



**Investigating Solutions to Racial Disparities and  
Mental Health Challenges in the Dane County Jail and  
throughout Dane County's Criminal Justice System**

Workgroup Recommendations

September 2015



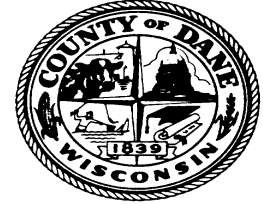




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September 17, 2015

**TO:** Interested Parties

**FROM:** Supervisor Sharon Corrigan, Chair  
Dane County Board of Supervisors

Handwritten signature of Sharon Corrigan in cursive.

Supervisor Paul Rusk, Chair  
Public Protection and Judiciary Committee

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**SUBJECT:** Report of the Dane County Criminal Justice Workgroups

It was just four months ago that the Dane County Board of Supervisors approved Resolution 556, "Investigating Solutions to Racial Disparities and Mental Health Challenges in the Dane County Jail and Throughout Dane County's Criminal Justice System". The resolution created three workgroups, each of which were asked to make 10 recommendations to improve our criminal justice system. Today, we are proud to release the results of their work.

We appreciate and value the passion, dedication, and commitment of the residents, staff, and facilitators who worked throughout the summer on the workgroups. Each workgroup was comprised of 11 members, in addition to a number of individuals who served in consultation to the workgroup, as well as a facilitator and a county staff member. Their work to identify issues and propose solutions will serve as a guide for the County Board as we move forward in the coming months. Additionally, we want to recognize the members of the public who attended meetings and contributed to the process.

Let us underscore that while this report represents a culmination of one effort, it is the beginning of decision-making that embraces community engagement in seeking solutions not only to criminal justice concerns, but also to other areas of county policy. In this vein, the County Board has initiated regional community meetings on a range of topics, and is about to launch an online forum for the exchange of ideas.

Themes that cut across the recommendations of the criminal justice workgroups include:

- Dane County cannot manage what it does not measure. We need to commit to collection of meaningful information, data analysis, and transparency of the results.
- There must be a common understanding of implicit bias, racial equity, and cultural competence. Training is necessary in county government, as well as with local law enforcement and service providers.
- Criminal justice system staff should reflect the demographic composition of residents of Dane County and there should be an effort on the part of service providers to hire staff who reflect the racial and ethnic identity of their clients.

Clearly, the criminal justice system spans local, county, and state government. Some of the recommendations will require a collaborative effort not only with local police departments and the Wisconsin Department of Corrections, but also among the District Attorney, the Courts, and Dane County government.

Finally, the Dane County jail remains a key issue. Concerns regarding jail replacement or improvement initially prompted the establishment of the community-driven workgroups. As the recommendations of the workgroups are considered and implemented, the number of individuals in the jail should decrease, and the racial disparities of those incarcerated should likewise decrease. However, those who are in jail deserve, at the very least, a safe facility. The County Board will need to consider next steps regarding the jail in the coming months. We encourage and embrace the public's continued participation in this decision.

Government is a process, and criminal justice is a process. The outcome of an equitable, efficient, and effective process is a fair and just society. We look forward to working together to achieve this goal.

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**Alternatives to Arrest and Incarceration**

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**Length of Stay**

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## **National Dialogue**

Nationally, there are volumes of documented racial inequities in employment, education, income, health, child welfare and criminal justice across thousands of communities. These outcomes negatively impact countless numbers of residents, families, and communities. Over the last twenty years, much of the research has focused on criminal justice outcomes.

During this time, arrests are declining nationally yet jail growth rate has been increasing dramatically. The number of jail admissions nearly doubled from six million in 1983 to 11.7 million in 2013<sup>1</sup>. Decades of jail growth have produced collateral consequences—in lost wages, worsening physical and mental health, loss of jobs, loss of housing, and overall destabilization of individuals and families. As we review the disproportionality of those admitted to jail, the consequences for people of color, and marginalized communities, is dire.

*"There's a long history of inequity in the criminal justice system in America. In recent years the eyes of more Americans have been opened to this truth. Partly because of cameras, partly because of tragedy, partly because the statistics cannot be ignored, we can't close our eyes anymore."*  
*President Barack Obama, 2015*

Criminal justice involvement is made more complex by issues of mental health. The Bureau of Justice Statistics found that those with mental illness are more likely than others to experience homelessness, substance abuse and unemployment. "Seventeen percent of people in jail were homeless in the year before their arrest, compared to nine percent of the rest of the jail population. Nearly a third of people in jail with mental illness were unemployed in the month before their arrest."<sup>2</sup> The issues confronting our nation's jails are not simple and will require collaboration, leadership, data analysis, and new partnerships to effectively change the current system.

Each criminal justice system needs to take a hard look their own organization, and its impact on the system and its residents overall. This will require a rigorous focus on data to fully understand the drivers of arrest and incarceration and recidivism. Without measurement and accountability, systems change will be largely ineffectual.

## **Dane County Background**

Criminal Justice problems have not eluded the residents of Dane County, and in fact, in many cases our county is the most disparate in the United States. Yet, we are granted national accolades as being an exceptional place to live—commonly ranked as "America's best..." by multiple magazines and organizations. Both local and national research has found that overall the bounty of Dane is not shared across racial and ethnic lines.

Since the mid 2000's Dane County has been reviewing practices within criminal justice and their impact on racial inequities. Prior to that, our community spoke as well, offering reports such as "The State of Black Madison—Before the Tipping Point". Work within the county has continued on recommendations that were developed in both the "Task Force on Racial Disparities in the Criminal Justice System" (2009) and the "Juvenile Justice Disproportionate Minority Confinement Solutions Report" (2009), which include "banning the box" on county applications and initiatives expanding restorative justice options for those 12-25 years old. These reports, and others, have been utilized by county staff. However, partnerships with the community to craft new recommendations—and sometimes re-energize—past recommendations has been lacking.

Recent research includes Wisconsin Council on Children and Families (WCCF) Race to Equity<sup>3</sup> which showed stark disparities between our black and white population across eight indicators. Not listed in the report, however, were Dane County’s other communities of color.

Over the last year, the Dane County Public Protection and Judiciary Committee, Dane County Criminal Justice Council and Dane County Sheriff’s Office, have heard from residents representing virtually each demographic of our county—voicing personal examples of the inequitable treatment and collateral consequences of criminal justice involvement.

While Dane County criminal justice stakeholders have looked for solutions to the disproportionalities that exist at various stage of the criminal justice system (from law enforcement through probation and parole); at the same time, many in our community have also been actively researching, seeking and communicating potential solutions. What lacked was a unified coalition of system professionals, advocates, and criminal justice impacted individuals to move solutions forward.

In spring of 2015, the Dane County Sheriff’s Office released a report detailing current jail facilities (locations and facility problems), as well as proposals to create a new integrated jail. The report began a process of questions, committee meetings, community meetings, and finally the Dane County Board of Supervisors’ decision to examine the system by inviting the public and subject matter experts to provide input prior to making long-term decisions.

During this time, many community groups have emerged demanding “no new jail”, as well as an overhaul of our entire criminal justice system. The Young, Gifted and Black Coalition (YGB), Justified Anger Coalition, MOSES (Madison Organizing for Strength, Equality and Solidarity), and NAMI Dane County (National Alliance on Mental Illness), and others have raised numerous issues and demanding criminal justice reforms. National and local tragic deaths of African-American boys and men have thrust community members into an even more active role in criminal justice reform.

As a part of the County Board’s long term commitment to racial equity and transparency, as well as a need to formalize the voice of our communities, Supervisors Stubbs, Bayrd, Pan, Rusk, and Corrigan created [2014 Resolution 556](#) “Investigating Alternatives to Incarceration, Solutions to Racial Disparities and Mental Health Challenges in the Dane County Jail and throughout the Dane County Criminal Justice System.”<sup>4</sup>

As a member of the Government Alliance on Racial Equity (GARE), Dane County has learned that best practices for effective policy include strong engagement with community. As a key strategy the Alliances states, “Partner with other institutions and communities: The work of local and regional government on racial equity is necessary, but it is not sufficient. To achieve racial equity in the community, local and regional government needs to work in partnership with communities and other institutions to achieve meaningful results.”

*“I appreciate the County Board’s willingness to get the views of everyday people.” Phyllis Fuller, workgroup member*

During the months leading to the creation of RES 556, the Dane County Board’s Public Protection and Judiciary Committee heard from hundreds community members representing virtually every demographic in Dane County. In response to this public debate, the Dane County Board passed resolution 556 on May 21, 2015 establishing action teams. The teams were tasked with developing innovative recommendations for the following: jail length of stay; alternatives to arrest and incarceration; and mental illness, solitary confinement and incarceration.

Each workgroup met at least five times over the course of the summer, engaged in research around the current system, heard expert testimony, and engaged the public present at the meetings. Each workgroup was charged with sifting the many possible recommendations into their top five recommendations that require funding and the top five recommendations that do not require funding.

