

1 SUB __ to 2022 RES-136 (PROPOSED – PELLEBON)
2 REALIZING KEY GOALS OF THE DANE COUNTY JAIL PROJECT WITHIN THE CURRENTLY
3 AUTHORIZED FUNDING
4

5 BACKGROUND
6

7 Through various resolutions, culminating in March 2022 with Sub. 1 to RES.-320 as amended,
8 the Dane County Board of Supervisors approved a budget of \$166 million for the construction of
9 an 825-bed consolidated jail facility, revising the project accordingly.
10

11 In May 2022, Mead and Hunt notified the Board that, because of economic changes, updated
12 estimates indicated that the actual cost of the project would be approximately \$9.8 million over
13 the \$166 million authorized.
14

15 In October 2021, the JFA Institute submitted a report to the Dane County Board of Supervisors
16 that suggested the viability of a smaller jail, as well as a number of reforms that would reduce
17 the need for incarceration. Most of those and other potential diversion initiatives are still
18 possible.
19

20 In July 2022, the JFA Institute presented additional information to the Criminal Justice Council.
21 This presentation highlighted racial disparities that exist in Dane County’s criminal justice
22 system. These disparities result in an incarceration rate for Black individuals in Dane County
23 that is double the national average. These disparities produce arrest rates and jail population
24 rates for Black Dane County residents that are many times higher than those of white and
25 Hispanic individuals (see Figure 1).
26

Figure 1: Arrest, ADP and jail Releases Rates by Race and Ethnicity

Race/Ethnicity	Arrest Rate Per 100 Population	Current Jail Population Per 1,000 Population	Jail Releases Per 100 Population
Hispanic	1.2	1.6	2.8
White	1.1	0.9	1.0
Black	9.8	14.0	9.7

27
28 (Source: JFA Institute presentation to the Criminal Justice Council, July 28, 2022)
29

30 As James Austin (JFA Institute) noted in his presentation to the Criminal Justice Council, “the
31 driver of your jail population is the high incarceration of your African American population.” In
32 practical terms, on one day in July 2022, there were approximately 400 Black residents in jail. If
33 Dane County’s numbers reflected the national average, that number would be 200. If Dane
34 County’s numbers reflected no racial disparity for Black residents, the number of Black residents
35 incarcerated in the jail would be about 30. Addressing these disparities will mean a better, more
36 just Dane County—and within the context of this resolution, addressing these disparities will

37 significantly lower the population of the Dane County Jail, thereby reducing the need for beds in
38 the new facility.

39

40 PRIMARY OBJECTIVES OF THIS RESOLUTION

41

42 Years of study and engagement resulted in an ambitious list of 10 objectives for the jail
43 consolidation project. While all of these objectives are important, given ever increasing costs,
44 the scope must address the 3 most important goals, while striving to achieve the others as
45 possible. Those three objectives are:

- 46 1. Replace outdated cell blocks in the City County Building
- 47 2. Eliminate or greatly reduce solitary confinement
- 48 3. Provide appropriate medical and mental health space

49

50 The purpose of this Resolution is to continue to meet those three objectives while bringing the
51 project back within the authorized budget so that no additional funds are needed, while
52 delivering a more appropriate justice system for the ~~citizens~~ residents of Dane County. That can
53 be accomplished by adopting reforms in the system that make an 825-bed capacity jail
54 unnecessary.

