



Dane County

Minutes - Final Unless Amended by Committee

Criminal Justice Council

Thursday, February 25, 2016

12:15 PM

CCB Room 351

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A. Call To Order

The meeting was called to order by County Executive Parisi at 12:19pm.

- Present** 5 - JOE PARISI, DAVE MAHONEY, JUAN COLAS, ISMAEL OZANNE, and PAUL RUSK
- Excused** 2 - SHARON CORRIGAN, and CARLO ESQUEDA

Rusk was present for Corrigan.

Advisory members: Watson, Anhalt, Matt Allord (representing Lance Wiersma) and Ackeret

Other attendees: McNamara, Hook, Clark-Bernhardt, Peterson Thurlow, Kostelic, Hoover and Vershay.

B. Consideration of Minutes

1. [2015 MIN-628](#) MINUTES OF THE 1/28/16 CJC MEETING

Attachments: [2015 MIN-628](#)

A motion was made by RUSK, seconded by COLAS, that the minutes be approved. The motion carried by a voice vote.

C. Grant Update

Clark-Bernhardt summarized the grant application to the Center for Court Innovation for the Community Restorative Court. It would be a 2-year effort with Bureau of Justice Assistance monetary support. We should know by mid to late April. Parisi thanked Clark-Bernhardt for her efforts.

D. Presentations

There were no presentations.

E. Reports to Committee

1. [2015 RPT-735](#) RECOMMENDATIONS FROM THE ALTERNATIVES TO ARREST AND INCARCERATION WORKGROUP

Attachments: [2015 RPT-735](#)

Parisi indicated the CJC would continue step by step review of the criminal justice work group recommendations and then review ways to move forward.

Clark-Bernhardt said that the CJC is largely done reviewing the Alternative to Incarceration recommendations. She provided a summary of Safe Surrender program. The US Marshalls are no longer supporting this effort. Milwaukee has a grant through the Medical College of Wisconsin and the State of Ohio has had an initiative in each county. However, funding for that effort is ending. They believe the approach is a first step to a second chance. Most Ohio cases who surrender are misdemeanor; 90 percent misdemeanor and 10 percent felony. Ohio gets 1200 - 7,000 individuals for a one day event. Events are held at churches. Milwaukee will keep us informed of their experience. Clark-Bernhardt will provide a report when she has additional information.

Anhalt indicated that the City of Madison will have a single day event on Sunday, March 13th for municipal tickets; trying to help people to clean the slate. Clark-Bernhardt notes that some communities have used this as a food share day. Food is then given to food banks.

2. [2015 RPT-777](#) RECOMMENDATIONS FROM THE LENGTH OF STAY WORK GROUP

Attachments: [2015 RPT-777](#)

The CJC reviewed each recommendation from the Length of Stay work group.

1. *Notification of court date via cell phone. Colas spoke of concerns regarding making cell phone numbers as part of public record. They worked through that. .*

Clark suggested this is an opportunity to discuss the Arnold Foundation. Dane County will be one of a growing number of communities using a pretrial services assessment (PSA) from the Arnold Foundation, and a Harvard professor will be partnering to evaluate the outcome. Milwaukee is using it; the State of Kentucky has used it for eight years. Kentucky's experience indicated the tool is race-neutral. Next week will be talking process pieces, including training. The MOU has been signed by DA, Clerk of Courts, Presiding Judge, and the Sheriff.

Clark-Bernhardt said this should help with length of stay because we are trying something and at the same time studying the outcome.

2. *Implicit bias training for all criminal justice stakeholders. There was a Small City Consortium training last fall, using a grant through WI Department of Justice. Colas said there will be a day long training for court staff called Recognizing and Responding to Implicit Bias in Dane county Court System. Mahoney said he has nationally recognized trainers coming in to train top staff and will then follow a train-the-trainer approach for line staff. Ozanne said he has put on a conference two years in a row regarding implicit bias in corporal punishment.*

3. *Volunteer/Education as part of sentence. Watson said that the diversion work group will be looking at this topic. Clark-Bernhardt suggested the work group present its recommendations to CJC.*

4. *Weekend arraignment. Parisi asks if average daily population goes up on weekend. Mahoney said it depends on what is going on. Ozanne said that what it takes to put on an initial appearance court is expensive. It depends on how many are felonies who need to see a judge, and how many can bail out. Parisi suggests this is a matter for analysis.*

Colas said the analysis should exclude anyone with a probation hold because they cannot be released.

Mahoney indicated sometimes full and then they reach out. Hook said generally half who are booked end up in jail. So people arrested Friday or Saturday night may be in jail needlessly.

Ozanne said the consultant; Kalmanoff suggested the Sheriff could just let people out. Watson said if people just need to meet bail conditions, perhaps they could be released on signature bond, particularly for the misdemeanor cases. If there is a way to do that with few personnel, it may be cost effective.

Parisi asks if people are on board for looking at this further. Ozanne said we need to look in to who is in the jail over the weekend. Some may be domestic abuse cases, and they cannot be released.

5. *Comprehensive oversight of DA charging and plea-bargaining.* Ozanne said there is an assumption that we are not in a transparent and adversarial position. Some assumption is that we are not using discretion for each individual. He would push back against prosecutorial discretion or court discretion. There is individual justice.

