



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

Thursday, July 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, Heather Kierzek, Greg Peterson, Lisa Roys, Kit Kerschensteiner, Adam Plotkin, Lance Wiersma, Nick Sayner
Subcommittee Members Not Present:	Judge Kelly McKnight, Sarah Diedrick-Kasdorf, Tiana Glenna, Sadique Isahaku, Jane Klekamp, Judge Elliot Levine, Holly Audley, Ray Woodruff
DOJ Staff:	Phil Zell, Lara Kenny, Marsha Schiszik, Katie Snell, Brad Kelly, Mike Derr, Ryan Anderson, Christine Schulz, Kerrie Fanning, Mark Rather
Other Agency Staff:	Stephanie Garbo

### Welcome and Opening Comments

Subcommittee Co-Chair Kelli Thompson welcomed members to the meeting at 9:00 a.m. Quorum was not present.

### Wisconsin Deflection Initiative (WDI)

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Quorum was not present so the presentation and approval will be scheduled at a future meeting.

### Jail Needs Assessment/Survey of Wisconsin Jail Programs Update

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#### Kerrie Fanning, DOJ Bureau of Justice Information and Analysis

Fanning provided the following update to the subcommittee.

#### Project goal:

To create a comprehensive record of the programs and services being offered in Wisconsin jail facilities along with any barriers to implementing programs and goals for future programming.

- Information collected will be used to assess differences in how services and programs are being offered between facilities and to aid in data-driven decision making for future WI DOJ jail-based programs and grant making.
- This project aims to support jail facilities by:
  1. Sharing information between facilities about programs and services being offered in other jails in the state to facilitate peer-to-peer facility collaboration.

2. Understanding barriers jails have encountered in implementing the programs and services they want to provide, and navigating opportunities to use resources more effectively and efficiently.
3. Preparing and allocating resources at WI DOJ and other state and local agencies and community programs to support jails' compliance with state and federal requirements and in meeting the needs of individuals residing in WI jails.

#### Accomplished Tasks

- Met with staff at WI Department of Corrections (DOC) to discuss interest and topics to include.
  - Met with Greg Bucholtz at the Office of Detention Facilities at WI DOC to discuss information gathered in jail audits and any alignment with the survey topics, as well as about interest in survey.
  - Met with Bonnie MacRitchie, Director of Opioid Initiatives at WI DOC, to discuss substance use and overdose related programs and training provided to WI jail facilities, and to receive feedback on included substance use-related survey questions.
- Draft of survey instrument is created in REDCap
- Project "name" changed from Wisconsin Jail Needs Assessment to Survey of Wisconsin Jail Programs (SWJP) due to ambiguity in language and to better reflect the goals of the project.

#### Current Tasks:

- Draft survey instrument is under internal review by BJIA staff for feedback.

#### Goals for Next Quarter:

1. Receive feedback from internal WI DOJ staff in BJP on the survey instrument.
2. Recruit two to three volunteers from the EBDM CJCC Subcommittee to review and provide feedback on survey questions.
3. Complete internal testing of final draft of survey with BJIA staff.
4. Receive guidance from UW-Parkside's Institutional Review Board (IRB) on whether or not IRB review is needed and submit review if necessary.

#### Pretrial Site Updates

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##### **Rebecca Luczaj, Waukesha County Justice Services Coordinator**

Rebecca Luczaj provided updates and percentages on screening results. More high-risk and felony cases have come through. As a result, seeing more people on pretrial for a longer period. Luczaj provided the successes and barriers of the program.

##### **Phil Zell, DOJ Bureau of Justice Programs**

Phil Zell requested updates from the other pretrial programs. The following information was provided by the pretrial program managers.

### **Submitted Report from Tiana Glenna, Eau Claire County**

Trends within pretrial caseloads: In Eau Claire County, 2024 is currently trending towards having fewer pretrial monitoring referrals than 2023. Eau Claire County has observed more selective ordering/requests for monitoring by the DA's office (mostly level 3 and 4 defendants) and observed an increase in defendants ordered to pretrial monitoring with cash bonds. In 2023, 29.7% of defendants ordered to monitoring were also ordered cash bond. Thus far in 2024, 55.2% of defendants ordered monitoring were also ordered cash bond.