55

56 CHANGES IN SCOPE

57

58 To avoid expenditure of any additional capital funds, In recognition of the multiple opportunities
59 which exist to continue to safely reduce the long-term average daily population in the jail, and
60 in recognition that medical needs more severe than those which can be accommodated
61 adequately by the proposed enlarged clinic should be transferred to a hospital so that
62 designated acute medical beds are not required and that space can be better utilized with
63 general population beds,

64

65 TO AVOID ANY FURTHER DELAYS, THE PROJECT SHALL BE REVISED AS FOLLOWS:

66

- 67 1. Eliminate the 6th floor, resulting in a 5-floor tower.
- 68 2. Revise the fourth-floor level to remove all acute medical housing. Provide general
69 population housing in the available space that this change creates.
- 70 3. Remove Huber housing from the Public Safety Building as required by Sub 1 to 2021-
71 RES-320 as amended.
- 72 4. Keep in-person visitation in the tower by retaining the visitation elevator, ~~if it is possible~~
73 ~~59 to do so within the budget.~~
- 74 5. Provide no more than a total of 725 beds, including mental health beds, meeting
75 necessary resident classification as the Dane County Sheriff's Office deems appropriate.

76

77 ANTICIPATED ADVANTAGES

78

79 This Resolution is anticipated to offer the following distinct advantages compared to the 825-
80 bed, 6-floor proposal, which would have required adding at least \$9.8 million to the amount
81 already authorized for the consolidated jail project:

82
83 1. Due to the savings realized from the removal of the 6th floor of the tower, there will be no
84 added capital cost to be borne by the taxpayers of Dane County. a. This eliminates the need
85 for a referendum to gain the authorization for additional \$9.8 million, which would have an
86 unknown outcome, and which could cause further delays in completing the design,
87 construction, and transfer of residents from the CCB.

88
89 2. Providing a reduced bed capacity of up to 725 beds will be an incentive for the various
90 stakeholders to work together to implement the justice system reforms that will be required
91 in order to reduce the current racial inequity in our jail. This has been identified by the JFA
92 Institute as the most glaring reform needed in the Dane County Jail. Dr. Austin's evaluation
93 of 2021 RES-320 in his July 28, 2022 presentation to the Criminal Justice Council indicated
94 that the Black population disparity in Dane County is more than double the national average.
95 The time to change this is now.

96
97 a. Minimally, we should drop and maintain the current population from 665 to 609 (a
98 reduction of 56 beds from the current number indicated in the July 28, 2022 Dane
99 County Jail resident report). This allows the 15% cushion recommended by Dr.
100 Austin, which would easily keep the number of beds even lower than 725
101 (approximately 700). This drop can be achieved by following several of Dr. Austin's
102 recommendations for population control including:

- 103 1. 100% reduction of eligible Huber population under roof - estimated at 20 (20
104 beds)
- 105 2. 25% reduction of federal in-transit population (20 beds)
- 106 3. 50% reduction of individuals held for more than seven days with 90 less than
107 \$1000 bail (16 beds)

108 b. Because there is a spike in incarceration during the summer months, these goals
109 should be achievable between now and completion of the new structure. This
110 provides plenty of time to arrange and implement the policy changes needed to
111 make and sustain these reductions.

112 c. During the implementation of these reductions there should be significant focus by
113 Dane County to assure these reductions are applied with vigor to the Black and
114 Latino/Latina populations in particular to begin to remediate the severe racial
115 disparities in the Dane County Jail.

116 d. Creating and expanding housing programs, treatment options, and supportive
117 services available to people who have experienced frequent incarceration and
118 homelessness is important for stopping the cycle of incarceration.

119
120 3. Eliminating the designated acute medical housing units achieves two benefits:

- 121 a. The new clinic, as currently designed, achieves the desired greatly improved level of
122 medical care without the expense of building and staffing medical housing, which can
123 be more appropriately provided in local hospitals.
- 124 b. The space which that vacates on the 4th floor can be reconfigured to create at least
125 an equal number of beds suitable for housing general population residents.
- 126
- 127 4. Retaining the visitation elevator maintains the opportunity for in-person visitation for the
128 approximately 320 residents who will still be housed in the tower.
- 129
- 130 5. Any delay required to redesign to accommodate the proposed changes will be offset by the
131 reduced construction duration due to the reduced project scope.
- 132
- 133 6. Operating costs will be significantly reduced. Those savings will then be available as
134 resources to provide housing, treatment, employment, and other needs to address
135 underlying issues in our community.
- 136

