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## WISCONSIN LEGISLATIVE COUNCIL

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### CRIMINAL JUSTICE FUNDING AND STRATEGIES

Room 411 South  
State Capitol

September 27, 2010  
10:30 a.m. - 3:00 p.m.

[The following is a summary of the September 27, 2010 meeting of the Special Committee on Criminal Justice Funding and Strategies. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

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#### Call to Order and Roll Call

Vice-Chair Turner called the committee to order. The roll was called and it was determined that a quorum was not present.

COMMITTEE MEMBERS PRESENT: Rep. Robert Turner, Vice-Chair; Reps. Ed Brooks and John Steinbrink; and Public Members John Barrett, John Birdsall, Thomas Caywood, Sherri McNamara, David O'Leary, Ragen Shapiro, John Skilton, and Marla Stephens.

COMMITTEE MEMBERS EXCUSED: Sen. Lena Taylor, Chair; and Public Members Ben Kempinen, Jeffrey Kremers, Scott Needham, Dennis Rome, and Noble Wray.

COUNCIL STAFF PRESENT: Anne Sappenfield, Senior Staff Attorney; and Katie Bender Olson, Staff Attorney.

APPEARANCES: Patti Seger and Tony Gibart, Wisconsin Coalition Against Domestic Violence, and John Keckhaver, Wisconsin Coalition Against Sexual Assault; Daniel Hall, Vice President, Court Consulting Services, National Center for State Courts; and John Voelker, Director of State Courts and Deborah Brescoll, Budget and Policy Officer, Office of the Director of State Courts.

## **Approval of the Minutes from the August 30, 2010 Meeting**

*Professor Caywood moved, seconded by Ms. Stephens, to approve the minutes of the August 30, 2010 meeting. The motion passed on unanimous consent.*

## **Description of Materials Distributed**

Anne Sappenfield and Katie Bender-Olson provided comments about materials distributed to the committee members prior to the meeting. The materials included a Memo entitled, *Joint Review Committee on Criminal Penalties* (September 20, 2010) and a report issued by the Justice Center of the Council of State Governments entitled, *Justice Reinvestment in Wisconsin: Analyses and Policy Options to Reduce Spending on Corrections and Increase Public Safety*.

## **Presentations by Invited Speakers**

***John Keckhaver, Wisconsin Coalition Against Sexual Assault and Patti Seger and Tony Gibart, Wisconsin Coalition Against Domestic Violence***

Mr. Keckhaver spoke to the committee about the role of the Wisconsin Coalition Against Sexual Assault (WCASA) and other victim groups in the justice system and described the sexual assault services available to victims. He noted that the costs associated with sexual assault go beyond the assault itself and impact families and the wider community. Mr. Keckhaver also informed the committee that large numbers of assaults go unreported and that funding of services needs to take this fact into account.

Mr. Keckhaver noted that the demand for services provided by local agencies has risen and the providers of sexual assault services have been unable to meet the increased need. The expanding demand for services results from a number of factors, including: higher numbers of young children and teenage victims, the need for services for secondary victims such as family members, increased requests for school and law enforcement training, and increased referrals from child advocacy centers. The rising demand has led to waiting lists for services and to programs operating in deficit.

Mr. Keckhaver also explained funding for local sexual assault services. He noted that programs receive federal funding through the Violence Against Women Act and the Victims of Crime Act. Though no general purpose revenue is allocated to sexual assault services, programs can apply for grants funded by the Crime Victim and Witness Assistance Surcharge and administered by the Department of Justice. These grants average \$48,000 per agency and represent the primary state funding for sexual assault services.

Mr. Keckhaver answered questions from committee members following his remarks.

Ms. Seger explained the work of the Wisconsin Coalition Against Domestic Violence (WCADV) and its partnership with WCASA. She noted that local domestic violence victim service providers collaborate with law enforcement and the criminal justice system because the involvement of victim advocates often improves the willingness of victims to report abuse and to participate in prosecutions.

Ms. Seger also addressed the funding of victim services. She noted that victim/witness coordinators are funded, in part, by the Department of Justice. Victim services are also funded by grants from the Department of Children and Families comprised of general purpose revenue and revenue from domestic abuse surcharges. These grants provide the core funding for many programs. Ms. Seger noted that many alternate sources of funding are no longer available due to current economic conditions.

