To: Dane County Board

From: Linda Ketcham, Executive Director

Re: Community Justice Center Facilitated Community Conversations
   Report from Madison-area Urban Ministry dba JustDane

Date: January 29, 2021

Dates of Meetings:
Three meetings were held: 1/11/2021, 1/20/21 and 1/26/21
One meeting was held in the evening, one was held during the late afternoon and the third meeting was
held in the early afternoon to accommodate work and virtual school schedules of potential participants.

Attending/Participants:
Twenty-nine people participated ranging in age from 21 to 73. Seventeen participants identified as male,
12 identified as female. Sixteen participants were Black, one Hmong, one Latinx, one Native American,
and ten participants were white. Twenty-four participants had lived experience with the justice system.
Nine participants are parents of minor children, eight participants are parents of adult children.

Answers to questions posed:

What is your feeling – or that of your family about the criminal justice system in Dane County?

There were several recurring themes across meetings in response to this question. Most prevalent was
the feeling that the criminal justice system in Dane County is racist and disproportionately impacts
people of color. Participants noted that the overwhelming majority of participants in jail diversion
programs, Huber work release and Drug Court are white. Participants also noted that the police were a
major problem within the system and that policing practices throughout Dane County were racist. One
third of the participants expressed their feelings that the police are racist and lie in order to make arrests.
Noting the irony that the people charged with upholding the law are violating it, participants expressed
frustration with law enforcement officers in Dane County, as well as a fear of law enforcement due to
the affiliation of some police officers with white supremacy groups - not just in DC but here, too.
In response to this question, many participants shared very personal stories about their involvement with the system. One woman shared the following: “When I was a provider in social services, I felt like there was hope for people in the system. When my life unraveled and I became involved in the system it was a whole different perspective. It was discouraging, I couldn’t get help, I couldn’t get information. It felt very punitive, like things were set for me to fail. It just breaks you down and you plead guilty just to be done. Now working in human services again, I hear the same thing from people in the system.”

Another participant shared “…information is hard to get, it’s exhausting. The system criminalizes poverty. I was in jail because I got a ticket for not wearing my seat belt and I couldn’t afford the ticket. When I didn’t pay, they issued a warrant for me and I was arrested and put in jail for four days.”

Another participant shared that when she received an OWI (first offense) she ended up serving a jail sentence when she was labeled a habitual traffic offender because she had previous tickets for small offenses (like seat belt violation and driving without valid registration because she could not afford her vehicle registration).

From another participant we heard “I was encouraged to plead guilty, but no one told me how that would affect me in the future. I don’t feel like I got good representation.” Still another young woman shared that when she appeared in court the judge had already signed off on an Alternative to Revocation agreement that she herself had not yet seen.

Participants also feel that the system is heavy handed and punitive. Assuming guilt, it approaches individuals entering the system as if they already have been found guilty and judges them. Several participants shared that they felt the system was joke, with low level offenses resulting in P.O. holds or arrests, while people who have committed more serious offenses come in and out of the system because they have the funds to get a better attorney.

One participant described his feelings in this way: “the Dane County system is no more than a copy of the system across the U.S. and is designed for the elite to do commerce - this goes all the way back to slave patrols. It’s about controlling people for the benefit of business interests and property and keeping power. It has nothing to do with rehabilitation.” Related to this sentiment were concerns that the system was exploitative: using people housed in the jail for cheap labor; using fines and fees attached to court costs as another way to exploit; and also using fees for phones, laundry and commissary to further exploit people.

Participants generally held the opinion that the Dane County Criminal Justice system is indifferent to the needs of the people in the system, particularly to the needs of Black folks. There is no effective treatment offered in the jail, no rehab, the system has cost people their housing and jobs, and generally does a poor job of connecting people with existing resources in the community.

What do you think would be critical to make a community justice center succeed?

Participants felt strongly that several factors would be required to make a CJC successful in Dane County. First, the judges selected to preside and to be engaged would need to be vetted for buy-in. Additionally, the sentencing history of the judges should be examined for racial disparities to ensure fairness and equal access to the program.