Public participation in the criminal justice workgroups allowed residents to play a key role in determining potential solutions. The workgroups were designed to help bridge the gap between the criminal justice system and our communities, allowing for the space to create recommendations designed to change the negative results of criminal justice involvement. Advocates, policymakers and criminal justice stakeholders on these teams moved beyond surveys, press releases, editorials and toward collaborative recommendations.

In order to assist the work groups in addressing the ambitious goals set forth in 2014 RES-556, a facilitator from outside of county government, as well as a professional county staff member with content expertise was selected. “My goal is to hear the voices of the community. For that reason, I would like the county staff members who applied to serve as “consultants” to the groups. These individuals bring great content-area knowledge and should have a full participatory role in deliberations, but they will not vote,” said Supervisor Paul Rusk, Chair of the Public Protection and Judiciary Committee.

Workgroups were convened after receiving over 130 applications to be a part of the teams which were made up of 11 team members, one professional facilitator, a professional county staff member, and criminal justice system advisors. (See page 1 for a full listing). Teams were developed to bring many different perspectives to the table, including professionals who work in the different branches of the criminal justice system, members of community-based organizations, academics, and community members who have personal experience with arrests or incarceration, and those with experience with mental illness.

Workgroup members agree racial disproportionality, solitary confinement, and appropriate alternatives to incarceration are problems within our criminal justice system but did not always agree about exactly how the problems arise or what the best solutions are. In writing this report, we highlight recommendations in which there was agreement—and in many cases—consensus among this diverse group of people. Even where the workgroups disagreed about specific proposals, they agreed on the common goals of making Dane County a place where people of different cultural backgrounds can live together in a state of safety, peace and justice and of recognizing and validating the different perspectives and voices in our community.

If change is to occur in Dane County’s criminal justice system , leaders must embrace community voices to become advocates for change. Digging deep for into data will provide a roadmap—but the community needs to assist in planning the route.

Change

*“If there is no struggle, there is no progress.” - Frederick Douglass*

## **Overarching Recommendations: Data Collection and Analysis**

Each workgroup noted severe gaps in data and analysis which need to be resolved as soon as possible.

### **Overarching Recommendations: Data Collection and Analysis**

The criminal justice system is comprised of various independent agencies and entities that have traditionally operated in a “silo” fashion. Each agency focusing predominantly on their individual goals, objectives, and activities. Additionally, each agency is lead by a separate constitutional officers all with independent authority (Sheriff, Courts, County Executive, District Attorney, Clerk of Courts).

All three criminal justice workgroups urge Dane County leaders to take immediate action to increase capacity to collect, monitor, analyze, and produce data disaggregated by race, gender and ethnicity. This recommendation is an overall and critical recommendation from each of the workgroups. Although not listed as a separate top ten recommendation for the three workgroups, it is an overreaching goal that is required to create change.

*Simply put, you cannot manage what you do not measure.*

Staff advisors, criminal justice system professionals, community advocates and the facilitators all noted frustration due to the lack of current data in all areas.

It is difficult to overstate the magnitude of this aspect of the report, or the essential nature of this step toward the goal of racial equity as well as overall functionality of the system.

Specific data needs for the workgroups are listed below:

#### **From the Alternatives to Arrest and Incarceration Workgroup:**

Collect and report racial and ethnicity data at all stages of the justice system continuum. Aggregate and report existing data. The workgroup recommends investing additional resources in technology and/or personnel to meet this need. Set time frames for the implementation of these steps.

Ensure that appropriate, culturally sensitive terminology is used in keeping data. Note the importance of understanding that how people self-identify and how an officer and other agency personnel perceive the individual are not necessarily the same. Require the collection of data identifying race and ethnicity, especially accurate data on Latinos and African-Americans. Acquire complete data necessary to assess racial disparities at the points of:

- Police contact
- Reason for police contact (alleged offenses or violations)
- Arrest charges
- Actual charges filed by prosecutor
- Alternatives offered and to whom

**Data Recommendation continued:**

If alternatives were not taken, why or why not?

Case disposition/sentence

Identify immediate steps that can be taken.

**From the Length of Stay Workgroup:**

Arrest data: the process of ending up at the jail from the street:

Available data: incident-based reports should include offender ID, race, gender, year of birth, offense, and law enforcement action (warn and release, citation, summons, physical arrest). If there are multiple charges for the same incident, the data should reflect this. (Summons and physical arrest both enter public data in the Uniform Crime Reports as arrests and there are protocols for selecting the “most serious” offense to record for each arrest.)

Posting bail at the point of custody (before arraignment)

- Proportion who are eligible to post bail off the bail schedule of those brought in by offense type & race/gender
- Proportion of those eligible who actually post bail by offense type & race/gender
- Proportion not eligible to post bail before arraignment by offense type & race/gender and whether there is also a probation and/or parole hold.
- Proportion not eligible to post bail before arraignment by offense type & race/gender and whether there is also a probation and/or parole hold.

Bails vs. signature bond at arraignment

- Proportion who are offered signature bond by offense type & race/gender
- Amount of monetary bail by offense type & race/gender.

Impact of probation/parole holds on jail populations. Identifying probation/parole hold status of people taken into custody by race/gender and offense status.

- Resolution of holds. In all cases distinguish holds accompanying other charges from violation- only holds.
- Proportion revoked/returned to prison and average length of stay for these, by race/gender and offense type
- Proportion receiving a sanction including jail time and average length of stay for these, by race/gender and offense type.
- Proportion released from hold without revocation or sanction and average length of stay, by race/gender and offense type.

Prosecution Process & Pre-trial confinement. Time to adjudication by type (deferred, dismissal, guilty plea, and trial), custody status, whether on paper, offense type, race/gender.

DOC Holds for violations. Length of stay by race/gender and offense type, and holds attached to arrests for new crimes by race/gender and offense type

Sentencing. The ultimate adjudication type: dismissal, deferral, guilty plea, trial by offense type, custody status, race/gender

**Data Recommendation continued:**

Sentences. Understanding the impact of sentencing on jail requires recognizing that the choices are prison, jail, or no custody. Less use of prison may lead to more use of jail, so they need to be considered together. Recognizing that 97-99% of Dane County sentences are plea bargains, (that are by custom generally not argued before the judge), we want data that permits an analysis of sentence by race/gender, offense type, and prior record.

**From the Mental Health, Solitary Confinement and Incarceration Workgroup:**

Being successful in improving efforts to reduce disparities and achieve better outcomes for individuals with mental health, developmental disability, and/or substance abuse needs in the community, in the jail, and as individuals return to the community from jail will require a significantly improved capacity to collect, monitor, and analyze data. It will be important that data be available (1) for purposes of internal management use in order to monitor and promote practice changes; (2) to assist proper oversight by appropriate policy-makers; and (3) to report to the community and other stakeholders. Data improvement efforts should include the development of a “dashboard” or “report card” method that supports regular assessment of progress toward meeting established system reform goals. This “dashboard” should be developed at the same time as change initiatives.

It is clear that as it relates to the focus of the Mental Health, Solitary Confinement, and Incarceration workgroup the current capacity of the Sheriff’s Department to meet this need is severely limited and needs to be expanded. Therefore, the workgroup recommends investing additional resources in technology and/or personnel to meet this need.

Data elements identified by this workgroup as important to monitor included being able to track:

- The number, demographics (age, race, sex, ethnicity), and mental health diagnoses of individuals with mental health, developmental disability, or substance abuse needs (ensuring appropriate confidentiality as may be required under state and federal laws);
- The nature and quantity of mental health, substance abuse, and developmental disability services provided to individuals in the jail;
- Data that tracks significant outcomes – both successful and unsuccessful
- The use of solitary confinement, including:

Frequency of use (duplicated and unduplicated numbers)

Demographics (age, race, sex, ethnicity) of inmates placed in solitary confinement

Reasons for solitary confinement

Length of time/stay in solitary confinement

Attempts to remove individuals from solitary confinement

Nature and frequency of mental health interventions for individuals in solitary confinement

If/as other resources and recommendations of this group are implemented; there will be a need to gather similarly relevant data related to the use of those programs (e.g. a community-based crisis/resource center, additional outreach services, etc.).

## Length of Stay-Introduction

### Jacquelyn Boggess, Facilitator

County Board Resolution 556 calls for an investigation of “solutions to racial disparities.” It further calls on the “Length of Stay Workgroup” to compile a list of recommendations to the Public Protection and Judiciary subcommittee to change policy and procedures to reduce racial disparities in participation in bail monitoring, home detention, and Huber programs. We began the workgroups conversations with a focus on the resolution and on our charge to advise Public Protection and Judiciary on how to reduce the number of people in jail and reduce racial disparities among people in jail.

