

**State CJCC EBDM Subcommittee: Meeting Minutes**  
**Thursday, March 24, 2022, 9:00 a.m. - 12:00 p.m.**  
**Virtual Meeting**

**Chair:** Kelli Thompson, State Public Defender

<b>Members Present:</b>	
Nick Sayner, Executive Director, JusticePoint	Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs, WI Counties Association
Greg Peterson, Grand Chute Police Chief	Tiana Glenna, CJCC Coordinator, Eau Claire County
Kelli Thompson, State Public Defender	Kit Kerschensteiner, Disability Rights WI
Silvia Jackson, Reentry Director, DOC	Lance Wiersma, Administrator, Division of Community Corrections, DOC
Judge Kelly McKnight, Ashland County	
Jane Klekamp, Associate County Administrator, La Crosse County	Senator Janis Ringhand, D-Evansville
Lisa Roys, Public Affairs Director, State Bar of Wisconsin	Judge Elliott Levine, La Crosse County

<b>Members Absent:</b>	
Patti Jo Severson, Mental Health Advocate	Holly Audley, Division of Care and Treatment Services Assistant Administrator, DHS
Sadique Isahaku, Dean of School of Liberal Arts and Sciences, Milwaukee Technical College	Megan Jones, Director of Research and Policy
Linda Palmer, Rep. Schraa Staff	Holly Szablewski, District 1 Court Administrator, Milwaukee County
Judge Carl Ashley, Milwaukee County	

<b>Additional Present:</b>	
Heather Kierzek, Statewide Problem-Solving Court Coordinator, Office of Court Operations	Adam Plotkin, SPD Legislative Liaison
Donna Hahn, Program Planning Analyst, DOJ	Steve Wagner, Division Administrator, DLES
Laura McFarlane, AAG DLS, DOJ	Mark Wadium
Dennis Powers, Program Manager, DOJ	Marsha Schiszik, TAD Program Specialist
Mike Derr, TAD Program Improvement Specialist	Brad Kelly, Program Manager, DOJ

The meeting was called to order at 9:05 a.m. by Chair Kelli Thompson.

<b>Approval of Minutes</b>
----------------------------

Donna Hahn made a correction to the minutes. Beth Robinson of Outagamie County was an additional person present not a member present and will be reflected in the final minutes. A motion to approve the 8/5/21 minutes was made by Sarah Diedrick-Kasdorf and seconded by Nick Sayner. The motion was approved.

## Pretrial site update

Dennis Powers provided the following update from each of the sites to the subcommittee members.

### **CHIPPEWA COUNTY:**

Chippewa County continues to administer the PSA for those in custody. Due to staffing, PSA's are not completed at this time on individuals in custody on probation. In 2021, 621 PSA's were completed. 29% of these were level 1, 9% Level 2, 16% Level 3, and 46% Level 4. It continues to be the trend that the majority of individuals are either Level 1 or 4 monitoring. Analysis of the data will continue. At the current time 229 individuals are being monitored on pretrial. In partnership with the other Pretrial Pilot sites, Chippewa County CJS Director created training modules for future PSA Assessors. These have been placed on the Wisconsin State Courts website:

<https://www.wicourts.gov/courts/programs/pretrial.htm>

### **EAU CLAIRE COUNTY:**

Eau Claire County continues to administer the PSA for those in custody. There are 230 active pretrial monitoring clients. The highest population are Level 4 monitoring. Performance measurements are actively being collected and updated.

### **La CROSSE COUNTY:**

Tonya Van Tol started as the manager of Justice Support Services in July. Strategic planning has begun in Adult JSS. We will be evaluating the use a dedicated social worker for the PSA assessments and QA and determining if the current practices are most impactful for clients. The pre-trial grant funds are supporting direct care costs for the first time. Clients have been provided phones, hotel and rent payments, and assistance with transportation costs. Data will be pulled to determine if this increases both engagement and pretrial goals. La Crosse County Circuit Court Judges determined they will no longer add drug and alcohol testing as a condition of bond. JSS social workers will determine if that condition should be added as a support for clients.

