



Dane County

Minutes - Final Unless Amended by Committee

Criminal Justice Council

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Thursday, May 28, 2020

12:15 PM Remote Meeting: Call (Toll Free): 1-877-309-2073; Access
Code: 391-562-141

Remote Meeting: Call (Toll Free): 1-877-309-2073; Access Code: 391-562-141

A. Call To Order

Advisory members present: Catherine Dori, Troy Enger, Maureen McCarville, Cameron McLay, Todd Meurer, John Patterson, and Cameron McLay

Advisory members excused: Aaron Chapin

Staff: Colleen Clark-Bernhardt, Noemi Reyes, Lindsay Menard, Lauren Kuhl, Lisa MacKinnon, Isabel Anadon, Sarah Jensen, Jerrett Jones

Judge McNamara attending for Judge Bailey-Rihn

Deputy Jeff Hook attending for Sheriff Dave Mahoney for first few minutes

The meeting was called to order by Chair Parisi at 12:16 pm

Present 5 - CARLO ESQUEDA, DAVE MAHONEY, ISMAEL OZANNE, JOE PARISI, and
Supervisor ANALIESE EICHER

B. Consideration of Minutes

1. [2020
MIN-030](#) Minutes of the 2/27/2020 Criminal Justice Council Meeting

Attachments: [2020 MIN-030](#)

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

Esqueda abstains from the vote because he was not present at the last meeting.

C. Action Items

None

D. Presentations

None

Attendance

Advisory members present: Catherine Dori, Troy Enger, Maureen McCarville, Cameron McLay, Todd Meurer, John Patterson, and Cameron McLay

Excused: Aaron Chapin

Staff: Colleen Clark-Bernhardt, Noemi Reyes, Lindsay Menard, Lauren Kuhl, Lisa MacKinnon, Isabel Anadon, Sarah Jensen, Jerrett Jones

Judge McNamara attending for Judge Bailey-Rihn

Present 4 - CARLO ESQUEDA, DAVE MAHONEY, ISMAEL OZANNE, and Supervisor
ANALIESE EICHER

Excused 1 - JOE PARISI

E. Reports to Committee

1. Discussion of COVID-19 Response

i. Parisi, County Executive:

Emphasis on coordinating operations and determining who are most vulnerable to the virus. Provide hotel housing, counseling, and wraparound services to homeless individuals. Address food insecurity by allocating \$3 million to food bank that sources 95% of food locally. \$10.8 million initiative to provide grants to local businesses. \$3.5 million initiative to provide grants to licensed childcare providers. Increased resources to protect renters against eviction and hire housing navigators to help residents to find homes with landlords willing to work with them and cover security deposits. Alliant Energy Center is a community testing site, local food bank storage space, and is prepared to be a field hospital if necessary.

ii. Ozanne, District Attorney

Immediately started working with courts and criminal justice partners to move operations remotely as much as possible. Continue in-custody hearings to see if individuals can be released into the community. District Attorney's office is working with courts on phased reopening; jury trials remain major challenges because courts were not built to accommodate social distancing among jurors. Masks also present some concerns about nonverbal cues and facial expressions. Marcy's law also has changed procedure during COVID-19. Moving forward, there may be resource issues due to the impact of COVID-19 on budgets

iii. Eicher, County Board Chair

Emphasis on public communication and engagement. Long-term policy considerations. Difficulty with budget due to reduced revenue.

iv. Mahoney, Sheriff

Difficulties navigating the infrastructure of the Dane County Jail, as it does not allow people to safely social distance. Protecting health of incarcerated people and employees is number one concern. In collaboration with Dane County Chiefs of Police, examined alternatives to incarceration; COVID-19 can only be controlled by addressing the number of people who are brought to jail and those who are staying there. Collaborating with DA and court commissioners about bail, and cases of people on cash bail are being reviewed to see if they can be changed to signature. Jail population has been lowered to almost half of what it was. New arrests are quarantined for a period of time so they can be watched by medical staff. A number of cases occurred through the jail, and through medical team the jail was able to create some limited housing to create social distancing while in quarantine in addition to isolation of those positive cases. Concerns about maintaining low jail population with re-arrests

v. Esqueda, Clerk of Courts

Suspension of in-person appearances and pre-trial services. Esqueda is part of WI Supreme Court task force on a plan to reengage courts to the new normal, jury trials still pose a lot of questions. Clerk of Courts office has phone line and drop-box rather than in-person services. Working to assure safety of litigants and staff appearing in the Dane County courthouse.

vi. McNamara, Circuit Court Judge (designated by Judge Bailey-Rihn)

Court appearances that can be suspended have been. Family court, juvenile court, civil restraining orders, guardianships still must be processed. Criminal cases have gone forward remotely over Zoom. Traffic court has been paused but will have to be returned to. Eviction processing has taken a break but will move forward soon. Difficult to

maintain standard practices, which is crucial part of justice system. Limits in that pretrial services cannot take new cases and jail cannot offer work release. Lots of charges are being dismissed, but in a lot of cases there are not hearings to dismiss the charges—defendants cannot plea without hearings. Necessary to phase into in-person hearings, but cannot predict when those will occur.

