

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

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

MEMBERS EXCUSED: McDonell

OTHERS PRESENT: DeeDee Watson, Colleen Clark Bernhardt, Jeff Teuscher, Jeff Kostelic, Lynn Green, Karin Peterson Thurlow

County Executive Parisi called the meeting to order at 12:08 p.m. There was no public comment.

Approval of minutes of the January 13, 2012 meeting was before the council. Motion by Foust/Parisi to approve the minutes with the following correction: Replace the second paragraph on page 2 with the following:

“Discussion continued regarding bail issues and freeing people over the weekend, and the ramifications for specific staff to accomplish this. Foust indicated that a weekend court would require a bailiffs, a judge, a lawyer prosecutor and defense attorney, a court commissioner perhaps, and a court reporter, and deputy clerks. It might be possible to use the courtroom in the PSB. Ozanne suggested a cost-benefit analysis to determine how much might be saved versus the costs. Foust said that a 2009 study indicated that not enough individuals were freed from jail to cover the costs involved. Discussion ensued regarding the potential for video conferences as suggested by Kalmanoff, potential number of eligible individuals, potential for pleas, and satisfaction of Chapter 950 requirements. Ozanne and Foust indicated they would discuss this topic further with the Public Defenders Office.”

Motion carried, 5-0.

Review of the Criminal Justice Group (CJG) activities was before the council. Keith Findley of the Innocence Project will speak to the Group at its next meeting.

Update and possible action on CJC facilitator RFP, and the update on the Sheriff’s Office overtime audit were tabled until later in the meeting by unanimous consent.

Discussion of the potential for day reporting at the Huber Center was before the council. There was unanimous consent to discuss this item further at a future meeting.

Discussion of the creation of a day reporting center prompted discussion about the reclassification of minimum security prisoners. Teuscher noted that the Sheriff’s Office was receiving training from the state Department of Corrections on COMPASS as an assessment tool. This tool is used on sentenced individuals.

The council discussed the potential of an assessment tool at pre-sentencing. Foust indicated that Milwaukee County had developed a formal tool. Watson noted that the Milwaukee tool was being used at the bail hearing and consisted of 5 or 7 questions. Ozanne pointed out the ramifications for weekend court. Foust said he was unsure they were doing pre-hearing release.

Discussion continued regarding COMPASS. Foust said it takes about two and a half hours to complete. He was not sure it works in every arrest for this reason and believed an initial assessment should be short. An assessment could consist of questions such as: How old are you now? How many times have you been arrested? What was your age at your first arrest?

Foust said that the defense bar did not like COMPASS. Watson said this was a challenge that could be worked through. Defense attorneys fear the information would be misused. COMPASS collects a lot of information which, if used incorrectly, could be damaging to clients. Ozanne said that his office did not need the COMPASS assessment to argue for a certain sentence, but that did not mean they should not use it.

Ozanne indicated his office will begin using COMPASS once two more people are trained. He pointed out that they will begin to see people who have been assessed who had had the COMPASS assessment and there is a need to understand the tool. Discussion needs to happen with the defense bar and others. Watson said that she has seen COMPASS assessments and they are currently ignored because no one knows how to read them. She believes a lot of training is needed before they are useful.

Discussion continued regarding the defense bar's concerns with this assessment instrument. Watson said that if COMPASS resulted in more treatment being available, then that would be good. However, if it only appears to be a higher risk of going to jail, it will be a challenge. She indicated that comprehensive presentations and public relations needed to be done.

Foust spoke of the same six to eight conditions of probation, and the possibility that someone who is low risk may not need all the conditions and that would open up spots for those with higher risks. He believed COMPASS could help with that. Parisi wondered how to best get the message to the defense attorneys. Watson indicated that everyone needed to get the same training so that there is a comfort level with the tool. She would like her social worker to receive the training, for instance.

Parisi suggested the group embark getting training completed. Foust said they had just disembarked six months ago. Watson said there needed to be assurance that there was money for counseling and training. Ozanne said the tool would provide the ability to look at everyone the same. Watson said that defense attorneys must first do no harm. There is an ethical obligation not to show 'dirty laundry'. Ozanne said that they know there is dirty laundry, but do not know what the individual needs, so the counts give the laundry list.

Discussion ensued regarding the case by case perspective required of a defense attorney and the systems perspective. Ozanne said it was important to cull out those who do not need treatment and focus on high needs individuals. That would require taking risks on people. Watson indicated she was relaying the perspective of the defense bar. Parisi noted that they would need to address the cost-drivers in the system in order to be able to afford the services such as treatment and housing. He said that the challenge is how to get to point B without dealing with point A. He asked what steps could be taken.

The council briefly discussed the need to reinvest savings into the system. Watson said that saved money should not be lost and she would be happy to work on this issue.

The council returned to the topic of initial assessments. Teuscher said that Kalmanoff recommended assessment at booking. Foust said that LaCrosse and Milwaukee counties do this. Esqueda asked if the assessment influenced bail decisions. It does.

Esqueda pointed out that Kalmanoff would say that some need not be booked at all and should have a citation written instead. Foust said the mapping of the process will help with that discussion. The police chiefs have been invited to provide feedback. He said there is value in the discussion of how police agencies decide to make custodial arrests.

Watson indicated that the level of intoxication is a huge issue in making arrests. Sometimes people need to be held for 12 hours to become sober. Ozanne said that a Saturday hearing would be possible with electronic reports from police departments. Esqueda said that it would be necessary to have night or weekend court, or

let the Sheriff decide to let someone go. Foust noted that it would be hard for the Sheriff to tell an officer that they made a mistake. He thought there was value in having the discussion. Mahoney said that, the further a community is located from jail, the less likely they are to make an arrest.

Foust suggested members of the council go on a ride along with police. Parisi said the discussion will be informed by having representatives of the chiefs at the table. He suggested this discussion continue once the new members are seated.

Update and possible action on CJC facilitator RFP, and the update on the Sheriff's Office overtime audit were removed from the table by unanimous consent. Thurlow reported that the Executive Committee approved the Sheriff's Office overtime audit and up to \$40,000 for a facilitator for the CJC. She distributed draft specifications for the facilitator. Discussion ensued. Motion by Faust/Esqueda to delete examples of the specific projects as directed by the CJC; the projects would be decided at a later date. Motion carried, 5-0. The draft specifications indicated the facilitator would "recommend programmatic, policy, procedural, or legislative changes..." Motion by Mahoney/Foust to delete the word "recommend" and insert "present options". Motion carried, 5-0. Motion by Faust/Mahoney to approve the RFP specifications for a facilitator for the criminal justice council. Motion carried, 5-0.

Agenda Items for the February 9th meeting was before the council. Items to be included on the agenda include initial assessment tools and COMPASS, use of citations versus booking, a CJG update, an update on the process of obtaining a facilitator, and the development of a mission statement on reinvestment of savings due to efficiencies.

Such Other Business as Allowed by Law

There was no other business.

The council adjourned by unanimous consent at 1:15 p.m.

Respectfully submitted,
Karin Peterson Thurlow, Recorder

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