Participants felt that adequate funding was crucial to the success of the project. Funding should be long-term, providing for ample study of the project’s success, not just one or two years as often is the case. System change takes time, and the County needs to make a long-term commitment to this if they are
going to do it. Participants were adamant that the project shouldn’t rely on grant dollars that go away to support it. The County should be as willing to support this project financially as they are to put money into a jail to incarcerate people.

To be successful, people with lived experience need to be at the table at every decision point. That includes site selection, building and programmatic design. The agencies involved in providing support there should be ones with specific experience and expertise in providing support for justice involved individuals. There’s a difference between an agency that has supports specifically designed for justice involved individuals and an agency that happens to have someone that is justice involved in their program. Any agencies providing supports through CJC shouldn’t have barriers to participation. For example, don’t require stable housing because if you do, it will count a lot of people out of participation. One participant expressed it this way “it will succeed to the extent it is incorporated with the community and current reentry support programs that actually do specific reentry work vs. all of those that say they do reentry because they happen to have a couple of people in a program that are returning.” This participant noted that if a program is not specifically reentry focused, the staff often do not fully understand the challenges, barriers, trauma and systemic racism within the system. As a result, services are not as effective and sometimes even set people up to fail - for example: enrolling people in a training program in a field that their Probation Agent won’t allow them to work in.

To be successful there should be lots of alternatives to jail, not just drug court. There also should be a continual evaluation of access to and of racial disparities related to who is using the CJC and benefitting from the available alternatives. Participants noted that people of color generally are either not offered alternatives or that the alternatives are not clearly explained to them in terms of the benefits of participation in such programs. Additionally, participants felt that data should be tracked related to the racial composition of individuals referred to alternatives to incarceration and diversion programs and that the data should be broken down by judge, DA and Public Defender. Right now, lots of the alternative programs have mostly white people involved; people of color seem to be left out of those alternatives.

All of the criminal justice system players (police, DA, jail, judges, DOC) will need training on the model and its goals. They will need training on evidence-based practices and trauma informed care, gender responsive programming, and culturally relevant programming. They must approach its mission from a framework of cultural humility. The County should make sure that the agencies providing the supportive services are equitable, that staff are paid a living wage and have benefits, and that the money just isn’t going to the top while exploiting the direct service staff who most often are the people with lived experience. Pay attention to the wage disparities between the top and bottom. Make sure the money is supporting strong programs and not just management.

A successful CJC will have a different culture: one of welcome, inclusion and a real belief in second chances. It will be non-judgmental. To be successful it cannot be run by the system, including the Courts, DOC, law enforcement, jail - or even by the County - as all of these players have little credibility. It should be run by an Advisory Committee that includes people in the programs, people with lived experience, people from the agencies providing services, and representatives from funders.

There was consensus among participants that there needs to be lots of community partners and transparency in terms of outcome measures that are tracked and analyzed. There needs to be accountability at every level from judges to programs.
If Dane County moves forward with a community justice center how would that change your feeling of criminal justice and potential outcomes of criminal justice?

“The proof is in the pudding,” was the sentiment of one participant and echoed by several other individuals participating in the conversations. “Just creating this Center won’t change my opinion of the system – not until we see results and how people are treated and whether input from these sessions is incorporated and used in developing it.” Several participants expressed frustration that over the years the County has repeatedly asked them to share their stories, and to participate in studies that result in reports with recommendations that sit on shelves somewhere in the CCB. There is a distrust that can be overcome if participants see that their input actually resulted in having an impact in developing a CJC. Other participants suggested that neither their feelings about the system or the system itself would change if the same people who created the current system are left in charge of creating the CJC.

Other participants again shared that a CJC needs accountability to the community and metrics. Every agency involved must be held to the same standards for tracking their metrics. There was a sense that this doesn’t always happen: that some agencies get funds because they are in the ears of politicians, that no one is holding them accountable for what they’re doing with the money, and that people aren’t getting help from them. That said, outcome measures must have realistic outcomes and time frames. There needs to be a constant review of barriers to the CJC success, especially among justice system players.

