



**COMMUNITY JUSTICE
CENTER INITIATIVE
FINAL NEEDS ASSESSMENT
REPORT**

Criminal Justice Council

Dane County, WI

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Center for Court Innovation
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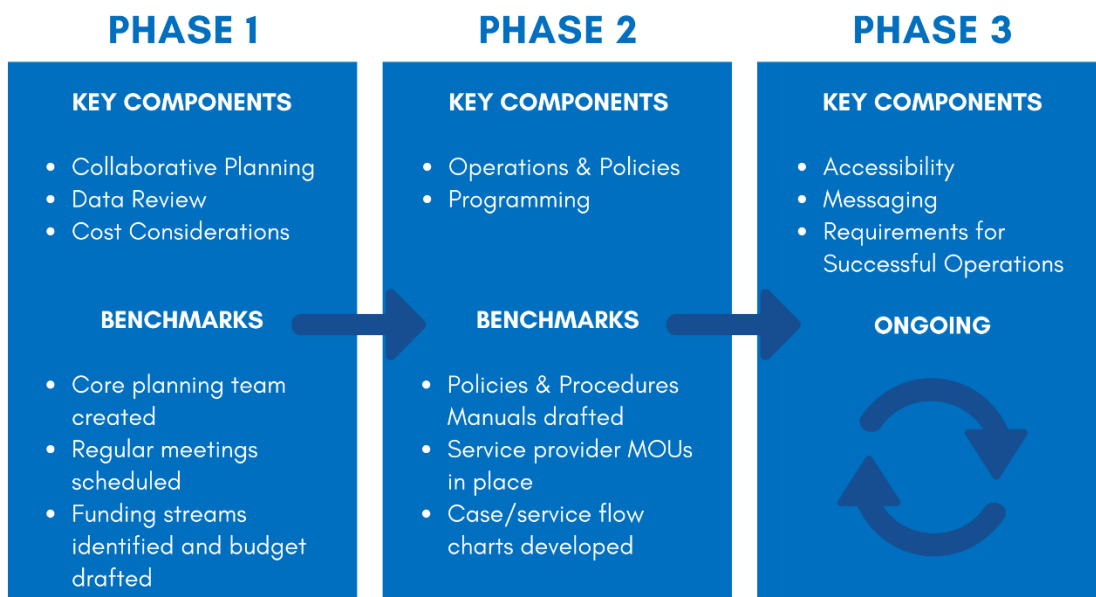
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Executive Summary

Dane County has engaged in several problem-solving initiatives to enhance alternative to incarceration opportunities including the creation of the Community Restorative Court, deferred prosecution, and crisis intervention programming. The County has continued its work towards criminal justice reform and addressing racial and ethnic disparities by investigating whether a community justice center model might help accomplish its goals. Through a series of stakeholder interviews and community engagement sessions, the Center has identified strengths and challenges, resource gaps, opportunities, and community priorities that will inform planning and set the foundation for the development of a future Community Justice Center.

Overall, stakeholders and community members are open to a community justice center initiative with a court component, if the planning and implementation is inclusive of those with lived experience and the focus is on assets, services, and addressing racial and ethnic disparities. From review of past reports and current engagements, it is clear that stakeholders and community members want to see tangible action steps following this needs assessment process in order to maintain continued buy-in for the planning and implementation process.

After conducting and assessing stakeholder interviews, pre-engagement reports, responses from community feedback events, available data, and prior reports and data findings, several key themes arose around the creation of a community justice center initiative. Priority action steps were then developed around each of those primary themes. The priority action steps the CJC and County Board of Supervisors should take in creation of a community justice center initiative are reflected below:



Collaborative Planning

Recommendation:

Convene a *core planning team* with representatives from all court agencies, service providers, community representatives and to lead action steps towards data review, operations, and programming. A separate *community advisory board* should be established for the core planning team to report out to and get feedback from during planning and implementation. Planning must finalize a venue for the community justice center initiative, several local agencies willing to host remote programming and rotating community justice center initiative events, or some combination of both.

Data Review

Recommendation:

To inform eligibility criteria for which cases the community justice center initiative may have jurisdiction over, the core planning team should review data from the *District Attorney's Office, Public Defender, and local law enforcement*.¹ To inform services and address racial and ethnic disparities in service connections, the core planning team must review data submitted by service provider agencies, create intake assessments that accurately track demographics, and set benchmarks for reducing racial and ethnic disparities through community justice center initiative programming. The data used as inputs to inform planning as well as the data that reflect outputs of justice center programming should be shared with the community in a transparent, regularly occurring manner.

Operations & Policies

Recommendation:

The *core planning team* will establish eligibility criteria, communication channels for referrals by law enforcement and service providers to the justice center, program completion criteria based on an individual's need and a legal response proportionate to the offense (if any), and funding streams and partner contributions to financially sustain the work of the justice center.

Programming

Recommendation:

The *core planning team* should work with *community-based organizations* and *county service agencies* like Joining Forces for Families to coordinate co-located programming that includes mental health, substance use treatment, employment readiness, civil legal aid including help navigating housing issues, help securing identification documentation, information on voting, recreational opportunities, peer-led groups, resources for the LGBTQ population, and resources for survivors. The work of the community justice center initiative will focus on coordinating

¹ Dane County CJC data owners have contributed data to the Criminal Justice Council Research and Innovation Team (CJCRI). This resource should be used to help inform the data review.

these services that already exist to avoid duplication of service and emphasizing that services should be delivered in a trauma-informed, nonjudgmental manner. The core planning team should incorporate voluntary referrals to services within the justice center, even for those without an active criminal case.

Accessibility

Recommendation:

In order to expand access to service, the community justice center initiative should identify *service providers* who offer programming in multiple languages led by culturally competent staff with an emphasis on peer/lived experience involvement, with flexible hours to account for work schedules and childcare, and at locations that are accessible to the population. Safety should be prioritized, requiring a conversation about whether law enforcement is present at the justice center and their role.

Messaging

Recommendation:

The *core planning team* should work with the *Community Advisory Board* to effectively communicate the function and goals of the community justice center initiative to law enforcement, the court, and community. This will require continued information sharing throughout planning and implementation through town halls, training, and presentations about the center's progress by the Community Advisory Board to the rest of Dane County.

Requirements for Successful Operations

Recommendation:

Once the community justice center initiative is operational, the *core planning team* must ensure the environment fosters person-centered and procedurally just practices, services must reach—and programming should be led by—communities of color, and feedback from participants, providers, court practitioners, and other stakeholders must be continuously collected and responded to through the use of surveys, community forums, etc.

Cost Considerations

Recommendation:

In order for the community justice center initiative to serve people across the county, the *County Board*, *the core planning team*, and *community-based organizations* should lead the conversations about blended funding opportunities to combine allocated funding from city, county, and individual community-based organizations so all stakeholders have buy-in and the center is sustainably funded. The core planning team should conduct a cost savings analysis to assess program efficacy and system cost reductions from decreased jail bookings/stays and decreased court time as a result of reduced recidivism.

I. INTRODUCTION

The Center for Court Innovation (“the Center”) seeks to help create a more effective and humane justice system by designing and implementing operating programs, performing original research, and providing reformers around the world with the tools they need to launch new strategies. The Center grew out of a single experiment in judicial problem-solving. The Midtown Community Court was created in 1993 to address low-level offending around Times Square in New York City. This innovative experiment in community justice combines accountability and help, sentencing offenders to perform community service and receive social services. The project’s success in making justice more visible and more meaningful led the court’s planners, with the support of the New York State Unified Court System, to establish the Center for Court Innovation to serve as an engine for ongoing court reform in New York. The Center has received numerous awards for its efforts, including the Innovations in American Government Award from Harvard University and the Ford Foundation, and the Prize for Public Sector Innovation from the Citizens Budget Commission. Today, the Center’s projects include community courts, drug courts, reentry courts, domestic violence courts, mental health courts, and many other initiatives.

Beyond New York, the Center disseminates the lessons learned from its innovative programs, helping criminal justice practitioners around the world launch their own problem-solving experiments. The Center for Court Innovation provides hands-on, expert assistance to practitioners—judges, attorneys, criminal justice officials, and community organizations—around the country and internationally. The Center provides guidance on assessing public safety problems and crafting workable, practical solutions. Having launched dozens of innovative criminal and juvenile justice initiatives in New York, the Center knows first-hand the nuts-and-bolts steps that must be taken to get a new project off the ground. From using data to define the problem to reaching out to the local community to building effective multi-agency partnerships, the Center is working nationwide and overseas to help create innovative responses to problems like drugs, domestic violence, delinquency, and neighborhood disorder.

II. BACKGROUND

Dane County and Center Technical Assistance Background

In early 2021, the Dane County Board contracted with the Center on behalf of the Dane County Criminal Justice Council following a Request for Proposals to examine the question of whether a community justice center initiative would be beneficial in Dane County and, if so, whether said community justice center initiative should include a community court following the Center’s standardized model.

The Center began its relationship with the Dane County Criminal Justice Council in late 2013, when the county was seeking options to address a then-recent report showing the county's justice system had some of the most pronounced racial disparities in the country. Officials from the City of Madison and Dane County made in-person trips to observe community court practices at the Center's New York City operating projects. Center staff have since visited Dane County several times to review the practices of Dane County's Community Restorative Court, modeled after Center projects in New York. In 2016, Center staff and Red Hook Community Justice Center Judge Alex Calabrese, as well as Brownsville Community Court and the Harlem Justice Center staff, met with local Dane County leaders to discuss the development of a restorative justice approach to offenses in Dane County. In 2017, Brett Taylor and Judge Calabrese presented to the Dane County judiciary, the CJC, and the Dane County Board. In sum, the Center and Dane County have established a long and productive working relationship as Dane County continually works towards greater equity and efficacy in its criminal justice system.

