

# Findings and Recommendations Resulting from the Mapping Project Presented to the Dane County Criminal Justice Council



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This report offers a brief synopsis of the findings and recommendations resulting from the completion of the mapping process undertaken by the Dane County Criminal Justice Group over the past year. More than 50 individuals representing law enforcement, courts, corrections, human and social services, county government and community providers and advocates contributed to the effort. Six priority recommendations are discussed; a total of 25 recommendations are provided.

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## Background

Over the past year, Dane County stakeholders have been engaged in the development of a criminal justice system map, or flowchart, of how offenders come in contact with and flow through the criminal justice system. Through a comprehensive review of each stage of the process, from arrest through adjudication, sentencing and supervision, the primary goal of the effort was to identify and implement system improvements. Additional goals for the mapping project included:

- increase awareness of how the entire criminal justice system “works” and how different parts of the system interact with one another;
- gain a greater understanding of how decisions are made at each decision point in the criminal justice system (i.e. arrest, pretrial release, charging, pleas, disposition and sentencing, supervision violations and revocations);
- identify areas of interest for further inquiry;
- identify and determine solutions to bottlenecks or inefficiencies in the system; and
- identify gaps and challenges in the system and current decisionmaking and develop an action plan for addressing them.

The first phase of the project, conducted from March through September 2012, resulted in a preliminary map of the criminal justice system. The second phase of the project, from May through September 2013, was to further review the map to determine the strengths, gaps and challenges in current decisionmaking and develop a preliminary action plan to address them.

The mapping effort was led by the Dane County Criminal Justice Group (CJG). The CJG is a large group composed of representatives from law enforcement, courts, corrections, human and social services, victim advocates and other county and community agencies. The CJG is essentially an advisory group to the Dane County Criminal Justice Council (CJC), which is a formal, decisionmaking body supported by the County Board of Supervisors to coordinate and effect decisions that impact the criminal justice system. To complete the mapping project the CJC contracted with Becki Ney, Principal of the Center for Effective Public Policy (Center) ([www.cepp.com](http://www.cepp.com)), to assist in this effort.

Specific objectives to be accomplished during the second phase of the project included:

- Identify key decision points, and determine the information needed to make informed decisions and methods to obtain and share that information;
- Identify bottlenecks and roadblocks in processing information, cases and persons and determine strategies for reducing or eliminating them;
- Identify strategies to address inefficiencies in current practices and ways to make better use of scarce resources;
- Gain a greater appreciation for how each entity’s decisions impacts others;
- Consider how decisions impact minority representation in the system;



- Assure that identified strategies are based on research and decisionmaking is informed by data and information (i.e. evidenced-based decision making);
- Enhance understanding of each entity involved in the criminal justice system to support each other's individual goals, and;
- Foster a collaborative approach to criminal justice to assure greater effectiveness and efficiency as a system.

## Phase II Mapping Project Activities

To accomplish the goals and objectives of the project, I conducted three onsite visits to Dane County:

- Site Visit #1: On June 26, 2013, I facilitated a full day session of the CJG. Since some months had passed since Phase I of the mapping project had ended, we took some time to review an evidence-based framework in which to consider Dane County criminal justice decisionmaking and decision points in the system. We summarized the status of the Dane County stakeholders' work to develop their system map. We identified priorities and key issues and gaps in current practice. Lastly, the CJG provided input into the scope and direction of this second phase of the mapping effort, including: (1) priorities and goals; (2) expected deliverables; and (3) a plan of action, meeting schedule, and tasks to accomplish goals. On June 27<sup>th</sup> I met with the CJC to review the evidence-based framework, reiterated the goals of the effort and solicited input from members. All materials developed during the first site visit, including goals/agenda, meeting notes and presentations can be found in Attachment 1. The presentation made to the CJC can be found in Attachment 4.
- Site Visit #2: On July 23-24, 2013, five focus groups—
  - Arrest and Law Enforcement,
  - Pretrial/Pre-Charging/Diversion,
  - Jail Booking and Detention,
  - Pleas, Negotiations, Sentencing and Dispositions and
  - Supervision, Programs and Services—were convened to gather a broad perspective and input about the strengths and challenges of the Dane County criminal justice system at several key decision points. More than 50 stakeholders representing law enforcement, courts, corrections, health and human services, community providers and advocates and other private and public agencies in Dane County participated. Fifty-four “opportunities” or recommendations were identified throughout the course of the focus group discussions that have the potential to improve system functioning and decisionmaking and address gaps in current practices. Materials developed during the second site visit, including an invitation to attend the focus groups, key issues and questions to consider at each



decision point, meeting roster, and a summary of the focus group discussions can be found in Attachment 2.