6. *Require racial impact statement before implementing policy.* Clark-Bernhardt discussed the Racial Equity Social Justice group efforts regarding an assessment tool. It was developed based on our partnership with the Government Alliance for Racial Equity. RESJ has been customizing the tool for Dane County. Clark-Bernhardt will share when completed.

7. *Require weekly reports from DOC on probation and parole holds.* Mahoney said he looks on a regular basis who is held and why. It does not involve the County Board. Watson said the community feels out of the loop with DOC. On some way we should respond to this concern, particularly the no violation holds. Mahoney said that transparency is a work in progress. Watson said that revocations are slow and cumbersome, so it is the nature of how that system works. She suggests working with DOC on the process happening out of custody. Perhaps we could improve the process for some. Parisi suggests that this would be an issue where hard data would be helpful. Watson said some rule violations warrant an investigation; others do not. We should not lump them into one category. What kind of rule violation? Colas indicates this would be an opportunity to improve the understanding regarding how probation holds are used. He said they use holds for treatment courts when waiting for an opening at a halfway house. Ozanne indicates we cannot require the state to provide information. DOC did a revocation study in 2008 or 2009 which showed about a third of holds are suspects for new criminal behavior.

DOC rep said that every hold is staffed by their office. There are risk scores and a system in place for what prompts a hold. They run holds every morning.

8. *Perform a racial analysis on various points in the system.* Arnold PSA process will provide some information.

9. *For DOC holds, recommends rule violators be reviewed for release.* Parisi said take this as an expression of concern. Watson said this is related to what is going on with holds. It would be worthwhile for PD, DA, Sheriff, and DA to talk about whether there is a way to release some of these holds.

10. *Restructure CJC to include citizen members and report on recommendations.* Colas indicated that there had been previous discussion of this. Clark-Bernhardt will include reference to that discussion. She said a change would require an ordinance amendment.

The CJC continuing with a review of the Mental Health work group recommendations:

1. *Remodel jail to make it more humane and modern.* Mahoney said a study is underway.

2. *Culturally relevant community crisis resource center.* Colas said this recommendation has a very high cost and complexity, and potentially high impact. Watson asks if this would be a locked facility. That would need to be discussed. Mahoney said Cook County has one; separate facility.

3. *Mobile urgent treatment or crisis intervention team.* Parisi said there is increased funding for Journey Mental Health to be available 24/7 for law enforcement. Sun Prairie has a half time individual imbedded with police. Mahoney said he is training jail staff in

CIT. Parisi said also expanded mental health school based teams focused in middle schools.

4. Culturally relevant family centered outreach and engagement. Parisi indicates that most have access to health care. The County could continue to invest, but the challenge is to make sure health care providers do their part. Efforts are underway to get people connected to services.

5. Culturally relevant staff for services and additional case management. Parisi said Mahoney has a re-entry coordinator and there is a staff person who assessed each inmate and they get a plan for when they return to the community. Watson suggests the diversion work group consider this. In particular there is a concern for developmentally disabled inmates.

6. Culturally diverse workforce. Mahoney said he and Chief Koval, and the Dane County Chiefs of Police have done training on use of force and de-escalation. He has transferred a staff person to diversity recruitment. Parisi speaks of the job of minority recruitment specialist to go in and beyond the community to recruit for positions.

7. Reduce length of time in solitary confinement and administrative confinement. Mahoney said they work to reduce this every day, but the physical jail structure is difficult.

8. Co Exec should convene a leadership team regarding mental health. Parisi has a health council with all the CEOs of hospitals and HMOs. Parisi said his only issue is access to mental health. He will keep the CJC posted.

9. Guide for court officials regarding mental health jargon. Colas will look at the resources specifically identified.

10. Create a CJC work group regarding mental health. Discussion of review of cases to determine if someone needs to be in medical system and out of jail. Discussion ensued regarding DA and PD interaction to get someone out of the courts quickly.

3. Report on Fugitive Surrender

This issue was discussed above.

F. Future Meeting Items and Dates

Thursday, March 24th is next meeting. Because this is during spring break for the schools, the CJC decided to meet next on Thursday, April 28.

G. Public Comment on Items not on the Agenda

Judge McNamara spoke about the length of stay work group. He said that people need to understand who is in the jail on holds. Just a statement of who is there. It is just information. It is not intended to be controversial. Ozanne said the issue was requiring the state to report to the county board. McNamara said just how many in. Just a published report of who there and how long. Parisi said there is discrepancy between why they are there. McNamara said could have groups of reasons why held. Ann Newman used to prepare a weekly report of who was in the jail pre-sentencing. Mahoney said he generates a census sheet each day. The more his office needs to drill down, the more staff time needed. Maybe could do that on a weekly basis. That becomes an issue.

H. Such Other Business as Allowed by Law

Clark-Bernhardt discussed the position description for the research analyst and indicated that applications are due on Friday, February 26. Anhalt said the Small City Consortium is also looking to hire a data analyst as well.

I. Adjourn

A motion was made by DAVE MAHONEY, seconded by JUAN COLAS, that this meeting be adjourned. The motion carried by a voice vote at 1:52 pm.

Minutes respectfully submitted by Janice L. Lee, subject to council approval.