The Length of Stay workgroup held 6 meetings from June to September 2014. Most of them (5 out of the 6) lasted 3 hours. We heard from county staff assigned to support the group with supplemental information, and expertise, and we interviewed and conversed with other experts from the police department and the District Attorney’s Office who responded to our requests for information and clarification on current Dane County policy and practice.

The participants in this workgroup brought various personal perspectives and opinions to our many hours of discussion and information gathering. However, the general and collective focus of the conversation was on 3 issues:

- The urgent need for routine collection of intake and process data—disaggregated by race and gender;
- the actions and accountability of actors and decision makers in the criminal justice process in Dane County, and
- the disparate impact of the system and the process on residents depending on race, class, race, and ethnicity. These three issues guided the discussions and determined the priority of the recommendations listed in this report.

The focus on disparate impact based on these demographic characteristics echoes the focus of the goals and objectives of the County Board Resolution. And, many of group members expressed a concern that process and policy information would not help them (or the County Board) understand how these colorblind statutory and administrative processes could result in different outcomes and have such distinctly various impact on individuals depending on their race or ethnicity. Participants were particularly concerned that there was no specific information about how policy was carried out. They asked to know more about how system actors (such as police officers, parole officers, and district attorneys) make critical decisions, and how those decisions were reviewed, tracked or recorded.

Finally, because of the importance of the issue of data collection, we spent a lot of time in conversation (and, ultimately, in a section of this report) talking about the type of data needed and the methods for collection. It is difficult to overstate the magnitude of this aspect of the report, or the essential nature of this step toward the goal of racial equity.

The following recommendations are based on workgroup consensus (with abstentions on individual recommendations noted in the subcommittee meeting minutes). Also, included in this report is a data collection priority list that is essential to follow through on the recommendations

*“...talking about the type of data needed and the methods for collection. It is difficult to overstate the magnitude of this aspect of the report, or the essential nature of this step toward the goal of racial equity.” Jacquelyn Boggess*

## RECOMMENDATIONS—Length of Stay:

### Cost Recommendations:

#### 1. Implement full-scale pretrial services, including electronic notification of court dates.

Implement full-scale pretrial services, including electronic notifications of court dates (through text messages, phone calls, and Facebook messages, among other modes of communication), transitional housing (including a mailing address), employment services, social services, and AODA, mental health, and other treatment services.

Rationale: Ideally, the only people held in jail pretrial are those who pose a serious safety threat to others. People with a history of missing court dates or failing to follow the conditions of bail would be better able to comply with bail when offered full-scale pretrial services.

Anticipated impact on racial disparities: In Madison, people of color suffer disproportionately from poverty and homelessness (see Race to Equity Report). These conditions make it difficult for many defendants to meet their obligations to the court without support. Providing expanded pretrial services will remove obstacles that would otherwise prevent people of color from successfully navigating the legal system, and thus reduce their length of stay in the jail.

Accountability measures: Report on state of recommendation by June of 2016. The assumption is that fewer people will be held on pretrial cash bail.

#### 2. Implicit Bias, Racial Equity and Inclusion, Diversity and Poverty Training.

Implicit Bias, Equity and Inclusion, Diversity and Poverty training should be comprehensive and ongoing for all judges, district attorneys, probation officers, public defenders, private attorneys who take public defender cases, court staff, Dane County Sheriff Office staff and all area police department staff.

Rationale: It is undeniable that there are racial disparities that negatively affect minorities at all stages of the Dane County Criminal Justice System. It is imperative that all who work within the system regularly receive the most current training on race, poverty, and the criminal justice system.

Anticipated impact on racial disparities: This recommendation will hopefully result in not only increased awareness of the issues in this area but also productive changes and increased equity in every aspect of the system.

Accountability measures: The goal would be for 100% attendance at trainings held on a quarterly basis. The first training should occur no later than January 1, 2016.

#### 3. Alternative sentencing via community service work and diversion programs.

Community Service Work (CSW) and GED/HSED diversion programs. This program would provide an alternative sentence that would allow an individual to get out of jail sooner if s/he participated. For example, if the court ordered a 6-month sentence, the court could provide that the individual would be released after three months if s/he attended GED programming for 4 hours each day, five days a week.

Rationale: The time spent incarcerated in the Dane County Jail (DCJ) is largely unproductive. This program would provide an opportunity for inmates to improve their situation and chances of employment while in the DCJ.

Anticipated impact on racial disparities: As the Race to Equity Report indicates, in Dane County, minorities are more likely to live in poverty than a white individual. If a person has work experience gained through CSW and/or a GED or



HSED, his or her chances of employment are increased. If a person is employed and productive, his or her need to commit poverty driven crimes decreases.

Accountability measures: Reports including the following data: days not spent in the Dane County Jail; number of CSW hours performed; number of GED/HSEDs completed.

#### 4. Initial Appearances/bail hearings on weekends and holidays (if possible).

Hold initial appearances/bail hearings on Saturdays, Sundays, and holidays (if possible) for in-custody defendants.

Rationale: People who are arrested on Fridays, Saturdays or Sundays have to wait until Monday at the earliest to make their initial appearance, even if it is likely that they will be released on signature bond. This has a negative impact on employment status, families, etc.

Anticipated impact on racial disparities: Generally, people of color (based on racial disparities in assets and income in Dane County) are more likely than white people to be unable to pay bail from the misdemeanor bail schedule and thus to spend the weekend in jail if they are arrested over the weekend. This puts them at risk of losing their jobs or being unable to provide in other ways for themselves or their families. This recommendation would result in earlier release, thus decreasing the length of stay in the jail.

#### 5. Create a comprehensive reporting system for public oversight and accountability of the District Attorney's office's charging and sentencing recommendation (plea bargaining) policies and practices.

Accountability measures: People awaiting bail hearings would be held in the Dane County Jail for less time. Monthly reports on the average length of stay for pretrial defendants should be distributed to the Criminal Justice Council. Create a comprehensive reporting system for public oversight and accountability of the District Attorney's office's charging and sentencing recommendation (plea bargaining) policies and practices ("study charging and plea bargaining").

Rationale: The goal of this system is twofold:

(a) To identify disparate racial impacts in prosecutors' discretionary policies and practices ("study prosecutorial discretion"), and reduce or eliminate such policies and practices; and

(b) To reduce the length of time people are incarcerated in jail, both pre-trial while awaiting a charging decision ("reduce the time it takes to charge in-custody cases"), and post-conviction.

The system should track: (1) demographics of defendants and all other parties connected to each case (including race, ethnicity, gender, age, mental health status); (2) the demographics and name of every criminal justice decision makers associated with each case, including prosecutor, deputy D.A., assistant D.A., court commissioner, judge, administrative law judge, etc.

Anticipated impact on racial disparities: To ensure public oversight and accountability, data should be available in real-time, be accessible to the public, and include standardized reports that allow for the tracking of disparate impacts according to race, ethnicity, gender and other protected class statuses, cross referenced according to the justice-system decision makers associated with each case.

Accountability measures: A racial impact statement will be sent to relevant county departments (Madison/Dane County Public Health, Office of Equal Opportunities, Department of Administration), and each of their respective standing committees.

**RECOMMENDATIONS—Length of Stay:**

NO COST:

6. Require a racial impact statement before implementing policy.

**Rationale:**

Racial disparities arise for a variety of reasons. The long history of deliberate racist policy by local, state and federal actors casts a long shadow over our reality and future. On the other hand, while our current legislators may not be racist, it is true that our current county board is majority white. Benevolent intent is welcome, but what matters more is impact. Seemingly race neutral policy can further widen current disparities.

**Anticipated impact on racial disparities:**

This tool will allow supervisors to appraise proposed legislation through a racial equity lens. Like fiscal impact statements, this tool gives supervisors an opportunity to see unforeseen and unintentional consequences of policy on racial disparities. Ultimately, this policy will help legislators refine legislation to minimize negative racial impacts and identify best practices.

**Accountability measures:**

Every supervisor will receive a copy of racial impact statements on proposed legislation, and every county department and committee will receive a racial impact statement related to proposed policy for their jurisdictions. Require a racial impact statement before implementing policy.

7. Require the Department of Corrections to report weekly to the Dane County Board of Supervisors and the County Executive, as to who is on a probation or parole hold.

Require the Department of Corrections (DOC) to report weekly to the Dane County Board of Supervisors and the County Executive, as to who is on a probation or parole hold. Specifically, DOC will provide each individual's name, DOB, sex, race an explanation as to why they are being held (rule violation vs. new offense).

**Rationale:** Until it is known to county officials who is being held in the DCJ, it is difficult to develop policy considerations regarding their status. See also Rationale for Recommendation #9.

**Anticipated impact on racial disparities:** If there is more transparency regarding who is in the jail on holds, all interested parties can better analyze and recommend policy changes that would potentially reduce racial disparity.

**Accountability measures:** By Jan 1, 2016 weekly reports will be provided by DOC.

8. Perform a racial equity analysis on policies related to signature bonds, bail determinations, and eligibility for electronic monitoring.

