

**PROCEEDINGS OF THE BROWN COUNTY
CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County **Criminal Justice Coordinating Board** was held on Tuesday, January 11, 2022 in Circuit Court Branch 3, Brown County Courthouse, 100 South Jefferson Street, Green Bay, Wisconsin.

Members Present: Chair Judge Tammy Jo Hock
District Court Administrator Tom Schappa
Clerk of Courts John Vander Leest (via Zoom)
SPD Rep. Carrie Laplant
Probation & Parole Rep. Aaron Sable
Citizen Rep. Tim Mc Nulty
Citizen Rep. Robert Srenaski
District Attorney David Lasee
Comm. Svcs. Administrator Jenny Hoffman
Public Safety Committee Chair Keith Deneys
County Executive Troy Streckenbach
CJS Manager Mark Vanden Hoogen
Citizen Rep. Christopher Zahn

Others Present: Corporation Counsel David Hemery (via Zoom)
CJS Supervisor Laura Hettman

Excused: Board Chair Patrick Buckley
Human Services Chair Joan Brusky
Angela Stueck

1. Call Meeting to Order.

The meeting was called to order by Chair Judge Tammy Jo Hock at 12:12 pm.

2. Approve/modify Agenda.

Motion made by Mark Vanden Hoogen, seconded by David Lasee to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Approve/modify minutes of November 9, 2021.

Motion made by Keith Deneys, seconded by Tim Mc Nulty to hold until next meeting. Vote taken. MOTION CARRIED UNANIMOUSLY

4. Jail population numbers (Sheriff).

County Executive Troy Streckenbach referenced the daily report sent out by the jail to the members of this Board which shows that currently the jail is at 88% capacity. The biggest challenge at this time is shortages in staffing, either due to resignations and retirements or Covid. Public Safety Committee Chair Keith Deneys informed Sheriff Delain has authorized a number of lieutenants who were previously correctional officers and are certified to work in the pods to fill in when there is forced overtime if there are slots available. This is being done to help reduce burnout of staff. Streckenbach added that both county administration and Sheriff's Department administration are working on creative ways to address this issue.

5. Efficiency Report (DA Lasee).

District Attorney David Lasee recalled at the last meeting we talked about the lockup process and he informed he instituted having staff come in on Sunday over the long New Year's holiday weekend to process cases. There were about six attorneys and several support staff who came in voluntarily after the

long weekend to get a head start on processing cases. Lasee has heard positive feedback from the staff who worked and they seem to prefer this method over the chaos that would have come on Monday morning.

With respect to efficiencies in general, Judge Hock noted it seems everyone is trying to figure out how to deal with the crisis situations that keep arising as efficiently as possible. It is hard to look at the system as a whole and do anything to overhaul it right now. Lasee agreed and said there have been a number of requests relating to how Covid has impacted the DA's office and court system. He would like to compare the total number of open cases as of March 1, 2020 versus the number of open cases now, but the current records management system does not allow to see open case in a particular snapshot in time. CCAP may be able to easily capture this information and District Court Administrator Tom Schappa informed he would be able to help gather some statistics. Lasee feels there are more pending cases now than there were pre-Covid because cases cannot resolve as quickly. There is not a lot of time to work on efficiency right now because they are constantly putting out fires caused by things like staffing issues and illnesses.

6. Report of Mark Vanden Hoogen re: Criminal Justice Services.

Criminal Justice Services Manager Mark Vanden Hoogen reported there are currently 789 people active in the various services including 62 in diversion, 642 in the report center, 85 active in the treatment/specialty courts and nine that have been accepted. There have also been five more graduates since he reported last. Safety rates are at 82.03% which is an increase from the last time he reported and appearance rates are at 87.8%.

Regarding grant funding, Vanden Hoogen informed the county was selected for a new cycle of TAD funding and added that there will be an additional \$2.5 million dollars released and we can make some additional requests, but he does not know when that will be. He would like the support of the CJC in the form of a letter from Judge Hock when it comes time to put a request in. A Family Recovery Court grant was also applied for and the county was selected, but there are a few steps that need to be done before the funds can be accepted. The goal of the Family Recovery Court is to address substance abuse and stability with children and families in the child protective system.

