

MINUTES
PLANNING and POLICY ADVISORY COMMITTEE
Friday, March 21, 2014
State Bar Center
Madison, WI

Members Present: Chief Justice S. Abrahamson (Chair), Hon. A. Bates, Hon. J. Bolgert, Mr. C. Esqueda, Hon. E. Levine, Atty. K. Thompson, Hon. M. Wagner, Ms. L. Hoskins, Mr. J. Bellows, Hon. W. Brash, Ms. D. Treis-Rusk, Hon. B. Blanchard, Hon. T. Hinkfuss, Ms. D. Bomrad, Hon. E. Harrington, Hon. J. Colas, Hon. L. VanDeWater, Ms. T. Arrowood, Mr. G. Moore

Members Absent: Hon. T. Flugaur, Hon. P. Madden, Hon. W. Pocan, Mr. J. Altenburg, Ms. Wolverton, Municipal Judge R. Othrow, Hon. D. Reddy, Mr. J. Voelker, Hon. D. Borowski

Guests Present: Justice P. Roggensack, Justice P. Crooks, Justice A. Bradley, Justice M. Gableman, Justice D. Prosser, Ms. T. Owens, Ms. S. Lonergan, Ms. L. Roys

Staff Present: Ms. D. Brescoll, Ms. B. MacRitchie, Ms. P. Radloff, Ms. N. Rottier, Ms. S. Ward-Cassady

Meeting Materials Distributed Prior to Meeting:

1. Agenda
2. January 2014 Meeting Minutes
3. Directions to the State Bar Center

Meeting Materials Distributed at the Meeting:

1. Summary of 2013-2014 Legislation of Interest

Welcome and Introductions

Chief Justice Abrahamson welcomed everyone to the meeting.

Membership Update

Chief Justice Abrahamson welcomed a new member to the committee, Attorney Teresa Arrowood; replacing Attorney Jim Boll, as a representative from the State Bar Association. The Chief Justice also welcomed Judge Linda VandeWater to her third term. The Chief Justice then thanked Judge Bates and Blanchard for their service to PPAC as their terms expired.

Approval of January 2014 PPAC Meeting Minutes

Chief Justice Abrahamson requested additional information be added to the January 2014 minutes to the section devoted to the state-county funding discussion to more fully explain the different categories of potential funding. Ms. Bonnie MacRitchie will add the information to the minutes. With that addition the minutes were approved.

Legislative Update

Ms. Rottier led the committee through the Summary of 2013-14 Legislation of Interest document she distributed at the meeting.

Assembly Bill 387/Senate Bill 308, relating to jurisdiction of 17 year olds who are alleged to have committed non-violent, first time offenses was not voted on by the legislature by the end of the last session, though the bill had bi-partisan support. Governor Walker has made a commitment to make the changes part of the biannual budget.

The increase in TAD funding (Senate Bill 507/Assembly Bill 668) went through this week. Senate Bill 374/Assembly Bill 457 (expanding TAD grants to include mental illness services beyond TAD funding for alcohol and drug treatment) of the Mental Health Task Force may be taken up on April 1st.

There is a study committee being formed on the subject of veterans courts and treatment courts (they have been combined into one study committee). Representative Garey Bies will be the Chair of the committee and Representative Evan Goyke will serve as Co-Chair. Ms. Nancy Rottier shared with the committee that there has been a great interest in TAD grants in the legislature. The study committee may reach out to PPAC for information. Ms. Rottier estimates there will be 4-5 meetings with invited speakers only.

Senate Bill 373, relating to the collection of DNA samples of any adult or juvenile arrested on a violent felony charge was adopted by the Senate. The samples would be held at the State Crime Lab and a triggering event must occur for the DNA to be analyzed. The implementation of the bill could be problematic. The date of implementation is April 1, 2015. There are questions about who will pay for the cost of the bill. A DNA analysis surcharge has been added for each felony conviction and \$200 for each misdemeanor conviction, but it is being challenged.

