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Date: July 3, 2020

From: County Board Chair Analiese Eicher and Supervisor Stubbs

To: Interested Parties

Expanded Background For 14-Point Criminal Justice Platform

Note: These are initial action steps. Expanded background information and initiatives will follow in the coming weeks.

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>
 - Dane County effectively partnered with the City of Madison and the DA to create a strong alternative to incarceration 5 years ago. This approach was developed by the CJC-RD and relies on collaboration with the DA and municipal law enforcement.
 - Initially piloted in the City of Madison, the CRC – which is staffed by Dane County Human Services - now serves 14 out of 23 law enforcement agencies in Dane County.
 - The CJC is a restorative justice alternative to traditional criminal justice. In addition to the goals of “repair harm, reduce risk, rebuild trust”, a driving factor in the creation of the effort was to avoid a CCAP entry for individuals aged 17 to 25 with minor offenses. Based on the success of the initiative, the proposal is to expand the program.
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>
 - Law enforcement should not be the only or primary respondent to those experiencing behavioral health issues.
 - City of Madison alders have expressed an interest in partnering.
 - CJC-Behavioral Health Subcommittee is discussing this at their July 10th meeting.

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>
 - Safe and effective alternatives to going to jail for those whose primary concern is a behavioral health or substance use issue should be established with "no wrong door," meaning that no one is turned away; law enforcement will also be able to drop off in lieu of taking individuals to jail.
 - The CJC-Behavioral Health Subcommittee, as well as the evaluation by PCG last year, have considered this.
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.
 - Ongoing collaborative efforts with the CJC, including – but not limited to the Sequential Intercept Model – should be explored. During the pandemic, custodial arrests have declined. A post mortem will help to understand how modifications can continue.
 - At the same time, a review of the crime rate will be necessary.

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.
 - The CJC has been and will continue to be a forum for collaboration.
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
 - Similar to calling on our local law enforcement agencies to outline changes, the community needs to know what changes occurred with what impact throughout the court system.
 - Based on this experience, identify reforms which can continue.
 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
 - The Dane County Board has been interested in weekend initial appearances for years. It was financially not prudent. However, with virtual court hearings, this is an approach that has gained interest.
 - Note that the key staff necessary are not all county staff; hence the need for leadership by the Courts.
 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>
 - Any changes would require leadership by the Courts.
 - Research suggests slight modifications in sentencing days show no decrease in public safety.

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>
 - Mental Health Courts are specialized treatment-oriented, problem-solving courts with a goal of removing offenders from the criminal justice system to treatment programs.
 - Again, the Courts must take the lead.

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.
 - Changes made in response to the pandemic provide an opportunity to continue practices outside of incarceration.
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 the Department of Human Services staff, should make recommendations identifying costs, benefits, capacity requirements, and timeline.
 - Over a decade ago, LaCrosse County eliminated their Huber Program and now rely on human services based interventions.
 - Other counties have investigated doing the same. This is a change in approach; not a cost-savings strategy.
 - Implementation would take careful planning.
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.
 - The Dane County Sheriff's Office requested and was provided with a jail population manager. In other counties, this position routinely meets with the DA, DOC, and the Courts to move people out of the jail. This is the Sheriff's purview.

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
 - Former MPD Chief Noble Wray suggested collection and sharing of this data for added transparency and potential agency changes.
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.
 - The County Board included a new information management position to build capacity for criminal justice data and technology work.
3. Partner with the University of Wisconsin System annually to hire a student to serve as the Criminal Justice Council data apprentice.
 - This continues a practice currently in place.