“It doesn’t mean anything unless you track metrics and system reform.” This was another common feeling among participants – that simply creating a CJC does not magically end the systemic racism within the system. There has to be an effort to also reform the system so that people can have the opportunities they need to be successful, and are not continually dragged back down by things like P.O. holds, fines and fees, disparate stops by police, etc. Two participants shared their experiences with being picked up on P.O. holds when their GPS systems failed to charge. They were arrested while at home trying to charge the bracelets and were put in jail (one for four days and one for seven) even though there are widespread issues with GPS monitoring systems. Several participants noted that in communities with established Community Justice Centers the community had done extensive long-range planning, laying groundwork that was inclusive of all of the players, the community, and people with lived experience. It’s not clear that Dane County has done that foundational community work to build a successful CJC.

What services could a community justice center provide that could be beneficial to the community?

Services provided should include a full-range of supports for the broader community, including, but not limited to: food pantry; legal assistance for a wide range of issues; mental health and AODA treatment; phones; computer labs; parenting services like JustDane’s Parenting Inside Out; hobby and leisure space; peer support; case management; housing; eviction prevention support; laundry; storage; transportation; childcare; trauma support; job training; benefit specialists; healthcare; counseling; and recovery groups (more than just twelve steps: things like Smart Recovery and Women for Sobriety). One participant noted “services should be wraparound like what I experienced at JustDane with Just Bakery, Circles of Support, trauma groups and peer support.” Other participants suggested that the services include volunteer opportunities for participants to give back to their community as a restorative practice.

Services should be evidence based and focus on empowerment, building people up - not tearing them down. Services should be available to singles as well as families, and be inclusive for everyone,
including the LGBTQ community. Don’t have agencies that can’t work with LGBTQ folx or say things like “it’s a lifestyle” — as was said to one participant who felt triggered in their housing program when the case manager continually referred to their sexual orientation as a lifestyle.

At minimum, services should be available to an individual long-term: up to 2 years rather than just a few months, which is too short of a time to really help someone rebuild. Services should be provided by local agencies already doing this work, not by big agencies without a real tie to the community that aren’t as accountable to the community. Services need to be provided by agencies committed to hiring people with lived experience in the areas of not only mental health and substance abuse, but also justice system involvement.

*How can Dane County center the community’s needs in discussion of a community justice center?*

Having these conversations is one way to center the community’s needs, but too many voices are not at the table. The Criminal Justice Council should include members and representatives from multiple reentry agencies AND people with lived experience, both past and current, at the table as participants and members. Local agencies specifically offering reentry supportive services and people with lived experience should also be on the planning group for the CJC.

Another way to center the community’s needs is to recognize that the community is diverse, as are the people involved in the justice system. All of the women participating in the conversations felt that they are not represented in conversations about justice reform, needs and services; that there is a narrow focus on the experiences of men in the system; and that women are still rarely seen as leaders or invited to the table for conversations about justice system reform.

*In what ways can the community influence the development of a community justice center? What can our organizations or you as an individual do?*

Participants shared that these community engagement conversations could help influence the development if the County is truly interested in the ideas, experiences and input of the people participating, and of people with lived experience. A good deal of distrust was shared by participants as they noted that over the last decade or so Dane County and Madison have created multiple task forces and committees focused on poverty and criminal justice system issues like racism. People with lived experience are asked to share their stories publicly, to be vulnerable - and then the reports are written with recommendations that sit on shelves, and nothing changes. Participants expressed a willingness to help influence the development by serving on the planning group, and by meeting with elected officials to share their personal experiences in the system.

