

Community Justice Center Initiative

Initial discussion to inform target population and offense list for the
Community Justice Center Initiative

Presented to Criminal Justice Council-Racial Disparities Subcommittee

February 22, 2022

Using past data to frame decision points

- January Advisors, 2020. *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses: Data Analysis & Recommendations.*
- Center for Court Innovation, 2021. *Community Justice Center Initiative Final Needs Assessment Report.*

Center for Court Innovation (2021)

Types of cases addressed and services provided

- Majority hear low-level offenses, such as drug-related crimes, trespassing, shoplifting, illegal vending, and vandalism.
- Some Justice Centers have trended toward accepting more serious cases
- Eligibility criteria:
 - Based on specific charges
 - Non-violent charges in a certain geographic area
 - Most allow referrals from mainstream court

Recommendations from *Community justice center initiative final needs assessment report* (CCI, 2021).

Center for Court Innovation (2021)

Potential target population & eligible offenses

- Identify the most frequent charges leading to arrest/booking (p 13)
- Identify individuals with multiple charges at arrest and multiple arrests in an enumerated time period (p 14)
 - More research on *Associated Offenses*
- Can lower-level charges, determined eligible, be processed as direct citations in lieu of arrest? (p 16)
 - This will directly impact the racial disparity found in both arrest and jail population data

Center for Court Innovation (2021) Recommendations on Data Review

- Review arrest, booking, and court data, specifically for cases not currently eligible for deferred prosecution or Community Restorative Court (p 17)
- Establish practices to increase data transparency and reporting on outcomes (p 18)
- Create intentional data collection metrics related to racial categories (p 18)
- Set benchmarks for reducing racial disparities in arrest and charging (p 19)

January Advisors (2020)

- Goal of Study: To identify areas where Dane County can continue to build on its work to reduce the number of people in the criminal justice system through deflection and diversion programs.
- Disorderly Conduct
 - More research on Resisting or Obstructing, Criminal Damage to Property, Bail Jumping – Felony, and Theft

Recommendations from *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses: Data Analysis & Recommendations* (January Advisors, 2020).

January Advisors (2020): Most frequent offenses

Law Enforcement Dataset: Most Frequent Offenses

Offense	2016	2017	2018	Total
Disorderly Conduct	2,313	2,369	2,538	7,220
Domestic Enhancer	1,052	1,029	1,151	3,232
Retail Theft	667	668	465	1,800
Battery - Simple	614	601	578	1,793
Misdemeanor Bail Jumping	475	489	588	1,552
Possession of Drug Paraphernalia	438	438	460	1,336
Probation Hold	630	313	367	1,310
Felony Bail Jumping	399	426	454	1,279
Unlawful Trespass (After Notified Not to Enter)	350	361	415	1,126
Resisting/Obstructing an Officer	332	317	343	992
Damage Property	267	276	266	809
Probation Violation	231	284	288	803
Unlwl to Possess/Consume Open Intox on Public St	288	235	138	661
Misdemeanor Retail Theft Intentionally Take <\$500	225	201	221	647
Operating While Intox (1st)	202	199	212	613
Casual Possession of MJ or Cannabis in Public Place	235	168	209	612
Possess Heroin	179	223	202	604
Battery- Misdemeanor	155	206	193	554
Parole Violation	188	140	158	486
Party to a Crime	150	114	149	413

Recommendations from *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses: Data Analysis & Recommendations* (January Advisors, 2020).

January Advisors (2020)

Most frequent offenses

- Disorderly Conduct
 - Most frequently occurring charge
 - Possibility to increase number of referrals to municipal court
 - More research needed on Resisting or Obstructing, Criminal Damage to Property, Bail Jumping – Felony, and Theft
 - Comprehensive research on *Deflection with Citation in Lieu of Arrest*
 - International Association of Chiefs of Police (IACP) report

Recommendations from *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses: Data Analysis & Recommendations* (January Advisors, 2020).

January Advisors (2020)

Most frequent offenses

- Probation
 - Probation violations often cited as one cause of over incarceration
 - Reduce misdemeanor probation violation with no associated offenses
 - With WI-DOC, reduce number of arrests and incarcerations for Probation Holds with no major co-occurring offenses.
 - Data on what happens to a person after probation hold is critical to understand the cost-benefit of the arrest.

Recommendations from *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses: Data Analysis & Recommendations* (January Advisors, 2020).