Perform a racial equity analysis to evaluate if existing policies and practices related to signature bonds, bail determinations, and eligibility for electronic monitoring have the effect of limiting access to release from jail among people of color and/or people with mental health needs. Modify or eliminate specific policies and practices as needed to improve equitable outcomes.

**Rationale:** Nationally, people of color are disproportionately held in jail pretrial for their inability to pay cash bail. We lack the data to understand the racial impact of current bail setting practices in Dane County. This study would shed light on current practice in order to facilitate action in the future.

Anticipated impact on racial disparities: Once we understand the effects of the current policies on different racial groups, we can modify them to ensure more equitable treatment and outcomes.

Accountability measures: Report on state of recommendation by the end of 2015.

9. To further advance the interests of justice and fairness for individuals held in jail on Dept. of Corrections holds, the Dane County Board shall immediately recommend the following:

(a) DOC develop a probation and/or extended supervision hold process wherein individuals who are held in the Dane County Jail and alleged to have only violated rules of supervision be considered for release pending the investigation and the Dept.'s decision whether to seek revocation.

(b) that, pursuant to Sec. DOC 331.05 of the Wisconsin Administrative Code, DOC provide a Preliminary Hearing and Detention Hearing for all individuals held in the Dane County Jail who are alleged to have only violated rules of supervision so that some individuals will be released while they await the Final Revocation Hearing.

Rationale: Different data sources indicate that between 25-50% of those in jail are there because DOC has issued a revocation hold. According to the DOC, a snapshot in time, there were 310 holds in Dane County jail in August. Approximately 50% of those were in for a crimeless revocation. Over 50% of new Wisconsin prison admissions each year are for crimeless revocations. The vast majority of these individuals are never charged with a crime by the District Attorney. These people spend on average approximately 95 days in the Dane County Jail before they are granted a DOC revocation hearing. During this period of time, they lose housing, employment, treatment programs, and education opportunities, and their families are suddenly deprived of their presence.

Anticipated impact on racial disparities: Black people accounted for 56% of all people sent to Wisconsin prisons from Dane County due to a crimeless revocation in 2014. This rate is about 13 times what would be expected compared to the population of black adults which is twice the comparable statewide rate. Crimeless revocations in Dane county have consistently had a higher racial disparity for black people over the last 15 years, when compared to all other types of admissions to WI prisons. This proposed change would assure due process and reduce the numbers of black people in the Dane County jail and Wisconsin prisons.

Accountability Measures: Starting October 1, 2015, the County shall monthly analyze and publicly report;1) the number of people held during the prior quarter in the Dane County Jail due to DOC revocation holds for which no criminal charges were filed by the DA; 2) the race of those individuals; 3) the total jail days for people of each race; 4) the average length of stay for each racial group; 5) the shortest and the longest revocation holds for people not charged with a crime.

10. Restructure the Dane County Criminal Justice Council

Dane County shall restructure its Criminal Justice Council (CJC) to include five (5) new members. Three community members who have been directly impacted by the criminal Justice system; One member will be chosen from applicants who are a person of color and have been formerly incarcerated. An additional two community members will be chosen with expertise in substance abuse and mental health. The CJC should oversee the progress of the recommendations coming from the County Work Groups.

Rationale: Currently, Dane County through the criminal justice system has the highest racial disparities in the nation. Inclusion of community members will give the CJC informed participation from the new members to inject the urgency from the community at large, to keep people on the Committee accountable to the recommendations of the work groups, and add expertise to a protected class, the mentally ill.

**RECOMMENDATIONS—Length of Stay:**

Anticipated impact on racial disparities: All work groups were charged with taking racial disparities into account on their recommendations. The CJC will hear directly from those affected by the criminal justice system. They can also have an impact through working with the CJC and the CJC Racial Disparities Subcommittee.

Accountability measures: Within six months, the newly formed CJC will have the new members appointed. The CJC is an open meeting to the public. Updates on recommendations should be given quarterly to assure progress.

## **Alternatives to Arrest and Incarceration—Introduction**

**Lindsey Draper, Facilitator**

### INTRODUCTION

Protecting public safety, while an important goal and responsibility of law enforcement, the judiciary, and all of the entities providing support to the criminal and juvenile justice systems, also involves recognizing that “the public” includes the people who find themselves as the objects of “system” attention. Because the legitimacy of our justice system is based on a belief that all citizens are equal under the law, questions raised by factors such as the disparate number of people of color who are involved in every stage of the criminal and juvenile system continuums require that we not only collect reliable data to identify who are the people at these stages, but also what happens with them and what changes occur over time. As to each of these issues, it is important to document what factors influence any changes.

The Alternatives to Arrest and Incarceration Work Group began its deliberations with a recognition that custodial status plays a significant role in the ultimate outcome of any justice system proceeding. Each discretionary decision exercised throughout the process that begins when contact with a law enforcement officer occurs has an impact on the ultimate outcome of the particular case. The factors that influence the exercises of discretion were critical factors in the deliberations of the work group.

Because of the varied backgrounds, interests, and experiences of members of the work group, the deliberations regarding existing alternatives and efforts to develop additional ones evoked divergent views of and approaches to appropriate considerations. Additional consideration was given to whether there were significant system participants who were not members of the work group but whose input would be important to the formulation of recommendations. In addition to the ideas of community residents who attended the meetings of the work group and consulted with individual group members, the work group received comments from Dane County District Attorney Ozanne and Sun Prairie Police Chief Patrick Anhalt on behalf of the Dane County Police Chiefs Association.

In an effort to have a better understanding of the facility whose conditions and limitations were a partial basis for the creation of the work group, some members of the group attended a tour of the Dane County jail facilitated by Sheriff’s Department Lieutenant Kurt Pierce and conducted by Captain Richelle Anhalt. In addition, in an effort to provide work group members a better understanding of the existing programs available as alternatives to having adults who have been arrested maintained in the jail, Jared Pierce of the Bail Monitoring segment of the Dane County Jail Monitoring Program explained the functions and eligibility criteria for current efforts.

An early issue discussed by the work group was the importance of accurate and complete data. Though the group understood that issues related to data would be considered by all three of the work groups, members felt it important to emphasize that knowing the demographics of who is arrested (or, in the case of juveniles, “taken into custody”); who is placed in the jail; and who receives existing alternatives to being in custody.

The limitations of existing data, particularly as related to whether the data identified the ethnicity of those having system contact, was a significant concern of the work group. Important in the considerations of any recommendations would be the impact of policies by other agencies, including the Wisconsin Departments of Transportation, Corrections and Justice and the United States Department of Justice. While the law enforcement agencies within Dane County may have uniform documents used when a subject is taken into custody, what information is collected and reported is often determined by policies originating from outside entities.

The importance of ensuring that all the documents and signage throughout the justice system continuum be understood by those in contact with it was another area of consideration by the work group. Recognizing that a significant number of those in contact with the justice system do not have English as their primary language plays a role in understanding the importance of making sure that the information – including documents that outline the obligations of those subject to court obligations – is understood by those subject to them. The changing demographics of the county will dictate continuing attention to this issue.

One of the consistent themes throughout the deliberations of the work group was the importance of diversity throughout the entities providing diversion and court-ordered services. Cultural competence and sensitivity as well as on-going training were frequent topics. Recognizing the importance of both large or well-established agencies and smaller, local or start-up programs was identified by the work group as an important part of reducing disparities. Making sure needed support is provided to these agencies and programs throughout the continuum is critical to the success of any initiative.

“Justice will not be served until those who are unaffected are as outraged as those who are.”

— Benjamin Franklin

## Alternatives to Arrest and Incarceration Final Recommendations

### Cost Recommendations

Volunteer Programming-Use and strengthen volunteer programs to reduce involvement with the formal criminal (and juvenile) justice system(s).

Volunteer Programming-Use and strengthen volunteer programs to reduce involvement with the formal criminal (and juvenile) justice system(s), including hiring a volunteer coordinator. Increase funding for grassroots organizations, noting that larger, more established organizations tend to receive most funds, but these are often the agencies where community members experience challenges in receiving the services required by their immediate circumstances.

Expand Restorative Justice Models throughout Dane County.

Restorative Justice-Expand community restorative justice models throughout the county for juveniles and adults and allow for direct law enforcement and community-based referrals. Eliminate records of the arrest/citation for those successfully completing the terms of the restorative justice program(s) and include expungement of court records. Expand the geographical service areas and criteria for eligibility for the Community Restorative Court (CRC) to include other low-level offenses, individuals with past criminal histories, probation/parole violators, etc.

Expand Diversion Services.

Expand diversion services to further reduce the number of people, especially people of color, who are incarcerated. Pre-charge opportunities for diversion should be developed and expanded. Develop culturally-specific diversion programming and services by African-American-led and Latino-led organizations. Create systems to evaluate and monitor the effectiveness of the initiatives based on disaggregated data.

