

Treatment Alternatives and Diversion Subcommittee | MINUTES

Meeting date | time 12/10/2020 12:00 PM | WI Dept of Justice – Virtual via Zoom

Co-Chairs
Kelli Thompson, State
Public Defender
David Mahoney, Dane
County Sheriff

Staff
Lara Kenny
Matt Raymer
Reneé Lushaj
Ashley Billig
Caroline Kull

Attendees

Kelli Thompson, Dave Mahoney, Mark Abeles-Allison, Sara Benedict, Megan Jones, Kit Kerschensteiner, Judge Elliott Levine, Rebecca Main, Robert Mann, Melvin Juette, Chloe Moore, J.C. Moore, Tamra Oman, Adam Plotkin, Beth Robinson, Nick Sayner, Patti Jo Severson, Jessica Skemp, Lance Wiersma, Lisa Yeates

Absent

Holly Audley, Colleen Clark, Jane Graham-Jennings, Kristy Gusse, Lt. Colonel David James Whitehorse Klauser, Judge Jo Deen Lowe

AGENDA TOPICS

Welcome and Opening Comments

The meeting was called to order at 12:03 p.m. Sheriff Mahoney gave the welcome and opening comments. A motion to approve the 10/21/2020 minutes was made by Katy Burke and seconded by Jessica Skemp. The minutes were approved unanimously.

Subcommittee Updates

- State CJCC Meeting – Kelli Thompson
 - At the last State CJCC meeting on December 7, 2020, guest speaker Justice Rebecca Dallet discussed the importance of focusing on racial justice.
 - Following this discussion, the CJCC voted to form a subcommittee on racial justice and reentry programs, while noting that those topics should also be the focus of the CJCC as a whole and all other CJCC subcommittees.
 - The CJCC discussed the TAD report, which shows that TAD programs are popular at the local level and that the TAD program would benefit from more funding.
- WATCP Committees – J.C. Moore
 - The committee is planning the upcoming conference, which will be held from April 28-30, 2021. The conference will have a combination of in-person and virtual events.
 - The Equity and Inclusion Committee is working with Ashley Billig at DOJ to find data-driven solutions as they work with experts and leaders to address the participant inequities in WI's treatment courts.
- WI Strategic Plan – Katy Burke
 - Center for Court Innovations (CCI) has reviewed the draft plan. The plan needs to be adapted for remote work and COVID-related challenges. CCI will move forward and meet in January of 2021, specifically to review the site visit protocol and peer review process to adapt them for remote work.

- Other Updates from the Group – Nick Sayner
 - Nick will present on pretrial discussions at the next meeting.

WI Diversion Standards Review

- Work Group Meeting – Nick Sayner
 - The work group reviewed and discussed edits to the diversion standards. They will hold an additional meeting to give due time to discuss the purpose of the standards with an EBDM focus.
 - The work group will create a broad document for all pre- and post- charge diversion programs, not just those that receive TAD-funding.

State Budget Process

- TAD Statute Update – Chris McKinny
 - DOJ submitted their budget request on September 15, 2020. The explicit expectation from Governor Evers is 0% growth. DOJ emphasized the importance of funding all aspects of the criminal justice system in the budget request.
 - TAD funding is a priority for DOJ. DOJ's budget request includes a continuation of the TAD program and more staff positions to support TAD in order for the program to continue its efficacy. The positions requested are a technical assistance position to support counties and tribes, a fiscal support position to administer sub grants, and a program evaluation support position.
 - The budget is being reviewed by Governor Evers and is expected to be released on February 16, 2021.
- Violent Offender Language – Chris McKinny
 - DOJ did not include a request to change the violent offender language. DOJ views this change as too large for a budget request. Attorney General Kaul and Chris McKinny would like to learn more about the proposed changes and the context for the request.
- Impacts on TAD-funded Programs – Chris McKinny, All
 - Subcommittee members noted that changing the violent offender language has been an ongoing discussion for 15 years, and that the issue is unnecessarily politicized. Members discussed how restricting violent offenders in treatment court programs is harmful and can have impacts on racial disparities. Research indicates that violent offenders benefit from treatment and diversion programs as much as non-violent offenders, and that excluding them from the programs is bad practice. Members noted that the violent offender language comes from the federal level, and that many counties have developed workarounds to the violent offender restrictions. Potential participants with a weapons possession charge also have challenges accessing TAD programs.

OWI 5th & 6th Offense Legislative Changes

- Language Interpretation/Treatment Court Impact - All
 - The legislative changes should have minimal impact on treatment courts. Attorney General Kaul is aware and DOJ's Division of Legal Services will have a full analysis of the issue by the end of 2020. Chris McKinny will report back to the CJCC at the next meeting.
 - DA Skemp noted for the record that the language should be removed. The subcommittee suggested that the CJCC discuss how to improve the language and strategy regarding 5th and 6th OWI offenses, since the current practice of passing piecemeal legislation is untenable and WI's OWI laws have suffered as a result.
 - Members emphasized the importance of addressing underlying issues of trauma and wellness with offenders.

Action Items

Reneé Lushaj will send Chris McKinny's contact information and the TAD decision tree matrix to the group.

Future Meeting Schedule

A future time and date for the next meeting will be set for late February. Future meetings will be held on a bi-monthly basis.

Public Comment

There was no public comment.

Sheriff Mahoney made the motion to adjourn the meeting. Tamra Oman seconded the motion. The meeting was adjourned at 1:28 p.m.
