

**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, November 9, 2021 in the Karen Dorau Memorial Conference Room, Brown County Law Enforcement Center, 300 E. Walnut Street, Green Bay, Wisconsin.

Members Present: Chair Judge Tammy Jo Hock
Citizen Rep. Robert Srenaski
Health & Hum. Services Director Erik Pritzl
Clerk of Courts John Vander Leest
District Attorney David Lasee
Human Services Cmte. Chair Joan Brusky
Jail Lieutenant Adam Schartner
Public Safety Committee Chair Keith Deneys

Others Present: Board of Supervisors Chair Pat Buckley
CJS Supervisor Laura Hettman
CJS Manager Mark Vanden Hoogen
SPD Attorney Manager Jeff Cano

Excused: Citizen Rep. Christopher Zahn

1. Call Meeting to Order.

The meeting was called to order by Chair Judge Tammy Jo Hock at 12:00 pm.

2. Approve/modify Agenda.

Motion made by Keith Deneys, seconded by Tim Mc Nulty to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Approve/modify minutes of September 7, 2021.

Motion made by Tim Mc Nulty, seconded by Mark Vanden Hoogen to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

4. Jail population numbers (Sheriff).

Lt. Adam Schartner reported on behalf of Jail Captain Heidi Michel. As of today, the jail population is at 89% and there are no inmates shipped out. There are 109 participants on the EMP program.

The new pod opened on October 7 and there are currently 71 inmates housed there. The third floor of the work release center was closed when the new pod opened. All females have been moved from downtown to the new pod at the main Jail. There are currently 70 remaining inmates in the work release center on varying levels of Covid quarantine.

5. Efficiency Report (DA Lasee).

District Attorney David Lasee informed his office remains extremely busy and he does not have a lot to report on this topic. Judge Hock noted she and Lasee have had discussions regarding approaching the County Board to see if there may be ARPA dollars available to be used to help deal with some of the inefficiencies and backlogs in the system that are a result of Covid. Lasee noted he has spoken with administration regarding the availability of funds for attorneys and support staff to potentially address the backlog in the courtrooms. Some of the bigger issues include the discovery issue that has been talked about in the past and the historical number of cases in filed status. Lasee and Hock have some good ideas on how to address some of these issues if ARPA dollars are available.

Robert Srenaski asked how to quantify this to assign a dollar value of what to ask for. Lasee responded that it is difficult to put a dollar figure to this and Judge Hock added that she has been in touch with Director of Administration Chad Weinger as to what funding opportunities there are and what the funding can be used for. Lasee said one way to help quantify this is to look at what the typical caseload for a prosecutor is versus what the actual current caseload is and then determine what would be needed to clear the backlog. The hard part is that the records management system does not have the capability to run a report comparing the cases in filed status from several years ago to now so it may be necessary to work with CCAP on this. There are probably several hundred cases currently set for jury trials and there are only 8 branches to hear them. Srenaski opined there needs to be benchmarks throughout the system of what normal numbers are and those need to be compared to current numbers so dollar amounts can be put to the overall affect this backlog is causing on the system, including the Jail, DA's Office and the court system.

6. Revision to By-Laws to allow for virtual meetings.

Judge Hock informed she has spoken with Corporation Counsel David Hemery regarding virtual meetings. Hemery prepared a proposed amendment to the bylaws, a copy of which is attached, which would allow for virtual attendance in accordance with the Brown County Code of Ordinances, but it does not allow to hold entirely virtual meetings because that would require broadcasting to the public and closed captioning which is very expensive. Under the proposed amendment, members would be able to request to attend a meeting virtually from time to time, based on their individual needs.

Judge Hock outlined the language in the proposed amendment which says virtual attendance would be for members who have been pre-approved in accordance with procedures set forth in the section. This would allow members who are not present in person to still be considered as present and be able to vote and be counted for establishing a quorum. Judge Hock continued that if there were a lot of people appearing virtually at a meeting, the meeting could be hosted in a courtroom so anyone appearing by Zoom could be seen. The Chair would have full discretion whether to grant a request for someone to appear virtually providing there is appropriate technology available.

Patrick Buckley would like to see more specific criteria for someone to be able to appear virtually. Judge Hock referred to the proposed language which says the Chair has full discretion and the person requesting to appear virtually would need approval on a meeting-by-meeting basis. The proposed language also states consideration should be given to things such as how many people are requesting to appear virtually and the complexity of the items on the agenda when approving virtual attendance. Judge Hock understands Buckley's concern and the goal would not be to replace people appearing in person with a virtual option unless there was a valid reason for it. Buckley understands there may be some need for virtual attendance but does not want to see more people appearing virtually than in person.