Create a Racial/Ethnic Equity Data Analyst Position.

Create a Racial/Ethnic Equity position in the County with the primary duties of data analysis and identifying areas in which disparities should be addressed.

Cultural Competence, Social and Racial Justice Training.

Provide law enforcement officers and other criminal justice personnel mandatory training on cultural competence, social and racial justice with the goal of reducing racial disparities, arrests of people of color, racial profiling, increasing the hiring and retention of people of color, including bilingual/bicultural staff and equipping them with the skills to serve increasingly diverse communities. Incorporate this training for recruits and continuing trainings for veteran officers to develop skills to recognize and address implicit and explicit bias.

Use a Racial Equity Lens to review policies and practices.

Use a racial equity lens to review policies and practices at the front end (of the justice continuum) in all law enforcement agencies in Dane County to reduce arrests and therefore the number of people coming into the justice system, especially when applying crime intervention strategies. Examine the impact of discretionary decisions at all of the decision points throughout the system and note the importance of the charging decision. Consider the use of sentencing guidelines. Conduct a public review of the policies and practices of all law enforcement agencies in Dane County. The reviewing panel should have significant representation of members of the community served by the agencies and not just "high profile" people.

## Alternatives to Arrest and Incarceration—No Cost continued...

### Review Current Diversion Programs.

Form a workgroup to review all current diversion programs and criteria for admission and successful completion and develop an equitable framework to ensure access to existing diversion programs. The group should identify barriers to enrollment in and successful completion of the programs and make recommendations for improvements. Develop a list of large, traditional organizations and smaller, neighborhood-specific, grassroots entities that can offer services to benefit the clients enrolled and contribute to the improvement of communities and the diverse populations within them.

### Establish Community Advisory Boards.

Establish community advisory boards comprised of diverse local community members with the goal of reducing racial disparities and an aim towards encouraging and strengthening community-led policing.

### Require cultural and linguistic diversity.

Require cultural and linguistic diversity in all governmental and non-governmental agencies providing services throughout the justice continuum at both the juvenile justice and criminal justice system levels.

### Implement a Fugitive Safe Surrender Program.

Implement a “Fugitive Safe Surrender” program/event as a means of eliminating some of the approximately 8000 warrants that are outstanding in Dane County and eliminate incarceration for unpaid fines that may result from municipal ordinance violations.

*One of the consistent themes throughout the deliberations of the work group was the importance of diversity throughout the entities providing diversion and court-ordered services. Cultural competence and sensitivity as well as on-going training were frequent topics.*

*-Lindsey Draper*



## **Mental Health, Solitary Confinement and Incarceration Workgroup**

**Jim Moeser, Facilitator**

### **Observations supporting the Recommendations:**

All of the issues included in the charge to this workgroup exist within a larger environment and history than the group had either the time or the charge to explore, but it is worth providing additional context for the recommendations presented to the Board, including (but not limited to):

**Mental Health:** Related to working with individuals with mental health issues, we are operating within a context and history that includes:

- The deinstitutionalization of individuals with mental health issues from hospitalization toward community-based services, including appropriate yet rigorous standards related to commitments and the appropriate recognition of individual civil liberties;
- Savings from deinstitutionalization have not fully or sufficiently been reinvested to support the concomitant development of either the types or quantity of community-based services needed to fully meet the needs;
- Although not insignificant, public funding for needed services has not kept pace with the needs for mental health services. In particular, although Dane County is somewhat better resourced in terms of mental health provider capacity than many other counties in Wisconsin, the state as a whole ranks relatively low in terms of having the capacity to meet mental health needs of Wisconsinites. The recent authorization for CCS funding is a welcome and needed addition to the pool of available resources, but we are in the early stages of implementing that program;
- Traditional mental health services are often not culturally relevant or readily available/accessible to populations of color, and funding restrictions often do not support the kind of case management, peer specialist, and/or outreach services that would make a substantive difference in preventing entry into the justice system and/or supporting successful reentry. Additionally there is often little recognition of the trauma experienced by individuals of color resulting from poverty and structural racism;
- Responsibility (and accountability) for funding and delivery of services to individuals with mental health needs falls to multiple parties (e.g. HMO's, private insurance, publicly contracted services, etc.), with the nature, accessibility, and coordination of services varying considerably;
- Public perceptions and practices that do not treat mental illness as a health issue;
- Many individuals with mental health needs also have co-occurring substance abuse needs, and often overlooked in the discussion are inmates with developmental disability needs;

**The Current Jail:** Related to the physical plant structure and staffing of the current jail, it is indisputable that there are significant limitations on the ability to provide desired services to individuals with mental health, substance abuse, health, or developmental disability needs. These shortcomings both contribute to behavioral issues for some inmates as well as limit the ability of jail staff to respond appropriately to resolve issues without resorting to the use of solitary confinement. For example:

- There are limited options for housing inmates with mental health issues in ways that could aid in reducing problematic behavior(s) and ensuring their safety and the safety of others;
- The linear design of many units in the jail and the limited staffing make it difficult to provide the kind of direct supervision and interaction that could deescalate behaviors and reduce the use of isolation/solitary confinement for all inmates, including those with mental health issues;
- Sufficient resources to ensure that all jail staff (leadership, supervisors, officers) have the skills to recognize and respond appropriately to inmates with mental health issues have not been available;
- The lack of staff diversity and limited training on issues related to implicit bias and cross-cultural communications play a compounding role in dealing with an already racially and ethnically disparate population, leading to even more disparate use of solitary confinement for inmates of color than would be suggested by population alone;

## MENTAL HEALTH, SOLITARY CONFINEMENT, AND INCARCERATION

- The capacity of the current data system and staffing in the jail/DCSO is limited, making it difficult to routinely gather, analyze, and report data in way that would support implementation of an on-going quality improvement process; and
- Neither sufficient space nor internal resources are available to provide the kind of programming (e.g. educational programming, mental health services, and employment/skill development) that would reduce the likelihood of behavioral issues as well as promote the development of skills that would support successful reentry into the community.

Data Collection and Quality Improvement: Related to the capacity to collect and analyze data:

- There is limited, if any, ability to link information across each of the major “systems” involved in the justice process (law enforcement, courts, DA’s, and jail) , increasing the challenge of tracking individuals and outcomes.

### Summary Comments

Each of the workgroups, this one included, has identified some actions that can be taken sooner rather than later, some that have minimal costs, and some that will take substantial financial investment.

Achieving equity and fairness for all members of our community is about more than just this generation – although that alone should be enough to motivate change. It has to be about changing the future for the coming generations as well. Patience may be considered a virtue, but there needs to be a sense of urgency about moving forward. Every day, every month, and every year that goes by there are real lives affected, for better or worse, by what we do.

The Board should be commended for opening this process up for broader community input, and there will undoubtedly be more opportunities to do so. One member of our group (Phyllis Fuller) put it this way: “I appreciate the County Board’s willingness to get the views of everyday people.”

Finally, it is clear that moving from where we are to where we want to be will not be easy. Yet, as evidenced by the dedication and wisdom of the members of the workgroup and supporting staff as well as the interest shown and input provided by other community groups on these issues, there is reason to be optimistic that great things can be accomplished.

*Achieving equity and fairness for all members of our community is about more than just this generation – although that alone should be enough to motivate change. It has to be about changing the future for the coming generations as well. Patience may be considered a virtue, but there needs to be a sense of urgency about moving forward.*

*-Jim Moeser*

## MENTAL HEALTH, SOLITARY CONFINEMENT, AND INCARCERATION RECOMMENDATIONS

### 1. Remodel the current jail to reflect a more humane and modern facility.

(No Operating Cost) The current structure, design, condition, and staffing of significant portions of the jail contribute to serious safety concerns for inmates and staff and the unnecessary and inhumane use of solitary confinement for individuals with mental health, health, substance abuse, or developmental disability needs. The workgroup recommends that the county remodel and/or renovate significant portions of the jail to reflect a more humane, modern, and efficient design in order to:

- Address the safety, supervision, and treatment needs of inmates with mental health, developmental disability, substance abuse, or health issues; and
- Eliminate the use of solitary confinement; and Provide needed space for increased inmate programming activities.

### 2. Develop culturally relevant community-based crisis, assessment and resource center.

The county should develop a culturally relevant community-based crisis, assessment, and resource center focused on supporting individuals in the community and diverting individuals with mental health, substance abuse, or developmental disability issues from being booked and admitted to the jail. Such a facility/program should include:

- The capacity to serve as jail diversion by accepting and safely managing referrals of individuals taken into custody by law enforcement who believe (or based on prior contacts know) the individual has mental health issues; and
- The capacity to assess and address the immediate mental health need(s) of the individual referred by law enforcement or at subsequent points of the justice/custody process and link the individual with on-going services and supports; and
- The capacity to house individuals for a time period as determined by medical or health professionals; and
- The capacity to serve as a non-crisis resource center for individuals and families seeking assistance in dealing with mental health issues;

### 3. Increase the number and reach of mobile crisis response staff/teams.

Increase the number and “reach” of mobile crisis response staff/teams available on a 24/7 basis to work in-person and in collaboration with law enforcement, utilizing successful models such as the Mobile Urgent Treatment Team (MUTT, Wraparound Milwaukee), the Crisis Intervention Team (CIT) model, or other best practice models for dealing with emergent situations involving individuals with mental health, substance abuse, or developmental disability needs.