Community Justice Model

To determine the feasibility of developing a community justice center initiative, it is important to understand the purpose of community justice and how it's been practiced nationally and internationally. Community justice shifts the focus of the justice system from merely processing cases through the court system to improving outcomes for court users and the community. Community justice is an approach that centers the role of neighborhood residents and stakeholders in defining and administering justice. The predominant community justice model is the "community court," which brings together a courtroom, services providers, and others in one dedicated space. However, it should be noted that community justice is a broad umbrella that encompasses both community courts and non-community court models.

Community justice centers, also called community courts, are geographically-focused courts that attempt to harness the ability of the justice system to help communities address local problems. The community justice center model seeks to bring the justice system and community closer by using a problem-solving orientation, providing mechanisms for community input, and linking individuals to social services. Community justice centers seek to respond to crime through a combined strategy of holding individuals accountable for their behavior, such as through meaningful community service, while offering individuals help with a range of social service needs that address the underlying issues that led to their criminal behavior.

To date, there are over 60 community courts and community justice centers nationwide and several others internationally (Canada, Australia, Israel, South Africa, and Singapore).

Types of Cases Addressed and Services Provided

The community justice center model originated in Midtown, Manhattan, as a response to non-violent, low level offenses that were prevalent in the Times Square area in the 1990's. The majority of community justice centers continue hearing low-level offenses, such as drug-related crimes, trespassing, shoplifting, illegal vending, and vandalism, which have visible detrimental impacts on public safety. Over the past decade, however, community justice centers have trended toward accepting more serious cases (e.g., involving violence and weapons).²

Community justice centers have a wide-ranging approach to eligibility criteria. Some community justice centers only take defendants based on specific charges while other community justice centers take all non-violent charges that arise within the geographic area served by the project. Some community justice centers allow referrals from the mainstream court. Most community justice centers allow judges, defense attorneys, and prosecutors to request that specific defendants be allowed to have their cases heard in the community justice center based on client need. Additionally, while most community justice centers are restricted to criminal cases, some courts are multi-jurisdictional and may handle criminal cases alongside housing, juvenile delinquency, or parole re-entry calendars, or administrative tribunals such as compensation for victims of crime.³

The seven guiding principles of community justice centers include the following:

- Individualized Justice: services and court mandates tailored to the specific circumstances of each participant
- Community Engagement: engage community residents, businesses, service providers, and other stakeholders to ensure that the court is identifying, prioritizing, and solving local problems
- Alternative Outcomes: use of meaningful alternatives to jail and fines that address clients' underlying problems, strengthen the community, and improve public trust in justice
- Client Accountability: requiring clients to repair the harm they have caused to the community

² For example, the Orange County Community Collaborative Courts accept felony-level cases (crimes subject to a year or more imprisonment) through many of its mental health dockets. The San Francisco Community Justice Center initially only heard low level charges and now hears felony cases. Community justice centers in Dallas, Texas, and Orange County, California, are also expanding into hearing felony charges. Community justice centers in Israel, which launched (2015-2017), have always handled felony cases.

³ For example, the Harlem Community Justice Center seeks to solve neighborhood problems—including youth crime and landlord-tenant disputes—in East and Central Harlem. As a multi jurisdictional civil and family court, Harlem is unique among community courts. Among the many non-traditional services the Justice Center has assembled under one roof are: programs to help local landlords and tenants resolve conflicts and access financial support; programs for at-risk youth, including a youth court; and reentry programs for individuals returning to the community from incarceration. Ultimately, the project's long-term goal is to test the extent to which a court can work together with a community to spur neighborhood renewal. For more information, see: <http://www.courtinnovation.org/project/harlem-community-justice-center>

- System Accountability: work to ensure that the court and their partner agencies are responsible to the participants and communities they serve
- Enhanced Information: collect, analyze, and utilize a wide array of information to make more informed decisions and improve outcomes for participants and the community, and
- Collaboration: bring together a diverse array of justice system players, service providers, and regular community members to improve collaboration and foster new responses to problems.

While all community justice centers embed these seven guiding principles into their planning and implementation process, the flexibility of the community court model is what makes it sustainable and relevant across jurisdictions and responsive to the community’s needs. The model has been implemented within court houses, community centers, libraries, and other facilities accessible to the community being served. Community court models tend to evolve over time, sometimes starting with one location and expanding to different neighborhoods. Ultimately, the planning process (i.e., creating a planning team, conducting the needs assessment, reviewing data, creating a case flow, developing an implementation plan, drafting policies and procedures, etc.) informs the model most appropriate for the jurisdiction and continues to evolve in tandem with evolving community needs.

Examples of Types of Community Justice Models

The versatility of the community justice center model is instantiated by the diverse examples across the field. The Spokane Community Court (Spokane, WA) chose the local library as its community court venue, mainly because its target population (individuals facing housing instability) felt comfortable accessing the library and this setting could promote court-mandated and voluntary service connections. Reno Community Court (Reno, NV) followed Spokane’s lead by setting up in their county library and then with adaptations required by COVID-19, they “reopened” in the local homeless shelter to connect with participants who had lost housing, before resuming operations in the library. South Dallas Community Court (Dallas, TX) is co-located in the MLK Community Center which has served as a central service hub providing case management, domestic violence prevention/intervention education and support, parent education, life skills, employment readiness programming, re-entry services, and housing assistance.⁴ The Brownsville Community Justice Center (Brooklyn, NY) is a multi-faceted that seeks to prevent crime by investing in local youth and improving the physical landscape of the neighborhood, without a community court.⁵ At this location, individuals can participate in programming as an alternative to incarceration but there is no connected court. Instead, an in-house clinic of social workers and case managers provides short-term social services, community restitution, psycho-educational groups, and more intensive clinical interventions. Dane County’s local agency,

⁴ For more information about these community court examples, please see the Center’s webpage detailing present and past Department of Justice Bureau of Justice Assistance National Community Court Initiative grant recipients: <https://www.courtinnovation.org/national-community-court-initiative>

⁵ <https://www.courtinnovation.org/programs/brownsville-community-justice-center>

Joining Forces for Families, currently offers similar services to community members as in the Brownsville justice center and a Dane County community justice center initiative could enhance the JFF model by co-locating legal services. While Joining Forces for Families representatives were not interviewed directly, other community-based organizations discussed their service contributions, especially as they relate to housing navigation resources; additional input from JFF about the role it might play within a community justice center model is recommended.

Results from Community Courts

Several independent studies have demonstrated the financial and programmatic efficacy of criminal courts and community justice centers. Most recently, the National Center for State Courts published an evaluation of the City of Eugene Community Court in December 2020.⁶ That study showcased the financial benefits of community courts, concluding that the city of Eugene, Oregon, saves \$1,533 in court costs and prosecution costs for every case transferred from criminal court to community court. Beyond that, the city also saved \$20,150 in incarceration costs because community court participants were less likely to recidivate than similarly situated criminal court participants. When calculating the gain to the city of \$11,700 worth of community service performed by community court participants as well as the operating costs of community court itself, the jurisdiction saved \$51,008 in one year with 45 successful community court graduates; a robust return on investment.

Community courts and community justice centers have also been studied to determine their efficacy in reducing recidivism. In 2014, a study was published that demonstrated that among individuals with similar demographics and criminal histories in the San Francisco, California, area, those just outside the community justice center initiative catchment area were significantly more likely to recidivate over time after the conclusion of their criminal case when compared to similar peers whose cases were heard in criminal court.⁷ Likewise, an evaluation of Spokane, Washington's municipal community court revealed significantly reduced rates of recidivism at both 6 months and 12 months after case resolution.⁸

With costs savings and reduced recidivism, the meaningful services offered by community justice centers have demonstrated their ability to change people's lives, improve public safety, and reduce justice spending.

⁶ Cern, Michelle; et.al. [“City of Eugene Community Court: Process and Outcome Evaluation.”](#) *National Center for State Court*, Dec. 2020.

⁷ Kilmer, Beau; Sussell, Jesse. [“Does San Francisco’s Community Justice Center Reduce Criminal Recidivism?”](#) *RAND Corporation*, 2014.

⁸ Hamilton, Zachary K.; et.al. [“City of Spokane Municipal Community Court: Process and Outcome Evaluation.”](#) *Washington State Institute for Criminal Justice*, Aug. 2019.

III. METHODOLOGY

1. Data Review

Center staff conducted a review of reports from different agencies and organizations across Dane County, many of which present data analysis providing background on the criminal justice landscape of Dane County. Materials submitted for review included a February 2021 Pre-Engagement Report (summarizing feedback on the community justice center initiative model from seven community-based organizations including Centro Hispano of Dane County, Charles Hamilton Houston Institute, Families Back to the Table, JustDane, Nehemiah, The Hmong Institute, and Urban Triage), jail population reports, an annual report from the Criminal Justice Council, recordings of past town hall discussions on this topic, and presentations from the Criminal Justice Council on data from the jail and courts. Independent analyses were also completed using Uniform Crime Reporting data, using numbers specific to Dane County.

The collective review of these data analyses and information gathered from materials Dane County stakeholders had previously produced and shared supported the iterative development of stakeholder questions and now informs the recommendations regarding a community justice center initiative.

