

**DANE COUNTY CRIMINAL JUSTICE COUNCIL
MINUTES OF THE OCTOBER 25, 2012 MEETING**

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

NON-VOTING MEMBERS PRESENT: Anhalt, Watson, Rusk, Wray

NON-VOTING MEMBERS EXCUSED: N/A

OTHERS PRESENT: McNamara, Saterfield, Kostelic, Anday, Clark-Bernhardt, Thurlow, Jones

The meeting was called to order at 11:35 a.m.

There was no public comment.

There was no CJC meeting in September.

Approval of minutes from the August 29, 2012 meeting was before the council. Motion by Mahoney and seconded by Foust to approve the minutes with the following amendment: On page 3, first sentence, remove “not” from the sentence, “E-filing will probably ~~not~~ happen in the next year”. Motion carried, 6-0.

An update on grant opportunities was before the council. Clark-Bernhardt reported. She mentioned the motivational interviewing grants and the “know your rights/responsibilities” grant-funded sessions. One session will be November 15 in Sun Prairie. There is an OJA evidence-based practice grant. Clark-Bernhardt is working on submitting a grant regarding juvenile justice motivational interviewing training. Dane County is still being considered for the American Bar Association (ABA) grant. She will share the ABA’s decisions soon when she hears. She is also looking into whether the Madison Community Foundation has a youth-focused initiative.

Discussion ensued. Ozanne commented on the topic for know your rights. Clark-Bernhardt said Dane County received \$10,000 from OJA two years ago. The current effort is separate from the WI Bar. There is Rotary funding this time. Ozanne said ABA held a session on OWI. Clark-Bernhardt said the goal is to get kids to attend. She is working with a social worker at a Sun Prairie school. She is trying for a larger venue in Madison.

Parisi suggested trying Operation Fresh Start or the Boys and Girls Club. Clark-Bernhardt said she is getting law students from the UW Black Student Union. She wants it to be cyclical because she is having a hard time getting MMSD’s participation. Parisi offered to help reach out to the school district.

Work group reports were before the council.

Electronic Efficiencies Group

Esqueda reported on video conferencing. He visited two other counties. Sauk County uses older technology and video quality is poor. And, it took a while for it to get working on the day he was there, creating a delay. This kind of delay would be hard to compensate for in Dane County where the case volume is much higher. Jefferson County has good technology. The inmates and attorneys are visible at the table. Some forms are electronic. He does not see any technological barriers if Dane County were to use video conferencing.

Parisi asked what the next steps are. Esqueda expressed doubt that video conferencing is needed in Dane County given how cases are processed now and because face-to-face interactions are preferred. One factor would be whether the jail needs to free up any space to make the conferencing possible. Watson said that the only counties she knows of that use this technology are when the jail is distant and separated from the courthouse, an issue that Dane County does not have. She said she does not like the video hearings because it disenfranchises the defendant. It should only be used as a last resort. She also believes the WI Supreme Court views it as a poor concept. Esqueda said Court Commissioner Todd Meurer also said it is a bad concept.

McDonnell asked how many deputies are needed for moving inmates for the bail hearings. Rusk said deputies are needed for the holding room. Discussion ensued regarding transporting inmates for initial appearance. McDonnell said that he believes it is okay to do a video conference if the defendant is in another jail. Watson said these defendants may prefer a video appearance.

Esqueda said that the defendant must be present for a dispositional hearing. Foust said defendants have veto power over video conferencing for criminal cases. Esqueda asked if there is a way to track what the volume would be.

Parisi asked what resources would be needed.

Watson asked what the effect would be if the initial appearances were changed from the courthouse to the jail. Esqueda said there is room in the jail. What would the needed resources be? Mahoney said a kiosk could be set up, but not in the booking area. Another area perhaps could be configured for this purpose. Ozanne said that if Courtroom 1A is used, it is not secure. Watson said a courtroom would address her concerns but a kiosk would not.

Anhalt mentioned e-referral. He said 5 jurisdictions are looking for an OJA grant. Esqueda said that Madison is scheduled to begin this fall.