### 4. Develop more culturally relevant and family centered outreach and engagement

The county should invest resources and/or collaborate with other agencies and providers to develop more culturally relevant and family-centered outreach and engagement services and staff to provide additional mental health services in the community, including the use of non-traditional peer support specialists and para-professionals. These services should be located in neighborhoods or areas of the county that are readily accessible to individuals in the community or those transitioning from more acute levels of care, for example the crisis/resource center referenced in Recommendation #2.

## Mental Health, Solitary Confinement and Incarceration

5. Add culturally relevant staff to work in collaboration with current mental health, substance abuse, or developmental disability services and community resources

In order to better address the needs of inmates with mental health, substance abuse, or developmental disability needs, the county should :

- improved mental health/substance abuse assessments at various points in the process;
- additional case management & advocacy services for inmates, including advocacy for expediting the court process as may be appropriate;
- increased family engagement & outreach; and
- increased reentry supports for those inmates.

This should include non-traditional para-professionals and peer support specialists.

6. Create and sustain a culturally diverse workforce.

The county should invest additional resources to create and sustain a culturally diverse workforce and a comprehensive training program to improve the skills of all staff related to trauma-informed care, de-escalation of crises, and professional communications.

### No Cost Recommendations

7. Reduce the length of time in solitary confinement and administrative segregation.

The initial goal of reforms is to reduce the use (frequency) and length of time (duration) solitary confinement & administrative segregation is used, while working toward a goal of eliminating its use. The county should review current policies and practices related to the use of all administrative segregation and solitary confinement and develop a performance based plan that includes establishing baseline data/measures and reduction timelines/goals. The review should include additional input from community stakeholder groups with a particular focus on issues related to the disparate impact on inmates of color and the harmful impact on individuals with mental health, substance abuse, developmental disability, or health issues.

8. County Executive should convene a leadership team of mental health providers, advocates and others, to explore:

The County Executive should take the lead in developing a leadership team that brings together key stakeholders, providers, advocates, and others to explore:

- The current system of financing mental health services in the public and private sector and identify opportunities or strategies to enhance collaboration and/or the more effective use of public and private resources and to increase funding through securing grants or other resources focused on improving mental health service outcomes; and
- Development of more cost effective, coordinated, sustainable, and comprehensive services to support individuals with mental health, developmental disability, and substance abuse issues in the community, reducing the need for jail and/or hospital diversion and supporting reentry

9. Support the development of a plan to deliver additional training and resources for judicial officials, attorneys, and others involved in the court process

The county should support the development of a plan to deliver additional training and resources for judicial officials, attorneys, and others involved in the court process by utilizing:

- Expertise in the community to assist in training and/or consulting with court personnel; and
- Resources developed by the Justice Center of the Council of State Governments (or similar sources) such as:
  - Judges' Guide to Mental Health Jargon
  - Judges' Guide to Mental Health Diversion Programs
  - Judges' Guide to Juvenile Mental Health Jargon

10. Convene a workgroup under the auspices of the Criminal Justice Council to identify and sustain strategies to improve processes and expedite cases for inmates with significant mental health, substance abuse, or developmental disability issues as may be appropriate.

The county should convene a workgroup under the auspices of the Criminal Justice Council to identify and sustain strategies to improve processes and expedite cases for inmates with significant mental health, substance abuse, or developmental disability issues as may be appropriate. Development of this workgroup should increase the expertise in the judiciary, in the DA's office, and in other related parties to serve as a resource to others in their respective roles and to help identify opportunities for diverting individuals to other community resources when appropriate.

**Conclusion:**

Communities of color, those of us living in poverty, and our neighbors with mental illness, addiction and disabilities are hardest hit by the current criminal justice system. Non-violent people and those needing treatment end up jailed. These institutional responses divide our families and stifle economic opportunity and growth.

It doesn't have to be this way. Together Dane County, local municipalities, and each of our residents have the opportunity to create a change. The criminal justice workgroups are an example of working together find real solutions through partnerships and collaborations—rather than defensiveness and division. This is the smart justice which all Dane County residents deserve.

**Length of Stay Workgroup Recommendations**

| <b>Recommendation</b>  | <b>Cost/No Cost</b> | <b>Target Population</b>  | <b>Stakeholders</b>  | <b>Resources</b>   | <b>Lead Department</b>   |
|--|---------------------|---|--|--|--|
| Implement full-scale pretrial services, including electronic notification of court dates   | Cost                | Individuals with barriers to missing court dates or failing to follow the conditions of bail            | -Law Enforcement<br>-Dane County Executive<br>-Dane County Clerk of Courts<br>-Dane County Department of Human Services<br>-Dane County District Attorney's Office | -Law Enforcement<br>-Dane County Clerk of Courts<br>-Dane County Department of Human Services<br>-Dane County District Attorney's Office | -Dane County Clerk of Courts<br>-Dane County District Attorney's Office  |
| Implicit Bias, Racial Equity and Inclusion, Diversity and Poverty Training   | Cost                | Law Enforcement Officials   | -Dane County Department of Administration<br>-Dane County Racial Equity and Social Justice Strategic Leadership Team   | -Subject Experts<br>-Dane County Racial Equity Social Justice Strategic Leadership Team  | -Dane County Department of Administration<br>-Dane County Racial Equity Social Justice Strategic Leadership Team |
| Alternative sentencing via community service work and diversion programs   | Cost                | Inmates with little/no employment/educational experience  | -Law Enforcement officials<br>-Community Organizations   | -Community Partners<br>-Community Service Work Programs<br>-GED/HSED Programs  | -Dane County Clerk of Courts   |
| Initial Appearances/bail hearings on weekends and holidays (if possible)   | Cost                | In-custody defendants arrested on Weekends and Holidays   | -Law Enforcement officials<br>-Employers<br>-Families  | -Dane County District Attorney's Office<br>-Dane County Clerk of Courts  | -Dane County District Attorney's Office<br>-Dane County Clerk of Courts<br>-Dane County Courts                   |
| Create a comprehensive reporting system of the District Attorney's office's charging and sentencing recommendation policies and practices  | Cost                | Criminal Justice decision makers  | -Inmates<br>-Dane County District Attorney's office  | -Standardized reports<br>-Racial impact statements   | -Dane County District Attorney's Office  |
| Require a racial impact statement before implementing policy   | No Cost             | Legislators   | -Dane County Board of Supervisors<br>-Dane County Departments<br>-Dane County Committees   | -Racial Equity Tool  | -Dane County Department of Administration<br>-Dane County Racial Equity and Social Justice Team                  |
| Require the Department of Corrections to report weekly to the Dane County Board of Supervisors and the County Executive, as to who is on a probation or parole hold  | No Cost             | Individuals who are on a probation or parole hold   | -Wisconsin Department of Corrections<br>-Dane County Board of Supervisors  | -Wisconsin Department of Corrections<br>-Dane County Board of Supervisors  | -Wisconsin Department of Corrections<br>-Dane County Sheriff's Office  |
| Perform a racial equity analysis on policies related to signature bonds, bail determinations, and eligibility for electronic monitoring  | No Cost             | People of color and/or People with mental health needs  | -Dane County District Attorney's office<br>-Wisconsin Department of Corrections  | -Wisconsin Department of Corrections<br>-Dane County District Attorney's Office<br>-Dane County Criminal Justice Council                 | -Dane County Clerk of Courts<br>-Dane County Sheriff's Office  |
| Develop a probation and/or extended supervision hold process wherein individuals who are held in the Dane County Jail and alleged to have only violated rules of supervision be considered for release pending the investigation | No Cost             | Individuals who are held in the Dane County Jail and alleged to have only violated rules of supervision | -Wisconsin Department of Corrections   | -Wisconsin Administrative Code<br>-Wisconsin Department of Corrections   | -Wisconsin Department of Corrections<br>-Dane County Sheriff's Office  |
| Restructure the Dane County Criminal Justice Council   | No Cost             | Dane County Criminal Justice Council  | -Community Members   | -Dane County Criminal Justice Council<br>-Dane County Work Groups  | -Dane County Criminal Justice Council  |