2. Stakeholder Interviews

From May through early July 2021, Center staff interviewed stakeholders recommended by the County Board who represent community-based organizations, county agencies, courts, law enforcement and other related stakeholders. While there was a comprehensive list of uniform questions crafted to assess stakeholders' feedback on issues related to public safety and a justice center, each interview question list was also tailored to the individual's role and work related to a community justice center initiative model. Interviews were conducted with members of the Dane County Criminal Justice Council (CJC), CJC-Racial Disparities subcommittee, and community advocates. Please see appendices for lists of all interviewees. Center staff conducted comprehensive stakeholder interviews with more than 30 individuals, including the following individuals from the following fields, many of whom convene regularly as part of the Dane County Criminal Justice Council:

Prosecution and Defense

- Catherine Dorl, Public Defender
- Ismael Ozanne, District Attorney

Law Enforcement

- Capt. Matt Tye, Community Engagement Officer
- Chief John Patterson, Assistant Chief of Police, Madison
- Sheriff Calvin Barrett, Dane County Sheriff

- Chief Troy Enger, Chief of Region 1, Department of Community Corrections

City and County Leadership

- Analiese Eicher, County Board Chair
- Colleen Clark-Bernhardt, County Board Office/Coordinator of the CJC
- Wesley Sparkman, Tamara D. Grigsby Office for Equity and Inclusion
- Joe Parisi, County Executive
- Satya Rhodes-Conway, Mayor of Madison
- Reuben Sanon, Deputy Mayor of Madison

Court Personnel

- Carlo Esqueda, Clerk of Courts
- Hon. Todd Meurer, Municipal Court Judge, Towns of Madison, Middletown, and Verona; former Circuit Court Commissioner
- Hon. John Hyland, Dane County Circuit Court Judge
- Hon. Jason Hanson, Presiding Municipal Court Judge, Villages of DeForest and Windsor, and Dane County Court Commissioner
- John Bauman, Juvenile Court Administrator

Community Organizations and Leaders

- Anthony Cooper, Nehemiah
- Alex Booker, Urban Triage
- Evelyn Cruz, Centro Hispano
- Karen Menendez-Collier, Centro Hispano
- Karen Reece, Nehemiah
- Kirbie Mack, Charles Hamilton Houston Institute
- Linda Ketcham, JustDane
- Lisa Burrell, Families Back to the Table
- Peng Her, Hmong Institute
- Ron Chance, Dane County Department of Human Services and Joining Forces for Families
- Walter Williams, Charles Hamilton Houston Institute

Public Health

- Aurielle Smith, Director of Policy, Planning and Evaluation for Public Health Madison Dane County

3. Engagement Sessions

Two public-facing engagement sessions were held virtually to elicit feedback on their thoughts regarding a community justice center initiative:

- A Community Feedback Session, July 13, 2021, with a broad audience of individual community members
- Community Organization Feedback Session, July 27, 2021, with seven community-based organizations most of which have done extensive work on this topic in the community, and which were engaged by the County prior to the start of this needs assessment to facilitate internal focus groups, identify their priorities for a community justice center initiative, and report their findings to the CJC.

Through a series of PowerPoint slides, interactive polls with live audience responses, and open forum discussion, Center staff were able to share information about the community justice model generally and learn about the priorities of community members, including those with lived experience in the Dane County justice system, and service providers throughout Dane County. Overall, the two engagement sessions made clear that community members are interested in a community justice center initiative that offers trauma-informed mental health, substance use treatment, housing, education, and employment opportunities for individuals who are court-involved and those coming in for services voluntarily.

IV. FINDINGS & RECOMMENDATIONS

After compiling the information gleaned from stakeholder interviews, previous reports, existing data, and community engagement sessions, below are the most prominent themes identified as critical to developing a successful, meaningful community justice center initiative in Dane County.⁹

Collaborative Planning

Data Review

Operations & Policies

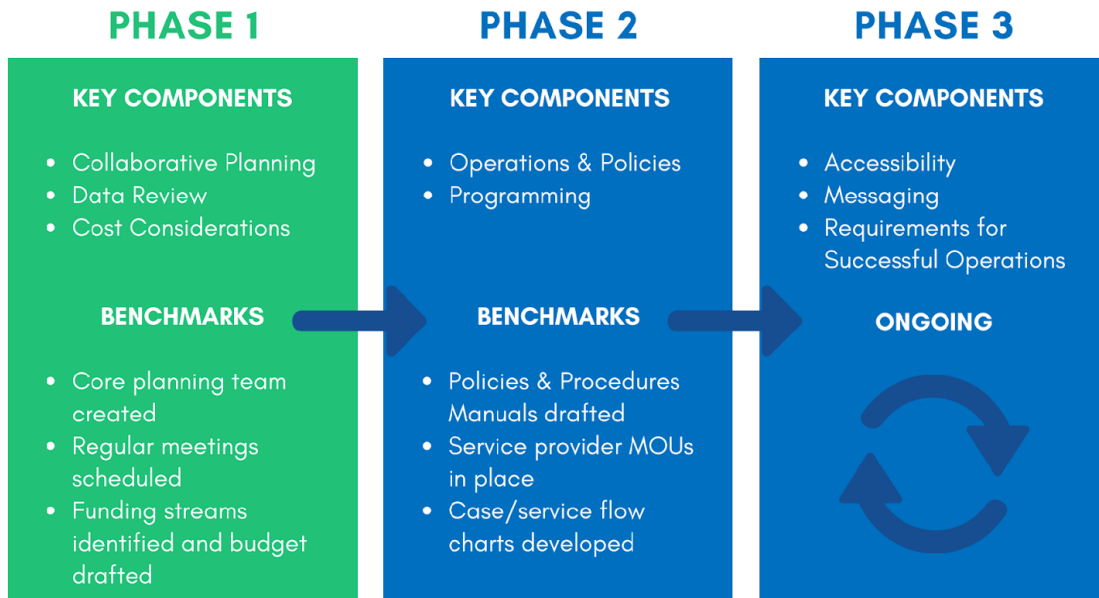
Programming

Accessibility

Messaging

Requirements for Successful Operations

⁹ This report is meant to serve as guidance and should be implemented according to local practices.



COLLABORATIVE PLANNING

Findings

A critical component of the planning process for a community justice center initiative is to have multiple agencies represented in the planning to ensure all perspectives are considered and rapport is built between colleagues that will collaborate during the implementation of the justice center. Community members and leaders reiterated that there is a significant lack of trust in the criminal justice system due to racial bias evidenced by arrest rates and admission into alternative to incarceration programs, including diversion deferred prosecution.

This lack of trust has been perpetuated by the prevalence of reports and recommendations with proposed solutions to challenges around equity and racially disparate outcomes. These previous evaluations¹⁰ and reports¹¹ can be used during this collaborative planning process so that past work on enhancing public safety is acknowledged and informing a community justice center initiative. Other findings include:

- a) Dane County has invested resources into facilitating focus groups and compiling reports on the state of the criminal justice system for several years. While this work is critical to any needs assessment process, community members and leaders are frustrated by the frequency and repetition of working groups and brainstorming sessions, without tangible action steps and progress to follow. Stakeholders want lasting, sustainable changes to happen now. Long-time

¹⁰ Dane County Office of Equal Opportunity, "Dane County Task Force on Racial Disparities in the Criminal Justice System," Sept 2009.

¹¹ All community organization pre-engagement reports were reviewed; relevant Dane County Criminal Justice Council publications were also reviewed.

community members feel let down by broken promises for change made in the past and fear that this planning process may end the same way. Composing both a core planning team to expedite action steps and a Community Advisory Board to include diverse voices in the planning process can address the concerns raised by the community.

- b) Community Justice Centers are located in diverse locations including former schools, libraries, homeless shelters, traditional courthouses, and other spaces amenable to hosting therapeutic interventions, community based organizations, and peer supports. Although it was suggested by one interviewee as a productive use of space, those interviewed almost unanimously agreed that the new county jail facility as a host site for a community justice center initiative or other community services would be counterproductive and antithetical to providing therapeutic interventions. Instead, stakeholders suggested looking for venues co-located with other service providers or hosting community justice events within stand-alone community-based organizations, depending on capacity and scheduling.¹²

Recommendations

To continue inclusive planning, community-based organization stakeholders need to be involved, including individuals with lived experience. To expedite progress, a core planning team closest to the implementation work must be developed, while consistently being informed by community members the justice center will serve. Community voice can be enhanced by developing a Community Advisory Board who acts as a steering committee to provide feedback and ideas to the core community justice center initiative planning team.

- a) Convene a core planning team consisting of multiple agencies that will contribute to services and the legal functions of the community justice center initiative.

Team members should include:

- representatives from each service provider offering services at the center
- a resource coordinator to streamline service scheduling
- and a community justice center initiative director to oversee the collaboration of social services and the legal processes.

If a community court is included in the center, a representative from the offices of the District Attorney, Public Defender, Clerk of Courts, and

¹² Judicial representation will ensure the selected location abides by Supreme Court Rule 68.02 which defines “any other facilities used in the operation of a court, where court proceedings are conducted” as a “court facility.” This rule chapter sets forth the standards for court facilities that serve the citizens of our community, including structure, design, and security personnel and equipment.

judiciary (Municipal Court and Circuit Court)¹³ should be a part of the core planning team to finalize case and service flow.

- b) Create a Community Advisory Board that includes individuals with lived experience who reflect the individuals the community justice center initiative aims to serve.
 - Recruit community members from each community-based organization who will contribute services to the community justice center initiative and who themselves have justice experience or lived experience as the recipient of housing, mental health, or substance treatment services
- c) Create a blueprint for possible community justice center initiative venues in coordination with community-based organizations willing to host space on a rotating basis.
 - Facilitate a planning call with any CBO that has expressed interest in hosting community justice center initiative services.
 - This rotating host schedule could serve to supplement a more permanent brick-and-mortar, community justice center initiative, if it is decided there is still interest in having one consistent location for providers to convene.

¹³ Judicial representatives will be on the core planning team for the purpose of informing eligibility criteria and court case mandates but will not be part of soliciting funding, pursuant to Supreme Court Rules Chapter 60, Code of Judicial Conduct, which includes prohibitions on the solicitation of funds or other fund-raising activities or the use of the prestige of the judicial office for fundraising.