vii. Dori, Public Defender

Logistics are big issues, since office is not paperless. Clients often do not have equipment to contact public defenders by phone, let alone by Zoom, if they're out of custody. Office is prioritizing people who are in the jail, looking at the jail population daily to see who they can get out. Working with local bail funds and with DOC to release people who can be released. Also working towards "compassionate release," which is a release for individuals who are at heightened risk of COVID-19. Participating in all county committees public defender is included in. Concerns about safety once courts reopen. Public defenders have much more contact with and are in closer proximity to defendants than other lawyers/court officials are. Concerns about how to maintain attorney-client confidentiality with social distancing. There are programs that can be sustained post COVID-19 that will create a more efficient, more effective criminal justice system.

viii. Enger, DOC Division of Community Corrections Region 1 Assistant Chief

DOC has been preparing since 2005 for incident management (NIMs) for department preparedness; there are guidelines and trainings in place for all facilities and agencies. Agency-wide, DOC has transitioned to using technology instead of face-to-face whenever possible, decreasing jail population by releasing probation/parole holds in Dane County Jail (although probation/parole numbers stand), directing staff to stay home, notifying employees if there is a positive test where they work, enhanced cleaning/sanitization, using social distancing practices wherever possible, making PPE available for staff and mandating that it is worn during face-to-face interactions with clients, giving surgical masks to people in care, and making N95 masks available for staff and people in care who have had direct contact to COVID-19. There is going to be a phased approach to returning to work based on agency.

ix. Patterson, Assistant Chief of Madison Police Department

MPD is working to keep the force healthy from infection. They have set up an internal task force around COVID-19 before the Safer at Home order was announced. MPD is testing all commission staff, tracking quarantine, having over 100 staff members (not patrol officers) telecommute. Customer service side has all changed, but haven't seen dramatic changes in services they are providing to community. Some non-crisis calls have been responded to differently to prevent exposure. 50 recruits have started in academy class. Concerns about budget impact. Acknowledgment of Minneapolis and need to establish legitimacy.

x. Meuer, Municipal Judge

Technical issues; could not provide update

xi. McLay, Deputy Mayor of City of Madison

Similarly to county-level operations, the City of Madison had to remake government operations. Identified essential services and policy responses. Policies targeted homeless residents due to their vulnerability. Madison reports less racial disparities in COVID-19 infection than other areas. City is working to create a safe working environment.

xii. McCarville, County Supervisor, Chair of Public Protection and Judiciary

Technical issues; could not provide update

2. Grant Opportunity Update

Presented by Clark-Bernhardt.

CJC was interested in a BJA court grant opportunity to add another layer of alternatives to incarceration; the CJC was unable to move forward but shared opinion with Bureau of Justice Assistance (BJA). BJA encouraged CJC to look at areas around behavioral health and drug courts for the fall.

[2020
RPT-041](#)

CJC letter to Bureau of Justice Assistance RE: Community Court

Attachments: [2020 RPT-041](#)

3. Discussion and Response: Questions from the Public

The public had an opportunity to submit questions to the CJC prior to the meeting. See the attached PowerPoint for the questions that were submitted. CJC members then responded to questions.

Discussion of continuing jail reduction-oriented policy changes after COVID-19. Discussion about policies around revocations, citing rather than booking individuals with outstanding warrants, cash bail and signature bonds, and research by new jail population manager. Potential future research regarding how specific law enforcement agency policy changes impact jail population. Discussion about moving individuals between county jails based on extraditions from other counties. Statement that JFA will give a public presentation on jail population, but unclear timeline due to COVID-19 pandemic. Discussion of potential expansion of the Community Restorative Court.

[2020
RPT-096](#)

COMMUNITY QUESTIONS TO THE CJC

Attachments: [2020 RPT-096](#)

F. Future Meeting Items and Dates

Date to be determined; likely the end of July.

G. Public Comment on Items not on the Agenda

Quorum was lost at 2:30; therefore, not all speakers were able to testify. Speakers unable to testify were encouraged to send comments/questions to Colleen Clark-Bernhardt.

Registered to speak in opposition: Sawyer Johnson, Allison Bern, Adam Nunez, Whitney Graham, Michael Sharp, Hridindu Roychowdhury, Colin Bowden, Amanda Jane Hoffamn, Lauren Levac, M Sweetnam, Kevin O'Malley, Alex Little, Dayna Long, Alyssa, Sam Hamer, Lauren Altaweel, Steven Ullberg, Al Schultz, Sonja Worthy, Josh Jenkins, Kay Galuska, Chanlder Maas, Aubreonna Poole

[2020
RPT-097](#)

REGISTRATIONS FROM THE MAY 28, 2020 CJC MEETING

Attachments: [2020 RPT-097](#)

H. Such Other Business as Allowed by Law

McNamara proposes hearing comments more frequently, community forum to hear testimonials, important to listen public comments.

I. Adjourn

A motion was made by MAHONEY, seconded by ESQUEDA, that the meeting be adjourned. The motion carried by a voice vote.

Quorum was lost at 2:30pm. Meeting adjourned at 2:30pm.

Minutes respectfully submitted by Sarah Jensen pending committee approval