Participants felt that more organizations should actively engage in advocacy for system change. Participants noted that some organizations providing direct supportive services refrain from advocacy for fear of losing funding from the County. Yet these organizations can have a significant influence in building broader community support for a CJC and for an end to systemic inequities in our justice system. Participants felt that organizations that say they “do reentry” work should visibly and publicly engage in advocacy on more macro level issues like adequate funding for community-based supports vs. incarceration, policing reform, justice system reforms in terms of fines and fees, DOC hold and electronic monitoring issues, in short, policies and procedures that, if unchanged will not support the goals of a community justice center. As an example, DOC policies to put people in jail on holds is detrimental to the overall goals of helping people to actually rebuild their lives. Fines and fees imposed by the courts push people in the system further into poverty. Policing is disproportionately focused on
people of color. Without addressing these kinds of problems, the system won’t get better. Overall, the goal should be to create a more just and equitable system. By itself, a CJC does not accomplish that.

It was noted that, due to the pandemic, it is even more difficult for people with lived experience to engage and attend public meetings of the County Board or Committees. The current system for trying to participate is complicated and has kept some people from being able to offer testimony at various meetings. If the County wants broad and representative community engagement, it should review how it has set up virtual meetings and the process for the public input.

**In reviewing the video of the Red Hook Community Justice Center what stood out?**

Participants were impressed by the way the process worked. The judge was approachable, and was on the same level as the participants, which reinforced the idea that no one was better than anyone else. There were lots of services and supports. The focus was on building people up. The lives of the people involved in the center were improved. So was the community - because lives were changed for the better instead of torn apart, like much of our system does. The Red Hook Center was person driven and not system driven like in Dane County. That helped build people up. One participant shared that to her “it felt like what I’ve experienced at JustDane in terms of being empowering and [having] wraparound supports.” Participants agreed across all three meetings that, if Dane County would create a CJC like that in Red Hook, it would have a significant impact on the lives of individuals here.

The Red Hook Center truly is a community center. One participant who has attended some of the previous community conversations hosted by the County felt that Dane County’s proposal is more of a criminal justice center that is not truly focused on the whole community. If that is the case, the concern is that there will be a stigma attached to participating in the program and the community, including families of justice involved individuals, still will not be supported in addressing their needs.

**What potential challenges do you see?**

There was consensus across groups that County elected officials will not have the political will to adequately and fully fund this effort for a long enough period of time to really measure its impact. Participants expressed doubt that Dane County will be willing to invest as much in a CJC and real reforms to the system as they are willing to invest in a jail to cage people. Participants noted that the County often partially funds a program for a short period of time, setting goals and eligibility criteria that are not reflective of best practices in reentry, and that the metrics are not realistic, especially given the barriers faced by justice involved individuals. Several participants recommended that the County commit to fully funding a CJC for a minimum of ten years and have it overseen by an Advisory Committee comprised of agencies providing services, people with lived experience, and funding representatives.

Community resistance was also seen as a potential challenge, with the broader community not supporting a CJC. Lots of public education will need to be done in the community. A similar concern surfaced regarding buy-in/support from the justice system players like police, corrections, judges, the DA and public defenders. There was concern that without buy-in from all of the system players, the Center would be sabotaged or would simply reflect the racial disparities seen in other parts of the system where white people are disproportionately referred to alternatives to incarceration, and people of color are not.

Several participants expressed concern that the CJC would be developed based on what the justice system and County deemed to be needed vs. what individuals on supervision would find useful. As one
person stated “don’t set us up to fail because you say you created something that you didn’t fully create, and left holes. That happens a lot with County funded stuff.”

There was little confidence that law enforcement agencies would sign on in support of a CJC, with some participants expressing concern that police might actually target people involved in the CJC as a way of sabotaging it. The WI DOC was another agency identified as needing to buy into the model, and to collaborate. DOC agents would need to be educated on the model and goals - and there should be some sort of way to measure pushback by agents.

Siting the CJC was another concern. The idea that there will be a strong NIMBY response by the community was raised. One participant noted the recent siting of the Triage Center in an old Probation and Parole office as a sign that the County doesn’t understand trauma and triggering. That participant noted that the idea of seeking services in a building where they had to report to their agent, and where they were taken into custody and revoked, was a huge trigger and a non-starter in terms of engagement in anything happening in that building.