DATA REVIEW

Findings

The Dane County Criminal Justice Council (CJC) provided the Center with several presentations and reports related to arrests, booking, court proceedings, jail detention, and recommendations for possible diversion programming in Dane County. Many of these materials cited specific facts and figures (e.g., Dane County jail volume and average jail length of stay), but the Center did not have access to the underlying datasets cited in these reports at the individual level. The Center used publicly available Uniform Crime Reporting (UCR) data from the Wisconsin Department of Justice, filtered for Dane County-specific data, to construct a more complete picture of the current criminal-legal landscape of Dane County.

Potential target population and eligible offenses based on the data

1. Identify the most frequent charges leading to arrest/booking

If a community court is included within the community justice center initiative, the core planning team should analyze data to identify the most frequent charges, with a focus on those that are not currently eligible for deferred prosecution or participation in the Community Restorative Court, but that both the District Attorney and Public Defender's offices believe could resolve effectively with service offerings. Specifically, the community justice center initiative should not be limited to only first-time offenders, based on the high numbers of individuals with nonviolent, low-level offenses that face continued arrests and jail bookings.

Per the Uniform Crime Reporting arrest dataset on Wisconsin's DOJ website, the top arrest charges in Dane County between Jan 1, 2018, and Dec 31, 2020, (excluding "Other" which made up 26.09% of all arrests) were:

- Disorderly conduct (14.81% of arrests)
- Larceny theft (11.92% of arrests)
- Driving under the influence (9.19% of arrests)
- Simple assault (8.20% of arrests)
- Drug possession -- including marijuana opium/cocaine, synthetic, other dangerous (7.88% of arrests)
- Liquor laws (5.97% of arrests)
- Vandalism (3.75% of arrests)

Anecdotally, court practitioners discussed interest in offering diversion opportunities through a community justice center initiative for the following offenses:

- Disorderly conduct
- Probation violation
- Bail jumping

- Possession of drug paraphernalia
- Possession of narcotics
- Retail theft¹⁴

Many of these offenses cited by practitioners as prevalent and appropriate for alternative responses overlap with the most frequent arrest charges in Dane County. An alternative response to arrest for even a handful of these non-violent offenses might include a direct citation to the community justice center initiative, which would have a significant impact on booking and jail population rates. Battery/threat to law enforcement officers was an additional offense category flagged as potentially appropriate for justice center eligibility.

2. Identifying individuals with multiple charges at arrest and multiple arrests in an enumerated time period

Upon review of the *Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses* (Jan 2019) report, 74% of the most frequent offenses within booking data involve multiple “associated offenses,” or separate offenses committed by the same person on the same day. The data behind these offenses should be analyzed¹⁵ to identify possible needs individuals may have, resulting in these associated offenses. This analysis will inform which service providers are most critical to the community justice center initiative.

Relatedly, several reports identified that in addition to individuals with multiple charges at the time of booking,¹⁶ there is a significant population that has faced multiple recent bookings over a certain period of time (e.g., over the last year, 6 months, 90 days).¹⁷ Analysis of arrest data at the individual level will allow the planning team to identify individuals who might be characterized as “high utilizers,” cycling in and out of the jail through multiple bookings or who have more frequent contacts with law enforcement.¹⁸ Individuals arrested three or more times in 2018 make up 28% of all arrestees. Similar to individuals charged with several “associated offenses,” these individuals could be prioritized as community justice center initiative participants based on presumed higher needs as reflected by the frequent arrest rate over a period of time determined

¹⁴ These offenses were also identified as prevalent within law enforcement data sets, per the “Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses” (Jan 2019) Report.

¹⁵ Battery, misdemeanor bail jumping, resisting or obstructing, criminal damage to property, felony bail jumping, theft, trespass, and possession of drug paraphernalia were the top associated offenses and are all nonviolent offenses appropriate for community justice center initiative disposition. “Identifying New Opportunities for Deflection and Diversion Programs Targeted at Non-Violent, Misdemeanor-level Offenses” (Jan 2019) Report.

¹⁶ Twenty-one percent of all individuals arrested were involved in two or more jail bookings (2016 A First Look at Police Enforcement Data).

¹⁷ The JFA Institute, *Analysis of the Dane County Jail Population* (August 2019).

¹⁸ Frequent Utilizer of Multiple Systems Report on CJC website

by the core planning team.

3. Data on Municipal Court Cases

Additionally, stakeholders from the municipal court expressed interest in having access to the services within a community justice center initiative, either through referrals to resources at the center or having municipal cases be addressed directly in a court apparatus in the center. Therefore, identifying which municipal court offenses the core planning team can agree are appropriate for community justice center initiative will be critical if resolving court matters becomes a component of the justice center. At the very least, municipal court leaders indicated that they would like the opportunity to refer individuals to services at the community justice center initiative in lieu of fines and fees most individuals are unable to pay.

Direct citations to community justice center initiative in lieu of arrest to address racial disparities and current jail population

Disparities in the local jail population are driven by disparities in arrest and pretrial detention, and maintained by a lack of equitable release programs. Additionally, there is a significant percentage of the Dane County jail population made up by holds from Wisconsin Division of Community Corrections for pending violations. Addressing these issues will significantly reduce incarceration disparities.

1. Racial disparities in arrests and jail population

When looking at disparities in arrest rates based on charge and race, people who identify as Black are severely overrepresented in Wisconsin arrests.¹⁹ People who identify as Native American²⁰ are also overrepresented, though not to the same extent. The arrest charges with the highest disparity for people who are Black (7.5% of the state's population, per the Census's American Community Survey from 2019) are below:

- Human trafficking (85.0% of arrestees are Black)
- Robbery (67.8% of arrestees are Black)
- Gambling (64.0% of arrestees are Black)
- Stolen property (56.8% of arrestees are Black)

¹⁹ Data on demographics of arrestees come from the Uniform Crime Reporting (UCR) Arrest Demographics dataset from Wisconsin's DOJ website and include all arrests in the state of Wisconsin between Jan 1, 2018 and Dec 31, 2020. County-level demographic data were not available.

²⁰ The arrest charges with the highest disparity for people who are Native/American Indian (1.6% of the state's population, per the Census's American Community Survey from 2019) are below:

- Drug sale - synthetic (8.7% of arrestees are people who are Native)
- Drug sale - other dangerous (5.9% of arrestees are people who are Native)
- Drug possession - synthetic (5.9% of arrestees are people who are Native)
- Offenses against family and children (5.2% of arrestees are people who are Native)
- Drug possession - other dangerous (5.2% of arrestees are people who are Native)
- Motor vehicle theft (4.9% of arrestees are people who are Native)

- Murder & non-negligent manslaughter (56.1% of arrestees are Black)
- Drug sale - opium/cocaine (51.1% of arrestees are Black)
- Weapons (48.2% of arrestees are Black)
- Motor vehicle theft (38.7% of arrestees are people who are Black)

The only category of arrests where Black people are not overrepresented is “liquor laws” (6.2% of arrestees are Black). While some of these aforementioned offenses may not be addressed in a community justice center initiative as initially charged, downgraded charges could involve referral to community justice center initiative resources. Nonviolent offenses with highest arrest disparity, namely gambling and stolen property, might be prioritized at the justice center to have a more substantial impact on racial disparities in these two offense categories.

Dane County’s arrest rate for individuals who identify as black is eleven times higher than the white rate and also twice as high as the U.S. black arrest rate.²¹ The percentage distribution of the current jail population is virtually identical to the arrest distribution, which again shows the primary source of disparity occurs at the point of arrest. Additionally, the number of black individuals who were arrested three or more times in the year of 2018 was triple the rate of white individuals who were arrested three or more times during the same time period²²:

“Arrest Charges for Persons Arrested Three Times or More in 2018 by Race”

(August 2020 Dane County Jail RED Analysis JFA Presentation)

First Charge (20 or more incidences)	Blacks	White
Disorderly Conduct	133	87
Unlawful Trespass (After Notified Not to Enter)	113	49
Battery-Simple	94	33
Retail Theft	74	67
Resisting/Obstructing an Officer	64	24

To address this disparity in the arrest and jail population, the core planning team should determine whether lower-level charges determined eligible for community court can be processed as direct citations to the community justice center initiative in lieu of arrest. This would impact the demographic disparities in both the arrest and jail population data. This direct citation process into the community justice center initiative would require coordination between the District Attorney’s office and the six local police departments to train officers who make contact with individuals facing the predetermined enumerated charges.

²¹ 2021 Dane County Jail Race and Ethnicity Disparity Analysis Prepared by James Austin, Ph.D., and Roger Ocker

²² August 2020 Dane County Jail RED Analysis by James Austin, Ph.D., and Roger Ocker

2. Reviewing Jail Population to identify referrals/releases to a justice center

When reviewing the data on jail population, a community justice center initiative can prevent some bookings into the jail from the start and could potentially decrease the jail population by reviewing some cases that are the largest drivers of jail population (both booking percentage and lengths of stay). The vast majority of the current jail population are people who have been sentenced or are in pretrial status with a hold/warrant that is restricting their release from custody. Over 50% of the jail population is there pretrial, meaning that release to community justice center initiative services/supervision might be a possibility for appropriate cases. Additionally, probation holds make up a significant number of jail bookings and constitute longer than average length of stays than even some individuals serving entire sentences at the jail. By coordinating with the Wisconsin Division of Community Corrections, the regional probation and parole offices within Dane County, and the State Division of Hearings and Appeals, the core planning team should pursue a mechanism where those who would otherwise be held in jail on a probation hold could be referred to mandated services at the community justice center initiative as a condition of their release. Avoiding incarceration for individuals facing “probation violation holds” in appropriate cases could reduce about 25% of the jail population.