137 COMMITMENT TO REFORM AND TO DECREASED INCARCERATION

138
139 ~~Recommended~~ Reforms to the criminal justice system which could limit incarceration and
140 decrease the needed number of beds in the jail consolidation project include:

- 141
- 142 1. ~~Urge the District Attorney, the Public Defender, and the Courts to hold an 18-month pilot~~
143 ~~117 of a w~~Weekend court, held virtually, which could be studied through implementing
144 an 18 month pilot project. Analysis of the pilot should include analysis of both the
145 average daily population and racial impact.
- 146
- 147 2. Ending the use of cash bail. While most individuals with nonviolent misdemeanors are
148 released after paying bail based on the state bond schedule, some stay in jail and then
149 proceed to initial appearance in front of a Court Commissioner and receive cash bail—
150 even if the charge was non-violent—in order to assure appearance in court. Dr. Austin
151 reported that on the day prior to his July 28, 2022 presentation to the Criminal Justice
152 Council, 33 people were in jail with cash bond of \$1000 or less and many had bond set
153 for \$250. We urge Court Commissioners 123 to review how The use of cash bail is used
154 must be reviewed with the objective of reducing its use and the harm of racial disparities
155 perpetuated by its continued use., and we urge Court Commissioners to must-account
156 for racial disparities in how cash bail is used moving forward. Court Commissioners are
157 to submit a report to the Dane County Board of Supervisors on a quarterly basis with a
158 breakdown of each hold based on offense, gender, age, race, ethnicity, and whether or
159 not cash bail was used.
- 160
- 161 3. Diverting people with alleged non-violent offenses from jail. The county opposes
162 incarcerating people for non-violent offenses and will use its contracting power to
163 prohibit contracts with government entities whose law enforcement agencies arrest and
164 bring to jail persons alleged to have engaged in non-violent offenses. In the evening,

165 persons who report crimes who have warrants for non-violent offenses are often
166 arrested. Urge law enforcement agencies throughout the county to not arrest those
167 reporting 129 crimes if they themselves have an outstanding non-violent arrest warrant.
168 While this 130 often happens during the day when law enforcement can confer with
169 prosecutors, there 131 is no discretion in the evening. 132

- 170
- 171 4. ~~Urge the District Attorney, Public Defender, Courts, and the Sheriff to e~~Continue the
172 newly established jail population review panel to reduce the length of stay and move
173 residents out of jail as quickly as possible and begin submission of regular reports as
174 referenced in Sub 1 to 2021-RES-320 as amended, lines 106-114, to the Dane County
175 Board of Supervisors.
- 176
- 177 5. ~~Urge the Sheriff to l~~Limit the number of federal prisoners held in our facility to prisoners
178 living in Dane County and 10% of the jail population., prioritizing prisoners who live in
179 Dane County. 139
- 180
- 181 6. ~~Urge the Sheriff and probation agents to l~~Limit probation and parole holds by booking
182 and releasing unless extraordinary circumstances exist, and where holds are used, to
183 limit them to 7 days without a charge.
- 184
- 185 7. ~~Request that the Juvenile Court Administrator work with the Courts to~~ End the
186 incarceration of youth reduce the 143 incarceration of youthful offenders by identifying
187 and expand alternative diversion programs and services that support healthy emotional
188 and social development.
- 189
- 190 8. Creating permanent supportive housing and recovery housing options for people who
191 have experienced frequent incarceration, hospitalization, and homelessness.

192

193 NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors supports
194 funding in the 2023 County Budget urges the District Attorney, the Public Defender, and the
195 Courts to establish a virtual weekend court for an 18-month pilot period, in collaboration with the
196 District Attorney, the Public Defender, and the Courts, and will study its impact.