Several participants stated that a challenge they saw was “who is building the table and who is deciding who gets invited to the table?” Several participants stated that the City and County tend to invite “the same old Black folks that are palatable to white people.” They referenced the City’s recent process to create a Civilian Oversight Board as a model the County could consider as they invite people into the planning process.

Unrealistic expectations on the part of the County were seen as a potential challenge. This focused on broader justice issues such as living wages and the lack of affordable housing. As one participant said, “when you don’t have jobs that pay livable wages or affordable housing for people – we work hard to rebuild our lives, but the jobs and housing market work against us.” This led to a conversation about the need for a focus on broader justice issues that include economic justice, and whether the County is willing to create a community organizing component into the Community Justice Center that would work to address broader systemic injustices. The consensus was that any outcome measures/goals need to consider these broader societal factors when measuring success of a CJC.

**Who would need to be involved in creating a community justice center?**

The most common response to this question was “people with lived experience.” Related to that was the opinion that too often “people with lived justice system experience” are assumed to be Black men to the exclusion of people Latinx, Asian, Black women, all women, and LGBTQ folks, as well as family members of people involved in the justice system. Justice involved individuals from across all racial, ethnic, gender and gender identities must be invited to the table and engaged in the development of a CJC.

Defense attorneys were the second most frequently recommended group to be involved in development of a CJC. Individuals felt that defense attorneys often were shut out of conversations about community needs related to the justice system, but that they - far more than the DA’s office - knew what the gaps were, and what kinds of challenges face people in the system.

Agencies that are providing specific reentry services should be involved. A number of participants noted that “reentry” is a new buzzword and that lots of agencies now say they do reentry work but are not actually doing reentry work. Such agencies just happen to have some participants who are justice involved, but don’t really understand the barriers and challenges faced and some agencies do not have any people with lived experience on their staff. An example was offered by an individual who was
unable to enroll in a job training program post incarceration because he was homeless, and while the agency says it provides re-entry services, they have a requirement that people have 60 days of stable housing in order to participate. Participants recommended that the County examine which agencies are specifically providing reentry supportive services and hire people with lived experience.

Local business leaders were recommended as individuals that should be engaged in the planning to help secure buy-in. This would include landlords, employers and trade groups.

Individuals involved in the planning should be from across the county, as reentry challenges and needs can look different depending on where you live. Additionally, this would be important because people will need transportation to the CJC. Without a regional transportation system, there will systemic barriers to participation depending on where the center is located and where people live. This relates back to the transportation service referenced under services that should be provided.

Mental health and treatment providers should be involved in the planning of the Center, especially providers offering culturally relevant and responsive services. Additionally, include domestic violence agencies and agencies working with individuals who are victims of human trafficking, as this accounts for a significant amount of the trauma experienced by women involved in the justice system.

Judges that support the goals of a CJC should be involved. There was disagreement about whether anyone from the DA’s office or law-enforcement should be involved, because they were seen by a large number of attendees as too powerful and not in touch with the challenges people are facing. Conversely, some participants argued that the reason the DA and law enforcement should be engaged in planning is precisely because, in general, they do not currently refer people to existing resources. To a large extent, they seem unaware of the myriad of resources available in the community, and who is providing them. People of color must be involved due to the racial disparities in our system, and this should be a broad cross section of the community - as one person put it: “not just the same few people that always get invited.”

**What additional information would you like to know about community justice centers?**

How much would a Community Justice Center cost? How much do similar centers in other states cost and is there long-term City and County commitment to fully funding it? When the County relies on grants to fund these things they often don’t last long, or some other funder takes it over and then the goals and culture of the services and programming can change so that it’s no longer what it was intended to be. How have other Centers handled this?

