

**MINUTES**  
**PLANNING and POLICY ADVISORY COMMITTEE**  
**Thursday, April 30, 2009**  
Madison Concourse Hotel  
Madison, WI

**Members Present:** Chief Justice S. Abrahamson, Hon. C. Ashley, Hon. A. Bates, Mr. O. Boldt, Mr. A. Gerol, Ms. K. Deiss, Mr. J. Dwyer, Hon. W. Faust, Hon. B. Gordon, Ms. L. Hoskins, Hon. W. Johnston, Hon. J. Kessler, Hon. D. Koval, Hon. E. Leineweber, Hon. P. Madden, Hon. W. Marik, Comm. D. McManus, Hon. R. Nuss, Ms. G. Richardson, Hon. B. Stewart, Mr. M. Tobin, Hon. L. Van De Water, Mr. J. Voelker, Mr. J. Walsh and Ms. M. Wolverson

**Members Absent:** Hon. T. Dugan, Hon. J.D. McKay, and Hon. G. Potter

**Guests Present:** Justice Bradley, Justice Crooks, Justice Gableman, Justice Prosser, Justice Roggensack, Justice Ziegler, Hon. B. Kluka, Hon. J. Kremers, Hon. L. Neubauer, Ms. S. Reiff, Ms. G. Richardson, Hon. M. Rosborough, and Ms. D. Treis-Rusk

**Staff Present:** Ms. D. Brescoll, Ms. M. Cyrulik, Ms. S. Gervasi, Ms. P. Radloff, Ms. N. Rottier and Ms. E. Slattengren

**Meeting Materials Distributed Prior to Meeting:**

1. Agenda
2. November 2008 Meeting Minutes
3. Sample Action Plan—Court Security
4. Revised Action Plan—Court System Funding
5. Revised Action Plan—Judicial Independence
6. Revised Action Plan—Sentencing Alternatives & Strategies to Reduce Recidivism
7. Revised Action Plan—Self-Represented Litigants
8. Legislative Agenda 2009 - 2010

**Meeting Materials Distributed at the Meeting:**

1. Court Security Subcommittee “State of Security” PowerPoint Presentation
2. Legislative Report dated April 30, 2009

### **1. Welcome and Introductions**

Chief Justice Abrahamson, PPAC Chair, welcomed PPAC members, Supreme Court Justices, guests and staff.

### **2. Previous Meeting Minutes**

The minutes from the November 2008 PPAC meeting were approved as submitted by unanimous consent.

### **3. Effective Justice Strategies Phase II**

Judge Ashley provided a brief history of the Effective Justice Strategies Subcommittee to members and guests. The Effective Justice Strategies Subcommittee is working to provide emphasis that the work they are doing on alternatives to incarceration does not mean they are *soft* on crime but are being *smart* on crime. Shelly Cyrulik will be sending out the link to the EJS website and Phase I Report to PPAC members for more information on the subcommittee.

#### AIM Project

Currently six counties (Marathon, Portage, Milwaukee, LaCrosse, Iowa, and Eau Claire) are participating in the project. Four of these counties have been trained and will soon be entering information into a centralized database. Additionally there are two other interested counties working with staff on implementing the process. This has been truly a grass roots effort. JEHT Foundation funding was used to hold a Site Visit Conference last November which provided an opportunity for three jurisdictions (State of Missouri; Multnomah County, Oregon; and the State of Virginia) to come and teach us about their efforts to implement risk assessment processes into their court systems. Lastly because of the work on the AIM project, Wisconsin was invited by the National Center for State Courts to participate in the National Working Group on Risk and Needs Assessment at Sentencing.

This project's funding was significantly cut due to the closing of the JEHT Foundation. However there are dollars in the state budget for Milwaukee County to implement AIM for both this year and the new biennium.

#### Consultant Project

The Director of State Courts Office selected the National Center for State Courts to provide comprehensive research and planning to identify state level strategies for the court system including research assessing problem-solving courts, criminal justice management councils, the study of the creation of a statewide criminal justice management council in Wisconsin, and an initial evaluation of the AIM pilot project. However due to the closing of the JEHT Foundation and subsequent loss of funding, this project is on hold. NCSC is working with us to find replacement funding.

#### Judicial Conference Session

The EJS had a plenary session at last year's judicial conference. Judges Woldt, Levine, and Foster participated as well as many other partners from the criminal justice system. The session addressed head-on the on the judicial community's grappling with evidence-based practices and the role they play in their work. One of the panelists was a recent drug court graduate from

Winnebago County. She talked about her experience both before and after drug court and received a standing ovation from conference attendees.

### District Trainings

This years district trainings are on the topic of evidence-based practices and substance abuse. Interdisciplinary teams from each county will be invited to participate. Dr. Richard Brown, Judge Rosborough, Judge Stark, Judge Triggiano, and Donna Mueller (from Dept. of Corrections) are faculty this year. Content of each of the trainings will vary a bit as they will be tailored to the district and attendees.

