



Snapshot of Pretrial Justice Reform: Dane County, Wisconsin

Pretrial Justice Brief 5*

December 2015

Background and Initial Work

Pretrial justice reform in Dane County is rooted in Dane County's commitment to increasing equity and transparency in criminal justice as well as Wisconsin's participation in the National Institute of Corrections' Evidence-Based Decision-Making (EBDM) initiative. Several representatives from Dane County participated in the January 2014 Wisconsin Summit on EBDM, and the Dane County Criminal Justice Council has been keenly interested in EBDM to address criminal justice system challenges. These challenges include racial disparities, the lack of a validated and race neutral risk assessment tool, limited staff resources and the lack of reliable data to evaluate the effectiveness of programs. The Criminal Justice Council also has recognized the critical need to improve decision-making in the initial stages of a defendant's involvement in the criminal justice system.

Dane County advanced its efforts to explore and implement pretrial justice reforms through four key actions:

- In June 2014, a team comprised of the Presiding Judge of the Criminal Division of the Dane County Circuit Court, a Dane County Judge (retired), the Circuit Court Commissioner, the District Court Administrator, the Dane County Equity Coordinator/Criminal Justice Council Coordinator, the Deputy Jail Administrator for the Dane County Sheriff's Office, and the Attorney Manager of the Wisconsin State Public Defender, attended the National Center for State Courts' Pretrial Justice Policy Forum in Washington, DC. The Policy Forum provided the opportunity to hear from experts about various pretrial issues and develop an action plan to promote pretrial justice in Dane County.¹
- Shortly following the Pretrial Justice Policy Forum, the Dane County Criminal Justice Council established a Pretrial Services

* This Brief was prepared by Susan Keilitz and Sara Scharff of the National Center for State Courts' Pretrial Justice Center for Courts. The authors gratefully acknowledge Ms. Colleen Clark, Equity and Criminal Justice Council Coordinator, Dane County, Wisconsin for sharing Dane County's experiences for this Brief. The Pretrial Justice Center (www.ncsc.org/pjcc) provides information and tools, offers education and technical assistance, facilitates cross-state learning and collaboration, and promotes the use of evidence-based pretrial practices for courts across the country. It works closely with the Conference of Chief Justices, the Conference of State Court Administrators and other national court organizations to implement pretrial justice reform. The Center is supported by the Public Welfare Foundation (PWF). Points of view or opinions expressed in the Brief are those of the authors and do not necessarily represent the official position of the NCSC or PWF.



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Subcommittee. The Subcommittee's membership includes representatives of the Dane County Circuit Court, the District Attorney, the Sheriff's Department, the Criminal Justice Council, and the County Executive. The Subcommittee is assisted by representatives of the Department of Corrections and the District Court Administrator. The Subcommittee's mission is to create a framework for the implementation of a pretrial services program in Dane County.

- In August 2014, the Subcommittee submitted a report to the Criminal Justice Council that outlined the goals and methods by which a pretrial services program could operate in Dane County. The report emphasized the creation of a pretrial program focused on data-driven decisions and processes, increased transparency of the judicial system, promotion of public safety, reduction of racial disparities, increased appearance rates, and elimination of detention of low-risk offenders. Both the Criminal Justice Council and the County's government stakeholders gave their unanimous support for the Subcommittee's report and plan.
- The Subcommittee sought and received financial support from the Dane County Board of Supervisors, which included over \$40,000 for this effort in its 2015 budget.

Recent Activities

Although it had financial support from Dane County for 2015, the Subcommittee anticipated that it would need significant resources to develop and implement its pretrial services program.

- To fill this need, Subcommittee members have persistently pursued grant funding opportunities to support its efforts and has reached out to existing pretrial services programs for advice and information.
- The Subcommittee also has sought the assistance of experts in pretrial justice for key tasks, such as determining benchmarks and the data elements necessary to measure results; developing the means to collect and analyze baseline, and later, program data; selecting and validating an assessment tool; crafting policies and operating procedures; and overseeing a pilot test with modifications as needed.
- The Subcommittee is currently in the final stages of developing agreements for implementing a pretrial assessment tool.
- Members of the Subcommittee participated in the Dane County Board of Supervisors' Public Protection and Judiciary Committee's broad initiative to engage the community in improving the criminal justice system. This initiative is described below.

Moving Forward

In May 2015, the Dane County Board of Supervisors approved 2014 Resolution 556, "Investigating

Alternatives to Incarceration, Solutions to Racial Disparities and Mental Health Challenges in the Dane County Jail and throughout the Dane County Criminal Justice System.”² The resolution established three criminal justice workgroups, comprised of community and criminal justice stakeholders, to study and propose innovative recommendations for three key areas: jail length of stay; alternatives to arrest and incarceration; mental illness, solitary confinement, and incarceration. The workgroups’ activities and decision making required open and frank communications between grassroots leaders, individuals who have been involved in the criminal justice system as defendants, and systems stakeholders.

In their report to the Dane County Board, each team submitted ten recommendations to provide a blueprint for forward movement that includes the community voice.³ Overarching recommendations from all three groups cited “severe gaps in data and analysis” and urged immediate action by Dane County leaders to increase capacity across the various components of the criminal justice system to collect, analyze and use data disaggregated by race, gender and ethnicity. Each workgroup identified specific data needed to advance positive change. The Board of Supervisors demonstrated its

Endnotes

¹ Information about the Pretrial Justice Policy Forum, including the workshop agenda, speaker presentations, and other resources, is available on the Pretrial Justice Center for Courts’ website at <http://www.ncsc.org/Microsites/PJCC/Home/Workshop-Information.aspx>.

² The resolution is available at: <https://dane.legistar.com/View.ashx?M=F&ID=3747247&GUID=2D7A2CBE-D1CF-4693-854A->

commitment to the reform efforts by funding a full time data scientist position starting in 2016. The data scientist will be charged with data collection, analysis, and reporting as informed by the Criminal Justice Council. As Dane County moves forward with pretrial reforms, this data-informed approach will be a guiding principle for its work.

Examples of the workgroups’ recommendations focused on improving pretrial policy and practice include the following:

- Implement full-scale pretrial services, including electronic notification of court dates.
- Hold initial appearances/bail hearings on weekends and holidays when possible.
- Create a comprehensive reporting system for public oversight and accountability of charging and sentencing recommendation (plea bargaining) policies and practices of the District Attorney’s Office.
- Perform a racial equity analysis on policies related to signature bonds, bail determinations, and eligibility for electronic monitoring.
- Provide training on implicit bias, racial equity and inclusion, diversity and poverty.

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³ “Investigating Solutions to Racial Disparities and Mental Health Challenges in the Dane County Jail and throughout Dane County’s Criminal Justice System: Workgroup Recommendations, September 2015, available at: <https://dane.legistar.com/View.ashx?M=F&ID=4025726&GUID=60AF8B1E-5B9B-43DD-B011-41F3427B96A0>.