- Site Visit #3: On August 21, 2013, the CJG met once again in a full day session to review the 54 opportunities developed by the focus groups to address system and decision point gaps and challenges. As a result of their discussions, the CJG identified twenty-two recommendations. Six priority recommendations were presented to the CJC at their meeting on August 22<sup>nd</sup>. The CJG agenda and meeting notes can be found in Attachment 3 and the presentation made to the CJC can be found in Attachment 4.

Lastly, I reviewed a number of documents and statistical reports provided to me by Dane County stakeholders and staff. A list of the materials reviewed is contained in Attachment 5.

The remainder of this report discusses the findings and recommendations of the mapping process.

## Findings and Recommendations

Throughout the mapping process, CJG and focus group participants reiterated some key observations of the Dane County criminal justice system. Some of their observations include the following:

- Racial disparities may occur at key decision points (arrest, diversion, disposition, etc.) and within the criminal justice system.
- Data collection and analysis is challenging: There are multiple data systems (CCAP, PROTECT, Jail, DOC) that are not integrated.
- There are bottlenecks in the system resulting in an uneven/inconsistent flow of offenders through the system.
- The system is complex with many decision points.
- Decisions are largely uninformed by data and information.
- Consumers are largely uninformed about the system.
- There is a lack of communication across criminal justice agencies.
- There are many individual decisionmakers at each decision point in the system who have discretion to make their own decisions.
- Decisions about criminal justice agencies' workload and staffing are often within the authority of non-criminal justice decisionmakers.

To address the goals of the CJC, CJG as well as these findings and other issues identified by the CJG and focus group participants during the mapping process, twenty-five recommendations are offered for the CJC's consideration. This section of the report is divided into three sections: The first section discusses three broad recommendations not necessarily identified through the



mapping process, however, are ones that I strongly urge the CJC and CJG to consider. They pertain to larger infrastructure and planning issues related to the CJC's mission and the context in which the recommendations to follow should be considered. If addressed, they will contribute to the CJC's and CJG's success in achieving its goals.

The second section of the report describes the top six recommendations in some detail and offers suggestions for implementation planning.

The third section is a listing of the remaining sixteen recommendations resulting from the mapping process with some more limited suggestions for how best to address them.

Further, it should be noted that all the recommendations were considered by the CJG with some criteria in mind, including:

- The potential impact on populations coming in contact with and under the supervision of the criminal justice system.
- The potential for system cost savings, realignment or avoidance of costs in the future.
- The likelihood of the recommendation to address racial disparities in the criminal justice system.
- Whether the recommendation can be completed in the short or longer term.
- Whether the recommendation can be implemented immediately with little cost or effort (low hanging fruit).
- Is the recommendation politically feasible?
- The potential to improve criminal justice outcomes and reduce recidivism.
- Is the recommendation realistic and feasible?
- Is the recommendation informed by research and best or evidence-based practices?

A brief list of all twenty-five recommendations can be found in Attachment 8.

## Overall Recommendations

### **1. Continue to build an infrastructure for criminal justice system-wide planning and implementation within the County.**

Dane County's CJC is one of many Criminal Justice Coordinating Councils (CJCC) in existence nationally. According to Elaine Borakove, President of the Justice Management Institute (JMI), there are at least 200 CJCC's across the country; although it is thought that many, many more are actually in existence. Of the 46 CJCC's applying to participate in JMI's CJCC National Network, at least half indicated that they have dedicated staff (part or full time coordinators and/or data analysts). Most, like the Dane County CJC, are collaborative bodies with diverse membership, supported by county and/or city government, and who come together to improve criminal justice system effectiveness and efficiency. CJCC's provide a forum for all entities involved in criminal justice to coordinate their efforts more effectively and the opportunity to realize systemic goals that cannot be achieved by any one entity on their own. A link to JMI's



website is provided in Attachment 6: List of Selected Resources. Two briefs that can be found on the JMI website may be of interest to the CJC: *Fostering and Sustaining Criminal Justice System Reform: The Potential of Criminal Justice Coordinating Councils* by Elaine Borakove and Marea Beeman; and *Improving Criminal Justice System Planning and Operations: Challenges for Local Governments and Criminal Justice Coordinating Councils* by Barry Mahoney, Aimee Wickman and Elaine Borakove. Another valuable resource is *Getting it Right: Collaborative Problem Solving for Criminal Justice* by Peggy McGarry and Becki Ney which is available on the Center's website. *Getting it Right* includes numerous examples, team work exercises and tips for conducting a collaborative criminal justice team process.