197

198 BE IT FURTHER RESOLVED that the Dane County Board of Supervisors opposes the use of
199 cash bail and urges the Court Commissioners to review how cash bail is used with the objective
200 of reducing its use and eliminating racial disparities in how it is used.

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202 BE IT FURTHER RESOLVED that Court Commissioners submit a report to the Dane County
203 Board of Supervisors on a quarterly basis with a breakdown of each hold based on offense,
204 gender, age, race, ethnicity, and whether or not cash bail was used.

205

206 BE IT FURTHER RESOLVED that the Dane County Board of Supervisors urges law
207 enforcement agencies throughout Dane County to pursue alternatives to arrest and booking in

208 jail for those alleged to have engaged in non-violent offenses and to not to arrest individuals
209 who report crimes if those individuals themselves have a non-violent arrest warrant.

210
211 BE IT FURTHER RESOLVED that Dane County shall not enter into any contracts with
212 government agencies whose law enforcement agencies arrest and bring to jail for booking
213 persons alleged to have engaged in non-violent offenses or those who report crimes if those
214 individuals themselves have a non-violent arrest warrant.

215
216 BE IT FURTHER RESOLVED that the Dane County Board of Supervisors urges the District
217 Attorney, the Public Defender, the Courts, and the Sheriff to continue the jail population review
218 panel.

219
220 BE IT FURTHER RESOLVED that the Sheriff is to begin submitting the monthly reports set forth
221 in Sub 1 to 2021-RES-320 as amended, lines 106-114.

222
223 ~~BE IT FURTHER RESOLVED that the Dane County Board of Supervisors urges the Sheriff to~~
224 ~~163 limit the number of federal prisoners shall be limited to 10% of the population of the jail, and~~
225 ~~in so doing, to 164 prioritize those who live in Dane County and no more than 10% of the~~
226 population of the jail and the County's agreements with the federal government for the federal
227 prisoners shall include language to enforce these limitations.

228
229 BE IT FURTHER RESOLVED that the Dane County Board of Supervisors urges the Sheriff to
230 work with the Wisconsin Department of Corrections to book and release for probation and
231 parole holds unless extraordinary circumstances exist, and under those circumstances to limit
232 the number of days a resident can be held on a probation and parole hold to 7 days.

233
234 BE IT FURTHER RESOLVED that the Dane County Board of Supervisors opposes the
235 incarceration of youth, supports changes in the 2023 budget for expansions in alternatives to
236 incarceration of youth, and requests the Juvenile Court Administrator to work with the Courts to
237 identify potential approaches for all youthful offenders to find alternative diversion programs and
238 services for youthful offenders in lieu of incarceration.

239
240 BE IT FURTHER RESOLVED that the Dane County Board of Supervisors supports funding in
241 the 2023 capital and operating budgets for permanent supportive housing, recovery housing,
242 expanded treatment options, and supportive services for people who have experienced frequent
243 incarceration, hospitalization, and homelessness.

244
245 BE IT FURTHER RESOLVED that the design remove the fourth-floor acute medical housing
246 and provide general population housing in the available space that this change creates.

247
248 BE IT FURTHER RESOLVED that the design maintain the visitation elevator, ~~if it is possible to~~
249 ~~176 do so within the budget,~~ to allow for the opportunity for in-person visitation for the
250 approximately 320 residents who will still be housed in the tower.

251

252 BE IT FURTHER RESOLVED there are no more than a total of 725 beds, including mental
253 health beds, meeting necessary resident classification as the Dane County Sheriff's Office
254 deems appropriate.

255
256 BE IT FINALLY RESOLVED that the Department of Administration-Public Works Engineering
257 Division be directed to ensure complete performance of the Contract, including change orders to
258 implement the changes in scope enumerated herein.

259
260 *The substitute amendment states the intent of the Board on a number of reform initiatives rather*
261 *than urging action by system officials, and specifies support for 2023 budget initiatives to*
262 *include housing and treatment options.*