Successes the program has achieved: Eau Claire County had an 8.6% appearance rate increase in 2023 for defendants ordered to monitoring who made ALL scheduled court appearances. Eau Claire County has partnered with "At The Roots" to provide peer support to defendants in Eau Claire County jail and ordered pretrial monitoring. These defendants can meet with a peer support specialist while in custody and the peer support can provide requested assistance unique to each individual defendant. Peer support allows for defendants to stay connected to pretrial monitoring while still in custody as traditional pretrial monitoring would not begin until the defendant is out of custody. Eau Claire County has created "bench cards" for the courts that are readily available during Initial Appearance (IA) for reference of PSA scoring and subsequent monitoring levels. This also allows easily accessible staff contact information, should questions arise during IA.

Challenges the program has seen: There has been turnover within the various departments associated with pretrial monitoring (DA 's office, CO officers, etc.) While turnover is expected, each time it occurs someone likely unfamiliar with pretrial monitoring and the established processes needs to be brought up to speed and or introduced to pretrial monitoring all together.

Any major changes to your program operations: The pretrial monitoring program is currently transitioning case management system from Avatar to EZ Justice. This transition will require some acclimation time for staff as they get familiar with the case management system.

Any changes to data or information available about your program: The CJS department currently has two data analysts. These data experts can extract data from varying case management systems and locations and have created effective Power BI data displays. Crystal Ruzicka has created the pretrial monitoring dashboard which can update daily, reflecting various pretrial metrics extracted from their case management system.

Any changes politically that are impacting your programs: Not at this time.

### **Submitted Report from Tonya Van Tol, La Crosse County**

Trends they are seeing within pretrial caseloads: La Crosse County caseloads have remained fairly stable. They have approximately 350 individuals being monitored on pretrial services. They do not have any trends that are noteworthy to report at this time.

Successes the program has achieved/seen: Social workers have been successful in assisting pretrial clients with finding stabilized housing and improved access to treatment services through stronger partnerships and creative problem solving. La Crosse County has

implemented texting through CCAP for court notifications as of July 1. The RANT has now been implemented as a screening to help social workers better understand pretrial client needs/risks and is being utilized to build more robust case plans.

Challenges the program has seen: They do not have any new challenges.

Changes the program has seen: The Clerk of Courts has created a QR Code where individual court users and attorneys can update contact information to have accurate numbers in the system has seen an uptick in use.

### **Submitted Report from Elizabeth Pohlman McQuillen, Rock County**

Trends they are seeing within pretrial caseloads: Things have been holding steady in Rock County. There are no new trends that they are seeing.

Successes the program has achieved/seen: The Pretrial program has increased communication amongst justice system partners and this has allowed for more individuals to be in the community during the pendency of their case.

Rock County's current stats are:

177 active Clients

Level 2 - 66

Level 3 - 14

Level 4 - 97

No Failure to Appear Rate (FTA) - 88%

No New Criminal Activity (NCA) - 84%

Completed in 2024 - 89

Jail Days saved - 24,976

Average Days on supervision - 283.8

Challenges your program has seen: Courts not addressing violations, including those placed on pretrial supervision that do not show up to initial appointments with JusticePoint. Concurrence rate is relatively low.

Changes the program has seen: In February 2024, Rock County started including an in-person criminogenic and substance use screener for those awaiting their initial appearance in the jail. Those out-of-custody also have the ability to go to the JusticePoint office to obtain a screen. Anyone interested in one of Rock County's alternative justice programs (Diversion, DPP, treatment courts) must undergo a screening. Having this done at the very beginning of the process is helping them to determine what individuals may be eligible for, as the programs are based on risk-need levels.

### **Submitted Report from Rose Baier, Chippewa County**

Trends seen within pretrial caseloads: Level One and Level Four participants make up the majority of individuals who receive a PSA assessment. In 2023, 576 PSAs were completed on

344 people with 36% being Level 1, 13% Level 2, 15% Level 3, and 35% Level 4. This has been consistent since implementation. Due to the bond hearing being scheduled approximately 6 weeks before the initial appearance and cases not being in Wisconsin Court Access, pretrial monitoring is sending reminders to these individuals for their first court hearing.

