



State of Wisconsin

Wisconsin Council on Mental Health
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Meeting of the WCMH Criminal Justice Committee
February 14, 2018
Meeting Minutes

Present: Mishelle O'Shasky, Mary Delaney, Lars Brown, Kit Kerschensteiner. **Phone:** Brian Weidman, Ron Jansen, **Staff:** Jamie McCarville

Item 1. Meeting called to order

- a. This meeting was called to order at 10:08am, members welcomed, quorum established
- b. December 2017 minutes approved with a motion by Kit Kerschensteiner and 2nd by Mary Delaney.
- c. Announcements were shared including: Disability Advocacy Day on March 20th, 2018 by Survival Coalition. NAMI (National Alliance on Mental Illness) has numerous events/trainings including their annual conference April 20-21, 2018. Prevent Suicide annual conference April 12-13, 2018. Peer Associates has a new brochure and many groups are interested in this organization and they are getting speaking requests. WI Council on Problem Gambling annual conference March 14-16, 2018
- d. No members of the public spoke.

Item 2. Committee Business:

- a. Membership Kit Kerschensteiner, Disability Rights Wisconsin (DRW) shared committee roster which has been revised to show active members, and vacancies. Committee should plan to have one of its upcoming meetings dedicated to the discussion of defining what the mission, core values, and vision of this group are going to be. Questions we should ask are: Do we have the right voices at the table so that the majority of the committee at least 51% of the committee membership should be individuals with lived experience of mental illness and experience in the criminal justice system or their family members? Are we reflecting the racial, ethnic geographical and other diversity that is present in the criminal justice system? How strong a voice (number of members) do we want to devote to staff of the state government? More members need to be here for that discussion, so it should be planned in advance. The Council is also looking at this issue.

Our Committee should be more proactive taking positions on policies and weighing in on current issues involving mental health and criminal justice. One of the primary roles of this committee is to advise the Council on these policy issues.

Members shared need for outreach for new members and what are people doing with the information presented at meetings? Who is our constituency? Promoting best practices is clearly a goal, and we want to encourage good initiatives.

Mishelle O'Shasky shared the experience of attending a drug court hearing in one county where there was no attorney representation for the mental health consumer and court personnel seemed to have little mental health treatment knowledge. This lack of mental health knowledge and understanding could be resolved by training. Members discussed some options for resolution. This was reported to the CJCC (WI Criminal Justice Coordinating Council) to address concern of fidelity. These issues are also the focus of the CJCC EBDM (evidenced-based decision-making) standards and policies committee, DRW also serves on this committee and has brought up the issue of best practices for treatment courts.

People with mental illness and other disabilities who are being discharged from correction facilities may need an accommodation under Title II of the Americans with Disabilities Act and without these supports being put in place are often set up to fail. There is already a process in place within DOC (Department of Corrections) that was designed with DRW assistance to ask inmates who will soon be released if there are reasonable accommodations that they need for their disability while they are under the jurisdiction of community corrections. Does there need to be a DOC staff training refresher? Offenders are also aware of this service but individuals don't self identify because they don't want to deal with it, and this leads to a lot of underreporting. The DOC discharge planning person should raise these accommodation issues. Members agreed that the warm handoff between Divisions in DOC needs to be warmer.

Really vulnerable people do not understand what accommodations are available and agency staff needs to educate them. Members shared more outreach could be made to the corrections staff from other agencies to follow up on accommodation technical assistance. Kit Kerschensteiner from DRW shared that they have numerous calls on the need for accommodation in correction facilities. There is an ADA Coordinator in every facility and DRW shared that they have encountered problems with the coordinators actually honoring the spirit of the ADA. Members shared the more that can be done through discussion and documentation to establish disability accommodations before leaving a correctional facility the better.

There was a discussion on which areas of the strategic plan should be concentrated on since the Council would like to have the committees narrow their focus somewhat and look at a fewer number of topics in greater depth. The two areas from the strategic plan the committee needs

to focus on are reentry from prison and jail and diversion from prison and jail. There may be a need to be more concrete with planning.

