



DISTRICT ATTORNEY DANE COUNTY Ismael R. Ozanne



PROGRESS REPORT DATA UPDATE FEBRUARY 2018

SEVERITY OF LAW ENFORCEMENT REFERRALS COMPARED TO SEVERITY OF DA CHARGING DECISION 2017

Felony Referrals

In 2017, 3897 cases were referred to the DA for felony charges. Of the charging decisions made, 2571 were charged as felonies. (One of those cases had been referred to DPU pre-charge, but was returned for prosecution due to non-compliance.) Charges were reduced to misdemeanors in 333 of the referrals and 81 in county ordinance violations. (County ordinance violations are comparable to a ticket and do not result in a criminal conviction.) The referrals that were not charged are broken down as follows:

| | |
|--|-----|
| Charges Declined | 520 |
| Charges Consolidated With Another Case | 90 |
| Referral to Community Restorative Court | 1 |
| Deferred Prosecution—Pre-charge Referral | 62 |
| Deferred Prosecution—Pre-charge Referral Under Review | 3 |
| MARI Pre-Charge (MAPD Addiction Recovery Initiative) | 1 |
| Under Review/Pending ** | 235 |

**Cases under review/pending can include those which could be charged or referred to pre-charge diversion programs. These pre-charge diversion cases take longer to review and include victim consultation prior to making referrals. In addition, they are mainly for people not in custody and reviewing priority remains for those in custody awaiting bail hearings or initial appearances.

SEVERITY OF LAW ENFORCEMENT REFERRALS COMPARED - SEVERITY OF DA CHARGING DECISION JANUARY 2018

In January 2018, 312 cases were referred to the DA for felony charges. Of the charging decisions made, 130 were charged as felonies. Charges were reduced to misdemeanors in 20 of the referrals and 4 in county ordinance violations. (County ordinance violations are comparable to a ticket and do not result in a criminal conviction.) The referrals that were not charged are broken down as follows:

| | |
|--|-----|
| Charges Declined | 19 |
| Charges Consolidated With Another Case | 2 |
| Referral to Community Restorative Court | 0 |
| Deferred Prosecution—Pre-charge Referral | 2 |
| Deferred Prosecution—Pre-charge Referral Under Review | 0 |
| MARI Pre-Charge (MAPD Addiction Recovery Initiative) | 0 |
| Under Review/Pending ** | 135 |

**Cases under review/pending can include those which could be charged or referred to pre-charge diversion programs. These pre-charge diversion cases take longer to review and include victim consultation prior to making referrals. In addition, they are mainly for people not in custody and reviewing priority remains for those in custody awaiting bail hearings or initial appearances.

Misdemeanor Referrals

In 2017, 6089 cases were referred to the DA for misdemeanor charges. Of the charging decisions made, 3182 were charged as misdemeanors. These include misdemeanor traffic cases. (Two cases had been referred to DPU pre-charge, but were returned for prosecution due to non-compliance.) Charges were reduced to county ordinance violations in 980 of the referrals. (County ordinance violations are comparable to a ticket and do not result in a criminal conviction.) The referrals that were not charged are broken down as follows:

| | |
|--|------|
| Charges Declined | 1599 |
| Charges Consolidated With Another Case | 82 |
| Referral to Community Restorative Court | 19 |
| Deferred Prosecution—Pre-charge Referral | 31 |
| Deferred Prosecution—Pre-charge Referral Under Review | 7 |
| MARI Pre-Charge (MAPD Addiction Recovery Initiative) | 0 |
| Under Review/Pending ** | 191 |

**Cases under review/pending can include those which could be charged or referred to pre-charge diversion programs. These pre-charge diversion cases take longer to review and include victim consultation prior to making referrals. In addition, they are mainly for people not in custody and reviewing priority remains for those in custody awaiting bail hearings or initial appearances.

In January 2018, 440 cases were referred to the DA for misdemeanor charges. Of the charging decisions made, 16 were charged as felonies and 140 (including traffic cases) were charged as misdemeanors. While we only have one month to compare statistics from 2017-2018, the percentage charged as misdemeanors has dropped by 20%. Charges were reduced to county ordinance violations in 64 of the referrals. (County ordinance violations are comparable to a ticket and do not result in a criminal conviction.) The referrals that were not charged are broken down as follows:

| | |
|--|-----|
| Charges Declined | 82 |
| Charges Consolidated With Another Case | 8 |
| Referral to Community Restorative Court | 3 |
| Deferred Prosecution—Pre-charge Referral | 1 |
| Deferred Prosecution—Pre-charge Referral Under Review | 0 |
| MARI Pre-Charge (MAPD Addiction Recovery Initiative) | 0 |
| Under Review/Pending ** | 128 |

**Cases under review/pending can include those which could be referred to pre-charge diversion programs. These cases taken longer to review and include victim consultation prior to making referrals. In addition, they are mainly for people not in custody and reviewing priority remains for those in custody awaiting bail hearings or initial appearances.