January Advisors (2020)

Most frequent offenses

- Bail Jumping
 - Focus was on misdemeanor bail jumping
 - Collect additional data on
 - how and why bond conditions are being violated
 - Explore bail jumping charge dismissals and leverage situations
 - Analyze outcomes based on race and age
 - Underlying nature of Felony bail jumping charges
 - Implement uniform, statewide practices for setting bail conditions

Recommendations from *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses: Data Analysis & Recommendations* (January Advisors, 2020).

January Advisors (2020)

Most frequent offenses

- Possession of Drug Paraphernalia
 - High likelihood of an associated offense, that is also drug-related
 - Is there a gap in drug offenses not covered by current programs in Dane County? Current programs in Dane County include:
 - Drug Diversion Court
 - Drug Treatment Court
 - Madison Addiction Recovery Initiative (MARI)
 - Deferred Prosecution Unit
 - Madison Municipal Court
 - State-level action to decriminalize the possession of drug paraphernalia

Recommendations from *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses: Data Analysis & Recommendations* (January Advisors, 2020).

January Advisors (2020)

Most frequent offenses

- Retail Theft
 - Deflection through District Attorney-led Reforms
 - Charge and dispose of retail theft cases as summary offenses (PA DA, 2018)
 - Decline to prosecute theft cases with a value under \$750, as long as theft was not for economic gain, or “Theft of Necessary Items” (Dallas County, TX, 2019)
 - Deflection through Private Sector “Retail Justice”
 - Stores steer shoplifting suspects to private company
 - May exist in Dane County, but no data available

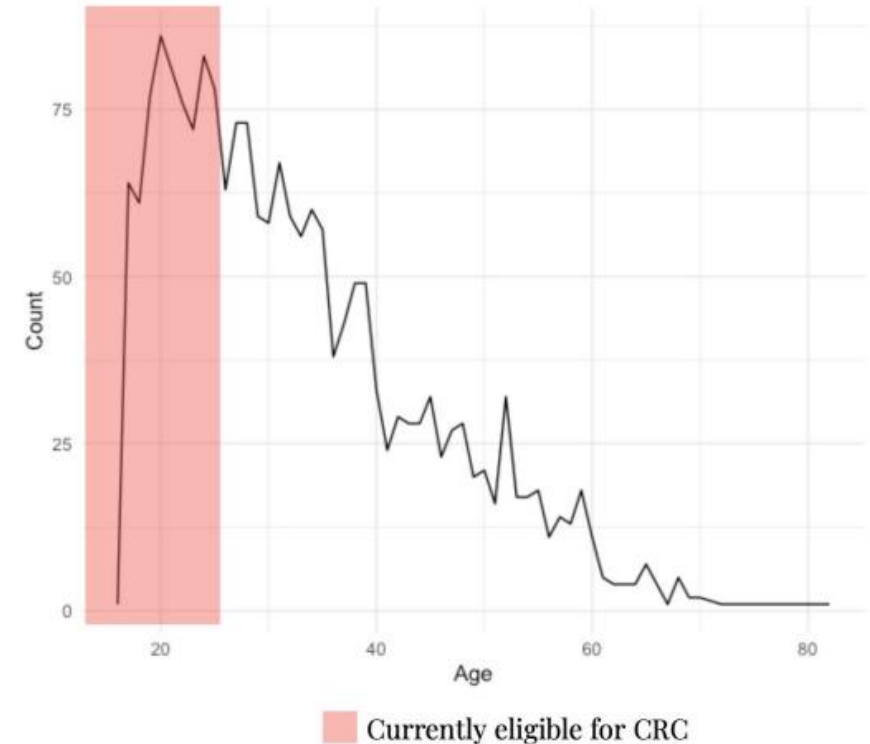
Recommendations from *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses: Data Analysis & Recommendations* (January Advisors, 2020).

January Advisors (2020)

Expanding the Community Restorative Court

- Creating Programs for People Over 25
- Expand Offenses Accepted

Cases Eligible for Community Restorative Court Grouped by Age



Recommendations from *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses: Data Analysis & Recommendations* (January Advisors, 2020).

January Advisors (2020)

Summary of Recommendations: Additional Research

- Disorderly Conduct Associate Charges
- Felony Bail Jumping
- Drug Diversion
- Decriminalization of Drug Paraphernalia

Recommendations from *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses: Data Analysis & Recommendations* (January Advisors, 2020).

January Advisors (2020)

Summary of Recommendations: Additional Data

- Disposition data
- Deferred Prosecution data
- Judge name and/or Judge code
- Home address of record
- Sentencing information
- “Retail Justice” data

Recommendations from *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses: Data Analysis & Recommendations* (January Advisors, 2020).