- **Determine the feasibility of dedicating staff time to the CJC.** Currently, the CJC does not have dedicated staff. Dane County Administrative staff prepare meeting agendas and minutes and help to coordinate three CJC workgroups focused on Reducing Racial Disparities, Increasing Technology Efficiencies and the Huber Facility. In order to fully engage evidence-based decisionmaking and strategically realign the Dane County criminal justice system to achieve the public safety, cost savings, and recidivism reduction goals envisioned by the CJC and CJG, it is recommended that the County and CJC consider the feasibility of dedicating staff to its efforts. Nationally, staff perform a range of activities on behalf of their counties and CJCC's, including: facilitating meetings, preparing budgets, coordinating agency activities, overseeing county funded criminal justice programs, working with the CJCC to prepare an annual plan and report, orienting new members, acting as a liaison among criminal justice system entities and between the criminal justice system and other services systems, overseeing research activities, and seeking funding, to name a few.

Many Wisconsin counties currently have CJCC's and the state has just recently implemented a state level CJCC as well. The benefits of dedicating staff to their efforts, job descriptions, organization and structure, salary information and the like can be obtained from the state CJCC or several of the counties that currently have dedicated staff (for example, Milwaukee, Eau Claire, LaCrosse, or Marathon Counties).

- **Review the CJC's process, mission and operating norms.** The mission statement signed by all CJC members on April 16, 2012 speaks to the CJC's goals and vision for a more efficient and effective criminal justice system that also balances public safety, costs and recidivism reduction measures. The mission statement also speaks to the reinvestment of dollars resulting from savings accrued from strategies to address the population and cost "drivers" of the system. Savings are to be "realigned" to "test and expand evidence-based programs and services for prevention, diversion and reentry programs and services."

It is recommended that the mission statement be reviewed, and revised as appropriate, at least annually. Is the CJC effectively accomplishing its mission? Why or why not?



Has the mission of the CJC changed over time? How can the CJC realize its goals for realignment of cost savings/avoidance to support prevention and evidence-based decisionmaking, programs and services?

In addition, it is recommended that the CJC take some time to discuss its decisionmaking process and operating norms. This doesn't have to take a lot of time. The CJC could devote 10 minutes at monthly meetings to a discussion of how they are operating together as a team: Do all members attend and actively participate in meetings? Are meetings results-driven, focused on problem solving, rather than information sharing? If not, what steps can the CJC take to make meetings as effective as possible? Does the CJC have access to and have they articulated performance measures to gauge their progress in accomplishing their mission and goals? Does the CJC take time to celebrate its successes?

A link to the Collaborative Justice Resource Center website is provided in Attachment 6. The website contains several resources, team work exercises and a collaboration survey that CJC members can complete as a team to assist them in gaining a greater understanding of their level of collaboration and effectiveness as a team, and address their challenges as a team. *Getting it Right* is also a great resource in this regard.

- **Develop a strategic plan.** The recommendations contained within this report have the potential for achieving all of the goals envisioned by the CJG and CJC. However, to be most successful, it is recommended that the CJC consider the development of a five year plan that includes goals, objectives, tasks, costs, and timelines for all of the recommendations. Some key considerations in the development of a plan may include: Are there any recommendations that can be implemented immediately and with little cost or effort, but may also realize greater system effectiveness or efficiency (low hanging fruit)? Are there recommendations already being addressed by the CJC or other group (for example, racial disparities, community court, reorganization of AODA programs and resources)? If so, what additional support can the CJC or CJG provide those groups? What do we anticipate to be the impact on current criminal justice processing and decisionmaking—how will the map change? What makes most sense in terms of planning and implementation for the next 12 months (and in the context of achieving the longer term goals of the five year plan)? The development of a strategic plan might also include the review of previous studies and assessments of the Dane County criminal justice system conducted by Alan Kalmanoff, Michael Jones and others. These reports contain a wealth of information about the Dane County system, and many of the recommendations with the reports are still very relevant.

The development and implementation of a larger plan will assure that all recommendations are considered in relation to all the other recommendations and in a systemic manner, assure that there is no duplication of effort, allow for the consideration of current staff workloads, training of new skills, and appropriate timing





for implementation, and the sequencing of recommendations (i.e. some may need to be in place before others can be implemented). Once developed, the plan should be reviewed at least annually to determine what goals and objectives have been successfully accomplished, which ones have not and why, and determine a plan for the next twelve months.

**2. Address data collection and management information systems challenges; and develop a performance management plan that includes a process for conducting cost benefit analyses.**

Cost efficiency and savings, or benefits, is an important value of Dane County and the CJC, and is described as a goal in the CJC's mission statement. I have separated this recommendation from the one above (even though it is an essential element of building an ongoing infrastructure to support systemic planning and implementation) because the collection and analysis of criminal justice data and information across agencies is often challenging, and the process to develop regular data reports to inform decisionmaking, cost measures and a performance can be very onerous.

This work should include a discussion by CJC and CJG members about the benchmarks or measures they anticipate as a result of implementing specific strategies. It should also include a discussion of the specific data, whether it exists in an automated or manual form, to inform the specified measures, how it will be extracted and who will take responsibility for collecting and analyzing the data for the CJC's use. Lastly, the CJC should consider the kinds of data and statistics they may wish to monitor on a regular basis (monthly, quarterly, annually) that provides them with data to help them assess key trends in system decisionmaking and processing. For example, is the jail population increasing or decreasing? Is the nature of the jail population changing? Are court case filings increasing or decreasing? Is crime and arrests up or down?