Felony offenses make up 72% of the jail population, with 40% being non-violent felonies. As stated in the 2019 JFA Institute Analysis of the Dane County Jail Population report, because Dane County has performed well in limiting the use of jail incarceration, further reductions in jail population will require “different strategies than have been employed and will have to focus on people charged and/or convicted of more serious crimes.” Diverting nonviolent felonies, current “probation holds,” and misdemeanor offenses to a community justice center initiative is appropriate and necessary to continue to address the jail population.

Recommendations

- a) Assuming a community court is embedded into the justice center, convene a core planning team, including District Attorney and Public Defender representatives, as well as judges from Municipal and Circuit court, to identify charges appropriate for community justice center initiative resolution. This team should review arrest, booking, and court data, specifically for cases not currently eligible for deferred prosecution or Community Restorative Court.
 - Request charge and disposition data from Dane County District Attorney's Office (DA), the Dane County Department of Human Services (DCDHS)²³ the police departments in Madison, Verona, Sun Prairie, Fitchburg, Middleton, and Monona, and local city attorneys to identify most frequent nonviolent offenses, with a focus on those offenses not

²³ Data from Dane County Department of Human Services will inform which services justice-involved individuals are currently connected to so the planning team can identify gaps in services when determining providers who should be at the justice center.

eligible for deferred prosecution or Community Restorative Court.²⁴ Further analysis should focus on individuals with multiple charges at booking/arrest and individuals who have had several arrests within a specified time period (e.g., the last 6 months).²⁵

- Use arrest/booking data to inform a discussion around direct citation to the community justice center in lieu of arrest.²⁶
 - Review the data on racial disparities to prioritize offenses that drive the overrepresentation of individuals identified as black in arrest and jail population (specifically: gambling, stolen property, disorderly conduct, trespass, resisting arrest)²⁷.
 - Use age demographics to inform service programming and staff at the community justice center. Young people ages 17-25 have the highest rate of charge bookings and this analysis will impact which services (e.g., education, employment, etc.) might be prioritized.²⁸
 - Review municipal court data to identify individuals with multiple citations over a window of time, which might reflect higher needs appropriate for community justice center services.
 - Coordinate with the Division of Community Corrections to determine how violations of probation can be addressed by referrals to the justice center in lieu of probation violation arrest warrants/jail holds
- b) Establish practices that enhance data transparency and reporting on community justice center initiative outcomes
- Publish annual reports with annual statistics and activities
 - Hold accessible town hall meetings shortly after the publication of each annual report
 - Make data accessible by reporting entire deidentified data sets, in addition to summaries and visualizations, to demonstrate transparency and to invite additional analyses
- c) Create intentional data collection metrics related to discrete racial categories
- Enhance capacity to analyze data of those identifying as Hispanic/Latino distinct from those identifying as White. This can be done by adding an additional “Ethnicity” question to demographic information collected from participants. This additional ethnicity question should be replicated across all justice data collection platforms and venues for uniformity of analysis and accuracy of reporting.

²⁴ <https://cjc.countyofdane.com/documents/Dane-County-CJC-Criminal-Justice-Factsheet.pdf>

²⁵ See [Familiar Faces Report](#) on the CJC website

²⁶ 2016 A First Look at Police Enforcement Data

²⁷ Offenses with highest disparity for people who are Black, Uniform Crime Reporting (UCR) Arrest Demographics dataset from Wisconsin’s DOJ website

²⁸ “Cities Reducing Jail Populations” Presentation, National League of Cities (2019).

- Include “Multiple Races” as a category to reduce selection of Other, or permit selection of multiple categories
- d) Set benchmarks for reducing racial disparities in arrest and charging
- The core planning team should set equitable numerical standards to reduce and eliminate racial disparities in arrest and charging
 - Present these concrete goals to the public and to law enforcement
 - Continue to hold the justice system accountable by reporting progress on achieving these goals

COST CONSIDERATIONS

Findings

An important component of planning and implementing a sustainable community justice center initiative is determining how to fund the process and ensure the center has lasting power on which the community can rely.

- a) County agencies and nonprofit service providers discussed the value of “blended funding” to support a community justice center initiative. County stakeholders were clear that a community justice center initiative would work best if provider partners were “bought into” the process, in part, by contributing financially through resources, staff time, or sharing venue space. Service providers indicated that depending on their funding streams and limits on the type of spending allowed by grants and funders, providers have less flexibility in contributing monetary resources to joint projects. However, providers were open to contributing in-kind staff time to a justice center or other in-kind resources.
- b) If the community justice center initiative ultimately involves a permanent space within a building, providers want to ensure there is a multi-year funding plan in place so that there is staying power and people can come to rely on an accessible location
- c) There are examples of blended funding models, including the Public Health City of Madison and Dane County, which show the benefits of shared funding and responsibility between city and county agencies.

Recommendations

- a) A working group facilitated and led by the County Board, Criminal Justice Council, and community-based organizations leaders should meet to discuss the resources each entity could contribute to the community justice center initiative. These resources would include, venue space (providing space for community justice center initiative or individual outreach events rent free), in-kind staff time to facilitate court matters and service provision, and technology resources as needed (phones/computer/internet access).
- b) There are several staffing positions that support a sustainable community justice center initiative; but it is important to know that much of the work done within a community justice center initiative may already be occurring through related positions across courts and social service providers. One staffing role integral to a community justice center initiative with a court component is a resource coordinator who can facilitate communication and programming between court and provider partners. The core planning team will need to determine who community justice center initiative staff are reporting to, whether the Criminal Justice Council, their current provider employer management, etc.

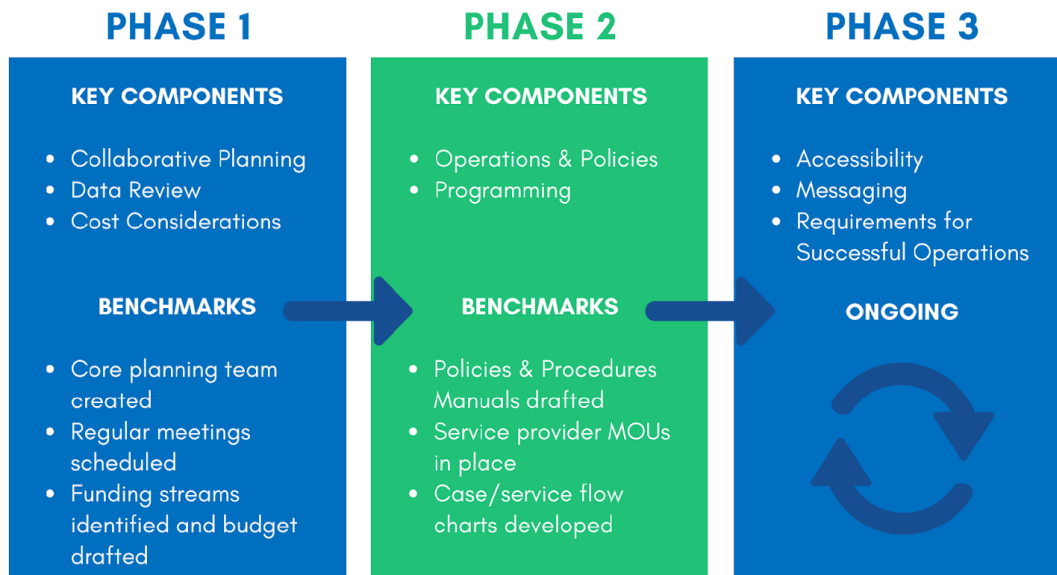
- c) Review cost saving results from other community court models and put data tracking mechanisms in place to gather the data required to determine program efficacy and system cost savings. Eugene, Oregon, for example, has documented and calculated the specific cost savings to its local criminal justice system as a result of community court participation:

Benefits	
Saved cost of initial offense during the one-year follow-up period	\$68,490
Saved cost of subsequent convictions during the one-year follow-up period	\$89,798
Saved cost of subsequent incarceration during the one-year follow-up period	\$20,150
Saved cost from community restoration during the one-year follow-up period	\$11,700
Total estimated benefits during the one-year follow-up period	\$190,138
Total cost of the ECC program for one year	-\$139,130
Net Annual Savings of the ECC	\$51,008

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To determine the cost savings that a community justice center initiative could deliver to Dane County, begin by measuring the operational expense of the community justice center initiative per participant compared to the operation costs of criminal court per participant. Continue by determining recidivism rates and comparing them to standard criminal court recidivism rates for similar offenses. Cost savings can be determined by examining the expenses saved by decreased jail stays, decreased police time, and decreased court time as a result of reduced recidivism. These estimates and measures can make compelling cost saving arguments for continued county funding. These arguments are especially compelling when used in tandem with the qualitative returns that a community justice center may yield, such as increased trust in the community justice center, an improved relationship between law enforcement and community members, a more diverse justice workforce, and other measurements.

²⁹ Cern, Michelle; et.al. [“City of Eugene Community Court: Process and Outcome Evaluation.”](#) National Center for State Court, Dec. 2020.



OPERATIONS & POLICIES

Findings

An integral part of planning the community justice center initiative will involve determining who will be served, how the center will operate, and how the center will be sustainably funded. Stakeholders are open to a community court being part of a community justice center initiative and a final decision on whether cases are heard and resolved will impact many of the operating policies the core planning team puts in place. While there are some current cases being diverted to deferred prosecution and Community Restorative Court, stakeholders indicate that more cases (low-level drug, theft, and disorderly conduct) and individuals with unmet service needs might be best addressed in a community justice center initiative setting.

