

State Criminal Justice Coordinating Council

Race Equity, Inclusion, and Access Subcommittee

Meeting Minutes

Meeting Date | 04/06/2022 12:15 p.m. | Meeting location Virtual (Zoom)

Co-Chairs: Rebecca Dallet
Supreme Court Justice
Wisconsin Supreme Court

Kimberly Lawton
District Attorney
Bayfield County

Staff Lara Kenny
Donna Hahn
Mike Austin

Subcommittee Members Present

Associate Judge Gwen Topping, Lt. Governor
Mandela Barnes, State Public Defender Kelli
Thompson, Deputy Chief Judge Carl Ashley, Chief
Shon Barnes, Representative Evan Goyke, Jerome
Dillard, Sheriff Rebecca Smith, Rhonda Frank-
Loron, Jane Graham Jennings

Subcommittee Members Not Present

Dr. Jeneise Briggs, Judge Derek Mosley, Vanessa
McDowell, Derek Veitenheimer

Others Present

Adam Plotkin, Ashley Billig, Brad Kelly, Connie
Kostelac, Megan Jones, Tyler Brandt

AGENDA TOPICS

Welcome and Opening Comments

District Attorney Kimberly Lawton welcomed everyone to the meeting of the Race Equity, Inclusion, and Access (REIA) Subcommittee.

Approval of 2/3/2022 Meeting Minutes

Motion was made by Deputy Chief Judge Carl Ashley and seconded by State Public Defender Kelly Thompson to approve the 2/3/2022 meeting minutes. The motion was approved by voice vote.

Update on Jury Instructions

Justice Dallet updated the subcommittee on our proposal to the committee. The committee will be considering the proposal tomorrow but expect them to make changes to it. Justice Dallet will provide an update at the next meeting.

Effective Justice Strategies Subcommittee

Deputy Chief Judge Carl Ashley presented on the Effective Justice Strategies (EJS). EJS would like to collaborate on work with the REIA subcommittee. EJS works on problem solving courts, treatment courts and is invested in what to do next. EJS would like to next look at racial disparities, implicit bias,

substance use disorders, trauma and mental health. Ashley is having a meeting the next day with the Planning and Policy Advisory Committee (PPAC) to talk about some of these issues. EJS would also like to educate court professionals on these issues.

Expungement Reform

Justice Dallet introduced Representative Evan Goyke who is now a member of the REIA committee. Representative Goyke spoke on expungement reform in Wisconsin Statute § 973.015. Currently when a person is under the age of 25 at the time of the commission of an offense for which the person has been found guilty in a court for violation of a law for which the maximum period of imprisonment is 6 years or less, the court may order at the time of sentencing that the record be expunged upon successful completion of the sentence if the court determines the person will benefit and society will not be harmed by this disposition. The outcome would be sealing the criminal record including, removal of the record from CCAP, and a sealed record at the courthouse. The statute has not been altered since 1976.

Introduction of 2021 Assembly Bill 69/Senate Bill 78 removes the condition that the person committed the crime before the age of 25 and makes certain traffic crimes ineligible for expungement. The bill retains the requirements that the crime be no greater than a Class H felony, the person had no previous felony convictions, and the crime was not a violent felony. This bill also provides that, if the sentencing court did not order the record expunged, the person may file a petition with the sentencing court after he or she completes his or her sentence. Upon receipt of the petition, the court must review the petition and then may order the record expunged or may deny the petition. If the court denies the petition, the person may not file another petition for two years, the person must pay a \$100 fee to the county for the second petition, and no person may file more than two petitions per crime. Finally, this bill limits a person to one expungement. The changes described would retroactively apply to persons who were convicted of a crime before the bill takes effect.

This bill also allows the sentencing court to order that a person's record not be eligible for expungement. This bill provides that, if a record is expunged of a crime, that crime is not considered a conviction for employment purposes and specifies that employment discrimination because of a conviction record includes requesting a person to supply information regarding a crime if the record has been expunged of the crime.

Finally, the bill provides that it is not employment discrimination because of conviction record for the Law Enforcement Standards Board to consider a conviction that has been expunged with respect to applying any standard or requirement for the certification, decertification, or required training of law enforcement officers, tribal law enforcement officers, jail officers, and juvenile detention officers.

<https://docs.legis.wisconsin.gov/2021/related/proposals/sb78>

The bill failed to pass before the end of the legislative session. The next opportunity to bring back to the proposal is in January 2023. Many on this subcommittee have participated on this effort along with 27 other organizations registered in favor including: Wisconsin Professional Police Association, Wisconsin Chiefs of Police Association, Public Defenders Office, Americans for Prosperity, and American Civil Liberties Union.

Representative Goyke has given a charge to this subcommittee-Don't sit on the sidelines-take a position. Represent the different areas of your sides of justice systems. We need people to get out and testify.

That has not happened in the past and public support is needed. Emails to legislators are not helpful and in person support is needed.

2022 Goals Planning & Discussion

Expungement reform

Increase participation in jury pool (Tyler Brandt from the State Courts could possibly provide data).

- Change what the jury summons envelope looks like.
- How do we get public to answer the summons?
- Jury representation
- What are other states doing?
- Methodology
- Education
- Racial Disparity as a whole
- Alternatives to Prison

Members discussed strategies to break the cycle of individuals in incarceration while maintain public safety. Discussion included calling this effort Effective Justice Strategies and including educational efforts, changing behavior, and applying evidence-based strategies.

Public Comment

There was no public comment.

Next meeting of the Race Equity, Inclusion, and Access Subcommittee will be June 2nd.

The meeting adjourned at 1:18 p.m.