

**DANE COUNTY CRIMINAL JUSTICE COUNCIL
MINUTES OF THE MARCH 14, 2013 MEETING**

MEMBERS PRESENT: Parisi, Esqueda, McNamara (for Foust), Hendrick, Hook (for Mahoney)

VOTING MEMBER EXCUSED: Ozanne

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

OTHERS PRESENT: Clark-Bernhardt, Genter, Kostelic, Saterfield, Thurlow

Parisi called the meeting to order at 12:05 p.m.

There was no public comment.

Consideration of the minutes of November 29th was set aside until the next meeting.

A report by Judge John Markson on Dane County Treatment Courts was before the council. Markson distributed a handout with statistics regarding the county's experience with the drug treatment court, as well as national statistics. He noted that Dane County began its drug court in 1996 and is the state's oldest treatment court. The question now is how to get the biggest return on the investment in the drug court. The court only takes drug dependent/addicted individuals. He said the court may be moving to a post-adjudication or mixed model. These individuals do not get what they need in prison. Drug court participants receive treatment and case management. They return to court regularly. If they do not go to treatment, they are sanctioned with a night or two in jail. The county spends \$500,000 a year on the program and there is also revenue from the state Department of Corrections because many participants are on probation.

Markson said that treatment courts have been the most studied part of the criminal justice system in recent years. He discussed work done by Dr. Randy Brown, a UW Addiction Medicine Specialist. He spoke of the success of those who had participated in the treatment court program. Seventy-eight percent of graduates are arrest free after 2 years, and 70% of participants are arrest free – even if they did not graduate.

In addition to the success of participants, Markson said that the program also saves money for the county based on jail days saved. The payback to the county is higher when dealing with higher risk offenders.

Markson noted that the county also has an OWI court, which began two years ago. There are 40 graduates to date. The court targets the highest risk/highest need offenders.

Markson discussed the impact of the heroin problem on the drug treatment court. He said that the percentage of opiate users in drug court rose from 15% to 73% since 2004. He spoke of how this has changed drug court. For two years, they have only accepted felons; not a mix of offender groups. He indicated that drug court should serve those who are high risk and need intensive supervision. The court needs an assessment tool.

Discussion ensued regarding the use of deferred prosecution for those who are abusers, but who are not addicted and not high risk. Markson said the District Attorney's Office could monitor this group. There is a recent grant for a social worker with opiate expertise to work in the deferred prosecution unit.

Markson discussed an approach to move to a post-adjudication model for drug court. He said that retired Judge O'Brien will hold a meeting on May 10th to review research on the time of arrest through post-adjudication to look at programming available. The result may be fewer people in drug court but they may be people who are more of a risk to the community.

Discussion ensued. Watson said that a post-adjudication model might improve the speed with which people enter the system. There may no longer be a waiting list for men, but there is one for women. She pointed out that, currently, it is the District Attorney's Office who controls who is referred to drug court and who is not. There is no opportunity for the defense attorneys to work with the DA for placement. One of the assistant district attorneys will not refer to drug court. A change to a post adjudication model would allow input beyond the DA's Office.

The council discussed how moving to a post-adjudication model would affect racial disparities in the treatment courts. If drug court operates post-adjudication, then more minorities may be served. It would be a higher risk population that would be going to prison if not participating in drug court. Markson said that there is not much minority participation currently, perhaps because of a trust issue. Genesis was brought on as a provider for African American men, but now is dealing with white men. In part this is because the opiate problem is largely a white population problem.

Markson indicated that there are two approaches to determining risk: 1) treatment needs and 2) criminal history. Watson suggested looking at national models to assess those who are risk to themselves versus to the community. She said those who are a high risk to the community should end up in drug court. At this time, it is heroin addicts who are over-served by drug court and should be deferred. Watson said the national literature suggests not mixing the populations. She said that those who go to drug court should not get their charges dismissed, but should get probation and not go to prison. Instead, at this point, treatment court is like a first offender court.

Discussion continued about racial disparities in drug court and whether other communities have the same dynamic. Markson indicated he would get information regarding the experience in Minneapolis, Milwaukee, and Chicago.

An update on grant opportunities was before the council. Clark spoke of an \$80,000 for the deferred prosecution unit to hire a counselor as an addiction specialist. A grant for \$21,000 will bring in Becky Nye to help with mapping the criminal justice system. Rusk mentioned a federal grant for domestic abuse. Esqueda said the National Center for Court Efficiencies would make a report soon.

District Attorney staffing was before the council. It was noted that the state budget has pay progression but no staffing.

The follow-up recommendations for the Dane County CJC from Mike Jones was deferred until the next meeting.

Work Group reports and direction was before the council:

Electronic Efficiencies Work Group: Madison is implementing New World and a five-member consortium has applied for a grant to implement Global. They are looking forward to an interface.

Racial Disparities Work Group: The group has completed initial presentations and is working at implementing proposals. The Board Office intends to hire an intern to help develop proposals.

Clark noted that the focus is 17 to 20+ year olds. Watson said the idea is to keep minorities out of the criminal justice system.

Huber Work Group: Hook said that the Sheriff's Office is working with Mead and Hunt on space planning.

An updates on agency changes was before the council.

- Hendrick noted that the Board approved the purchase of property to allow the Medical Examiner's Office to move, which will help facilitate the needs of the Huber Work Group.
- Watson said the way criminal cases are assigned to judges is about to change, with a judge taking all cases for a week at a time and with three attorneys being assigned to each judge.
- Hook reported that the captains have moved to new assignments: Teuscher is now leading field services, Anhalt has security services, Tetzlaff has support services, Ritter has executive services.

The council will address CJC Priorities for 2013 at its next meeting.

The next meeting will be the fourth Thursday of April at noon.

The meeting adjourned by unanimous consent at 1:45 p.m.

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