



## Affirmation of MOSES' Positions on the Dane County Jail Remodeling

Adopted September 18, 2021 by unanimous approval of MOSES Leadership Board

MOSES has spent many years studying the Dane County Jail. These are the primary principles that motivate and inform our advocacy around the jail remodeling project; we believe that 1) people who do not need to be in jail should be diverted from incarceration; 2) people who are not diverted should be treated humanely while they are incarcerated; and 3) people leaving the jail should be supported in integrating back into our community.

### Diversions

MOSES supports:

- Expansion of both the age range of people and the range of crimes referred to the Community Restorative Court (CRC)
- Expansion of the deferred prosecution program, particularly the pre-charge arm of that program.
- The establishment of a county wide system of alternative (non-police) response to mental health calls coming to 911. This can be an expansion of the Madison CARES program.
- The establishment and integration into the Dane County human services network of a Triage Restoration center for people with behavioral health and AODA issues.

We believe that these and other programs will significantly reduce the number of people incarcerated in the jail. Indeed, the Community Restorative court (CRC) has already processed many people who would otherwise have been incarcerated and the jail population dropped in 2019 even before the pandemic, and dropped more dramatically during the pandemic. The Dane County Criminal Justice Council (CJC) has collected written statements from the decision makers who created that dramatic drop by altering established policies. In those statements, many decision makers committed to retaining the new policies. MOSES supports retention of those new policies which have resulted in lowering the jail population.

### Humane Treatment

MOSES supports:

- Closing the Jail facilities on the 6th and 7th floors of the City-County Building.

- Elimination of solitary confinement.
- Provision of robust opportunities for programming and worship by at least retaining those central spaces as found in the current architectural program, and preferably expanding them.

The facilities on the 6th and 7th floors of the City-County Building are old, dangerous and have been described by Former Sheriff Mahoney as inhumane.

Currently, the solitary confinement policies at the DC jail are not even in compliance with the UN “Nelson Mandela Rules.”<sup>1</sup> Solitary confinement, by any name, should be banned for juveniles and people with mental health issues.

Former Sheriff Mahoney has said that because of the design of the current jail, even before the pandemic, many people -- including those with mental or physical health issues -- were placed in solitary confinement because of the lack of more suitable facilities. Staffing and facility constraints also limited the number of people allowed to attend worship or other programs.

MOSES supports remodeling and policies that allow elimination of people in solitary confinement regardless of how that practice is labeled. De-escalation and behavior management practices have been found by other jurisdictions to be effective alternatives to solitary confinement.

## Reintegration into our community

MOSES supports:

- Beginning the reentry process before leaving the jail.
- Connecting people with needed social services before discharge.
- Discharging people who do not need to be in the jail while they are waiting for court dates.

In addition to programming during incarceration, effective reintegration services affect the jail population by reducing the number of individuals who subsequently return to incarceration. Reintegration is also more critical because some of the large drops in our jail population resulted from new policies that resulted in discharging people from the jail rather than holding them pending further legal proceedings. In the remodeled jail, programming space is necessary to set up a successful reintegration. Space is necessary for both reentry planning and for connecting people who need social services to those services. This space should not be compromised by a desire for more beds.

## Summary

Dane County is to be commended for investing in significant diversion programs and policies including the potential expansion of the Community Restorative Court, initiation of the CARES program, establishing the Triage/Restoration center, and the sustainable diversions initiated

during the pandemic leading to reductions in jail population. Therefore, a significant reduction below the 922 beds proposed in the current program is realistic. Services in the community should be emphasized so that incarceration becomes an outcome of last resort to assure community safety.

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<sup>1</sup> The United Nations “Nelson Mandela Rules” (<https://undocs.org/A/RES/70/175>) state, in part:  
Rule 44

For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.

Rule 43

1. In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:

- (a) Indefinite solitary confinement;
- (b) Prolonged solitary confinement;
- (c) Placement of a prisoner in a dark or constantly lit cell;
- (d) Corporal punishment or the reduction of a prisoner’s diet or drinking water;
- (e) Collective punishment.