The CJC may also wish to agree on baseline population and cost measures of importance to them. For example, what is the profile of the jail, Huber, diversion and supervision populations (including risk level and criminogenic needs, pretrial versus sentenced jail population, etc.)? What does it cost to house one person in the jail per day? What does it cost to process someone through the courts? What does it cost to divert someone from the system or supervise them on probation? Once specific measures and cost assumptions are agreed to, the CJC can then begin to track cost savings, program impact and ultimately recidivism reduction over time in a consistent, systematic and systemic manner. Attachment 6 includes a weblink to the Vera Institute of Justice's Cost Benefit Analyses Unit and the Bureau of Justice Assistance's Justice Reinvestment Initiative at the Local Level. Both resources provide guidance in the development and calculation of cost measures.





### **3. Adopt an evidence-based decisionmaking framework.**

The National Institute of Corrections' (NIC) Evidence-based Decisionmaking Initiative (EBDM) is a multi-year effort to assist local jurisdictions to implement an EBDM framework. Seven sites across the country have been participating in the effort, including Eau Claire and Milwaukee Counties in Wisconsin. Currently, there are plans underway in Wisconsin to extend the EBDM initiative to additional counties and the state. A state planning group has been formed and January 28-29, 2014 has tentatively been confirmed for the conduct of a statewide symposium.

Dane County stakeholders have expressed a desire to realign their criminal justice system with evidence-based practices. An EBDM "Readiness Checklist" developed by the Center is provided in Attachment 7. It is recommended that the CJC and CJG take the time to complete the checklist individually, and tabulate and discuss the results as a team to determine the level of consensus regarding strengths, challenges and readiness to engage in the EBDM process.

To learn about the EBDM initiative, a description of the jurisdictions involved, their work and progress towards achieving an evidence-based approach to decisionmaking, go to the EBDM website provided in Attachment 6. Additional resources regarding evidence-based practices are also provided in Attachment 6: Crime Solutions.Gov is a federally funded website that contains many studies and research regarding "what works" to reduce recidivism. The Washington State Institute for Public Policy is a well know research organization that has conducted numerous studies and cost analyses about various criminal justice and corrections programs.

### **Top Six Recommendations**

Fifty-four opportunities, or recommendations, resulted from the focus group meetings held in July (see Attachment 2C for a summary of the focus group results). At its August 21<sup>st</sup> meeting, the CJG reviewed all of the focus group recommendations and synthesized the findings and consolidated the recommendations into twenty-two final recommendations. CJG members "voted" on the recommendations they felt were most likely to address criminal justice system gaps. The six recommendations receiving the highest ranking by the CJG members are discussed below. They were presented to the CJC at their August 22<sup>nd</sup> meeting. Attachment 4 contains the CJC presentation.



**4. Establish a pretrial release/services program.**

The CJG strongly recommends the establishment of a more formal pretrial services operation in the county. In fact, this was the top priority of the CJG that resulted from the mapping process. A more formal and expanded pretrial services capacity within the County criminal justice system has the potential to accomplish the CJC’s goals to balance public safety, costs and recidivism reduction. In addition, the establishment of a pretrial services operation in the County also has the potential to contribute to criminal justice system cost savings now and in the future by the reduction of the number and length of time pretrial defendants are in custody, referring them to more appropriate non-criminal justice services, and intervening more quickly in the criminal justice process.

Pretrial services operations typically conduct the following kinds of activities:

- Conduct of empirically-based assessments to determine risk of flight and re-arrest while on pretrial release status.
- Conduct of empirically-based risk and needs assessments earlier in the criminal justice system process to learn more about individual’s needs for treatment interventions.
- Identification of candidates for pre-charge diversion and treatment courts earlier in the criminal justice system process.
- Establishment of a more coordinated “frontend” approach to diversion, including the diversion of low risk offenders.
- Improved coordination of pretrial release and diversion of the mentally ill population; including expanded crisis intervention referrals and services.
- Enhanced capacity for bail monitoring programs, pretrial supervision and services.
- Greater ability to monitor defendants’ compliance with pretrial release conditions and court appearances.

The development and implementation of a pretrial services program will require considerable planning. There are many pretrial services programs in existence throughout the country that can be of assistance when the County is ready to undertake this endeavor. A few important resources include the National Association of Pretrial Services Administrators (NAPSA), Pretrial Justice Institute, Luminosity, Inc. and the Arnold Foundation. Weblinks are provided in Attachment 6. The Arnold Foundation is currently supporting the development and implementation of a pretrial release tool. The tool was developed through a meta-analytic process and is currently being tested. Marie Van Nostrand of Luminosity, Inc. is a well-known expert in the development, implementation, and study of pretrial practices nationally and assisted Milwaukee County to develop and implement their pretrial praxis.