**Alternatives to Arrest and Incarceration Workgroup Recommendations**

| <b>Recommendation</b>   | <b>Cost/No Cost</b> | <b>Target Population</b>   | <b>Stakeholders</b>  | <b>Resources</b>  | <b>Lead Department</b>   |
|---|---------------------|--|--|---|--|
| Use and strengthen volunteer programs to reduce involvement with the formal criminal (and juvenile) justice system(s) | Cost                | Individuals at risk for involvement with the formal criminal ( and juvenile) justice system        | -Grassroots Organizations<br>-Dane County Clerk of Courts  | -Grassroots Organizations   | -Dane County Clerk of Courts   |
| Expand Restorative Justice Models throughout Dane County  | Cost                | Individuals whom commit low-level offenses   | -Law Enforcement   | -Dane County Community Restorative Court  | -Dane County Racial Disparities Subcommittee   |
| Expand Diversion Services   | Cost                | People of Color  | -Dane County District Attorney's Office<br>-African American-led organizations<br>-Latino-led organizations          | -African American-led organizations<br>-Latino-led organizations                            | -Dane County District Attorney's Office  |
| Create a Racial/Ethnic Equity Data Analyst Position   | Cost                | Data Analyst   | -Dane County Board of Supervisors  | -Dane County Board of Supervisors   | -Dane County Board of Supervisors  |
| Cultural Competence, Social and Racial Justice Training   | Cost                | Law Enforcement Officers and other Criminal Justice Personnel                                      | -Dane County Department of Administration<br>-Dane County Racial Equity and Social Justice Strategic Leadership Team | -Subject Experts<br>-Dane County Racial Equity and Social Justice Strategic Leadership Team | -Dane County Department of Administration<br>-Dane County Racial Equity and Social Justice Strategic Leadership Team |
| Use a Racial Equity Lens to review policies and practices   | No/ Low Cost        | Law Enforcement Agencies   | -Dane County Department of Administration<br>-Dane County Racial Equity and Social Justice Team                      | -Racial Equity Tool   | -Dane County Department of Administration<br>-Dane County Racial Equity and Social Justice Team                      |
| Review Current Diversion Programs   | No/ Low Cost        | Dane County District Attorney's Office   | -Dane County District Attorney's Office<br>-Community Organizations<br>-Clients                                      | -Work Group<br>-Community Organizations   | -Dane County District Attorney's Office  |
| Establish Community Advisory Boards   | No/ Low Cost        | Dane County Racial Disparities Subcommittee  | -Dane County Racial Disparities Subcommittee   | -Dane County Racial Disparities Subcommittee  | -Dane County Racial Disparities Subcommittee   |
| Require cultural and linguistic diversity   | No/ Low Cost        | All governmental and non-governmental agencies providing services throughout the justice continuum | -Dane County Department of Administration<br>-Dane County Office of Equal Opportunity                                | -Dane County Department of Administration<br>-Dane County Office of Equal Opportunity       | -Dane County Department of Administration<br>-Dane County Office of Equal Opportunity                                |
| Implement a Fugitive Safe Surrender Program   | No/ Low Cost        | Individuals with warrants that are outstanding in Dane County due to unpaid fines                  | -Dane County Clerk of Courts   | -Dane County Clerk of Courts<br>-U.S. Marshals Service Fugitive Safe Surrender Model        | -Dane County Clerk of Courts   |



**Mental Health, Solitary Confinement and Incarceration Workgroup Recommendations**

| <b>Recommendation</b>  | <b>Cost/No Cost</b> | <b>Target Population</b>  | <b>Stakeholders</b>  | <b>Resources</b>  | <b>Lead Department</b>   |
|--|---------------------|---|--|---|--|
| Remodel the current jail to reflect a more humane and modern facility.   | Cost                | Individuals that utilize the Dane County Jail including inmates and staff   | -Dane County Sheriff's Office  | -Dane County Sheriff's Office   | -Dane County Sheriff's Office  |
| Develop culturally relevant community-based crisis, assessment and resource center.  | Cost                | Individuals in the community with mental health, substance abuse, or developmental disability issues  | -Dane County Department of Human Services  | -Dane County Department of Human Services   | -Dane County Department of Human Services  |
| Increase the number and reach of mobile crisis response staff/teams.   | Cost                | Individuals in the community with mental health, substance abuse, or developmental disability issues  | -Dane County Department of Human Services<br>-Law Enforcement  | -Mobile Urgent Treatment Team (MUTT Wraparound Milwaukee) Model<br>-Crisis Intervention Team Model  | -Dane County Department of Human Services  |
| Develop more culturally relevant and family centered outreach and engagement   | Cost                | Individuals in the community with mental health, substance abuse, or developmental disability issues  | -Dane County Department of Human Services  | -Non-traditional peer support specialists and para-professionals  | -Dane County Department of Human Services  |
| Add culturally relevant staff to work in collaboration with mental health, substance abuse, or developmental disability services   | Cost                | Dane County Department of Human Services  | -Dane County Department of Human Services<br>-Dane County Department of Administration<br>-Dane County Department of Equal Opportunity                 | -Mental Health/Substance Abuse Assessments<br>-Case Management<br>-Advocacy Services<br>-Family Engagement and Outreach Services<br>-Reentry Supports               | -Dane County Department of Human Services<br>-Dane County Department of Administration<br>-Dane County Department of Equal Opportunity                 |
| Create and sustain a culturally diverse workforce  | Cost                | Dane County Workforce   | -Dane County Department of Administration<br>-Dane County Department of Equal Opportunity  | -Dane County Department of Administration<br>-Dane County Department of Equal Opportunity   | -Dane County Department of Administration<br>-Dane County Department of Equal Opportunity  |
| Reduce the length of time in solitary confinement and administrative segregation   | No Cost             | Inmates placed in solitary confinement  | -Dane County Sheriff's Office  | -Dane County Sheriff's Office   | -Dane County Sheriff's Office  |
| Convene a leadership team of mental health providers, advocates and others   | No Cost             | Individuals in the community with mental health, substance abuse, or developmental disability issues with barriers to afford adequate treatment | -Dane County Executive<br>-Mental Health Providers<br>-Mental Health Advocates   | -Dane County Executive<br>-Mental Health Providers<br>-Mental Health Advocates  | -Dane County Executive   |
| Support the development of a plan to deliver additional training and resources for judicial officials, attorney and others involved in the court process   | No Cost             | Judicial Officials, attorneys and others involved in the court process  | -Dane County Clerk of Courts<br>-Dane County Courts<br>-Dane County Department of Administration<br>-Dane County Racial Equity and Social Justice Team | -Judges' Guide to Mental Health Jargon<br>-Judges' Guide to Mental Health Diversion Programs<br>-Judges' Guide to Juvenile Mental Health Jargon<br>-Subject Experts | -Dane County Clerk of Courts<br>-Dane County Courts<br>-Dane County Department of Administration<br>-Dane County Racial Equity and Social Justice Team |
| Convene a workgroup to identify and sustain strategies to improve processes and expedite cases for inmates with significant mental health, substance abuse, or developmental disability issues as may be appropriate | No Cost             | Dane County Criminal Justice Council  | -Dane County Criminal Justice Council<br>-Dane County District Attorney's Office   | -Dane County Criminal Justice Council   | -Dane County Criminal Justice Council  |

**Overarching Recommendations: Data Collection and Analysis**

**Alternatives to Arrest and Incarceration Workgroup**

| Measure  |
|--|
| Race   |
| Ethnicity  |
| Police Contact   |
| Reason for Police Contact (Alleged Offenses or Violations) |
| Arrest Charges   |
| Actual Charges filed by prosecutor                         |
| Alternatives offered and to whom                           |
| if alternatives were not taken, why or why not             |
| Case Disposition/Sentence                                  |
| Immediate Steps that can be taken                          |

**Length of Stay Workgroup**

| Measure  |
|--|
| Arrest Data  |
| Offender ID  |
| Race   |
| Gender   |
| Year of Birth  |
| Offense  |
| Law Enforcement Action   |
| Bail Posted  |
| Proportion who are eligible to post bail off the bail schedule of those brought in by offense type & race/gender                               |
| Proportion of those eligible who actually post bail by offense type & race/gender  |
| Proportion not eligible to post bail before arraignment by offense type & race/gender and whether there is also a probation and/or parole hold |
| Bails vs. signature bond at arraignment  |
| Proportion who are offered signature bond by offense type & race/gender  |
| Amount of monetary bail by offense type & race/gender  |
| Impact of probation/parole holds on jail populations   |
| probation/parole hold status of people taken into custody by race/gender and offense status  |
| Resolution of holds. In all cases distinguish holds accompanying other charges from violation-only holds.                                      |
| Proportion revoked/returned to prison and average length of stay for these, by race/gender and offense type                                    |

**Mental Health, Solitary Confinement and Incarceration Workgroup**

| Measure  |
|--|
| The number of individuals with mental health, developmental disability, or substance abuse needs                                     |
| Age  |
| Race   |
| Sex  |
| Ethnicity  |
| Mental Health Diagnoses  |
| The nature and quantity of mental health, substance abuse, and developmental disability services provided to individuals in the jail |
| Significant outcomes (successful/unsuccessful)   |
| Use of solitary confinement  |
| Frequency of use of solitary confinement (duplicated and unduplicated numbers)   |
| Demographics (age, race, sex, ethnicity) of inmates placed in solitary confinement   |
| Reasons for solitary confinement   |
| Length of time/stay in solitary confinement  |
| Attempts to remove individuals from solitary confinement   |
| Nature and frequency of mental health interventions for individuals in solitary confinement  |
| Similarly relevant data related to the use of future implemented programs  |



# BOARD OF SUPERVISORS County of Dane

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June 12, 2015

**TO:** Interested Parties

**FROM:** Supervisor Paul Rusk, Chair  
Dane County Public Protection and Judiciary Committee

**SUBJECT:** Appointments to Criminal Justice Work Groups

On May 21, the Dane County Board unanimously approved resolution 2015 RES-556 “Investigating Alternatives to Incarceration, Solutions to Racial Disparities and Mental Health Challenges in the Dane County Jail and Throughout Dane County’s Criminal Justice System.” This resolution creates three work groups: 1) Mental Health, Solitary Confinement and Incarceration Work Group; 2) Length of Stay Work Group; and 3) Alternatives to Arrest and Incarceration Work Group.

