



Dane County

Minutes - Final Unless Amended by Committee

CJC-Community Court Advisory Subcommittee

Tuesday, September 12, 2023

12:15 PM

Hybrid Meeting: Attend in person at the City County
Building in Room 351; attend virtually via Zoom

A. Call To Order

Staff present: Tamarine Cornelius, Jonathan Scharrer, Colleen Clark-Bernhardt, Josh Schroeder, Karin Peterson Thurlow

Others present: Norma Gallegos Valles

Co-Chair Ketcham called the meeting to order at 12:20 PM.

KAREN REECE attending on behalf of ANTHONY COOPER

BRANDI GRAYSON attending on behalf of CHARNICE ANDERSON

Present 14 - CATHERINE DORL, DANA PELLEBON, JOHN BAUMAN, MARIO WHITE, RON CHANCE, WESLEY SPARKMAN, LINDA KETCHAM, EVELYN CRUZ, AMY BROWN, KIRBIE MACK, ISMAEL OZANNE, CARMELLA GLENN, AARON HICKS, and TODD MEUER

Excused 3 - JONATHAN TRIGGS, LISA BURRELL, and SHANNON BLACKAMORE

B. Consideration of Minutes

[2023
MIN-265](#)

MINUTES FROM THE AUGUST 29, 2023 COMMUNITY JUSTICE
COUNCIL - COMMUNITY COURT ADVISORY SUBCOMMITTEE

Attachments: [2023 MIN-265](#)

A motion was made by SPARKMAN, seconded by REECE, that the Minutes be approved. The motion carried by a voice vote with BROWN and BAUMAN abstaining from the vote.

C. Action Items

There were no action items.

D. Presentations

There were no presentations.

E. Reports to Committee

1. Pre-Report Discussion

Jonathan Scharrer led the pre-report discussion. The initial topic was the location of a community court, both during the pilot period and post-pilot. Members made suggestions including:

- * near a location of where most offenses being referred occurred;*
- * in a supported housing development;*
- * a welcoming space;*
- * the South side of Madison;*
- * the North side of Madison;*
- * a location with access to public transportation;*
- * a location with access to services such as a library, the public health office, a UW partnership, the Urban League, the Multicultural Center, or Urban Triage;*

Judge White pointed out that Wis. Stats. Chapter 68, the Supreme Court Rules, specifies the requirements of a court room. Dane County would need permission of the Supreme Court to have a court somewhere other than the courthouse.

Discussion ensued regarding these rules, security, the physical specifications, and approaches to proceed. There was discussion regarding having a community court process within the courthouse initially in the pilot phase and, at some point, consider a separate building with a courtroom included.

There was general agreement, voiced by co-chairs Pellebon and Ketchum, that it would be better to be within the courthouse than have no program at all. Brown pointed out that bringing a restorative justice approach in to the courthouse would be a positive step. Scharrer indicated that, in the future, technology enhancements could also be considered. Ozanne said that the community court judge could initially use their own courtroom and there could be the possibility of building something different in unfinished space in the courthouse.

Discussion pivoted to what the location within the courthouse could contain. What community supports would be there? How could the space feel like a sanctuary in some way, particularly regarding the immigrant community? What does a safe, trauma-informed space look like? Chance compared the space to a market place with mobile resources present. Discussion ensued regarding the types of services, to include the Job Center and others.

Ozanne spoke of the Red Hook, New York example, saying that security need not be oppressive. Discussion continued regarding creation of a welcoming space, with the judge level or only slightly elevated from the defendant, the room in colorful tones with community-driven art. Glenn spoke of the Heart Model, based on high level training regarding welcoming space, a different feel, acknowledgement of the harm caused by the system, and a healing space.

Scharrer will schedule one on one meetings with committee members as he develops his report.

[2023](#) PRE-REPORT DISCUSSION
[RPT-296](#)

Attachments: [2023 RPT-296.pdf](#)

2. Timeline Highlights

The Timeline Highlights was before the subcommittee. Colleen Clark Bernhard spoke of the work that brought Dane County to the present community court initiative. She indicated that she heard the frustration from the previous meeting and honored that. The work of the previous committees, from 2008 and 2015 has led the county to the current effort, and the federal grant to support a community court.