### **4. Update on Justice Reinvestment Initiative**

John Voelker provided a brief overview of the Justice Reinvestment Initiative in Wisconsin. A number of months ago the request of the legislative leadership, the Governor, and the Chief Justice requested the Council of State Governments Justice Center to come to Wisconsin and examine our criminal justice system, particularly our prison population to explore possible policy alternatives. The Wisconsin Legislative Council on Justice Reinvestment was created to serve as the entity to work with the Council of State Governments. It's a fairly large committee on which John Voelker as well as Judge Stark and Judge White represent the Courts. PPAC member Jim Dwyer also serves on the committee as the Wisconsin Counties Association representative. Additional members include representatives from the Department of Corrections, State Public Defender, law enforcement, and other stakeholders from within the criminal justice system. This is a data driven process to understand the current picture and to use data to develop money saving policy alternatives. Legislative leaders seem interested in getting as far along in this process as possible and hope to include some of the committees work in the budget. There are four policy options that have been introduced to the committee as of this meeting:

1. Focus Supervision Resources
  - Limit the period of extended supervision to 75% of confinement time
2. Reallocate Revocation Expenditures to Community-Based Strategies
  - Create system for more swift revocation
  - Cap the period of reconfinement for revoked persons (with no new sentence) at 6 months
3. Create Sentencing Option to Reduce Risk Prior to Release
  - Risk reduction sentence provides offenders with access to programming while incarcerated based on a valid risk assessment.
  - Successful completion of programming will result in offender serving 75% of confinement time ordered.
4. Set a Recidivism Reduction Goal
  - Create a statewide recidivism reduction goal of 25% from 2008 levels by 2011.

Above and beyond these policy recommendations, the Council of State Governments is recommending that the dollars saved through the implementation of these initiatives be reinvested in the areas of mental health, unemployment, and community based alternatives to revocation programming.

Discussion continued about what drivers of current prison and probation populations are as well as potential effects upon the courts and the criminal justice system should the above four policy recommendations be implemented. Mr. Voelker encouraged members to review the information available on the CSG website and to send any comments/concerns to committee members. More information on this initiative is available on the Council of State Governments website which Shelly Cyrulik will forward to the Committee after the meeting.

#### **5. Videoconferencing Subcommittee**

Judge Leineweber reported that he still is not seeing any significant confusion or misunderstandings of the rule and its application. There were 2 breakout sessions held on the rule at the judicial conference that were well attended and well received. Judge Leineweber has emailed the judiciary as a means to collect informal feedback on the rule and how it's being received in the courts. Continuing challenges continue to be the lack of training and managing the workload shift and burden from one justice partner to another. Many issues remain to be local and outside the purview of the subcommittee and the courts.

#### **6. Court Security Subcommittee**

Due to time constraints, Judge Marik encouraged PPAC members to review the powerpoint presentation handout and communicate any questions/concerns regarding the "State of Security" survey to either Ms. Deiss or himself. The subcommittee continues to gather information on court security and is in the process of revising the court security and facility rule. Judge Marik reported the subcommittee held a breakout session at the Court Safety and Security Conference in Green Bay which received high marks on the conference evaluation.

#### **7. Budget Update**

Deb Brescoll reported that the Governor's budget is currently in the Joint Finance Committee. Chief Justice Abrahamson has appeared before the committee in support of the courts budget. All of the budget items that were requested by the courts, including the court interpreter reimbursement and some project positions, were passed by joint finance. Additionally there is a 1% across the board reduction in all budgets. Currently the budget is on target to be passed on or before June 30<sup>th</sup>. One remaining issue is that the Department of Administration is given the authority to lapse funds from each branch to make up for a \$160 million shortfall.

#### **8. Legislative Update**

For this legislative session, the Legislative Committee of the judicial conference developed and distributed a written agenda. This is intended to be a working document that gets updated throughout the session. A written legislative update was distributed at the meeting. There are two particular items that will affect policy. The first is a change to the operating after law which is included in the public defender's budget. The second are sentencing items which move to make reconfinement hearings administrative within the Department of Corrections.

#### **9. Other Items**

There were no additional items for discussion.

Chief Justice Abrahamson thanked PPAC members for their service and particularly for serving on subcommittees that are responsible for such important work.

(The joint meeting with the Supreme Court ended and the joint meeting with the Planning Subcommittee began.)

#### **10. Planning Subcommittee Critical Issue Objective and Action Step Development**

Judge Kluka introduced the plan for the joint meeting. PPAC will be broken into four groups (one for each critical issue) based upon members ranking their interests. Each group was facilitated by a Planning Subcommittee member and charged with developing clear objectives and actions steps within each objective. Within each action step groups are asked to identify the entity(s) responsible for completed that step, a target date, and a measure(s) of success.

Following the discussion in the workgroups, each group was asked to provide the larger group with feedback about the process (What was the easiest part of this task? What was the hardest? Etc)

Judge Kluka thanked PPAC and Planning Subcommittee members for their expertise and contributions to this process. She also reminded them that this is an advisory process. Even though there may be fiscal and other resource constraints, it is important to partake in these activities and to think about how these issues are best addressed and needs are met. Next, this information will be written up and submitted to the Director and the Court for consideration.