Assembly Bill 180, penalties and testing for OWI offenses and providing a penalty passed. It is one of the only OWI bills that passed this session. The bill specifies that a person who is convicted of a seventh, eighth, or ninth OWI must be given a bifurcated sentence and that the

confinement portion of the sentence may not be less than three years and that a person who is convicted of a tenth or subsequent OWI must be given a bifurcated sentence and that the confinement portion of the sentence may not be less than four years.

Planning Subcommittee

Ms. Dolores Bomrad, member of the PPAC Planning Subcommittee, provided an overview of the Critical Issues Action Steps that had been accomplished from the 2012-2014 Critical Issues Report and presented the 2014-2016 Critical Issues report to the Supreme Court Justices. She led the Justices through the methodology of the report, and then turned her focus to the four issues that were chosen by the survey respondents for this cycles' report.

The four issues that were chosen for this cycle were:

- a. Judicial Independence, Ethics and Selection
- b. Court Security
- c. Use of Technology
- d. Evidence-based Practices

Justice Roggensack commented that the report was very good; however she noted that the Justices received the report March 3rd and it has not been approved by the Court. She stated the Supreme Court has not met to confer and determine if the goals of the Supreme Court would be in line with the goals identified in the report.

Effective Justice Strategies

Judge Levine provided a brief update to the committee and the Justices on the work of the Effective Justice Strategies Subcommittee (EJS). He commented that the Statewide Criminal Justice Coordinating Council has played a critical role in moving the state forward in the area of evidence-based practices.

Judge Levine then shared with the committee that the National Institute of Corrections (NIC) held a summit in January 2014 to showcase evidence-based decision making (EBDM) at the local level. NIC has been providing technical assistance to Eau Claire and Milwaukee counties, as well as to five other sites across the nation. NIC is hoping to expand EBDM technical assistance to one state in 2014. The purpose of the summit is to present what the current sites have accomplished and plan for what EBDM on a state level would look like.

EJS was involved with the planning of the summit and has been working with others at the state level in order to promote and prepare a Wisconsin application for the state technical assistance. Ms. Kelli Thompson contributed a letter of intent is due on March 30th, state will formally apply in October and announcements will be made in December.

There will be a meeting in the fall to help teams prepare for the application process. Wisconsin will send teams to the meeting; Milwaukee and Eau Claire will speak at the meeting.

Justice Prosser asked “Who applies for the statewide NIC grant?” Chief Justice Abrahamson responded it is not clear what they (NIC) are looking for yet and more will be known after the meeting in the fall.

Justice Prosser then asked if other counties could use the reports generated from Milwaukee and Eau Claire to start a program and Judge Levine responded that they could.

Court Security

Judge Bates shared with the committee his experience at the annual Court Security Conference. He said he mostly learned that he “doesn’t know anything about court security” and that there are lots of educated people in the field. There were over 200 participants representing 47 counties in Wisconsin. The theme of this year’s conference was “Living and Working in Today’s Society” and focused on safety at the courthouse as well as at residences. A theme Judge Bates took away from the conference was the need to be constantly vigilant. He quoted a statistic from the conference, “50% of attacks on judges occur at their homes.” He also took away from the conference the importance of working with other agencies or counties on security needs when resources are scarce. He recommended teams from counties attend the conference together, including county board members.

Mr. Carlo Esqueda, who also attended the conference, added the presentation on the George Zimmerman trial was very informative, particularly how they dealt with threats and the media throughout the trial. He said the presenters from the Zimmerman trial helped him realize an event like that could happen anywhere.

Ms. Bonnie MacRitchie shared with the committee two updates on the implementation of Supreme Court Rule 68. She provided a brief description of the online forum, which was developed to enable county court security and facilities teams to communicate about shared issues and possible solutions. She also shared with the committee the revised threat/incident report cover letter and form. The new cover letter and report form provide more guidance as to what type of incident and/or threats should be reported to the Director’s Office.

The meeting was adjourned.