Vanden Hoogen concluded by saying he will bring forward a full report at the next meeting. Streckenbach asked him to distribute the annual report to the Board so everyone can see the effectiveness of the programs and how the grant funds are being utilized. It is important to understand there is a lot of dialogue going on as to what the county is doing in addressing mental health and recovery and Streckenbach wants to be able to provide some facts about how much the county has invested in these areas.

7. Report of Youth Justice Services.

Community Services Division Administrator Jenny Hoffman informed the Family First Prevention Services Act significantly changed the way the state uses federal funds for child welfare services and it includes new restrictions for children and youth who are placed in congregate care settings. Residential care centers now have to be certified to qualify for funding through qualified residential treatment programs. There are currently 11 facilities that are now certified, including Rawhide in our area.

Hoffman continued by talking about Act 185 and the closure of Lincoln Hills and Copper Lake. That Act also establishes the requirements for secure residential care centers. Four counties, including Brown County have submitted proposals to potentially operate a secure residential care center to serve youth in Brown County as well as regionally. This is currently at a standstill with the state. At this time Racine County is the only county moving forward with a secure residential care center. Milwaukee County is in discussions and will likely move forward, but there is no further update until there is movement at the state. Brown County currently has five kids in corrections at Lincoln Hills at the rate of \$1,154 per day. It is projected that in 2022 the county will spend \$2.7 million dollars for youth corrections due to the rate increases.

Streckenbach informed the big problem with bringing a facility to the county is that there are no assurances from the state as to who is going to pay for operational losses. This has not been addressed by the state, who wants a facility with enough capacity to serve the region. This would come with minimum costs of operation. When Brown County met with surrounding counties, only one county came forward saying they would guarantee a bed; everyone else said they would work with the judges to avoid sending youth to Lincoln Hills. Hopefully the state will recognize there is a cost to local taxpayers if there is an operational loss.

8. Report from State Public Defender's Office regarding appointment of criminal defense attorneys.

State Public Defender Carrie Laplant informed that 60 days ago they were sitting on 370 cases, but that number is now down to 223, however, new cases obviously continue to come in on a daily basis. They are chipping away the best they can. Laplant informed they just lost an attorney and they are working on filling that position.

Judge Hock referenced a recent e-mail that came out regarding \$5 million dollars of ARPA funding for the State Public Defenders Office to fund 36 staff positions split between 14 attorneys and 18 support staff. Laplant informed those funds will be split across the entire state and noted the Green Bay Office is not privy to those funds but informed they will be adding two paralegals and a support staff person for the region. She noted there are about 30 attorneys in the region.

Schappa mentioned there has been a change in how conflicts are handled. Laplant responded that hopefully this change will allow the SPD to keep more cases in-house, but the reality is that caseloads will be increased.

Deneys asked where court-appointed attorneys stand on all this. Judge Hock responded that if someone is eligible for a public defender appointment, her goal is that they get a public defender for a variety of reasons. She noted there are only 13 attorneys in Brown County willing to take public defender cases. These attorneys are already doing cases for the SPD and then the court is also asking these same attorneys to take cases. More and more out-of-county attorneys are being asked to take cases. Judge Hock is fine with Zoom appearances, but not all judges are which can make it difficult to get out-of-town attorneys. It was noted the SPD pays for travel time at the rate of \$25 an hour, but court-appointed attorneys are not compensated for travel time. Judge Hock also mentioned the caps the county puts on representation and noted that is sometimes an issue in getting attorneys appointed. These are all issues that need to be addressed in Brown County.

Streckenbach does not want this issue to die. He feels as a county we need to continue to let the legislature know we have a major problem with people not getting proper representation in a timely manner and that this is a statewide problem. If the county funds this, the county is letting the state off the hook once again for something they are responsible for. Streckenbach understands the need and encourages the County Board to bring more attention to the legislature on this so it does not die. Judge Hock agreed and added that if judges appoint attorneys for people who are otherwise eligible for public defenders, it shifts the cost from the state to the county. Furthermore, when those court appointments are done, the defendants are being asked to reimburse the county and that does not seem fair or appropriate when the person is deemed eligible for a public defender.

Citizen Representative Robert Srenaski said even though the Public Defender's Office was able to add some staff to get a little respite, this will not address the long-term fundamental problem that needs to be addressed at the state level. Judge Hock agreed and said there are similar issues in the District Attorney's Office, in part, because for years the pay rates have been kept consistent in the DA's office and the Public Defender's Office and they have now diverged and are not consistent. The current pay scale is too low for those positions. Not only is the state not paying enough for staff attorneys in the SPD Office, but they also do not pay enough for the attorneys in the private bar to take the cases by appointment.