Motion made by John Vander Leest, seconded by Keith Deneys to approve proposed language to amend ordinance presented by Corporation Counsel to allow individuals to appear virtually. Vote taken. Nay: Patrick Buckley. MOTION CARRIED

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

Human Services Manager Mark Vanden Hoogen informed there are currently 814 active individuals in Criminal Justice Services. There are 59 people in the diversion program which is a 40% increase from the last reporting period. There are 662 people utilizing the report center and 93 people in the treatment and specialty courts. Vanden Hoogen anticipates there will be around 100 people in the treatment and specialty courts next time we meet and added that the jail has been working diligently with the inmates and they have received a lot of applications.

Regarding safety rates, Vanden Hoogen informed they are at 81.5% which is a 2.1% increase from the last meeting. Appearance rates, which are driven by bench warrants issued by the court, are at 88.83% which is a slight decrease from the last meeting.

Vanden Hoogen continued that they are still waiting to hear from the state regarding the award of the TAD grant. Finally, Vanden Hoogen informed there will be a drug court graduation this Friday at 10:00 am in Branch 5 and an OWI court graduation at noon in Branch 7.

At this time, Judge Hock questioned how people felt about treatment courts being on the record. She noted there is an extreme court reporter shortage and there are so many treatment court sessions. If these treatment court hearings were not on the record, it would free up a court reporter for the day. Vanden Hoogen responded that in some counties they only bring in a court reporter if there is going to be action taken by the court. Other counties do not record the hearings at all. This is something the efficiency committee can discuss at some point in the future.

8. Report of Youth Justice Services.

Health and Human Services Director Erik Pritzl noted there have been a number of changes in the state budget in the area of youth justice services. He mentioned the Family First Prevention Services Act and noted changes that might affect youth justice in terms of court findings. Judge Hock noted there is nowhere to place these youth consistent with that legislative change. There is a legislative change requiring qualified residential treatment programs and if you place in congregate care settings there needs to be specific findings that there were no services in the community to meet the youth's needs. This is all still being implemented. This has been a little broader than was expected and Pritzl added that the Children's Court Improvement Project is trying to get some of this to the courts. He noted the requirements are going to apply to all children, not just CPS.

Judge Hock said as the legislation stands, the court cannot send kids to Lincoln Hills or Copper Lake directly because it is prohibited in the Act. She asked Pritzl to provide a brief explanation of what the change in the system was. Pritzl explained the state was going to shut down Lincoln Hills and Copper Lake effective July 1 and counties could present proposals and the state was going to establish certain secure residential care centers in the state. Proposals were submitted by Brown, Racine, Dane and Milwaukee counties to get smaller regional facilities to keep kids closer to their home communities. Milwaukee and Dane have both decided not to proceed and Brown County has money set aside to do this, but there is not an agreement that meets our requirements and protects us from certain issues and concerns. Racine has moved forward and will be building a facility. Pritzl continued that the idea is to go to more of a secure treatment focus. He said the difficult and challenging part of all this is the operating and staffing part. When this all began, the corrections rate was \$600+ per day and Brown County's proposal was \$850 per day and now the daily rate is over \$1,100 per day.

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

State Public Defender Attorney Manager Jeff Cano said there are currently 30 private bar attorneys on their list and about 13 who regularly take cases. One of the private bar attorneys who regularly takes cases is from Madison and not all branches are accommodating about appearing virtually. On September 1 there were 365 cases to appoint and they are now down to 295 cases and he feels they will be below 200 in a few months. Cano said they have three new seasoned attorneys who are taking cases. They have more attorneys in the office at this time than they have ever had and he noted that they handle cases in Brown, Door and Kewaunee counties as well as the mental health system.

Judge Hock informed she has spoken with Kelli Thompson of the State Public Defender's Office and said there will be ARPA funds available to be used to reach out to attorneys to see if they can take cases. Cano is not sure what exactly Green Bay will get, but he does have interviews next week for a paralegal which will be covered by ARPA funds.

10. Future agenda items, if any. None.

11. Other such matters as authorized by law.

The date for the next meeting was discussed and January 11, 2022 at 12:00 pm was selected.

12. Adjourn.

**Motion made by John Vander Leest, seconded by Pat Buckley to adjourn at 12:38 pm. Vote taken.
MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Therese Giannunzio
Legislative Specialist

BY-LAWS
BROWN COUNTY CRIMINAL JUSTICE COORDINATING BOARD
(AMENDED ON 11-09-2021 – CHANGES ARE HIGHLIGHTED BELOW)

ARTICLE I: Name

The name of this Board shall be the Brown County Criminal Justice Coordinating Board (CJCB).

ARTICLE II: Creation

The CJCB was formally created by Resolution of the Brown County Board of Supervisors on September 16, 1992.