There are many resources within Wisconsin to assist Dane County with implementation planning: Milwaukee County recently concluded the planning and implementation of a pretrial services program and could act as a peer mentor to Dane County as they consider their own needs for pretrial services. Those most familiar with the day-to-day operation in Milwaukee can provide the CJC with job descriptions, planning documents, staffing and salary requirements, and other advice and guidance as they move forward. Other counties in Wisconsin also operate pretrial and diversion programs (for example, Marathon and LaCrosse Counties) and Eau Claire County is in process of considering the implementation of a more formal pretrial services program to allow for the supervision of pretrial releases and earlier assessment of those eligible for diversion and treatment courts.

**5. Hire a criminal justice data analyst/training coordinator.**

Dane County stakeholders should be commended for recognizing the importance of data and information in criminal justice decisionmaking. Currently, there is no dedicated staff within the County tasked with the collection and analysis of criminal justice data. Many anecdotes were shared by CJG and focus group participants about the challenges in extracting data from information systems, lack of staff in their agencies to do this, and complexities of sharing information across agencies. The CJG strongly recommends that a data analyst be hired by the County to build the County's criminal justice data collection, analysis and research capacity. Some key activities of a data analyst and objectives envisioned by the CJG include:

- Improved use of data and research to inform criminal justice decisionmaking.
- Regular collection and analysis of critical criminal justice data to inform performance measures. This might include the establishment of a scorecard or dashboard of critical data and trends the CJC and County want to review on a monthly, quarterly, or annual basis.
- Conduct of research and studies such as outcome and recidivism studies, validation of assessment tools, criminal justice trends over time, time studies, jail population analysis and cost benefit analyses.
- Development and implementation of quality control, quality assurance and continuous quality improvement measures to assure implementation fidelity of new strategies and ongoing quality of a range of strategies and interventions.
- Keeping stakeholders abreast of current and emerging research and best practices to guide their decisionmaking.

In addition the CJG recommends that the data analyst be responsible for coordinating training activities within the county. Likely activities may include:

- Identification of critical training issues or topics for criminal justice stakeholders.
- Coordination and facilitation of cross-agency training events.



- Establishment of a “master” training calendar (see Recommendation 16).

Eau Claire County recently hired a full time data analyst. They can easily provide a sample job description, salary requirements, interview questions and the like. In addition, JMI’s CJCC Network (weblink provided in Attachment 6) has produced a few articles that address this issue. Another article that discusses the importance of data and analytic support to engage in a collaborative, evidence-based criminal justice system process can be found on the Collaborative Justice Resource Center website (also provided in Attachment 6). Lastly, this recommendation should be considered in the context of Recommendation 1 which discusses the benefit of dedicated staffing for the CJC.

#### **6. Establish an offender transition and reentry system.**

Many focus group participants relayed anecdotes about the challenges and gaps in the system to address transition and reentry issues of those cycling through the County Jail Facility. While the Sheriff’s Office does provide some transition and reentry services, focus group participants noted that there are few assessments conducted and not enough in-custody programming; there may not be enough time to fully address offenders’ transition and reentry issues before they are released; and stronger links are needed to connect in-custody and community supervision and treatment interventions. CJG and focus group participants agreed to the following transition and reentry concepts:

- Reentry should begin at jail intake.
- Jail programming and case management should be directed by empirically-based risk and needs assessments.
- Case management should address stabilization issues before offenders are released, such as housing, employment, and benefits.
- Transition and reentry should be more seamless such that in-custody programming is tied more strongly to community programming.
- At a minimum, a “reentry checklist” could be provided to offenders as they are released that may provide referral information about housing, medications, appointments, referrals and the like.

A few resources are provided in Attachment 6, including a weblink for the Transition from Jail to Community Initiative and 13 coaching packets produced by the Center that are related to various aspects of offender transition and reentry.

#### **7. Increase substance abuse treatment options (and funding) in the county.**

Overwhelmingly, CJG and focus group participants identified substance abuse treatment as a critical need of justice-involved individuals. The CJC should consider chartering a workgroup to gain a more comprehensive understanding of current alcohol and drug resources and



practices, and the needs and profiles of substance abusers who become involved in the Dane County criminal justice system. This recommendation should also be considered with Recommendation 22 which calls for the support of Judge O'Brien's workgroup to realign the courts drug treatment court and AODA services. Some issues to be addressed by a workgroup tasked with the development and implementation of a plan to increase substance abuse treatment options include:

- Identification of a continuum of services and programs (from detoxification to long term residential) needed/desired in the County.
- Identification of specialized programs for specific types of abusers/users (for example, heroin or methamphetamine).
- Determination of funding gaps in services and interventions needed to meet the needs of the offender population.
- Identification of gender responsive services and programs (see Recommendation 15).
- Identification and implementation of community alternatives to arrest.
- Enhancement of communications and partnerships between law enforcement agencies, DHS, community providers, and others.