We asked the community to volunteer to serve on the work groups and I am absolutely delighted to say we had an impressive response. One-hundred and thirty-five people expressed an interest in participating, making it extremely difficult to appoint 11 individuals to each group. To those of you who were not appointed, I want to thank you for your interest in serving the community, and invite you to attend meetings and follow the proceedings through minutes and agendas.

In order to assist the work groups in addressing the ambitious goals set forth in 2014 RES-556, County Board Chair Corrigan and I have identified, for each work group, a facilitator from outside of county government, as well as a professional county staff member with content expertise. Each facilitator will facilitate five work group meetings over the course of the summer, serving as the work group leader. The facilitator will draft a summary document, including the top five recommendations that require funding and the top five recommendations that do not require funding.

My goal is to hear the voices of the community. For that reason, I would like the county staff members who applied to serve as “consultants” to the groups. These individuals bring great content-area knowledge and should have a full participatory role in deliberations, but they will not vote.

Finally, as you know, the County Board is asking the work groups to accomplish much over the course of the summer. Each work group will meet five times. If you are an appointed member of a group, the expectation is that you will attend at least four of the five meetings. Please let me know if this will not be possible so someone else can be appointed in your place. Work group appointees will soon receive an email indicating the dates of the meetings so they can determine if the proposed schedule will work for them.

Today, by way of this memo, I am appointing the following individuals to serve on **the Mental Health, Solitary Confinement and Incarceration Work Group:**

**Members:**

Susan Balliette  
Supervisor Carousel Bayrd  
Sina Davis  
Phyllis Fuller  
Jackie Hunt  
Matt Jahnke  
Bonnie Loughran  
Judge Richard Niess  
Dr. Andrew Putney  
Elizabeth Rice  
Augustine Tatus

County staff who will participate with this work group are Todd Campbell, Mary Grabot, Mark Olson, and Mark Twombly, as well as Dr. Douglas Kramer.

The facilitator for the Mental Health, Solitary Confinement and Incarceration Work Group is Jim Moeser. Jim was the long-time Juvenile Court Administrator for Dane County, focusing on restorative justice initiatives. He has worked for the Wisconsin Department of Corrections, as well as with the Wisconsin Council on Children and Families. He has a depth of knowledge and experience in mental health and incarceration issues. He will be assisted by Lynn Green, the director of the Dane County Department of Human Services.

I am appointing the following to the **Length of Stay Work Group**:

**Members:**

Savion Castro  
Linda Ketcham  
Rachel Kincade  
Reverend Chris Long  
Judge Nicholas McNamara  
Irene Toro Martinez  
Mayra Medrano  
Pamela Oliver  
Supervisor Leland Pan  
Eric Upchurch II  
Dorothea Watson

County staff who will participate with this work group are Jerome Dillard, Carrie Simon, and Michelle DeForest.

The facilitator for the Length of Stay Work Group is Jacquelyn Boggess. She is an attorney and the Co-Director of the Center for Family Policy & Practice where she has worked since its inception in 1995. Her work as a policy analyst involves the investigation of the welfare system, the family law courts, and the child support system. Her work has resulted in connections and collaborations with domestic violence organizations and progressive advocacy groups working on poverty reduction, violence prevention, and economic justice for parents and children. She will be assisted by Marcia MacKenzie, Dane County Corporation Counsel.

I am appointing the following to the **Alternatives to Arrest and Incarceration Work Group**:

**Members:**

Reverend Joseph Baring

Jerome Flowers  
Judge William Hanrahan  
Donna Hart-Tervalon  
Supervisor Dorothy Krause  
Consuelo Lopez Springfield  
Ananda Mirilli  
Kris Moelter  
Corinda Rainey-Moore  
Lisa Rickert  
Supervisor Shelia Stubbs

County staff who will participate with this work group are Fran Genter, Jared D. Pierce, Kurt Pierce, as well as Stacy Taeuber, who works with the UW Immigrant Justice Center.

The facilitator for the Alternatives to Arrest and Incarceration Work Group is Lindsey Draper. After having served in Milwaukee County Children's Court for approximately 20 years as an Assistant District Attorney and Assistant State Public Defender, Lindsey Draper was appointed as a Circuit Court Commissioner in 1992 and served in that capacity for 13 years from Sept. 2006 until April 2014. He also served as Wisconsin's Disproportionate Minority Contact Coordinator working to implement terms of the federal Juvenile Justice and Delinquency Prevention Act and was the Staff Director of the Commission on Reducing Disparities in the Criminal Justice System. He is currently Chairman of the American Bar Association Standing Committee on Client Protection. John Bauman, Dane County Juvenile Court Administrator, will provide staff assistance for Lindsey.

Again, I want to express my sincere appreciation to everyone who applied to participate in the criminal justice work groups and to those of you who helped recruit potential participants. Dane County is committed to making improvements to our criminal justice system, particularly in the areas of mental health and racial disparities. We look forward to hearing the community's voices and listening to your ideas and recommendations.

## Endnotes:

1. For 1983 admissions see Craig A Perkins, James J. Stephen, and Allen J. Bexk, Jails and Jail Inmates, US Department of Justice, OJP, Bureau of Justice Statistics, 1995. For 2013 admissions, see Minton 2014 (taken from Vera Institute – Incarceration’s Front Door)
2. BJS 2006, Bureau of Justice Statistics. Doris, J. James, and Lauren Glaze
3. Wisconsin Council on Children and Families, Race to Equity, 2013.
4. 2014 RES-556  
<https://dane.legistar.com/View.ashx?M=F&ID=3747247&GUID=2D7A2CBE-D1CF-4693-854A-3B47CCAD02EA>

***For a comprehensive list of work group resources, minutes and agendas, please visit:***

<https://board.countyofdane.com/initiatives>

## Additional Resources:

Vera Institute: Incarceration’s Front Door: The Misuse of Jails in America (2015)

<http://www.safetyandjusticechallenge.org/wp-content/uploads/2015/01/incarcerations-front-door-report.pdf>

Black Lives Matter: ELIMINATING RACIAL INEQUITY IN THE CRIMINAL JUSTICE SYSTEM

[http://sentencingproject.org/doc/publications/rd\\_Black\\_Lives\\_Matter.pdf](http://sentencingproject.org/doc/publications/rd_Black_Lives_Matter.pdf)

NAMI – Crisis Intervention Teams

<http://www2.nami.org/template.cfm?section=CIT2>

Report—Municipal forfeitures in Dane County—a comparison

<https://dane.legistar.com/View.ashx?M=M&ID=347372&GUID=7CA1D6A4-C98F-40AA-B43A-329C2F23E491>

Dane County Task Force on Racial Disparities in the Criminal Justice System (2009)

[https://danedocs.countyofdane.com/pdf/oeo/final\\_report.pdf](https://danedocs.countyofdane.com/pdf/oeo/final_report.pdf)

Dane County Juvenile Justice Disproportionate Minority Contact Solutions Report (2009)

[https://danecountyhumanservices.org/pdf/dmc\\_workgroup\\_report.pdf](https://danecountyhumanservices.org/pdf/dmc_workgroup_report.pdf)

National Council on Crime and Delinquency: Moving from Rhetoric to Reform, 2015

<http://www.nccdglobal.org/blog/rhetoric-and-reality-in-criminal-justice-reform-three-graphs>

Dane County Racial Equity Analysis, 2015

<http://www2.wisspd.org/attachments/article/101/Dane%20County%20Racial%20Equity%20Analysis%20-%20FINAL.pdf>

Pretrial Subcommittee Report to the Criminal Justice Council

<https://dane.legistar.com/View.ashx?M=F&ID=4024670&GUID=0054C2CE-337A-4213-81E5-59180114539D>



