

**SUB ____ to 2019 RES 67 COMMUNITY ALTERNATIVE PLAN FOR
HOUSING, HEALTH CARE, AND DECARCERATION (PROPOSED-WEGLEITNER)**

Almost four years after the report of 2014 Res. 556, *Investigating Solutions to Racial Disparities and Mental Health Challenges in the Dane County Jail and throughout Dane County's Criminal Justice System*, many recommendations to reduce the jail population are still in progress or have not yet begun to be implemented, including an expansion of crisis stabilization services. The lack of supportive and accessible housing is a barrier to release and an impediment to reducing our jail population. 17% of the jail population on the July 2017 Point in Time HUD Count were homeless prior to entering Dane County jail.

In July 2012, Dane County recognized housing as a human right and in Res. 292, 11-12, and that "access to housing is a key element in addressing many issues in Dane County, including gang prevention, crime, and poverty. In 2007, the Dane County Enhanced Youth Gang Prevention Task Force listed "accessible and affordable housing" as one of their prevention strategies and recognized that "stable and affordable housing is foundational to family stability and gang prevention". In 2009, the Dane County Task Force on Racial Disparities in the Criminal Justice System, reported "ex-offenders returning to the community after prison face great difficulty obtaining stable housing, employment, support, and treatment" which is "instrumental in avoiding re-incarceration".

In 2016, the Diversion Work Group recommended:

- Major system partners act together to (A) identify individuals with mental health issues have repeated and chronic contact with law enforcement and jail; and (B) develop an individualized intervention and crisis plan to reduce the likelihood of placement in jail."
- Expansion of the Community Restorative Court.
- All Dane County law enforcement agencies develop and implement policies, practices, resources, and training and that limit the use of arrest to cases in which it is required by law or necessary for protection of the public or suspect and encourage the use of alternatives.
- Development of a short-term crisis/stabilization program that includes the capacity for short-term (up to 7 days) residential placement, crisis assessment, linking individuals to other community resources, etc. This type of program has commonly been referred to as a "restoration center", but the size/scope can vary depending on how it links with other resources (e.g. case management, treatment services, etc.).

The Res. 556 Mental Health, Solitary Confinement, and Incarceration Work Group recommended the creation of one or more crisis, assessment, and resource centers or programs to provide an alternative to incarceration for persons experiencing behavioral health crises.

The Res. 556 Length of Stay Work Group recommended “a racial equity analysis of all policies related to signature bonds, bail determinations, and eligibility for electronic monitoring” and additional data from and agreements with the Department of Corrections to have persons facing revocation released pending the revocation investigation.

In September, 2007, the Criminal Justice System Assessment recommended holding initial/bail hearings on weekends and holidays to reduce lengths of stay.

~~To reduce the jail population and divert more persons from Dane County jail, Dane County needs support, leadership, and collaboration from the members of the Criminal Justice Council. The Criminal Justice Council would benefit from the perspectives of persons with lived experience of incarceration and persons with expertise in behavioral health issues. The 2014 Resolution 556 Length of Stay Work Group recommended adding five additional members to enhance community accountability and accessibility and provide urgency to implementation of the Res. 556 recommendations.~~

Now therefore be it resolved, ~~Dane County affirms its commitment to mitigate health and safety concerns in the Dane County jail facilities, particularly for the incarcerated persons and staff in the 6th and 7th floors of the City-County Building;~~

~~Be it further resolved, Dane County amends the 2019 Dane County Capital Budget to authorize up to an additional \$10M for the Sheriff's Department to address health and safety risks;~~

~~Be it further resolved, Dane County shall restructure the Criminal Justice Council to include 5 new members, including three persons who have been directly impacted by criminal justice system, at least one of whom is a person of color who has been previously incarcerated, and two persons with expertise in behavioral health;~~

~~Be it further resolved the Dane County Criminal Justice Council~~ Dane County shall appoint a task force shall to develop a decarceration plan, no later than ~~June 30~~ August 31, 2020, informed by the communities most impacted by incarceration, to significantly reduce the average daily population of the jail ~~by 350 persons-- from 755 to 405--~~ no later than December 31 ~~June 30, 2025~~;

Be it further resolved that the Task Force shall consist of an odd number of 9 to 13 persons appointed by the County Board Chair and approved by the County Board.

Be it further resolved that a majority of appointments shall be selected from nominations submitted by community organizations and groups working on reducing the numbers of people incarcerated, supporting persons in re-entry, community accountability of law enforcement, expanding access to behavioral health services, and expanding permanent supportive housing in Dane County, including Nehemiah, Madison-area Urban Ministry, Freedom, Inc., MOSES, EXPO, Homeless Services Consortium of Dane County, Recovery Coalition of Dane County, and NAMI.

Be it further resolved that the proposed nomination and appointment process be the subject of a public hearing at a joint meeting of the Public Protection and Judiciary Committee and the Health and Human Needs Committee to take place no later than December 31, 2019.

Be it further resolved the decarceration plan shall evaluate and make recommendations for potential implementation of the following strategies:

- (a) Development of 350 permanent supportive housing units within the next five years for persons who have experienced homelessness and incarceration;
- (b) The development of one or more culturally relevant community-based crisis, assessment, and resource centers 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 ongoing services and supports;

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.

- (c) Interventions to stabilize persons identified as the most frequently incarcerated in Dane County and divert them incarceration;
- (d) Agreements with the Department of Corrections to have more persons released pending revocation investigations.
- (e) A racial equity analysis of all policies related to signature bonds, bail determinations, and eligibility for electronic monitoring;
- (f) A court calendar which includes initial hearings/bail hearings on weekends and holidays to reduce lengths of stays; and
- (g) Increasing capacity of publicly funded defense counsel to facilitate early appointment of counsel.

BE IT FURTHER RESOLVED, that County Board ~~and Criminal Justice Council~~ staff shall determine what additional resources are needed for the planning process and provide a preliminary planning schedule to the County Board no later than ~~October 15~~ December 31, 2019.

Be it further resolved the plan shall include potential revenue sources, including but not limited to savings realized from decreasing security services staffing needs.

Be it further resolved the plan shall include a timeframe for a referendum to raise the levy to support behavioral health system enhancements and supportive housing services.

Be it finally resolved that ~~Dane County shall defer capital borrowing to construct a new jail~~
~~pending~~ a report of the decarceration plan to the Dane County Board shall be provided by the
task force no later than August 31, July 30, 2020.