It should be noted that law enforcement focus group participants were particularly keen to receive a directory of resources regarding available community programs, services, housing and the like (see Recommendation 11 below).

One resource for grant opportunities, training and technical assistance is the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (weblink provided in Attachment 6).

#### **8. Address racial disparity issues at all criminal justice decision points.**

The CJC currently has a workgroup focused on racial disparity issues. It is recommended that the CJC task the workgroup to consider each of the following issues identified by the CJG and focus group participants.

- Develop a dashboard or template of key indicators, statistics, data regarding race at key criminal justice decision points; disseminate to key stakeholders at least quarterly.
- Gain a greater understanding of racial disparities at the point of arrest; develop strategies to address identified issues.
- Review all pre-charge diversion and pretrial release criteria to determine the potential for increasing race neutrality in decisionmaking.
- Expand diversion options and eligibility to include more minority populations.
- Develop a plan for continuing to build the awareness of key decisionmakers about the impact of criminal justice decisionmaking on minority populations.



- Conduct a review of court processing/activities and develop strategies for including greater minority representation (on juries, court personnel, in promotions, etc.).

Reducing racial disparity throughout the criminal justice system is a high priority of the County. Another workgroup is currently considering the implementation of a community court to reduce the involvement of African American youth in criminal justice. Two resources are provided in Attachment 6: Weblinks to the Casey Foundation's Juvenile Detention Alternatives to Incarceration (JDAI) Project and the New York City Services Corps.

### **9. Increase use of technology throughout the system to increase efficiency.**

The CJC also has a workgroup focused on enhancing system efficiencies through increased automation and technology. It is recommended that the CJC task the workgroup with considering the following issues identified by the CJG:

- Automate all arrest, jail and court documents to the extent possible (i.e., police incident reports, filings, judgment orders, warrants, etc.).
- Develop an automated master court calendar system.
- Explore the opportunity to implement an SPD interface.
- Develop a strategy for integrating criminal justice agencies' management information systems, to the extent possible.
- Develop a longer plan for enhancing criminal justice automation and technology.

### **Additional Recommendations**

The following recommendations were deemed important but less of a priority by the CJG, again based on the criteria established (i.e. impact on population, cost implications, etc.) by them. In most cases, only a brief discussion of the issues is provided. In some cases, additional guidance and/or resources are provided for the CJC's and CJG's consideration. These recommendations, like the top six recommendations discussed above, should be included in a broader criminal justice system strategic plan that may be developed by the CJC.

### **10. Undertake a study to select (or develop) and implement empirically-based assessment tools at key decision points.**

Essential to evidence-based decisionmaking are assessment tools that can assist decisionmakers in determining factors that should be addressed in order to reduce offenders' risk of recidivism. While the Department of Corrections currently uses the COMPAS assessment tool for supervision and case management; currently, in Dane County, there are few assessment tools in place to assist in identifying medium and high risk offenders whom risk reduction strategies should be targeted. Research suggests that focusing too many resources on low risk offenders may, in fact, increase rather than decrease their recidivism. Without assessment tools, it is challenging not only to determine the level of offenders' risk and needs,



but also programs needed to address those needs, the dosage of programming required, the skills and knowledge required of staff to motivate offenders to change their behavior, etc. In sum, building a system of programs, services and case management should be driven by the assessment process and outcomes and inform criminal justice decisions.

There are many assessment tools that may be purchased or are in the public domain that have significant research supporting them. While not a top priority recommendation of this effort, the implementation of empirically-based tools is critical to the implementation of an evidence-based criminal justice system.

Specialized assessment tools are also available that can be utilized for “special populations.” For example, for women, there is the Women’s Risk and Needs Assessment (WRNA and WRNA trailer), a public domain tool available through the University of Cincinnati (see Attachment 6 for weblink) that has a growing body of research supporting them. There are specialized assessments for sex offenders (for example, the Static-99 and ACUTE), and a growing number of empirically-based tools to assess risk for pretrial release, substance use, mental health, cognitive functioning, and to gauge offenders’ motivation to change and engage in treatment.

One article that discusses issues of race with respect to risk assessment can be found at <https://www.ncjrs.gov/pdffiles1/ojdp/209158.pdf>.

It should be cautioned that a study of assessment tools is not simply a task of selecting a tool. Any County or criminal justice agency/organization considering the implementation of empirically-based assessment tools should first become knowledgeable about the range of tools available; their benefits and challenges, cost benefits, ease of use, automation, and ability to achieve the goals and objectives envisioned. Some jurisdictions have also developed their own tools based on their own data and research.