Successes the program has achieved/seen: Chippewa County has seen a decrease in FTA rates from 2021 when first implemented. Only 15% of the individuals being monitored fail to appear. There has been positive feedback from stakeholders related to pretrial monitoring and the assistance given to individuals to be as successful as possible. Individuals are being screened by pretrial staff for diversion opportunities and possible diversion referrals earlier in the Criminal Justice Process. CJS received NCIC access, which has made the process much more efficient. The jail continues to be very collaborative and has been willing to assist in any manner they can.

Challenges the program has seen: It is challenging for pretrial staff when they send violations to the DA's office and do not see follow-through with addressing these. There are numerous steps in the matrix prior to making a referral for violations, so this can be frustrating. There continues to be challenges with resources for individuals related to transportation, housing, and phone services. Consistent and error-free data collection continues to be at the forefront. Chippewa County does not have a data analyst and the CJS Director tracks and monitors data at this time.

Changes the program has seen: As mentioned, Chippewa County is now able to run their own criminal histories instead of relying on jail staff to do this. It has created efficiencies and allowed for additional Quality Assurance. There have been no changes to data or information currently. Chippewa County can track many measurements through its case management system and work with DOJ on this matter. Chippewa County had half of their County Board turn over so the CJS Director has been working on orientation and education of new Board members related to Diversion efforts and Pretrial Monitoring.

### **Submitted Report from Laura Yarie, Marathon County**

Trends they are seeing within pretrial caseloads: The pretrial program continues to be well supported by the Judges in Marathon County. All Judges review and utilize PSA reports during initial appearances and order defendants to pretrial supervision based on the PSA recommendations 95% of the time. All levels 2-4 are referred for case management and level 1 defendants are given court reminder calls only.

Successes the program has achieved/seen: Marathon County has seen an increase in collaboration between the pretrial program and courts with holding defendants accountable for pretrial requirements. Judges regularly address noncompliance at hearings. The PSA assessment tool appears to be accurately predicting failure to appear and new criminal activity based on comparing the rates of FTA and NCA to the assessed level of supervision recommended. Marathon County was able to hire a Data Officer that has been working to improve data collection and reporting internally.

Challenges the program has seen: The program is continuing to be challenged by a large number of unhoused participants that are difficult to maintain contact with for supervision and court reminders. It has also been increasingly difficult to move cases along quickly due to a

shortage of defense attorneys locally. Cases that remain open for longer periods of time become more difficult to manage successfully. Data entry required is challenging to keep up with current staffing and large caseloads.

Changes the program has seen: Marathon County is not anticipating any changes in its program operations currently. Program staff have remained consistent which has been very helpful due to the difficulty of recruiting and training new individuals when case load numbers remain high. The Pretrial program has been well received locally, but there has been increasing discussion regarding cost effectiveness and outcomes received. Marathon County anticipates this discussion will intensify during budget discussions.

### **Submitted Report from Beth Robinson, Outagamie County**

Trends seen within pretrial caseloads: As more cases are closing, Outagamie County is finding a decrease in pretrial outcomes. Outagamie County has made the decision to return to pre-COVID supervision standards (in-person appointments cannot be replaced by virtual contact) for all clients starting supervision as of July 1, 2024. They will reevaluate after six months.

Successes the program achieved/seen: Outagamie County is now providing Narcan and fentanyl test strips as a harm reduction effort to all clients in the department. Staff have all been Narcan trained. There appears to be an increase in clients requesting treatment assistance and positive professional relationships between clients and their case managers. Check-in rates are high.

Challenges the program has seen: There seems to be more cases linked to methamphetamine possession and use. Housing is a significant barrier for many clients. Delays in finding defense attorneys continues to be an issue as well.

Changes the program has seen: Outagamie County is in the planning process for implementing new case management software.