Ms. Seger explained that funding of victim services improves the effectiveness and efficiency of the criminal justice system's handling of domestic violence. She stated that the involvement of victim advocates can help prevent domestic or sexual violence cases from being dismissed due to lack of witnesses and can help prevent future cases by helping victims leave abusive situations. Domestic violence service providers also impact the criminal justice system by engaging in "primary prevention" to intercede in situations before violence develops.

Finally, Ms. Seger highlighted the large increase in domestic violence homicides over the past year. She explained that the increase may result from the economic situations that may force victims to stay in abusive relationships, or from the fact that law enforcement and prosecutors have fewer resources to address domestic violence. In response to a question from the committee, Ms. Seger stated that domestic violence is often progressive and that lower level offenses provide early opportunities for intervention. However, these opportunities are less frequently available because of a lack of resources.

Ms. Seger and Mr. Gibart answered questions from the committee members following Ms. Seger's remarks.

***Daniel Hall, Vice President, Court Consulting Services, National Center for State Courts***

Mr. Hall appeared before the committee via teleconference and explained the history and function of the National Center for State Courts in providing technical assistance to state courts. He described the funding of courts by different states and presented a matrix classifying states as either relying largely upon state funding or relying largely upon local funding. Wisconsin was not classified in either category because its funding is approximately 50% state and 50% local. Mr. Hall commented that the number of state court systems that rely exclusively or heavily on state funding has increased over the past 30 years, but noted that state funding has both "pros" and "cons." Mr. Hall also categorized states as providing state funding, local funding, or both, for adult and juvenile probation and public defender offices.

Mr. Hall presented information regarding the variation in civil filing fees among states. He noted a nationwide concern regarding the impact of increased filing fees on access to the courts and commented that fines are not an appropriate source for funding courts. Mr. Hall explained that states vary in the amount of program revenue they use to fund the court system. He commented that large gaps exist nationally between the amounts state courts collect and the amounts they keep. He also said that more court fees, fines, and surcharges are being allocated to fund parts of the justice system other than the courts. Mr. Hall stated that changing court funding from program revenue to general use funding is difficult because it requires statutory change. He asserted that a comprehensive approach to justice funding is needed because the impact of increased workload or funding in one part of the system impacts the other parts of the system. To conclude, Mr. Hall suggested that state justice systems employ a comprehensive workload model to evaluate their system as a whole.

Mr. Hall answered questions from committee members after concluding his remarks.

***John Voelker, Director of State Courts and Deborah Brescoll, Budget and Policy Officer***

Mr. Voelker spoke to the committee about the work of the Wisconsin Supreme Court's Planning and Policy Advisory Committee's Subcommittee on Court Financing and the report it issued in 2004. The group ultimately concluded that there is no single correct way of funding courts, though it recommended that funding remain a partnership between counties and the state and created a long-term goal of increasing the state's responsibility for funding court services. Mr. Voelker noted that some progress has been made in implementing some of the group's recommendations, such as updating the criteria for determining indigency for public defender representation, obtaining better county court financial information, and implementing a uniform chart of accounts for use by clerks of county circuit courts.

Mr. Voelker also informed the committee that the Director of State Court's office has completed audits on the reported financial information of approximately one-third of the county courts. The review helped to implement uniform reporting and looked at how much counties were spending on core court services and staffing. Mr. Voelker stated that certain core court services should be funded by the state and the subcommittee's report recommended moving towards state funding in phases. He also noted that a weighted caseload study should be completed on court staffing before the state takes over funding of county court employees.

Mr. Voelker answered questions from committee members after concluding his remarks.

**Working Groups Meet and Discussion**

The members of the working groups met to discuss a meeting date for October and to discuss materials they would like to receive. The working groups were assigned with generating preliminary recommendations at their October working group meetings to bring back to the full committee at the November meeting.

**Other Business**

The next meeting of the full committee is scheduled for ***Wednesday, November 17, 2010, at 10:00 a.m., in Room 411 South, State Capitol.***

**Adjournment**

The meeting was adjourned at 3:00 p.m.

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