

**DANE COUNTY CRIMINAL JUSTICE COUNCIL  
MINUTES OF THE FEBRUARY 9, 2012 MEETING**

**MEMBERS PRESENT:** Parisi, McDonell, Esqueda, Ozanne, and Mahoney

**MEMBERS EXCUSED:** Foust

**OTHERS PRESENT:** DeeDee Watson, Noble Wray, Bob Salov, Colleen Clark Bernhardt, Jeff Hook, Jeff Kostelic, Karin Peterson Thurlow

Parisi called the meeting to order at 12:17 p.m. There was no public comment.

Approval of the minutes of the January 26, 2012 meeting was before the council. Motion by McDonell/Mahoney to approve the minutes. Motion carried, 4-0.

- Review of Criminal Justice Group activities was before the council. Mahoney said that the primary speaker was from the Innocence Project. Wray said the information was excellent. The Innocence Project is working on securing grants and expanding their efforts. Discussion ensued regarding forensic evidence and how most cases stem from expanded use of DNA. Watson noted that, with more funds, the Innocence Project will look at more cases beyond DNA. Wray indicated that they have established a board which includes judges and police officers to have broader discussion and input. Watson spoke of the processes that have been improved based on the work of the Innocence Project, specifically the use of sequential line ups. She said that 70% of wrongful convictions are because of inaccurate identification.
- An update on the CJC facilitator RFP was before the council. Parisi said that the ILPP urged the CJC to have a facilitator to move forward on recommendations. McDonell indicated the responses to the RFP are due on February 29<sup>th</sup>. Discussion ensued regarding encouraging people to respond to the RFP. McDonell said a facilitator could be a retired officer or judge.
- A discussion of assessment tools, including initial assessment and COMPASS, was before the council. Mahoney said that COMPASS is used by DOC and DOC will provide training at the end of March. The Sheriff's Office is looking at how to use information for pre-sentencing assessment.

Watson wondered how the Sheriff would use the information from COMPASS. Mahoney said there is a position starting in July to consider assessment at booking. He will talk to law enforcement partners because there may be philosophical differences whether the Sheriff can decide to release someone who a police officer has arrested. McDonell pointed out that ILPP would say the jail is a finite resource. More needs to be done to truly identify risk, and he wants more space available in jail for those who need to be there. Then more resources would be available for treatment and day reporting.

Discussion ensued regarding COMPASS. Parisi asked how long it took to administer. Ozanne said it is 120 questions. Parisi asked if there is a shorter tool available.

Ozanne said the question is: are you trying to identify the risk to reoffend, or using a tool like that used in Milwaukee, to identify the likelihood the defendant will appear at the next court hearing? These are different questions. As more and more people have gone through COMPASS, there will be a tipping point so that it will make sense to have someone at intake who can read COMPASS, rather than needing to run through every question.

Mahoney noted that they are looking for a tool as a gatekeeper. There was a question whether assessment should be pre or post booking. Wray said that needed to be worked out. He said there was another category for which people should be assessed; there is the likelihood of reoffending, the likelihood of immediately reoffending, and there is a disorderly person in crisis who needs to have someone with them.

Mahoney voiced a concern that police officers, even within Madison, would be inconvenienced by bringing someone in to the jail and then having them released as a result of an assessment. He believes an officer in an outlying area should be calling to ask if they will or won't take them rather than driving all the way in to Madison.

McDonell said that if an individual is booked, then that sets in motion a whole set of processes and this is where racial disparities begin. Proximity should not be the deciding factor regarding whether someone is booked. The finite resource should not be drive time.

Wray said that the choice regarding booking should not wait until the officer gets to jail with an individual. Rather, there should be a standardize approach, but with officer discretion. That said, if there is a problem in a neighborhood, jail is the only alternative.

Parisi asked what the model is for these types of circumstances. Discussion ensued regarding the use of mental health and detox facilities. McDonell said that, if a person is not incarcerated, they could leave detox immediately.

Parisi said the council should initially focus on those who end up spending 12 hours in jail. Wray said there is the incident group or the type of crime. There is a high incidence of chronic disorderly conduct. He suggested further discussion on how to approach situations where there is not a hard and fast victim. Wray wondered what could be done at front end of the process in these instances.

Parisi said that further discussion needed to take place, with data analysis of who is in jail and where they come from. Hook will work with MPD to figure out what individuals are in jail and what they are booked on. Parisi said this would help to inform the discussion.

McDonell said little changes can add up, and the system could push back on things that are non-violent. .

Watson indicated that it would be good to hear from police officers that bring people into jail. She said that many situations are due to intoxication. That why people need 12 hours incarceration. If someone is not incarcerated, they can walk away.

- Discussion of the decision regarding citation or booking was before the council. There was consensus that the same type of information was needed.
- Discussion of a mission statement on investment of savings achieved through efficiencies was before the council. Parisi said that at least a portion of money saved should be reinvested in some of the root causes of crime. Ozanne said the source of savings should be identified and some investment be made in treatment and re-entry services. There needs to be enough resources for success. Parisi posed the question whether specific initiatives should be addressed by specific savings. He said that some savings are needed to maintain current services. Ozanne said a mission statement could refer to a percentage of savings for general re-entry services. Services should be maintained and expanded. Ozanne noted that the situation with detox puts law enforcement in a pinch. If the investment is in a resource that sets us apart from other places, then the mission statement should be specific and point to that.

Discussion ensued regarding specifying the use of savings and using savings to offset the budget. McDonell spoke of the new investment in the mental health drop in clinic and said that if it is only open rarely, then perhaps savings could expand it. Ozanne said the mission statement could be general and refer to re-entry services or maintaining services. He is fine with flexibility and the expansion of programs that might work.

Wray indicated that it would be beneficial to create a framework of how savings would be used. If the group thinks savings would be lost, then it is hard to change. Framing out a mission statement on reinvestment could motivate people to participate.

Parisi asked Ozanne if he would draft a statement for discussion at the next meeting. It should be general but provide guidance so that, when looking at an issue, one could identify where to invest.

McDonell said that the county would not be alone in saving money by making changes to the criminal justice system. Wray agreed and said that, when looking systemically, it would be surprising at where they could save money.

- The next meeting will be February 23, 2012. Items for that meeting include day reporting, discussion of a reinvestment statement, an update on the facilitator RFP, and an initial discussion on points of contact.

Motion by Ozanne/McDonell to adjourn. Motion carried and the meeting adjourned at 1:02 p.m.