### **Bureau of Justice Programs Grant Updates**

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**Ryan Anderson, Criminal Justice Supervisor and Brad Kelly, Criminal Justice Specialist**

#### Federal Grants

FY24 RSAT (Residential Substance Abuse and Treatment)

- Application Submitted
- Formula grant - FY24: \$TBD

FY24 COSSUP (Comprehensive Opioid, Stimulant, and Substance Use Program)

- Application Submitted
- Budget Request: \$7,000,000

FY24 SCIP (State Crisis Intervention Program)

- Application due on 7/29/24
- Formula grant - FY24: \$2,392,048

- FY24 SCIP strategy will be developed by TAD Subcommittee

#### FY24 JAG (Justice Assistance Grant)

- Formula grant- Federal Solicitation has not been released.
- Expecting a decrease in funding compared to FY23 levels.
- FY23 = \$3,397,150
- FY20 = \$2,617,193
- FY24 = **-\$779,957**

#### FY24 JAG Funding Priorities

Program Area	Programs(s)
Law Enforcement	Local MEG's and Drug Task Forces Wisconsin Deflection Initiative
Prosecution and Court Programs	Local Pretrial Services Programming
Planning, Evaluation & Technology Improvement Programs	State CJCC Support
Prevention and Education	Drug Take Back events

#### State Grants

##### TAD (Treatment Alternatives and Diversion Program)

- CY25: \$10,688,900
- Preapplication forms have been submitted to BJP and under review.

Ryan Anderson provided an update on the Justice Assistance Grant (JAG).

- JAG will be cut by 16%. This takes funding levels back to 2020 levels.
- Contingency plan is in place to minimize effect of cuts.

#### **2024 Diversion Outcome & Performance Measures Update**

##### **Marsha Schiszik, Bureau of Justice Programs**

#### Wisconsin Statewide Pre-Charge and Post-Charge Diversion Program Outcome and Performance Measures Background and Update

##### Background:

- 2018 - 2021 - EBDM Subcommittee
  - Diversion Standards Workgroup (EBDM)
  - Diversion Standards Approval (TAD Subcommittee May 25, 2021, and State CJCC June 9, 2021) – Draft of performance measures, but not approved
- 2023 – Review of Draft Diversion Outcome and Performance Measures
- 2024 – TAD Subcommittee requested formation of a workgroup to review the draft document
  - DIV Outcome and Performance Measures Workgroup
  - Subgroups

- Performance Measures Subgroup (restructure existing draft document to align with diversion programs)
- Calculations Subgroup – in process
- Language Update Subgroup – fall 2024

Performance Measures Subgroup  
 Diversion Outcome & Performance Measures

2018 Version	2024 Version
Combined Measures <ul style="list-style-type: none"> <li>• 5 Outcome Measures</li> <li>• 19 Performance Measures</li> </ul>	Multi – Tiered Approach <ul style="list-style-type: none"> <li>• External – required for all diversion programs (TAD funded) – 10 measures (3 outcome, 5 performance, 2 procedural fairness)</li> <li>• Internal – recommended for all diversion programs but at programs discretion – 5 measures (1 outcome, 2 performance, 2 satisfaction)</li> <li>Risk/Need – recommended for diversion programs, but based on risk/need level – 10 measures (2 outcome, 5 dosage, 3 social)</li> </ul>
Programs to enter data into all measures	10 Measures Required – other measures tracked determined by locals
No risk level consideration	Tracked in CORE except post program recidivism and procedural fairness
Tracked in CORE except post program recidivism and procedural fairness	

Target population for a diversion program can vary. More so than in a treatment court because risk/need levels can vary. Some diversion programs are serving low risk/low need. This population requires minimal supervision/intervention so there is not much to collect and there shouldn't be because we want them to get the education / service they need and move out of the criminal justice system.

The 2024 version allows locals to have more discretion on what measures they want to track. -locals may want to track internal and risk/need because those measures can provide insight into how a program is performing. Internal and risk/need measures can also inform budgets.

Schizik reviewed the Criminogenic Risk/Need table and listed the workgroup members.

The next meetings and steps are:

- Calculations Subgroup – next meeting August 2, 2024
- Language Subgroup – TBD



- Approval of TAD Subcommittee – tentative end of 2024
- Diversion Program Standards training - 2025

### **Public Comment**

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There was no public comment.

### **Adjourn**

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