#### **11. Develop/compile a comprehensive directory of community resources.**

One of the lessons learned from the mapping process was that there is no comprehensive directory of available programs and services countywide. In fact, many focus group participants of the mapping process, including law enforcement, courts, and corrections stated that they wish they had a listing of all the available resources in the community as an additional resource to decisionmaking. For example, law enforcement suggested that this would assist them in knowing the full range of programs and services appropriate to individuals they come in contact with, and as an alternative to arrest and booking into the jail. Focus group participants also stated that such a directory would be helpful to stakeholders throughout the system, including judges, Department of Corrections, service providers, advocates, district attorneys and defense attorneys.





A template and process for conducting/compiling a listing of community resources can be found in *Getting it Right* and in the EBDM Starter Kits (weblinks provided in Attachment 6). A few additional resources within Wisconsin are the Department of Corrections' Region 5 and Milwaukee County. Region 5 has compiled a list of state-funded and local resources displayed by criminogenic needs to provide guidance to their Agents regarding referrals and placements to appropriate services. Milwaukee County conducted a countywide survey of resources in preparation for the implementation of pretrial services. Both could serve as "peer mentors" to Dane County in the conduct of this work.

As a start, the CJC should consider chartering a workgroup to lead this effort. First, determine what information should be collected and why (see Resource Inventory template referenced above). Next, determine the best way to collect the data, whether through mailed or emailed surveys, interviews, or onsite meetings. Also consider whether there are agencies (for example, the United Way, Chamber of Commerce, DHS) who may be central sources of some listing of resources. Part of the workgroup's charter should include a plan for automating and updating the directory over time.

**12. Define and establish a continuum of sanctions and services.**

The CJG expressed a desire to develop a more coordinated, or "logical," system of sanctions, programs and services countywide. This is also an activity that could be undertaken by an ad hoc workgroup. The workgroup's focus could start with a review of all the sanctions currently available in the criminal justice system and at each decision point. Sanctions could be arrayed from least to most restrictive, least to most expensive, or by availability at each criminal justice decision point. What offenders should be targeted for which sanctions and why? What goals should be accomplished by sanctions? Are there opportunities to address racial disparity in the system? Are there gaps in the continuum of sanctions? Is there data and research to support the targeting of offenders for particular sanctions and/or additional sanctions to address gaps?

**13. Enhance domestic violence sanctions, programs and services for both perpetrators and victims.**

There was only limited discussion about this recommendation. Focus group participants noted a gap in services for those involved in domestic violence and that they appeared to be an increasing justice-involved population. The CJC may consider a study of current policies and practices related to domestic violence (and, of course, review existing studies) to determine the nature and extent of the problem and comparable services and programs that may be needed to address challenges and gaps.

**14. Reduce the involvement of homeless individuals in the criminal justice system by expanding housing options within the county.**



The CJG discussed the fact that there is a shortage of public housing in the county and that criminal justice involved populations are difficult to house. Law Enforcement focus group participants reaffirmed the need for additional housing as well. It was suggested that housing advocates and landlords be invited to participate in the CJG and/or workgroup that might work towards the development of additional housing options to address homelessness. The Madison Municipal Court is also considering the establishment of a Homeless Court and Ticket Resolution to resolve matters related to homelessness and to reduce homeless individuals' further involvement in the criminal justice system.

**15. Establish a gender responsive approach to justice-involved women and girls.**

There was little discussion during the mapping process about women and girls. In general, women tend to be low risk, convicted of nonviolent crimes, are mothers, and have higher rates of poverty, substance abuse, mental illness and trauma than do men or women in the general population. Emerging research about women and girls also suggests that women have gender specific risk factors not revealed by "gender neutral" risk assessments; and their pathways into crime and past trauma are critical to understanding the reasons why they commit crimes, their success in treatment interventions and reduction of recidivism. One gender-informed assessment, the WRNA, is briefly discussed above in Recommendation 10. Weblinks to the NIC and National Resource Center on Justice-Involved Women can be found in Attachment 6. Both websites contain several resources on topics such as gender-informed assessment, programming, transition and reentry, and trauma-informed care.

**16. Develop a countywide annual training plan.**

In the interest of information sharing across criminal justice, and human and social services agencies, members of the CJG and focus group participants expressed a desire to develop an annual, countywide training calendar that would include all of the training opportunities available to several agencies (DHS, Sheriff's Office, Police Departments, Department of Corrections, Bar Association, Courts, etc.). The calendar should be displayed on the County's website or someplace that is easily accessible by all agencies. Additionally, the CJG discussed the possibility of establishing a process for identifying training opportunities appropriate to multiple agencies to build staff skills and encourage cross-agency collaboration. This should be considered in conjunction with Recommendation 5 which speaks to the hiring of a criminal justice data analyst/training coordinator.