ARTICLE III: Mission

The CJCB has adopted the mission of the Statewide Criminal Justice Coordinating Council, namely, *"To promote and facilitate the implementation of effective criminal justice policies that maximize justice and the safety of the public."*

ARTICLE IV: Structure

Section A: Membership

There are seventeen voting members of the CJCB:

1. Chairperson of Public Safety Committee or Designee;
2. Chairperson of Human Services Committee or Designee;
3. Brown County Circuit Court Presiding Judge or Designee;
4. Brown County District Attorney or Designee;
5. State Public Defender Regional Office Manager or Designee;
6. Brown County Sheriff or Designee;
7. Brown County Executive or Designee;
8. Brown County Jail Captain or Designee;
9. Green Bay Police Chief or Designee;
10. State Probation and Parole Division of Community Corrections Region Chief or Designee;
11. Citizen Representative No. 1;
12. Citizen Representative No. 2;
13. Citizen Representative No. 3;
14. Citizen Representative No. 4;
15. Brown County Health and Human Services Department Executive Director or Designee;
16. Brown County Clerk of Court or Designee; and
17. Criminal Justice Manager or Designee.

Citizen Representatives shall be appointed by the Brown County Executive and confirmed by the Brown County Board. Citizen Representatives shall serve two-year, staggered terms (two of the four Citizen Representative terms shall expire on 12-31 of even-numbered years, and the other two terms shall expire on 12-31 of odd-numbered years).

Section B: Officers

At its first meeting in odd numbered years, the CJC B shall elect a Chair, a Vice-Chair and a Secretary to serve two-year terms. The Chair shall preside at all meetings. The Vice-Chair shall act as the Chair in the absence of the Chair. The Secretary shall prepare the Agenda as directed by the Chair, and shall distribute the Agenda in a timely manner to all members of the CJC B, and to the County Board Office. The County Clerk or a designee from the County Clerk's Office shall take, prepare and distribute the Minutes in a timely manner to all members of the CJC B, and to the County Board Office. In the absence of the County Clerk or a designee from the County Clerk's Office, the Secretary shall take, prepare and distribute the Minutes.

Section C: Subcommittees and Ad Hoc Committees

The CJC B may authorize the formation of Subcommittees and/or Ad Hoc Committees which shall report to the CJC B.

Section D: Meetings

Meetings of the CJC B shall be set by the Chair, and shall take place at least quarterly.

Section E: Virtual Appearances at Meetings

Authority: Pursuant to *Brown County Code of Ordinances, Section 2.14, entitled Parliamentary Procedure*, the CJC B has adopted the following procedures in order to allow CJC B members who are not present in-person at meetings to be considered present for meeting purposes, including but not limited to for purposes of establishing a quorum and voting, by appearing virtually or telephonically, subject to the following requirements:

1) Prior to allowing a CJC B member to appear virtually or telephonically, and in order to ensure a successful virtual or telephonic appearance, the Chair of the CJC B shall ensure that sufficient and appropriate technology and equipment is ready and available, for use in the selected and available meeting room, that allows for in-person members of the public that attend the meeting to hear what is being discussed, and shall provide the CJC B member with instructions regarding how to so appear.

2) CJC B members obtaining the pre-approval of the Chair of this body on a meeting-by-meeting basis shall be allowed to appear virtually or telephonically at meetings of this body, and if they appear virtually or telephonically shall be considered present for meeting purposes, including but not limited to for purposes of establishing a quorum and voting. CJC B members do not have the absolute right to appear virtually or telephonically, but do have the right to request reasonable accommodations in certain circumstances. The Chair of the CJC B has full discretion regarding whether to grant such a request, knowing that available technology and equipment may limit how many CJC B members, if any, may be allowed by the Chair to participate virtually or telephonically. The Chair may also consider other factors the Chair considers relevant, such as the complexity of matters on the Agenda and how many CJC B members have requested to appear virtually and/or telephonically at a specific meeting, but the Chair may not illegally discriminate. Requests to appear virtually or telephonically are made at the member's own risk. If a request to appear virtually or telephonically is granted by the Chair, and a CJC B member is

unable to successfully appear, or to continue to appear, virtually or telephonically at the meeting, due to actions or inactions of the CJC member or this body, or due to technological or other issues, then the CJC member will not be considered present for meeting purposes and the meeting will start, or continue on, without the CJC member being considered present, until such time, if any, that the CJC member arrives in-person, or is again connected virtually or telephonically and is again able to participate in the meeting. The Chair of this body has no obligation to 'pause' the meeting and attempt to reconnect a CJC member who was disconnected virtually or telephonically, but may do so at the Chair's discretion. CJC meetings are subject to Wisconsin's Open Meetings Laws and shall comply with such laws, including but not limited to the requirement to ensure that members of the public that appear in-person at the meeting are able to hear what each CJC member is saying during the meeting.

3) This Section E, entitled *Virtual Appearances at Meetings*, is limited to allowing CJC members that have been pre-approved in accordance with the procedures in this Section E to appear virtually or telephonically at specific meetings, and does not provide authority for any meeting to be held entirely virtually or entirely telephonically, which would require the use and expense of Closed Captioning to be incurred as the entirely virtual or entirely telephonic meeting would need to be broadcast with captions to the public.

Article V: Robert's Rules of Order

Unless contradicted by these By-Laws, Wisconsin Statutes and/or by the Brown County Code of Ordinances, the most recent edition of *Robert's Rules of Order* shall control the procedures and workings of the CJC.