### **MARATHON COUNTY:**

Marathon County pretrial pilot began case management in June 2021. Since then 780 people have been screened with the PSA and 193 are on pretrial case management in the community. The program started with 2 fulltime case managers and added a third as of January 1, 2022. Our program continues to assess all defendants in custody at their initial appearance and provide case management to all released defendants that score level 2-4 on the PSA. Marathon County is continuing to track data in their Justice Programs database. Use of electronic monitoring has not been implemented as of now but is still being discussed as a future possibility.

### **OUTAGAMIE COUNTY:**

Staff returned to the office on July 6, 2021, when the county returned to pre-COVID-19 operations and re-opened to the public. Pretrial monitoring protocol allows for a combination of in-person and virtual supervision via phone and video. Pretrial case managers are permitted to work a hybrid model, allowing for telecommuting 1-2 days per week. The new pretrial risk assessor completed training; this is primarily a telecommute position. A local lab continues to conduct drug testing. For the pretrial justice program, testing is exclusively limited to those with bond conditions requiring testing.

In 2021, pretrial staff completed 1,774 PSAs. 192 defendant cases were closed with an average length of supervision of 396 days. Of those cases closed in 2021, we had a 92% check-in rate, 93% court appearance rate, 87% safety rate, and 75% success rate.

### **ROCK:**

JusticePoint, Rock County's contracted pretrial services provider, expanded operations to include another case manager, thereby increasing capacity to 230. JusticePoint analyzed data from 2021. In 2021, they completed 1,588 PSAs. The overall appearance rate for active clients is 95.05% and the overall safety rate is 89.56%. Rock County has experienced a turnover

of staff in the criminal justice partner agencies. In response, the county will be offering refresher webinars and handouts to help educate stakeholders about the PSA and pretrial monitoring.

**WAUKESHA COUNTY:**

Waukesha County continues with implementation of the PSA. We have been analyzing the impact of the pandemic on pretrial supervision caseloads, as we have been over-capacity since the pandemic began. The following are PSA outcomes since implementing the tool on 6/15/20 through December 31, 2021:

<b>PSAs Completed (June 15, 2020 – December 31, 2021)</b>					
	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Total</b>
# Defendants	1,662	676	283	781	3,402
% of Total Defendants	49%	20%	8%	23%	100%

During that timeframe, 51% of defendants screened (1,740) scored at a Level 2 or higher, which means pretrial supervision was recommended.

In comparing pre- and post-pandemic data on length of time to disposition of a case, we have found that the number of days to case disposition increased by 43% from 2019 to 2021:

<b>Number of Days to Case Disposition</b>			
	<b>2019</b>	<b>2020</b>	<b>2021</b>
Felony	211	249	289
Misdemeanor	136	192	218
Criminal Traffic	118	164	136
<b>Total Criminal</b>	<b>153</b>	<b>204</b>	<b>219</b>

In addition, we have found that the number of arrests and referrals to the DA’s Office increased by 15% from 2019 to 2021:

<b>Total Cases Referred to DA’s Office</b>			
	<b>2019</b>	<b>2020</b>	<b>2021</b>
Cases	8,801	9,768	10,115

This data illustrates that the pandemic caused the perfect storm for pretrial supervision in Waukesha County. The number of defendants scoring at a Level 2 or higher (supervision recommended), coupled with the backlog of cases caused by the pandemic and the increase in arrests/referrals to the DA’s Office overwhelmed the program. We have been implementing stopgap measures to temporarily reduce the caseload, but they are not sustainable. In an effort to increase our capacity in pretrial supervision, I submitted a proposal to county administration for ARPA funds to add a full-time case manager from July 2022 – December 31, 2026. This would allow us to increase our capacity by 60 defendants at any given time. In addition to what is mentioned above, Waukesha County is also in the midst of implementing AutoMon AIMS-Pretrial software to utilize throughout our Pretrial Services to track and analyze data. We hope to go live by the end of March 2022.

