

1 **2019 RES-087**

2 **DANE COUNTY CRIMINAL JUSTICE SYSTEM IMPROVEMENT**

3
4 Dane County is committed to reducing our jail population. An intentional, multi-faceted approach
5 is required to continue reducing the number of people in jail.

6
7 Dane County is committed to closing the inhumane and unsafe jail in the City-County
8 Building. Building a smaller, safer jail will force Dane County and our Criminal Justice partners to
9 continue to develop alternatives to incarceration. We simply cannot continue to incarcerate the
10 number of people we do, and we cannot ignore the outrageous racial disparities that plague our
11 criminal system. Intentional efforts must be taken within the system— from arrest to bail through
12 prosecution and conviction to re-entry into the community.

13
14 Dane County has been working to divert and deflect individuals from incarceration. In the last
15 decade, there has been a 41% drop in the average daily jail population - from 1293 in 2007 to
16 759 in 2018. A recent review of bail decisions found that 81 percent of criminal cases were given
17 signature bonds.

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19 Dane County has accomplished this through intentional collaboration with our criminal justice
20 partners, and by developing bail reform, expanding electronic monitoring for both the Sheriff's
21 Department and the Judges, creating community restorative court, expanding alternative courts
22 including drug court and veteran's court, supporting deferred prosecution, creating community
23 service sentencing alternative, and more. In the last five years, there have been multiple efforts
24 to address criminal justice system improvement, including initiative to reduce racial disparities, to
25 establish restorative justice approaches, to address the needs of individuals with behavioral
26 health involvement, and to expand and standardize pretrial approaches.

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28 Criminal justice reform requires intentional investment in proactive and preventative social
29 services and the community that expand access to housing, comprehensive health and mental
30 health care, child care, employment training, housing and more. A review of county investment
31 over the past five years shows:

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- 33 • Investment in addressing mental health needs from 2015 to present total almost \$216
million, with \$60.6 million budgeted for 2019 alone.
 - 34 • Capital spending of almost \$20 million, with \$15 million for the Affordable Housing
35 Development Fund, in addition to another \$1.75 million for supportive housing projects
36 and \$3 million for the Beacon;

37
38 The county formed four community work groups to provide recommendations and review current
39 programming, has developed innovative initiatives supported by national funders, and has held
40 community conversations. A partial list of efforts to date include:

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- 42 • January 2015 - Dane County Community Restorative Court starts hearing cases in an
43 innovative restorative justice model
 - 44 • February 2015 – Investigating Solutions to Racial Disparities and Mental Health
45 Challenges in the Dane County Jail and throughout Dane County's Criminal Justice
46 System workgroups established
 - 47 • July 2015 – Implicit bias training for law enforcement

- 48 • September 2015 – Investigating Solutions to Racial Disparities and Mental Health
49 Challenges in the Dane County Jail and throughout Dane County’s Criminal Justice
50 System workgroups complete report with recommendations
- 51 • October 2015 – Community conversation on Investigating Solutions to Racial Disparities
52 and Mental Health Challenges in the Dane County Jail and throughout Dane County’s
53 Criminal Justice System workgroup recommendations
- 54 • January 2016 – Diversion workgroup established to review all adult and juvenile diversion
55 programs
- 56 • March 2016 – Established partnership with the Laura and John Arnold Foundation to
57 reform the County’s pretrial assessment process
- 58 • May 2016 – Criminal Justice Council Research Analyst hired
- 59 • October 2016 – Pretrial Safety Assessment project launched
- 60 • October 2016 – Dane County joins White House data-driven justice effort
- 61 • February 2017 – Dane County joins the Safety and Justice Challenge – a national initiative
62 supported by the MacArthur Foundation to reduce over-incarceration by changing the way
63 America thinks about and uses jails
- 64 • December 2017 – Community Conversation on Race and Criminal Justice with members
65 of the Perception Institute
- 66 • December 2017 Criminal Justice Council website unveiled to provide initiatives on
67 Criminal Justice Council initiatives, grant activity and reports, and includes data and a
68 dashboard of key criminal justice system indicators
- 69 • January 2018 – Sequential Intercept Model (SIM) training provided for law enforcement,
70 stakeholders, and community members. SIM provides an organizing tool to develop
71 targeted strategies to increase diversion from the criminal justice system and link those
72 with mental illness to community treatment.
- 73 • April 2018 – Dane County nominated to join the national Best Practices Implementation
74 Academy to support and collaborate with key stakeholders to reduce the over-
75 incarceration of people with mental and substance use disorders in jails
- 76 • May 2018 – Dane County participates in the national day of Stepping Up – an initiative to
77 rally local, state, and national leaders to increase understanding and provide counties
- 78 • September 2018 – Dane County receives \$20,000 grant to create a data model for
79 tracking information regarding race, gender, age, and the type of violation that led to an
80 arrest
- 81 • June 2019 – Community conversation on bail and pre-trial reform

