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County Board Leadership Announces Criminal Justice Reform Package

June 29, 2020

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County Board

Initiatives built on previous community-driven recommendations

Dane County Board Chair Analiese Eicher today joined Supervisor Shelia Stubbs in announcing a package of criminal justice reforms to improve equitable access to justice.

“We are at a moment in the county’s history where the only acceptable approach is to embrace and push change,” said Eicher (District 3, Sun Prairie). “Criminal justice is a system with many actors; no one element can make lasting change in a vacuum. However, we know the system as a whole is fully capable of working in concert – as demonstrated by the collaborative effort in response to the COVID pandemic. We can, and must, do this.”

Elements of the initial package of reform - spanning the continuum from first interaction with law enforcement, to diversion from the criminal justice system or to booking, pretrial arraignment, charging, sentencing, and re-entry - are based on years of community-involved workgroup and various committee recommendations.

“We have done the work to identify effective, data-driven approaches to fix our broken, inequitable, and inhumane system,” said Supervisor Stubbs, (District 23, Madison), who also serves in the State Assembly, representing the 77th Assembly District. “The Black community has worked with the county over many years to find a way forward. In my 15 years on the Board, we have done hard work and implemented changes, yet our disparities remain. It is time for less talk and more action.”

The package of 14 initiatives uses history and data to document, recognize, and acknowledge racial disparities; it is built on a foundation of collaboration; and it seeks to amplify, integrate and empower voices of people with lived experience.

The Dane County Board has been a leader in systems change. The initial reform package is expansive and will require collaborative partners, which may include City, and County elected officials, local businesses, health care and foundations to join in changing the criminal justice system.

The multifaceted approach is designed first to divert individuals from the criminal justice system.

Diversion

1. Expand use of the Community Restorative Court (CRC), both in terms of the age of individuals referred, the scope of charges, and the communities participating. Currently the City of Madison is a high referral source (48 percent) but does not contribute financially or with staffing for the initiative. The CRC has been in operation for 5 years, has worked with 883 individuals, and has a successful completion rate of over 85 percent.

<https://bjatta.bja.ojp.gov/media/blog/creating-model-community-restorative-courts-dane-county-wisconsin>

2. Establish an emergency response with a team of medical and crisis workers for those experiencing a mental health issue, instead of a law enforcement response. Models used in other cities nationally – CAHOOTS in Eugene, Oregon and STAR in Denver – work to stabilize an individual and, if needed, provide transport to a facility for further de-escalation.. A culturally appropriate response, including peer counseling, will be critical.

<https://dane.legistar.com/View.ashx?M=M&ID=734493&GUID=B17CA8DD-D3A0-4BB2-AADE-09087BB8C94A>

3. Establish a triage center for individuals needing immediate care. The Criminal Justice Council's Behavioral Health Subcommittee has been investigating models of triage centers and identifying best practices for their use. The Sequential Intercept Model report from 2018 identifies key strategies moving forward--

<https://cjc.countyofdane.com/documents/DaneCountyWISIMReport-FinalwithAppendices.pdf>

4. Call on local law enforcement agencies to outline changes in practice to limit arrests during the pandemic and identify how these practices can be continued and improved. All Dane county law enforcement agencies should embrace pre-arrest diversion and develop and expand use.

"The County Board plays a policy development and budgeting role, but we must rely on our partners, to change the course of our criminal justice system," said County Board Chair Analiese Eicher.

Charging and Sentencing: These initiatives are not within the purview of county government, but would rather require collaboration and agreement among the Courts, the District Attorney, the Public Defender, and the Sheriff.

1. Request the District Attorney, the Judges, Clerk of Courts, and the Sheriff outline what they changed in response to the COVID pandemic and what initiatives can continue. These discussions with the County Board's Public Protection and Judiciary Committee have already begun. http://dane.granicus.com/MediaPlayer.php?view_id=1&clip_id=445

2. Urge the Criminal Justice Council to consider how to implement virtual weekend court by 2021. Weekend arraignment was recommended by a community-driven workgroup created by 2014 RES 556.

https://board.countyofdane.com/documents/pdf/556_whitepaper.pdf

3. Urge changes in criminal court processing to moderately reduce length of stay for people who are sentenced, and those waiting to be transferred to the Department of Corrections. This would not change the ultimate court disposition but reduce the criminal justice footprint, without decreasing public safety.

<https://cjc.countyofdane.com/documents/Analysis-of-the-Dane-County-Jail-Population-JFA-Institute.pdf>

4. Encourage the Courts to create a Mental Health Court based on national best practices.

<https://dane.legistar.com/View.ashx?M=F&ID=6219074&GUID=1DF9AEA6-24AF-4823-A01C-FD1629143180>

Jail and Department of Corrections:

1. Urge the Wisconsin Department of Corrections to hold revocation hearings outside of the jail. Review policy and technological changes that occurred during the COVID pandemic and continue this approach.
2. Direct the County Board's Public Protection and Judiciary Committee and Health and Human Needs Committee to work together to determine how to follow LaCrosse County's lead in eliminating Huber and instead rely on Human Services programs. The committees, working with the Sheriff's Office and Department of Human Services staff, should make recommendations identifying costs, benefits, capacity requirements, and timeline.
3. Encourage the Dane County Sheriff's Office to amplify the new role of the jail population manager and convene weekly meetings with key stakeholders in order to safely reduce jail population.

Transparency:

1. Urge all Dane County law enforcement agencies to collect data on race for all stops and share the data with the Criminal Justice Council research and innovation team on a quarterly basis for posting on the CJC website.
https://danedocs.countyofdane.com/pdf/oeo/final_report.pdf
2. Work with the County Executive and the Dane County Department of Administration to hire the information management position included in the 2020 budget to work on criminal justice technology applications and dashboards to hasten the completion of regularly updated information.
3. Partner with the University of Wisconsin annually to hire a student to serve as the Criminal Justice Council data apprentice.

"This is a starting point—we are not close to the finish line," said Supervisor Stubbs. "Change requires working collaboratively with experts, but first starting with the community members that are negatively impacted by criminal justice daily. We have done that and the time to act is now."

The Dane County criminal justice reform package is grounded in the hard work of community advocates, system actors and accurate data. These reports start in 2009 and continue through Dane County reports and committee work today.

"This criminal justice reform package represents a reimaging of Dane County justice. We have the data, local leaders and national advisors to move Dane County criminal justice to a more equitable and just system," said Eicher. "The Dane County Board is committed to collaborating for effective, and equitable, criminal justice reform."

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