The Pretrial Pilot sites have continued to meet regularly to discuss next steps. Without the direction of the Pretrial Manager position, continued support will be necessary from DOJ.

## Comprehensive Opioid Stimulant and Substance Abuse Program (COSSAP) grants update

Brad Kelly gave an update on the Comprehensive Opioid Stimulant and Substance Abuse Program (COSSAP) grants. The Wisconsin DOJ awarded funding for two new program models, Law Enforcement Deflection and Jail Based MAT (Medication Assisted Treatment) to partner with the current Pre-Booking Diversion program.

### 1. Pre-booking

Currently fund three sites, Door County Sheriff, Sauk County Department of Health, and City of Superior Police Department. The intent of this program is to divert low risk individuals who commit nonviolent crimes and have a substance use disorder (SUD) to recovery services instead of incarceration.

### 2. Jail-based MAT

New program will start on April 1, 2022 in Dunn County, Fond du Lac County, Wood County. Each site will offer at least one of the FDA approved medications to treat opioid use disorder (OUD). This program will differ from current MAT programs funded by DHS by offering Buprenorphine and/or Methadone.

### 3. Law Enforcement Deflection

Marathon Co Sheriff's Department will start a new Deflection program on April 1<sup>st</sup>, 2022. The intent of this program is to divert low risk individuals who commit nonviolent crimes and have a substance use disorder (SUD) to recovery services instead of incarceration.

The hope is to announce another round of funding in July, 2022 to expand MAT and Deflection programs in more regions of the state.

State Public Defender Kelli Thompson has asked that Brad Kelly be present at the next EBDM subcommittee meeting.

## Opioid Settlement Funding update

Laura McFarlane AAG from the Department of Justice provided an update on the Opioid Settlement Funding to DHS. This has been an ongoing national prescription opiate litigation for approx. 6 years. Most of the case has been settled and 70% of the funds is going to qualifying litigating local governments directly (minus 20% to the attorney fee escrow account) and 30% is going to DHS. In addition, all of the amounts for "additional restitution" will go to DHS. Priorities have been set and can be found at [www.nationalopiodsettlement.com](http://www.nationalopiodsettlement.com) Exhibit E, which is approx. 15 pages.

## 2022 Goals for EBDM

- Increase Pretrial sites-outreach to counties, what are they doing? Data mapping, which counties are doing what. Heather Kierzek brought up the survey that Rhonda Frank-Loron sent out and 50 counties responded. Kierzek may be able to provide information from the survey. Dennis Powers also informed the members the JAG application provides data and programs across the state that DOJ staff may be able to provide the subcommittee members
- Bail reform-weight in for next session. The subcommittee should work on now and not wait until November. The subcommittee should gather information based on data, write up a policy paper and bring to the full council prior to November.
- Opioid Settlement Funding-subcommittee members best practices, EBDM, MAT, treatment courts, model policies/practices should be funneled to DHS for counties to use. Judge Levine would like to know if a report from DHS on use of funds will be provided. Judge Levine also asked Heather Kierzek if all judges across the state will be provided the information on how much their counties will be receiving in settlement funds and what they may be used for. Members suggested everyone from judges, treatment courts, LE, prosecutors, probation and parole be educated on these funds in each county. To know what is available for treatment. Sarah Diedrick-Kasdorf suggested she could bring in some attorneys from the Counties Association who were involved in the case to talk about what the funds can specifically be used for.
- Prosecutor needs to be added to the subcommittee

**Public Comment**

There was no public comment.

**Adjourn**

Motion was made by Nick Sayner and seconded by Kit Kerschensteiner to adjourn. Motion was approved.

Chair Thompson adjourned the meeting at 10:32am.