kierzek reported State Courts is trying to secure funds for a train the trainer type of grant for mental health system mapping. State Courts would know in the Spring if they received the grant. The national discussion is more about intercept model and not EBDM.

Public Comment

There was no public comment.

Adjourn

Motion was made by Judge Elliot Levine and seconded by Tiana Glenna to adjourn the meeting.

Motion approved.

The vote was: 12 Ayes, 0 No

Meeting adjourned at 10:40 a.m.