CJS Supervisor Laura Hettman asked if there is some action this Board can take on this. Streckenbach suggested this issue be put on the agenda for the next Public Safety Committee meeting to encourage the

County Board to take a position or do a resolution to be forwarded to the state and inform the public and legislators where Brown County stands on this. He also thanked the Public Defender's Office for the work they do.

9. Future agenda items, if any.

Judge Hock asked Corporation Counsel David Hemery what the status of the amendment to the by-laws is in light of the motion made at the last meeting to approve proposed language to amend ordinance presented by Corporation Counsel to allow individuals to appear virtually. Hemery responded that the by-laws now allow for virtual attendance as long as Chapter 4 is complied with and he will provide a clean copy of the document.

Streckenbach noted the purpose of this Board is to address the numbers in the court system and one of the things is what is the pipeline. There is the criminal justice division which is helping to find alternatives for individuals to save court time. One of the things that will be announced in 2022 is the Year of Pals. There are currently 50 kids waiting to be matched with a Pal mentor. Statistics show that kids who are paired with a mentor have a 55% greater chance of going on to post secondary education as well as a decreased likelihood to use drugs and alcohol and a decreased likelihood of enter into the criminal justice system. The short-term goal is to eliminate the wait list and then have a larger pool of mentors who are willing to take this on.

Streckenbach continued that ultimately, they are trying to reduce the number of CPS calls. Currently CPS receives about 5,200 calls, about 1,800 of which are screened in and roughly 30 – 50 result in children being placed in foster care. Over the course of the next 10 years, the hope is to see better outcomes for kids and break the vicious cycle that has been created.

The other piece is the disproportionate representation of kids who are already in the criminal justice system that are either Native American or children of color. It is the intent to be intentional in addressing inequities in the county and Streckenbach would like to start right here. This is an endeavor that the County Executive's Office, Sheriff's Office, Green Bay Packers and Oneida Nation are announcing soon.

Streckenbach continued that the Family Recovery grant will hopefully be of benefit long-term. He would like to see this Board start to look at the connection with CPS contact and ultimately the criminal justice system. Judge Hock said she does not know if there is statistical analysis on this, but she does see the same people going from one system to the other. Streckenbach said it is known that 86% of kids in juvenile justice had contact with CPS, but we do not necessarily know if there is a correlation. He would like to see if we can come up with a benchmark and then start data mining.

Citizen Representative Christopher Zahn added that when children get involved with CPS, especially foster care, one in five will be incarcerated. Also, based on ACES scores, the majority of people that are incarcerated have a score of four or more on ACES and this typically stems from a trauma in their life. We are starting to enter the new Second Chance Act cycle of funding and are in the 14th year since that was passed into law. As a Board, there is a significant amount of funding available, but as a county we have been notoriously shy is going after that money. Zahn does not think Brown County has ever accessed the Second Chance Act. This could provide a significant amount of money and he feels the county is notoriously shy because the money is focused on peer driven, peer focused agencies. If we want to look at this multi-faceted problem, one of the good things to know would be of the 223 cases pending in the Public Defender's Office, how many of them involve people who have recidivated. We know that 80% of people will recidivate within the first three years if they do not have access to appropriate services. Zahn continued that globally there is evidence that using a peer driven, peer focused model, the recidivism rates will be reduced significantly. He feels as a Board we really should think of accessing some of the \$31 billion dollars available through the Second Chance Act. Streckenbach would like more information as to how the county could support applying for these funds.

Judge Hock will place this on the next agenda for an update on the Pals program as well as an update on the Second Chance Act to see if there is a way this Board can possibly impact the community.

10. Other such matters as authorized by law.

The next meeting will be held in Branch 3 of the Brown County Courthouse on March 8, 2022 at 12:00 pm. Zoom will likely be offered as an attendance option and Judge Hock asked that members contact her several days in advance of the meeting if they intend to appear virtually.

11. Adjourn.

Motion made by Troy Streckenbach, seconded by Mark Vanden Hoogen to adjourn at 1:04 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Legislative Specialist