- a) Community members who joined the July 27th engagement session and stakeholders who were interviewed expressed a unanimous desire for voluntary services to be available to all community members, even if not court-involved. Assuming the community justice center initiative will address court matters, the center will need to have established eligibility criteria that matches both community needs and law enforcement practices for participants who are referred to the services offered by the community justice center initiative as the result of an arrest or citation. Below are several offenses that are reportedly not consistently addressed by either the Community Restorative Court or by deferred prosecution:

- Disorderly conduct³⁰
 - “Joyriding” auto theft by juveniles³¹
 - Possession of marijuana³²
 - Simple battery³³
- b) In addition, some stakeholders indicated that while state statute requires arrest in domestic violence charges, this should not preclude the community justice center initiative from addressing these cases, if the case was diverted from the point of charging and there is agreement by court practitioners. Stakeholders indicated this would require appropriate services for both the alleged offender, survivors of domestic violence, and family-based therapy, as prioritized by Families Back to the Table.
- c) Concern was also expressed specifically by the County Board and service providers that the most responsible way to execute community justice center initiative operations would be to co-produce services already offered by existing local service providers by calling upon them to offer in-kind services and venue space. With this, the County Board proposes blended funding opportunities to accompany meaningful decision-making authority shared by the county with community-based organizations.

Recommendations

- a) Establish eligibility criteria for community justice center initiative services, including a voluntary participation option.
- Establish both a core planning team and a Community Advisory Board to discuss and approve continued planning activities and policies
 - Hold a joint meeting with representatives from key partner agencies including the District Attorney, Public Defender, Police Chief, Municipal and Circuit Court judges, and Sheriff to ensure support of sending identified offenses to community court
 - Establish who will be present at community court proceedings from the Judiciary, DA and PD’s offices
 - Create policies and procedures around eligible and ineligible offenses, and voluntary services eligibility

³⁰ Wisconsin Crimes Code §947.01

³¹ Wisconsin Crimes Code §943.23(3) and §943.23(4m)

³² Wisconsin Crimes Code §961.41

³³ Wisconsin Crimes Code §940.19(1)

- Ensure clear data tracking protocol to make it clear which participants are using services voluntarily and which are part of a community court case
- b) Collaborate with law enforcement to exchange information about which charges are most suited to a community justice center initiative.
- Convene law enforcement leaders, the Judiciary, DA, and PD to discuss if any low-level offenses currently not being fully addressed by diversion programs would be appropriate for direct citation into community court.
 - Specifically discuss the charges identified in both the stakeholder interviews and the data review³⁴ as potentially appropriate referrals to the justice center: disorderly conduct, bail jumping, juvenile “joyriding” auto theft, possession of marijuana, and simple battery.
 - Assist in training/education of officers to encourage direct citations.
 - Maintain contact with law enforcement to ensure efficacy and practicality of case flow into community court.
- c) Document anticipated case mandates (required services to complete case disposition) reflective of the severity of charges and the legal leverage of the individual case. For instance, different misdemeanor class charges with differing jail time exposure might lead to tiered case mandates that could be organized by different tracks of participants. A Class A misdemeanor case disposition might require additional case mandates reflective of the individual’s needs or longer participation time in the community justice center programming, compared to a Class C misdemeanor.
- d) Collaborate with local community-based organizations to develop a strong network of service providers and access points.
- Establish MOUs with local organizations to formalize terms of service-provision and space-sharing.
 - Collaborate with the Public Defender’s office and health service providers to determine appropriate and secure ways to share client information.
- d) Community members and leaders expressed significant concerns about the political and financial sustainability of a community justice center initiative.
- Make funding the community justice center initiative a priority in county budget allotments
 - Collect accurate, ongoing data to demonstrate efficacy, financial impact, and cost benefit analyses

³⁴ See both the *Operations & Policies* and the *Data Review* sections supra.

- Include positive financial impact data in annual reporting given to state and county funders
- Identify providers and partners who are willing to commit in-kind resources (venue space to hold mobile justice events, provider staff to conduct assessments for community justice center initiative participants through their organizations)

PROGRAMMING

Findings

Community members see diverse local needs that could greatly benefit from responsive community justice center initiative programming. Areas such as housing, dual diagnosis treatment, youth and children programming, community service alternatives to incarceration, and reentry services were among the top priorities.

a) From the July 13, 2021 community engagement forum, community members expressed interest in co-located and streamlined services including mental health, substance use treatment, and employment readiness. Community members also prioritized programming and services that focused on peer support, free civil legal aid including help navigating housing issues, help securing identification documentation, information on voting, recreational opportunities, and resources for victims that respond to harm. Community members hope that the justice center can serve as an environment for asset-building, preventive programming for youth and adults to avoid criminal justice involvement and reduce the likelihood of recidivism for those with previous justice involvement.

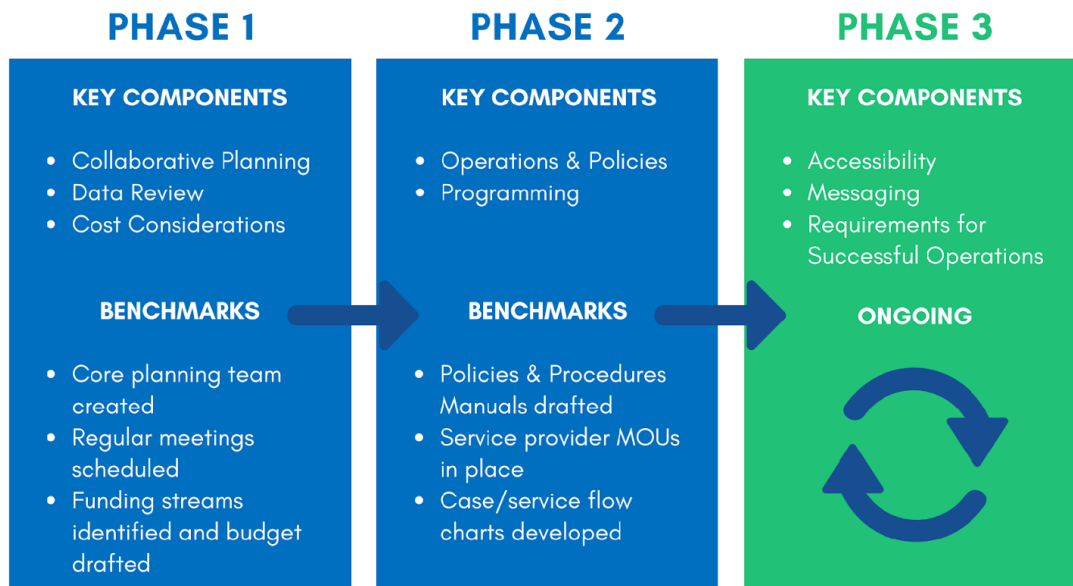
b) The seven community-based organizations that have partnered with the CJC to conduct focus groups also provided integral feedback during the July 27, 2021 engagement session, related to how services currently work on the ground in Dane County and where there were opportunities for improvement through a community justice center initiative. These organizations prioritized programming that empowers individuals and holds them accountable in a non-judgmental space, resources and programming specific for the LGBTQ population, as well as peer-led, innovative opportunities for participants to learn about community organizing.

c) In addition to a more permanent location for the community justice center initiative, both community members and service providers expressed interest in the possibility of hosting community justice center initiative service connections across multiple locations, including within established service provider venues. Additional planning would organize which service providers are willing to volunteer space to host initial intake assessments for community justice center participants. Stakeholders believe this might increase engagement in programming by keeping services accessible to more individuals by providing several different locations for service connection.

Recommendations

a) Partner with existing social service providers

- Convene a broad and diverse network of local service providers and programs including the seven service providers already engaged and others suggested (Focused Interruption Coalition, UW Madison's rideshare program, Freedom Inc., Project Babies, Public Health's Violence Prevention Program, and Neighborhood Intervention Program)
 - Establish MOUs to ensure participation in community justice center initiative programming
 - Continue regular convenings with network of local providers to understand evolving needs, changes in programming, and additional partnerships to further develop
 - Adequately compensate local programs for services rendered
- b) Provide connections to a broad array of services
- Be expansive in planning the services that a community justice center initiative can provide. For example, the core planning team should conduct outreach to Joining Forces for Families to develop stronger housing navigation representation
 - Establish direct referrals processes to existing programming not offered on site by creating a justice center referral form
 - Use peer mentors and system navigators to help participants connect to resources throughout the county
- c) Make services available in a flexible manner to all community members in need
- Establish a policy to permit all community members, with or without a case within the criminal justice system, to access voluntary services
 - When establishing community justice center initiative policies and procedures, do so with an emphasis on expanding inclusivity. This means having operating hours before 9:00am and after 5:00pm. This also means being mindful of addressing barriers that make typical court settings inaccessible such as transportation issues and lack of childcare. To do so, ensure that locations are near main bus lines and accessible to more rural communities, offer bus cards and/or gas money, and include trustworthy childcare options on-site.
 - Track statistics for both voluntary and mandated services provided
- d) Maintain separation between community justice center initiative and existing crisis intervention services by clearly articulating the resources offered through the justice center.
- To equitably use resources and avoid duplication of services, the community justice center initiative will offer services distinct from crisis intervention services. Instead the justice center will serve as a resource hub for planned appointments with service providers or pre-established "drop-in" hours.



ACCESSIBILITY

Findings

While many stakeholders described Dane County as ‘resource rich,’ the county’s persistent health and legal disparities suggest that access to resources remains structurally bifurcated. As such, community members agreed that special attention to accessibility is needed to ensure a new community justice center initiative avoids reproducing this divide. Feedback from stakeholders spanned a range of logistical barriers and the overall need for enhanced system coordination. Community members, however, were especially interested in how the center would be staffed, trained, and integrated into the community.