[2023](#) Community Court Efforts in Dane County
[PRES-038](#)

Attachments: [2023 PRES-038](#)

3. Pilot Offenses:
- System Agency perspective
 - Group Discussion

Offenses for a pilot of the community court was before the subcommittee. Clark Bernhardt pointed out that the grant required the age range to be 17-35 and the offenses to be non-violent. In order to determine the initial offenses to be considered, it is necessary to hear from agency stakeholders. She presented data on the disproportionate offenses for those 17-35, noting that the offenses with the highest disparity is operating a vehicle without owner consent (OWOC), as well as drug offenses.

Public Defender Dorl said the list of offenses were appropriate, and that contempt or failure to submit a sample were not critical offenses. She indicated that the community may not be open to OWOC, and she wondered how law enforcement would react to charges of fleeing being sent to a community court. Success would be measured by the willingness of people to enter the program, thereby addressing racial disparities. Measures of completion and recidivism in comparison to other groups would also be benchmarks. Dorl underscored the need for community buy in.

District Attorney Ozanne said that reckless endangerment is actually a violent crime and could not go to the community court. He has sent OWOC cases to the Community Restorative Court or has deferred. One consideration would be whether someone was a repeat offender. He would need parameters, and would want to get law enforcement buy in. There was discussion regarding charges for those in the car versus those driving, and the likelihood that those in the car shared the driving. Ozanne questioned the data on the failure to submit DNA, indicating that the numbers may be old because one would not be charged until they had blown off the test. Ozanne suggested talking to law enforcement regarding resisting arrest, suggesting that there may be a range of behavior. He said that lower level drug offenses would be a place to start, particularly those caught up in an economic activity rather than addiction.

Judge White indicated that he was not speaking on behalf of the judicial bench. He said he tended to agree with Public Defender Dorl. Contempt of court cases were usually child support issues, and the DNA specimen is not worth the time of the court. With OWOCs, he sees a number of 17 year olds who generally have juvenile records. He believes they would benefit from a community court. White shares Ozanne's concern with reckless endangerment, indicating that there's usually some violence. He said that resisting an officer could be many things, and it would be more appropriate if serious. Charges of simple possession of meth or fentanyl would not be eligible for drug court and so appropriate for the community court, as would low level dealers. White said that success would be if a person does not commit the same type of crime again. He said some police contact could occur, but success would be defendants returning with less serious charges; he is looking for progress, not perfection. White said the challenge would be community buy in. Victim impact statements show that people are hurt and violated, and the program should not be a slap on the wrist. The defendant should do hard work and show substantive change.

Discussion ensued. Brown suggested a survey of victims and defendants asking: does this feel like justice?; to victims, did you feel heard?; to defendants, did this help you? If healing is a value, then we should ask about it. Clark Bernhardt mentioned the Red Hook procedural fairness survey. Glenn indicated an interest in offenses that were most disenfranchising, such as OWOCs.

Discussion continued regarding offenses. Reese indicated an interest in higher level

offenses and those with monetary fines. There should be a rubric to prioritize offenses and the type should grow over time. Ketchum agreed and echoed the need to get people to participate. Dorl pointed out that the offense type is one indicator, and there would need to be an assessment to make sure community court was a good fit for a participant. Clark Bernhardt said the community court coordinator would need to develop risk needs responsivity approaches.

Members discussed disparities, from societal issues to each point in the justice system. There was talk of this initial program meeting the constraints of the grant for nonviolent offenders, but growing over time with success.

[2023
RPT-297](#)

PERSPECTIVES ON INITIAL PILOT OFFENSES - COMMUNITY
COURT

Attachments: [2023 RPT-297.pdf](#)

F. Future Meeting Items and Dates

G. Public Comment on Items not on the Agenda

H. Such Other Business as Allowed by Law

I. Adjourn

A motion was made by BAUMAN, seconded by PELLEBON, that the be adjourned. The motion carried unanimously.

Meeting adjourned at 2:15 PM.