

Perspectives on initial pilot offenses—Community Court

CJC-Community Court Advisory Committee Sept 12, 2023 Colleen Clark Bernhardt, CJC Coordinator

Agency Perspectives

- In order to pilot a successful community court, both the perspectives from community members AND agency stakeholders need to be heard and considered.
- Over the course of the committee work, we have heard a number of data presentations. The following is the summary of potential offenses. Those considered “violent” by Federal authority or State authority have been removed.

Summary Data Categories

- Summary of Disproportional offense charge rate (17-35 year olds)
- Resisting and obstructing law enforcement
- Lower level drug offenses

Highest disproportional offenses (B/W)

Statute	Offense	Black/white rate ratio given population size	Number of cases over 5 yrs
943.23	Operating vehicle without owner's consent	57	699
941.3	Recklessly endangering safety	49	262
943.82	Fraud against a financial institution	47	51
785.01	Contempt of court	46	63
946.52	Failure to submit DNA specimen	46	54
346.04	Obedience to traffic officers	39	511

Drug Offenses

Offenses include manufacture, distribution, delivery; possession with intent; possession. Statutes are 961.41(1), 961.41(1m), and 961.43(3g).

Given the population composition of Dane County, drug cases have a racially disparate impact. But drug cases are less racially disparate than other types of common offenses like resisting/obstructing, damage to property, and disorderly conduct. The race of the defendants in these drug cases was 49% white and 47% Black.

In cases within the target population that included a drug offense, there was a...

- * 28% chance that the case also included a charge of Bail Jumping
- * 21% chance that the case also included a charge of Possession of Drug Paraphernalia

Of the drug cases with sentences...

- 31% had a sentence that was only probation
- 43% had a sentence that included probation

~375 cases a year

Resisting/Obstructing --summary

Resisting/Obstructing, and Obedience to Traffic Officers

- Statutory reference: 946.41 and 346.04

- ~375 cases a year

- 33% of defendants are white and 62% are Black.

In cases within the target population that included a resisting/obstructing offense, there was a...

- 33% chance that the case also included a charge of Bail Jumping

- 24% chance that the case also included a charge of Disorderly Conduct

- 15% chance that the case also included drug charge

Agency Perspective

- What offenses to recommend the Community Court begin piloting (upon creation)?
- What challenges with specific offense categories?
- What do you see as an early marker of success?

CJC-CCAC Discussion: Pilot offenses