2b. Legislation. Kit Kerschensteiner shared the list of pending state legislation compiled by Legislation and Policy committee. The bill updates document are items Legislation and Policy committee has looked at and most legislation is not relevant for the criminal justice committee. SB550 /AB660 is changing the age back to 18, the counties agreed to support it and it almost made it this year. Money has been a stumbling block. Now it is stuck in committee and this has been going on for 10 years. Assembly Joint Resolution 93 and AB642/SB522 regarding bail. This proposal is a step backward from the ideas that have been promoted through CJCC (Criminal Justice Coordinating Committee) and advocacy groups really looking at best practices around the use of bail in criminal proceedings. Bail really needs to be based on risk and not going back to debtor's prison thinking. This joint resolution is an attempt to change the Wisconsin constitution. This changes the legislature's ability to authorize when you can deny bail and seriousness of conditions. Now it is being changed to include past history.

Yesterday legislation came out with the idea to change juvenile justice by a bipartisan group of legislators AB 953 and SB 807. In the current version the idea would be to create more and smaller Type 1 facilities for serious juvenile offenders and those convicted as adults but too young to go to prison. Mendota Juvenile Treatment Center would be expanded which is a Type 1 facility run by DHS but has a different mental health focused philosophy than DOC. A commission would be appointed reviewing rules and programming so it is not multiple mini prisons, and includes a grant program to build secure county-based facilities that would take the other juveniles that currently go to Lincoln Hills or Copper Lake. Kit shared that she has been to several of these detention facilities around the state and some of them are not very good, there is not good youth programming oversight for mental health and school involvement. She shared an example of kids sitting the dark rocking. Members pointed out that this rocking is a coping mechanism.

The limitation on who can be sent to a DOC juvenile facility and the increase in secure residential places should cut in half the number compared to the number currently in Lincoln Hills or Copper Lake. Youth Aids would be expanded for to some counties for programming which is distributed by DCF (Department of Children and Families) would need to be involved of all the non-type 1 programming. Kit shared it will be good to bring out this idea and promote best practices and evidenced-based programming. Promoting evidenced-based practice is harder to promote than you would think because there are some people who think that evidenced based is not "tough on crime." Members asked could there be diversions like an OARS program for kids?

The DOC piece will only be the serious juvenile offenders with higher security needs. How do you get into the county and push the programs and the best practices? The programs the DRW sees that are doing good are the ones that use an OARS-type wrap around approach; linked to the community, not isolated, strengths based, they have to go to school, they have community involvement that rewards positive behavior. Part of the commission will review the administrative rules for juveniles and there is a need to reduce the emphasis on isolation/restrictive housing as punishment. A more treatment based approach is to get seclusion use down to emergency use. Members hope it will include CQI (continuous quality improvement). This all needs to be looked at separately and clearly: is it mental health issues, safety issues, and/or punishment issues. It is very likely that there will be further changes to the legislation before it is voted on.

Oversight of contracts and contractors, at all levels, needs to be more robust, especially prescriptions management and the private provider in jails due to profit motive. The last scheduled floor session of the assembly is the week of the 20th. It will have to go to the Senate. Kit moved to support a recommendation to the council to take a position of support on AB 953 and SB 807 Juvenile Justice Reform legislation including stakeholder representation regarding juvenile mental illness as it moves forward, and the second by Ron Jansen. Motion carried. Kit Kerschensteiner will draft a motion paper for consideration by the Council.

The county is the community for some of these kids. Members discussed the need for best practice diversion opportunities, and often the families are struggling. The juvenile system is different in that there is a lot more looping back to local programming, and most of these kids have already been through a residential setting. Kids are in multiple systems, and there are varying degrees of success in the county based systems.

2c. Dates for the year are ok and committee is considering location change.

Meeting adjourned 12:00pm