**17. Enhance in-custody (Jail and Huber) treatment for OWI offenders.**

OWI offenders were identified as a significant portion of the jail and Huber populations, but there was only limited discussion of this issue. Currently, there is not much research that exists to guide assessment and programming for OWI offenders. Eau Claire County, where 25% of the jail and Huber populations are OWI offenders on any given day, is currently considering a



repurposing of their Huber facility to include more significant treatment interventions for OWI offenders and may have some knowledge to share. The CJC should also consider this issue in conjunction with Recommendation 7 which speaks to the expansion of alcohol and drug treatment throughout the system.

**18. Reduce the time it takes to charge in-custody cases.**

The CJG discussed this issue with the District Attorney represented on the group. CJG members agreed that the District Attorney's Office had a high volume of cases to consider with existing staff. Lastly, it was acknowledged that the District Attorney's Office was aware of the situation and that steps were being taken to reduce the length of time (typically one week) it takes to charge in-custody cases. The District Attorney and Public Defender represented on the CJG agreed to continue discussing options for further reducing the amount of time from jail booking to charging.

**19. Comply with Prison Rape Elimination Act (PREA) standards.**

This recommendation is very specific to the Sheriff's Office and local correctional facilities under its administration. There are both grant opportunities available through the Bureau of Justice Assistance (weblink provided in Attachment 6) as well as training and technical assistance available through the PREA Resource Center (<http://www.prearesourcecenter.org>).

**20. Increase jail programming for youthful offenders.**

Some focus group participants noted that there is not enough programming in the jail for youthful offenders entering the jail who are under the age of 18 years of age. According to Sheriff's Office statistics for 2010-2012, there has been an average daily population of 12 offenders aged 15-17 in the jail and that average has remained relatively consistent over the past three years. Unlike populations over 18, many of these offenders are required to participate in educational programs; which are currently provided at the jail.

This is an area for further review to learn more about this population, their impact on the jail, and their risk and intervention needs.

**21. Continue to identify and implement strategies to enhance court processing efficiency.**

The CJG and focus groups acknowledged that many strategies had been implemented to address system bottlenecks and roadblocks. One issue that was discussed was the extent to which cases could be resolved with fewer court appearances. For those who waive their rights to a preliminary hearing, could the District Attorney make an offer at the time of charging? Are there other strategies for reducing the number of court appearances? Would the judges consider increasing their use of imposed and stayed sentences? In particular, there were several conversations about when and how discovery is shared and strategies for conducting



more meaningful status conferences. These conversations should be encouraged to continue and strategies for increasing court process efficiencies implemented.

**22. Support Judge O'Brien's Committee recommendations regarding pre- and post-conviction treatment court, including the organization and structure of ADOA resources.**

It was recognized that there was an effort already underway to address this issue. See Judge O'Brien reported dated July, 2013: *Justice for Addicted Offenders Intelligent Use of Limited Resources, AODA Program Reorganization Report*: Dane County Circuit Court for more information.

**23. Support implementation of community court committee recommendations.**

It was reported to the CJG that the County chartered a committee to establish a community court for African American males aged 18-25. The committee is in the midst of planning for the court. Two resources and their weblinks are provided in Attachment 6: The New York City Justice Services Corps and the Center for Court Innovation. The community court is intended to address racial disparity issues and should be considered with respect to Recommendation 8.

**24. Determine the level of consistency (and desirability) to establish consistent policies across law enforcement agencies (for example, citations and summons, arrest and book into jail, etc.).**

There was only limited discussion about this issue and whether it was desirable to ascertain whether arrest, citation and summons policies and practices are, or should be, consistent across local law enforcement agencies and countywide.

**25. Establish a policy regarding which probation/parole offenders should be held/not held when they come in contact with law enforcement.**

This is an issue specific to the Department of Corrections and law enforcement agencies. The Department of Corrections should establish a policy and disseminate to all law enforcement agencies. Ongoing discussions between DOC and local police departments should occur to assure that everyone understands the policy and acts accordingly.



## Attachments

- 1. June 26, 2013 Meeting Materials**
  - a. Meeting Agenda
  - b. Meeting Goals
  - c. Meeting Notes
  - d. PPT presentation
  
- 2. July 23-24 2013 Meeting Materials**
  - a. Focus Group Meeting Invitation
  - b. Focus Group Meetings Roster
  - c. Focus Group Meeting Notes
  - d. Key Questions for each Decision Point
  - e. Data Questions at each Decision Point
  
- 3. August 21, 2013 Meeting Materials**
  - a. Meeting Agenda
  - b. Meeting Notes
  
- 4. CJC Presentations**
  - a. June 27, 2013
  - b. August 22, 2013
  
- 5. List of Materials Reviewed**
  
- 6. List of Selected Resources**
  
- 7. EBDM Readiness Checklist**
  
- 8. List of Recommendations Resulting from the Dane County Mapping Process**