JANUARY 2018 LAW ENFORCEMENT REFERRALS – DEMOGRAPHIC BREAKDOWN

The total of referrals that came to the DA's office as felonies in January 2018 was 312. All racial identities are based on self-report. * Please note that many Latino/as identify as white.

Females: Total 69

| Race: | Age 16 | Ages 17-25 | Ages 26+ |
|-----------------|---------------|-------------------|-----------------|
| Not Reported | 0 | 0 | 2 |
| Asian | 0 | 0 | 1 |
| Black | 1 (traffic) | 12 | 11 |
| Hispanic * | 0 | 0 | 1 |
| American Indian | 0 | 0 | 1 |
| White | 0 | 7 | 33 |

Males: Total 243

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Not Reported | 0 | 5 |
| Asian | 0 | 2 |
| Black | 64 | 54 |
| Hispanic * | 0 | 0 |
| American Indian | 0 | 0 |
| White | 29 | 89 |

The total of referrals that came to the DA's office as misdemeanors in January 2018 was 440.

Females: Total 116

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Not Reported | 0 | 0 |
| Asian | 1 | 0 |
| Black | 19 | 16 |
| Hispanic * | 0 | 1 |
| American Indian | 0 | 1 |
| White | 21 | 57 |

Males: Total 324

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Not Reported | 0 | 2 |
| Asian | 2 | 8 |
| Black | 37 | 85 |
| Hispanic * | 0 | 9 |
| American Indian | 1 | 3 |
| White | 48 | 129 |

CASES REFERRED BY LAW ENFORCEMENT REDUCED TO COUNTY ORDINANCE VIOLATIONS 2017

DEMOGRAPHIC BREAKDOWN

Identities are based on self-report. *Please note that many Latino/as identify as white.

Females: Total 355

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Asian | 0 | 3 |
| Black | 52 | 88 |
| Hispanic * | 4 | 1 |
| American Indian | 7 | 1 |
| White | 49 | 150 |

(One person had no reported age, gender or race)

Males: Total 705 (8 males had no reported age or race)

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Asian | 6 | 8 |
| Black | 81 | 159 |
| Hispanic * | 7 | 10 |
| American Indian | 1 | 2 |
| White | 102 | 321 |

CASES REFERRED BY LAW ENFORCEMENT REDUCED TO COUNTY ORDINANCE VIOLATIONS

JANUARY 2018 DEMOGRAPHIC BREAKDOWN

Identities are based on self-report. Please note that many Latino/as identify as white.

Females: Total 22

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Asian | 1 | 0 |
| Black | 2 | 5 |
| Hispanic * | 0 | 0 |
| American Indian | 0 | 0 |
| White | 3 | 11 |

Males: Total 46 (2 males had no reported age or race)

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Asian | 0 | 1 |
| Black | 3 | 15 |
| Hispanic * | 0 | 1 |
| American Indian | 0 | 1 |
| White | 6 | 17 |

CASES REFERRED BY LAW ENFORCEMENT DECLINED FOR PROSECUTION

Case declines are cases which are not prosecuted or referred to Community Restorative Court or the Pre-charge Deferred Prosecution Program within the DA's Office. Following is a breakdown of the declines. All racial identities are based on self-report. *Please note that many Latino/as identify as white.

CASES REFERRED BY LAW ENFORCEMENT DECLINED FOR PROSECUTION 2017
DEMOGRAPHIC BREAKDOWN

Females: Total 696

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Not Reported | 0 | 0 |
| Asian | 3 | 4 |
| Black | 104 | 139 |
| Hispanic * | 6 | 14 |
| American Indian | 2 | 3 |
| White | 126 | 295 |

Males: Total 1662

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Not Reported | 6 | 9 |
| Asian | 8 | 26 |
| Black | 278 | 393 |
| Hispanic * | 11 | 28 |
| American Indian | 2 | 4 |
| White | 284 | 613 |

In 10 additional cases, race and gender were not reported. Of that group, 1 was between the ages of 17-25 and 9 were 26 or older. The total cases declined in 2017 were 2368.