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83 In addition, the Criminal Justice Council, a body of the key decision-makers in Dane County’s
84 criminal justice system, has established three on-going subcommittees to lead change including:
85 the pretrial subcommittee, the racial disparities subcommittee, and - most recently - the
86 behavioral health subcommittee.

87
88 Last month officials and staff participated in a criminal justice system stress test to identify ways
89 to further improve the criminal justice system and reduce the jail population. The consultant
90 retained to conduct this exercise and analysis will report results in the coming weeks.

91

92 NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors requests a
93 presentation of the results of the Dane County Criminal Justice System stress test upon
94 completion.

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96 BE IT FURTHER RESOLVED that upon receipt of the results of the stress test, the County Board
97 urges the Criminal Justice Council to develop a plan to address:

- 98 • Opportunities identified to divert and deflect individuals from jail,
- 99 • Opportunities to decrease length of stay in the Dane County jail.

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101 BE IT FURTHER RESOLVED that working with the Criminal Justice Council, the Dane County
102 Board engage national partners that may assist in developing a template to evaluate racial
103 disparities at each stage of the criminal justice system that can be replicated quarterly by the
104 Criminal Justice Council research and innovation team.

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106 BE IT FURTHER RESOLVED that working with the Criminal Justice Council and the Judiciary,
107 the Dane County Board allocate Board Office policy and program evaluation funds to analyze the
108 racial breakdown of the individuals being assessed bail – to include the number who posted bail
109 or held in custody - in Dane County, and provide a presentation of those results to the Dane
110 County Board and other interested parties, and create a template for use by the Criminal Justice
111 Council research and innovation team for quarterly updates.

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113 BE IT FURTHER RESOLVED that the Dane County Board supports the efforts of the Dane
114 County Criminal Justice Council – Racial Disparities Subcommittee to expand community-driven
115 diversion options, and continues to encourage the growth of the Community Restorative Court
116 to communities throughout Dane County.

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118 BE IT FURTHER RESOLVED that the Dane County Board, urges the Criminal Justice Council
119 to explore national data integration organizations to routinize data reporting across the entire
120 criminal justice system with consideration of budget implications for the 2020 operating budget.

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122 BE IT FURTHER RESOLVED that the Dane County Board, working with the Criminal Justice
123 Council, allocate Board Office policy and program evaluation funds to review best practices for
124 specialty courts, identify potential impacts and constraints to establishment of such initiatives,
125 and determine what policies can be developed to expand the reach of these courts, including
126 the existing Drug Court, and additional courts, such as a Family Collaboration Court, and Mental
127 Health Court.

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129 BE IT FINALLY RESOLVED that the County Board urges the Criminal Justice Council to
130 continue to work with the Department of Corrections (DOC) to urge and support comprehensive
131 reform on parole and probation revocation policy, which will greatly impact our jail population
132 and average length of stay.