

**DANE COUNTY CRIMINAL JUSTICE COUNCIL
MINUTES OF THE JULY 26, 2012 MEETING**

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

NON-VOTING MEMBERS PRESENT: Watson, Rusk, Anhalt

NON-VOTING MEMBERS EXCUSED: Wray

OTHERS PRESENT: Jones, Hook, Saterfield, Kostelic, Clark-Bernhard, Teuscher, Thurlow

The meeting was called to order at 11:30 a.m.

There was no public comment.

Approval of minutes from the June 28, 2012 meeting was before the council. Motion by Mahoney and seconded by Foust to approve the minutes. The typos on page 1 and page 2 were corrected. On page one "Tuesshen" was changed to "Teuscher," and on page two "Judge Nice" was changed to "Judge Niess." Motion carried, 5-0.

Future CJC meetings are:

- Wednesday, August 29: 11:30 – 1:30
- Thursday September 20: 11:30-1:30
- Thursday, October 25: 11:30-1:30
- Thursday, November 29: 11:30-1:30
- No meeting in December

An update on grant opportunities was before the council. Colleen Clark, Grants Coordinator, reported on grant opportunities available for the CJC.

- Madison Rotary Foundation - \$2,600
- She reviewed the OJA evidence-based practice grant for under \$10,000, and reported that another grant is pending. Further opportunities were discussed.

Parisi asked if the council should formalize this as part of the agenda. Jones noted that many types of grants are available, so brief updates at each meeting are a good idea. Aligning grants to support the CJC's initiatives is a good idea, when possible.

Discussion ensued regarding work group reports and direction.

Mahoney discussed the Huber Work Group. Watson discussed survey results. See handout. Of 150 in Huber, 52 were interviewed. Over half had 5 or more criminal convictions. The average age was between 26 and 40. Only 21% did not complete high school. Half were African American and half were white. Seventy-six percent lived in an apartment or house. There was a high need for mental health services. At some point, 50% had been seen by a psychologist or psychiatrist. Only 2 were working, the rest were volunteering. Fifty percent had a job before coming to Huber, and 94% would take a job if offered.

There were survey questions about AODA needs. Todd Campbell provided the questions – about 50% respond “yes” to red flag questions, but only 25% responded to getting help. They are aware of diversion programs. There was a strong interest in job readiness training, and AODA classes. Employment and housing are needed. Most were on straight jail time. There was discussion on clarification of those getting treatment not linked to Huber, but they could have their own private provider. Some of those interviewed were at Ferris, and some were at the PSB.

There were also questions about racial breakdown. Hook noted that 46-50% of all jail population is African American. Mahoney noted that roughly 60% had a job before being sentenced. Perhaps they lost it when they were first arrested and did not show up for work. Some may have quit their job because they did not want to pay the Huber fee.

The Huber Group met July 18th and included McNamara, Mahoney, Green, Kostelic, and Saterfield. Hook made a report. See attached. The group has been meeting since early in the year. The most recent meeting was July 18th. Five things were discussed this year:

1. Appropriate sentencing options available – needs more work
2. Increase EMP
 - a. 112 in 2011
 - b. 135 in 2012
 - c. They have begun releasing people with history of behavior problems, or who had served ½ of their sentence. They had to pull back on the group with history of behavior problems. They are now at capacity given current criteria, as well as with current staffing levels.
3. Reduce recidivism to reduce jail population
4. Reduce Huber population
5. Close Ferris Center

Discussion of EMP continued. EMP could be increased if there was single room occupancy for 20 to 30 people, which would also need a house manager. Agreement is needed on diversion criteria. There are differing opinions. Additional staff is also needed to get up to 160+. They need to step up or step down to hold EMP participants accountable.

Discussion of reducing recidivism continued. This requires a need for treatment, job skills training, and/or housing. There was a suggestion to evaluate in-house jail time prior to EM for most effective recidivism reduction. They should determine the pattern that is most effective. Mahoney held that they have looked into putting a bakery in the second floor of Ferris to teach job skills.

Discussion of reducing the Huber population continued. Alternatives to Huber sentences should be identified.

If the Ferris Center is closed, they need 60-100 Huber beds or an alternative facility and a resource center or place to assess, treat, and train. Detox could possibly be incorporated. Additional beds could possibly be created within PSB. This still requires additional components - resource center, treatment, etc. They would also need an EM overnight monitoring staff. Essentially, they would need space for functions now performed at Ferris.

Another alternative is to shut Ferris and send the inmate population out of the county, but there are ramifications to this. The jail is now at 87% capacity, and this allows necessary prisoner movement. A short-term option is to stay in Ferris as other options are worked out. Parisi noted that one piece he is not interested in is sending inmates out of the county because of the high cost.

Mahoney noted the need to consider the big picture. His priority has been to address crowding, and shipping inmates is an action of last resort. McDonell noted that it is a last resort or might be used only for a seasonal spike. Hook noted that it was helpful to know the CJC's direction to help the work group move forward. McDonell held that if an alternative space is created, then there would be all the same problems in the same place. Parisi noted that they should ID housing as needed. It was noted that a model that has shipping should not be pursued. Foust held that it might be necessary. Parisi noted that yes, it may be necessary in emergencies, but not as part of the regular approach. Ozanne held that if it was used in an emergency, they still would need to have contracts in place for when it was needed. Parisi noted that he was not comfortable saying that there is no way to close Ferris without shipping prisoners, so they need to clarify what an emergency is. Mahoney held that an emergency is when a population level is reached that the jail can no longer be safe and secure. Then, inmates are shipped. They could work with other sheriffs. If this would be on a regular basis, then they would need a contract. Ozanne noted that if we are taking 70 individuals out of Ferris, then we need capacity for them somewhere. Mahoney held that the county could find space for 30 and remodel PSB to house the remaining. Parisi held that the CJC should look for a way to do this without shipping prisoners. They need to find a way to close Ferris so Alliant Energy Center can be improved. Jones noted that shipping is possible, but highly undesirable. It could be done in an emergency, so it should be left as an option listed to contrast to other choices.