Racial Disparities Group

Foust said the group had two very informative and productive meetings. They had presentations from Time Bank and Youth Services of Southern WI. John Davenport and Greg Rossetti from MPD attended. There is a need for a community organizer in DHS to get the teen courts up and running. Parisi asked whether Time Bank is at capacity. Ozanne said yes. Foust said Stubbs and Bayrd have an amendment. Clark-Bernhardt said the amendment is written for restorative justice, not youth courts. It's more for circle conferencing. Rusk said the idea is to expand the program to middle schools. MMSD has \$166,000 to do the program in middle schools. Some schools that need it are not in MMSD.

Foust said they are exploring the idea of a peer court in a neighborhood setting. Time Bank says it is easier in a school setting to get access to kids. If young adults are the clients, a neighborhood setting may be preferred.

Clark-Bernhardt said that circle conferencing is for a different level of conflict than when a person gets a ticket and goes to peer court.

Jones asked what the next steps are.

Ozanne said it is to determine how to expand. They could use community centers. Need to figure out the options for sentencing and how to achieve consistency. Need to determine what physical structures are needed. Would interns be needed?

Parisi asked Ozanne how he feels about the ideas of teen/community courts. Ozanne said the courts could handle things not criminal. Consistency would be needed. He said Rossetti is an asset where he is at Lafollette and that may need to be replicated.

Wray said the idea is worth exploring. Need to be fair by having it available to all communities, not just some. It can be a powerful tool to hold people accountable. Can focus on where they get a lot of calls for service, like on the south side. Schools are a more controlled environment, but community-based options are worth exploring. Can use other teens in the area to serve as the jury, because when one's peer asks the defendant a question, it has an effect.

Parisi asked what the next steps are. Foust said someone is needed to do the leg work. Rusk said he will ask Bayrd to talk to Clark.

Jones mentioned that it will be important as things get implemented to measure the impact of these initiatives on racial disparity. Parisi said it is a challenge to measure what is not happening. Have there been any efforts to quantify what has occurred because of the program at Lafollette? Wray said MMSD has measured some things and he believes it has had an impact. Foust said Bauman may have numbers on where kids are coming from into juvenile detention.

Huber Group

The group has not met since the last CJC meeting.

The jail is having a space needs analysis. The vendor will be hired by the end of the year.

Parisi said there are budget proposals to address the issue.

- Move Emergency Management from the PSB to Badger Prairie
- Move the Medical Examiner from PSB to a new building
- Space analysis for the Sheriff's Office
- Funding for expanding Pathfinders to keep people out of Huber
- Transporting Huber inmates to work
- Expand electronic monitoring

These changes have the potential to get the Huber population to a manageable level so the program can be run from the PSB.

Rusk said Bayrd added funds to Genesis for drug court. Parisi said the proposed budget did the same.

There was discussion on when the next Huber Group meeting would be given that it may conflict with the criminal judges meeting. There is a need to discuss how the court may change given the DA's Office will be losing 6 positions.

Parisi asked of the possibility of the Legislature changing the funding for prosecutors. Ozanne said maybe in the near future because Dane County has a dire situation. Currently, the focus is not on the number of positions but on pay progression for existing positions.

Discussion ensued on implications of the court changing its scheduling. Jones mentioned that the time for cases to reach disposition is tracked in the state's data base and is online, so it may be possible to determine any impact that way.

Wray asked if law enforcement was making any adjustments to help the DA's Office. Ozanne said they are not yet at this point. He is thinking of how to work with court officers and what could be paperless.

Budget discussion resumed. Wray said there is a benefit to having Emergency Management close to key offices, such as the Mayor, County Executive, etc. Parisi said they could explore contingency plans. Foust asked if the hiring freezes were still at 16 weeks. Parisi said yes because that is a hole they could not fill. They are still about million dollars short.

The council updated each other on items from their agency that may affect the workload or mission of other agencies in the justice system.

Esqueda said the Governor is no longer considering pardons for past convictions. There is a meeting on November 29.

Jones asked about any effect the change in county board chair will have on the council. McDonell said John Hendrick is a veteran county supervisor and Paul Rusk can update him on the CJC.

Parisi asked if OJA has any funding for planning/analytical staff support for the CJC. Clark-Bernhardt said that grant funding usually does not cover FTEs. Parisi said he does not want to do anything that endangers getting a grant from OJA for council staff. Parisi said maybe there is a chance to get support from someone at DHS, like Tim Saterfield or someone else.

The meeting adjourned by unanimous consent at 1:10pm.

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