- a) **Ease of engagement:** Community members flagged physical and bureaucratic features like the site’s location, eligibility criteria, hours of operation, and lengthy wait times as potential access barriers. A public transit-friendly location was recommended,³⁵ along with a low-barrier, trauma-informed, “no wrong door” approach to client engagement and service provision. A major emphasis was placed on makeup of staff, the kinds of training and support they receive, their cultural literacy, and relational skills. The benefits and challenges of using remote

³⁵ While no specific geographic area was flagged by stakeholders as ideal for a community justice center initiative, it is worth a note that there are several JFF satellite locations covering certain geographic areas, so if the planning team decides on one brick and mortar location, it should likely be in an area without current JFF presence. If the planning team decides on organizing rotating locations for community justice center initiative operations, geographically accessibility will inherently be addressed.

technology (e.g., assessments and referrals; counseling; court appearances) were also discussed.

- b) **Cultural responsivity:** Community members highlighted the need for diverse racial, cultural and linguistic representation among leadership and direct service staff. It was noted that the center should feel integrated and work actively to maintain the community's trust and buy-in. Case management should include specialized support for newcomer/immigrant populations, LGBTQ+ people, and those living mental health and substance use challenges, physical disabilities, and cognitive impairments.
- c) **Safety:** Community members noted that the new justice center would likely serve people from communities who have been historically mistreated in legal and healthcare settings. Community members are also concerned that police may try to sabotage the success of a community justice center initiative either by being overly involved in programming or by targeting current community justice center initiative participants which might negatively impact recidivism data, skewing perceptions of a community justice center initiative's efficacy. To help overcome this mistrust or hesitancy, it was recommended that the new center make best efforts to hire from within the local community, particularly those with lived experience. Staff members should also receive training on bias, stigma, and equity issues on an ongoing basis. The presence of law enforcement was also flagged as a key deterrent, especially for those accessing services voluntarily.

Recommendations

- a) **Ease of engagement:**
 - *Location:* The site(s) should be geographically accessible, located directly on bus lines or relatively close to public transit stops (as defined by those with reduced mobility). Gas, taxi or rideshare cards should be offered when needed.
 - *System navigation:* To the greatest extent possible, offsite referrals should also be geographically accessible, with transportation costs supported, and all transfers approximating 'warm handoffs' as needed, whether in-person or virtual. This includes appropriate data sharing agreements and practices in place to streamline cross-system interactions and enrollments for participants.
 - *Technology:* Computers or tablets for video-conferencing should be available to staff for client interactions, to help defray transportation costs, scheduling burdens, and lengthy travel times. The site should also offer

onsite technology to help provide clients with immediate access to telehealth.

- *Structural*: The site(s) will adhere to all accessibility building code requirements, including clear, legible, multilingual signage using person-first language.
- *Relational*: The site should be staffed by those who are not only qualified but *eager* to provide low-barrier, trauma-informed support to their fellow community members. For example, do not have untrained team members conducting behavioral health intakes or providing referrals because of staff shortages.

b) Cultural responsiveness:

- *Representation*: The site(s) should make best efforts to hire staff— for leadership, planning and direct service roles— that are representative (culturally, linguistically) of the community being served.
- *Trustworthiness*: To build trust and foster connection with the local community, the site should hold regular family-friendly events, forge partnerships with local advocacy groups, and facilitate public engagement sessions.
- *Trustworthy partners*: The services offered by partner agencies must also be low-barrier, culturally appropriate, and relevant
- *Tailored support*: In-house, special emphasis should be placed on providing or navigating services for newcomer/immigrant populations, LGBTQ+ people, and those living with mental health and substance use challenges, physical disabilities, and cognitive impairments.

c) Safety:

- *Ongoing education*: Through ongoing training and workshops (on bias, stigma, discrimination), the community justice center initiative must work to ensure staff recognize the reasons for, and are able to work with, institutional mistrust among potential service users
- *Legal support*: Newcomer or non-English or Spanish speaking groups should be provided translation services and clear explanations about their trial and case processing, the community justice center initiative's protocols, available services for immigrants etc.
- *Local expertise*: Assemble a rotating board of community members and those directly impacted by criminal legal systems to help guide the community justice center initiative's evolving mission, priorities, and engagement strategies

- *Survivor expertise:* The site(s) should make best efforts to ensure that current and future service users are connected early on with trained peers and/or people with lived experience
- *Security:* The community justice center initiative should employ peer ‘ambassadors’ (i.e., greetings, information, building navigation) to assist service users; limit the presence of armed staff (e.g., law enforcement or security guards)

MESSAGING

Findings

There is a need for shared buy-in among all relevant stakeholders, particularly from both community members and law enforcement, to support a community justice center initiative and its offerings. To foster the confidence of community members, the community hopes to see increased efforts to ensure public awareness of what services are offered, as well as effective messaging to ensure that the public knows that services are available to all regardless of justice involvement, staving off any potential stigma that could become associated with participation in programming. Likewise, law enforcement representatives hoped to see that a community justice center would be effective in addressing public safety issues and would hold individuals accountable.

Recommendations

- a) Collaborate with law enforcement to facilitate training on implementing a new community justice center initiative
 - Meet with leaders in law enforcement and determine how information can best be communicated to officers to help foster buy-in
 - Establish training for officers to share information about the community justice center initiative, the services it offers, and what charges and individuals might be redirected there
 - Support law enforcement in ongoing implicit bias trainings
- b) Consistently communicate with community members to spread awareness and to foster their trust
 - Host meaningful community events that help spread awareness of the resources available at the community justice center initiative
 - Focus on publicly messaging the community justice center initiative as a resource for all community members
 - Ensure equitable representation on the Advisory Board
 - Create written materials including fact sheets, brochures, videos to share updated information about the center's impact on participants
 - Use social media and existing media outlets to share information to community members and reinforce the community justice center initiative's mission and purpose

REQUIREMENTS FOR SUCCESSFUL OPERATIONS

Findings

Community members, particularly community members of color, lack trust in the local justice system and law enforcement agencies. The primary methods that community members identified as ways to overcome this mistrust include directly addressing racial disparities, for example by using procedural justice to foster racial equity in justice proceedings as well as by equitably distributing critical resources, such as bringing needed social services into currently underserved communities of color. Continually seeking and meaningfully applying feedback from communities of color will also serve to establish long-term relationships of trust and empowerment. Many of these recommendations track those made in the Collaborative Planning section and this section focuses on how operations within the justice center can embed the principles leading the planning process.

a) *Procedural Justice*

Also known as “person-centered justice,” procedural justice theory and practice suggests that when the process (court and social service referral) is transparent and perceived as fair, the outcome of the process is more likely to be accepted and complied with. It is premised on the following four principles:

- Voice: The ability of individuals to participate in their case by expressing their own viewpoints.
- Respect/Dignity: Participants are treated with courtesy and respect, including respect for their legal rights.
- Understanding: Participants understand court procedure, court decisions, and how those court decisions are made.
- Neutral decision-making: Consistent application of legal principles by unbiased decision-makers who are transparent about how decisions are made.

All four of these principles are interconnected and must each be present for procedural justice to thrive in a court and justice center setting.

b) *Distribution of Resources*

Many stakeholders and community members described Dane County as “resource rich,” while also saying that the resources are overwhelmingly concentrated in more affluent, whiter neighborhoods. Rural communities and communities of color experience a dearth of resources and service providers. For a community justice center initiative to be successful, it must prioritize equitably serving county residents of all socio-economic statuses and neighborhoods.

c) *Incorporating Ongoing Community Feedback*

Community members and leaders emphasized the importance of bringing the voices of community members to this process throughout planning but also once operations start. Many were pleasantly surprised at being listened to this early in the planning process. They expressed a desire to continue to have opportunities to voice their opinions and feedback as the planning process continues, demanding that individuals of color and people with lived experience be at the table, making critical decisions in partnership with county leaders, as planning unfolds. They likewise express a desire for ongoing community feedback forums and other mechanisms to allow the voices of community members to be consistently heard as a community justice center initiative is implemented, operated, and refined.

Recommendations

As noted above, community members have specific requests to help increase their trust in the efficacy of a new community justice center initiative. Below are recommendations for how to take steps towards achieving greater trust from the community.

a) Procedural Justice

- Incorporate the four tenets of procedural justice—voice, respect/dignity, understanding, neutral decision making—into all aspects of community justice center initiative operations and at the forefront of all policies and procedures.
- As part of seeing participants as individuals with needs, ensure inclusivity and accessibility of programming by building in accommodations for participants such as evening and weekend hours and childcare, as discussed below.

b) Distribution of Resources

This is largely a question of addressing racial disparities that exist across the county.

- To address the issue of inequitable resource allocation, establish satellite locations in underserved communities of color to ensure equitable access to community justice center initiative programming.
- Meaningfully involve community members of color and people with lived experience at every phase of planning
- Use peer mentors and individuals with lived experience to conduct programming; ensure that all employees are culturally competent, including linguistically competent for the population they will serve.

c) Incorporating Ongoing Community Feedback

- Create a diverse, inclusive Advisory Board of both local stakeholders and community members.

- Regularly hold town hall meetings for community feedback at accessible hours, including meetings after the release of each annual report to discuss the numbers/activities reported each year.
- Regularly survey community members for feedback and suggestions, diligently incorporating feedback into operations.

VI. Conclusion

Synthesizing the words of county government justice system actors, community members, community organization representatives and leaders, prior reports, and working group findings, the Center for Court Innovation concludes that a community justice center initiative, with or without an embedded community court, will be efficacious and well-used within Dane County. We heard that a community justice center initiative has the potential to be transformational particularly for underserved communities. But we were also cautioned that success will only be achieved if people from these communities have meaningful power and voice as architects of the community justice center initiative and meaningful access to its programming.