Hook noted that the in house population is increasing.

- 730 PSB and CCB
- 80 Ferris
- 130 Electronic Monitoring

He urged caution in making a decision to put people somewhere and not anticipate the need for extra capacity. For instance, if GPS goes down, then all sex offenders have to come into jail.

Jones drew on the board to illustrate the 80 in the Ferris Center, the 700 in PSB/CCB, and the 130 on Electronic Monitoring. 328 combined on Huber, about 100 of whom are in the PSB. So, where would the 80 people go? The group has done well with discussing options that involve maintaining capacity where it is, by moving that number of inmates to other facilities or programs.

Jones relates it to the water barrel analysis. He suggested that the CJC and work group also discuss options that involve changes to admissions and length of stay. What would happen to the jail ADP and to public safety if the length of stay reduced from 6 months to 5 months, for example, not just for the Huber population, but for the others sentenced to regular jail? What are the pros and cons to this? If the average stay decreased, then it would decrease the number of

people. We should recognize that there are solutions to be discussed in addition to capacity. He urges additional conversation about this.

Parisi asks if there is good data on the length of stay? Are there thresholds?

Jones says this is a good question. There is some research on prison sentences, but less on jail sentences. So, if criminal court judges lowered the average sentence, then there would be more jail capacity.

Parisi asks about admissions and Jones says to first consider statutory requirements. Of those sentenced, how much time do they have to spend in jail? The remaining time is discretion. Perhaps do a one-day snapshot. Identify where there is flexibility, and what would happen if sentences were reduced across the board.

Jones said that length of stay and admissions are harder discussions because more people are involved. Carlo asks if it has happened anywhere in the county where a jurisdiction has trimmed x% off a sentence. Ozanne asks how much more safety do you get for another two weeks. Parisi asked if you are punishing the prisoner or punishing the taxpayer. Mahoney holds they should choose either jail or the community. Jones asks if people are sentencing with the effect of the sentence in mind. What influences long-term public safety? Parisi asks if sentences can be reduced safely to generate savings to be used up front to decrease recidivism.

Watson noted that often sentences are often agreed to in plea bargaining. However, there is no evidence based on what length of time works. Reviewing data would help. Often, the defense responds to the DA offer. Ozanne notes that there are often lighter sentences for those with less of a history. In the end, prevention is the best way to keep people out of the system. How can we get services to the 80 people in Ferris so they don't come in to the system at all?

Watson noted that they are all acting on what has been done in the past, not on data and information. Moving to evidence-based practices will save money. Foust notes that he is not sure if there is good information on the length of a sentence that works. Judges are supposed to do the minimal sentence necessary.

Parisi noted that keeping AEC off the levy matters to public safety because if AEC is on the levy, then money needs to come in from somewhere. Ozanne notes that at some level, the true shocker is the first few days of a jail sentence. The key is to keep people out of the system. They need a social support system to keep them out. The reality is that there is usually something underlying that affects the sentence.

Discussion ensued regarding sentencing. McDonnell indicated that trimming the sentence would have an effect. Ozanne said that we know sentences, but how many stay in jail until cases resolve? Foust notes that he doesn't think many are pleading for time served. Watson notes that we make many decisions without data. It is all anecdotal. We need to take time to collect data.

Jones notes the need to identify the picture of what is now. How have others solved this issue? Green said that another work group should address this topic because it is beyond the Huber group. Watson says they need the DA in the work group.

Esqueda and Anhalt reported regarding the electronic efficiencies work group. The first priority is the e-referral. They spoke with Brenda Ray. The city of Madison has a grant for New World to link to state CCAP and Protect. Mahoney is looking at a record management system. Sun Prairie, Fitchburg, and others are part of a consortium that uses "Global." E-filing is another piece that will begin statewide within the year. There are grants available to link to Protect and CCAP: a community must have vendors provide a quote, and then the community can request a grant to cover costs.

Esqueda also discussed e-discovery. Ozanne notes that discovery fees have been an issue. McDonell says there may be a capital amendment from the past to do this. Esqueda says that law enforcement systems need to communicate with Protect. Jones asks if there is anything the electronic efficiencies group needs. Esqueda says he will follow up with Chief Wray because they will be the first done with the system. Discussion ensued regarding interfaces between state systems of Protect and CCAP.

The racial disparities work group was also discussed. Ozanne notes that they have not yet pulled the full group together. They are trying to focus and are looking at teens and young adults and teen courts or diversions. They will ask chiefs, PD, MPD, Sheriff, and SP school district. Foust notes that they will bring in neighborhood officers and teen courts to create a structure for referral of juveniles. This should reduce the creation of a record for many people. Parisi asked if we are keeping the former group in the loop. Ozanne notes that Colleen would be on the list of members for continuity.

Parisi notes that if you have thoughts affecting the 2013 budget, please bring them up.

The meeting adjourned by unanimous consent at 1:37pm.

Respectfully submitted,

Note: These minutes are the notes of the recorder and are subject to change at a subsequent meeting of the council.