CASES REFERRED BY LAW ENFORCEMENT DECLINED FOR PROSECUTION JANUARY 2018
DEMOGRAPHIC BREAKDOWN

Females: Total 41

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Asian | 0 | 3 |
| Black | 7 | 6 |
| Hispanic * | 0 | 1 |
| American Indian | 0 | 0 |
| White | 7 | 17 |

Males: Total 89

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Asian | 1 | 2 |
| Black | 15 | 17 |
| Hispanic * | 0 | 2 |
| American Indian | 0 | 0 |
| White | 17 | 35 |

All racial identities are based on self-report. *Please note that many Latino/as identify as white.

CASES ACCEPTED INTO THE DISTRICT ATTORNEY’S DEFERRED PROSECUTION PROGRAM

DEMOGRAPHIC BREAKDOWN 2017 DPU ACCEPTED CASES 2017

These 2017 cases accepted into DPU may have recently been accepted, have people currently participating, people who have completed the program or cases returned for non-compliance. Participants in this data include those who were pre and post-charging referrals. Acceptance into the program occurs after the prosecutor’s referral, a plea of guilty before a judge, in post-charging cases, and the completion of an interview at the Deferred Prosecution Office. Successful completion results in dismissal or reduction of charges.

Females: Total 182

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Not Reported | 0 | 1 |
| Asian | 0 | 3 |
| Black | 33 | 32 |
| Hispanic * | 0 | 1 |
| American Indian | 1 | 0 |
| White | 49 | 62 |

2017 DPU ACCEPTED CASES, CONTINUED

Males: Total 427

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Not Reported | 1 | 4 |
| Asian | 4 | 12 |
| Black | 84 | 33 |
| Hispanic * | 9 | 10 |
| American Indian | 0 | 0 |
| White | 136 | 134 |

JANUARY 2018 DPU ACCEPTED CASES

Females: 10

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Not Reported | 0 | 0 |
| Asian | 0 | 0 |
| Black | 4 | 3 |
| Hispanic * | 0 | 0 |
| American Indian | 0 | 0 |
| White | 0 | 3 |

Males: Total 17

| Race: | Ages 17-25 | Ages 26+ |
|-----------------|-------------------|-----------------|
| Asian | 0 | 1 |
| Black | 3 | 1 |
| Hispanic * | 0 | 0 |
| American Indian | 0 | 1 |
| White | 7 | 4 |

EXPANDING THE OPTION OF COMMUNITY RESTORATIVE COURT

Participating, CRC trained, law enforcement agencies can and are encouraged to make direct referrals to the CRC, by-passing the DA's Office. The District Attorney continues to communicate with the Dane County police chiefs of non-participating agencies to bring their communities into the Community Restorative Court in an effort to truly make this program county-wide. In addition to relieving the District Attorney's Office from making the time-consuming decisions about whether to refer cases to the CRC, there are even more important reasons for law enforcement to make direct referrals to the program. Cases would be referred more quickly so that the person being referred would be more quickly connected to any community services deemed appropriate. In addition, it changes the entire message to the arrested person when law enforcement is making a referral to a community service program rather the criminal justice program—even if the person winds up in CRC.

Changes have been made to the DA's office intake process to flag any case for which the suspect is under 26 years of age for Community Restorative Court consideration. A Deputy District Attorney (and in her absence on maternity leave, an intake paralegal) reviews the flagged case. The Deputy advises

the charging prosecutor to consider CRC as a diversion alternative. From November 8, 2017 through February 2, 2018, the Deputy has reviewed 242 cases for review for CRC, resulting in 17 cases appropriate for CRC referral in a three month period.

The District Attorney CRC referrals are 5% female, 73 % male, 73% black, 23% white and 4% Asian. Identities are based on self-report. Please note that many Latino/as identify as white. Twenty-Seven percent are age 17, 36% are 18 and 37% are over age 18.

On February 1, 2018 an in-service training was held for district attorney staff on the Community Restorative Court, presented by Ron Johnson. The goals for the training were to become familiar with the Community Restorative Court initiative and its history in Dane County; learn the types of cases and participants selected; discuss how this victim centered and offender based program benefits our community; explore some of the early outcomes; and engage in a collaborative discussion about how CRC can reduce the criminal justice footprint and racial disparities in Dane County.

The District Attorney Deferred Prosecution pre-charge referrals are 37% female, 62% male, 22% black, 76% white, 1% Asian, 1% Hispanic. Identities are based on self-report. Please note that many Latino/as identify as white. Fifty-four percent are age 17-25 while 46% are over 26. A person would be referred to DPU pre-charge rather than CRC (if age appropriate) if they need closer monitoring of compliance for the safety of the victim and the community.

COMMUNITY INVOLVEMENT IN POLICY DEVELOPMENT

In an effort to develop charging policies to triage caseloads, in light of insufficient staffing of prosecutors, the District Attorney's Office has invited over 40 community leaders to listening sessions for community input into charging priorities.