Calling upon community members, community-based organizations, and advocates to participate in this needs assessment process was a critical first step in ensuring that underrepresented voices are not only heard, but prioritized as the center takes shape. Much more remains in the planning and implementation of a community justice center initiative, and representation of the community members to be served must take part every step of the way.

Achieving criminal justice reform and fostering a more racially equitable society have been goals of Dane County for many years. However, with momentum and support from the Dane County Criminal Justice Council, County Board members, community leaders, and others, there is a renewed urgency behind the calls for a different approach. As Dane County moves forward to establish a successful and sustainable community justice center initiative, it must now focus its efforts on laying the groundwork for a truly collaborative, community-integrated, and data-driven solution.

VII. Appendices

Appendix A: Alphabetical List of Stakeholder Interviewees

<u>Stakeholder Name</u>	<u>Stakeholder Sector</u> ³⁶
Anthony Cooper	Community Organization Representative
Aaron Chapin	Law Enforcement
Alex Booker	Community Organization Representative
Analiese Eicher	County Board
Aurielle Smith	Public Health
Carlo Esqueda	Clerk of Courts
Catherine Dorl	Public Defender
Colleen Clark-Bernhardt	County Board
Evelyn Cruz	Community Organization Representative
Hon. John Hyland	Judiciary
Ismael Ozanne	District Attorney
Jason Hanson	Judiciary
Joe Parisi	County Executive
John Bauman	Juvenile Court Administrator
John Hyland	Judiciary
John Patterson	Assistant Chief of Police, Madison
Kalvin Barrett	Law Enforcement
Karen Menendez-Collier	Community Organization Representative
Karen Reece	Community Organization Representative
Kirbie Mack	Community Organization Representative
Linda Ketcham*	Community Organization Representative
Lisa Burrell	Community Organization Representative
Matt Tye	Law Enforcement
Peng Her	Community Organization Representative
Reuben Sanon	Deputy Mayor, Madison

³⁶ As noted in the chart heading, this chart only designates interviewees by their general sector of employment. For complete job titles, please see list in part III, METHODOLOGY, in text supra.

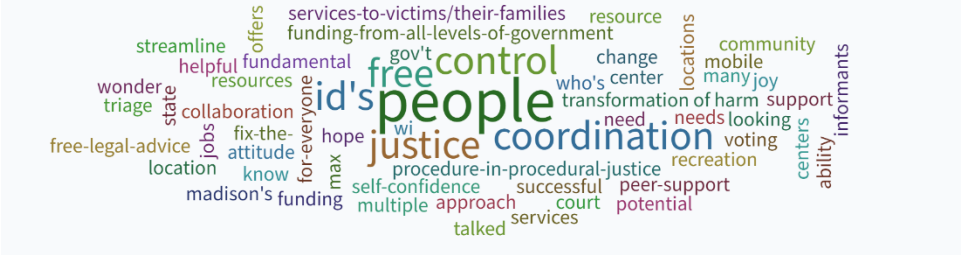
Ron Chance	Community Organization Representative
Satya Rhodes-Conway	Mayor, Madison
Todd Meurer	Judiciary
Troy Enger	Corrections
Walter Williams	Community Organization Representative
Wesley Sparkman	County Board

*Interview included several participants from JustDane

Appendix B: Responses from Engagement Sessions

7/13/21 Community Engagement Session

In one word, what other resources would you hope to see a community justice center offer?



7/27/21 Community Engagement Session

In one word, what other resources would you hope to see a community justice center offer?



Appendix C: Questions and Answers from 9/9/2021 County Board Presentation

Questions submitted in advance

1) How should we proceed with implementing an effective community justice center if any part/parts of the justice system do not want to participate in the justice center initiative?

A true community justice center is a collaborative model with representation from the judiciary, defense bar, prosecution, and service providers. Stakeholders can participate at varying degrees depending on capacity and geographic location, but initial conversations around things like eligibility for cases that will be resolved within the community justice center and service coordination should be informed by all stakeholders, regardless of how intensive a role they play in day to day operations. For instance, if a judge is not on-site at a community justice center but referral to community justice center is a disposition option, judicial officers should be a part of the conversation with prosecutors and defenders to determine which cases are appropriate, what case mandates might be expected, and how the community justice center will communicate with the court about service completion.

2) Dane County aims to be innovative in providing restorative justice, including access to wraparound services. Is a "Justice on Wheels" model something CCI could envision working for Dane County, and can you speak to benefits and examples of this model being used elsewhere?

Yes, a “justice on wheels” model could absolutely work in Dane County if there are a handful of organizations willing to host the community justice programming on a rotating basis. Interviews with stakeholders and the engagement session with the seven community-based organizations indicated organizations were interested in this mobile model and might be willing to share space. In Newark, New Jersey, Newark Community Solutions (a community court based in Newark Municipal Court) established the Health, Housing and Justice Access pilot that set up six outreach events bringing the services of community court out into the community at locations including local homeless shelters, the library, parks, and other locations credible messengers indicated were comfortable spaces for people to attend.

The benefits of a mobile model are that it makes services more accessible to a larger population of the county, addresses individuals who are often hardest to reach, and alleviates any stigma associated with individuals in need of services congregating in one building. There are also cost savings associated with sharing venue space or equipment with partners at multiple locations.

We can envision a few specific ways that a remote/mobile option could work effectively in Dane County:

- A primary hub with additional remote sites in communities with less local resources, co-located in existing locations accessible to the local community and strictly operating as resource centers to connect residents with needed services. Several community justice centers in New York City operate in this way, with programming and engagement events driven by local community members. A primary benefit here is improving access to underserved communities. With remote locations that have the connections and synergy of the primary hub, more members of the community can be served better as services are coordinated more efficiently.
- If the community justice center initiative chooses to incorporate a community court component, judges could travel to these remote sites at specified days and times to conduct community court hearings and to check-in on participants' progress face-to-face. We have seen judges do this, depending on the case load, approximately once or twice per month per remote site. In addition to the benefits of the coordinated services noted above, this option provides the tangible, person-to-person relationship development that is often only available when people are physically in the same room with one another. Although this may be more difficult to get judges on board with, it also has the opportunity to increase the positive impact on all individuals involved in the community court process.
- Alternatively, the remote sites could have an iPad or other internet access tool that local participants could use to connect to the primary hub for community court where a judge could hear the entire community court docket at once-- both remote participants via video conference from their respective sites, and in-person participants who choose to attend court proceedings at the primary hub. Other locations with this type of approach often operate on a weekly basis. This requires significant coordination and technological assistance, but can be a great solution to transportation issues for both participants and the judiciary. Under this model, one additional option to help ensure that there is still an opportunity for rapport-building is to require in-person participation at a participant's first hearing, or at regular intervals determined by the judge, with all other times allowing for remote participation. If in-person participation is required at any time, practitioners should ensure that barriers such as transportation time and costs, options outside of business hours, and childcare availability are taken into serious consideration.

3) Can you talk a little more about what an effective community justice center resource coordinator does and the qualities and skills the person who fills this role should have?

The resource coordinator is the liaison between the community justice center service providers, the court (for those individuals referred as part of case mandates), and participants. The resource coordinator does much of the public-facing engagement by greeting individuals who have been to the community justice center before, introducing themselves to those who are new, and explaining what support they can offer at the center. Resource coordinators keep track of which participants are scheduled for services in the building/online, consults with the presiding judge

and court team about particular clients, and discusses with the social service providers to ensure that clients' mandates are appropriate.

Questions taken live from County Board

1) Is there a lack of services in Dane County? What is the benefit of creating a community justice center if there aren't enough services? Has there been an evaluation of distribution of services and should this be a Human Services conversation?

While a formal service evaluation was not conducted, we spoke with service providers offering mental health, housing, substance use treatment, job readiness, education, identification documentation, and other services. We also heard from stakeholders and community members that there are "resource rich areas" within Dane County with sufficient services but these services needed to be better coordinated so that service providers who are at capacity can make referrals to other providers.

2) Does the core planning team remain intact throughout the initiative? Do the core planning team responsibilities end at funding?

Yes, the core planning team, made up of judicial, defense, prosecutorial, and service provider representatives, stays intact throughout the planning and implementation of a community justice center, especially where there is a court component within the center. This team is usually about 5-10 members who are most involved in the day-to-day logistics. There can be a larger steering committee who is kept updated about planning and implementation and meets less frequently once the community justice center is up and running. The Criminal Justice Council can serve as the larger steering committee in Dane County and meet with the smaller core planning team at a frequency that works for all parties.

3) Is the purpose of the community justice center initiative to a) increase coordination of services b) increasing capacity of services that already exist or c) adding new services/programs to divert people?

The community justice center will focus on the coordination of services and helping individuals navigate pre-existing services. For those with an active court case, the community justice center could be a diversion opportunity if law enforcement and the core planning team work together to create direct citations into the community justice center in lieu of arrest. This would work similarly to a desk appearance ticket where the individual is given a citation with a date to appear at the community justice center as their first appearance.

4) A barrier to obtaining county services is the perceived need to be “an overly informed consumer” in order to get services to work the way they are supposed to. We cannot expect consumers to be the expert in services. How will this be addressed?

The goal of the resource coordinator position ³⁷is to explain what services are available based on an individual's needs and how to connect to those services, not just through a referral but a successful connection. Most community justice centers implement a needs assessment tool to outline needs and goals the individual has. This needs assessment informs which providers the individual connects with on-site and off-site for follow up. Additionally, the benefit of having multiple services in one location is that service providers are available to help participants navigate intake assessments, and if one service is not appropriate, service providers are co-located and can problem-solve together.

³⁷ See [Resource Coordinators Bridge Courtrooms and Social Services](#)