Many participants wondered what kind of foundational and organizing work was done prior to the actual development and implantation of the Red Hook Community Justice Center. How did they get buy-in from justice involved individuals, justice system players and the community -  and how long did that take to develop? How do they maintain the buy-in and trust among partners in the long term?

What are the actual stated goals and metrics of the Red Hook Community Justice Center and other Community Justice Centers around the country? Who developed those goals and metrics and how are they tracked?

**What changes could be made to the current system to make it more restorative and equitable?**

One change identified by participants was the addition of expanded representation of people with lived experience on the Criminal Justice Council, and more reentry agency representation. Additionally, participants felt that to increase trust, transparency and accountability, the criminal justice system
players (police, sheriff, DA, judges, jail/Huber) should be required to track racial demographic information for people arrested; people charged; and how charges were handled regarding: plea, reduced, offered diversion programs, and the sentencing disposition by judge. Tracking this data is perhaps complicated but would provide insight into disparities in the system and provide the data needed to guide reforms.

Offering people more opportunities to give back to their community in lieu of jail time would be more restorative that sitting in a cell. It also would provide an opportunity to build a job reference for some individuals that may help them secure employment.

Reaction to the meetings including questions that were asked, recurring themes, and overall tone of the sessions:

In each of the previous sections we have identified questions asked by individuals participating in the conversations. Many of the questions focused on the extent to which justice involved individuals would truly be included in the planning of a Community Justice Center and whether the County is really committed to a Community Justice Center model.

The overall tone of the sessions can be summarized as skeptical. Participants repeatedly expressed doubts that the County is ready to fully commit to what will be required to plan, develop and implement a Community Justice Center similar to the Red Hook CJC. Participants felt that Dane County has not done the requisite “leg work” to prepare the justice system and community for such a center. Without that leg work, it will not be successful. Included in preparation must be significant input from justice involved individuals. This is something participants in our conversations felt has not been obtained because only a fairly narrow group of individuals have thus far been invited to the table for in-depth conversations and input. Participants felt that a CJC must have clear goals and metrics that are also realistic. Participants expressed their feelings that the County should commit to fully funding a CJC for an initial commitment of 10 years because this was critical to allow ample time for full implementation and outcomes to be reviewed. Participants were also skeptical about whether there would be buy-in from the police, jail, DA, judges and DOC to help individuals be successful. Without such buy-in from these key partners, the sense was that it would be setting people up to fail.

Men participating in the conversations tended to be adamantly opposed to police and the DA’s involvement in planning a Community Justice Center. The women who participated were slightly more open to police and DA involvement, while expressing that police and the DA would need to be educated about the Center to ensure their buy-in. It was not clear why this was a difference in opinion. (One participant shared that she had had some relatively positive interactions with police related to domestic violence.)

Another recurring theme related to the need to not only create a Community Justice Center, but to truly transform the system in which it would operate. Citing personal experiences with police and other justice system players, participants repeatedly expressed a lack of trust in the system to reform itself. They noted that the creation of a Community Justice Center is not a panacea. It will not stop the systemic racism within the community, and it will not address the larger, macro level injustices such as a lack of employment opportunities, wages that are not livable, and a lack of affordable housing and landlords willing to rent to individuals in the justice system - all of which are required for individuals to be successful. Participants believe it is important for the County to understand this: creation of a CJC will not magically fix our system, reform our system, or create opportunities for people to succeed.
The question of funding also came up in every conversation. Participants were doubtful that the County would commit long-term to fully funding a Community Justice Center that met the community focus piece of what a CJC is. They also doubted that the County would commit to fully funding the services to be offered in the Center and would instead ask agencies to provide expanded services for the same or less funding, which they expressed ultimately sets people up to fail and to be blamed for the failure when they can’t access services that are supposed to be available. Failure to fully fund the CJC and services, while touting the creation of a CJC, will create expectations in the community, and give the illusion that supports are available, when in fact such supports are not accessible. Participants fear that the people trying to access the services that aren’t available will be blamed for failing to succeed and the Center will lose community support. In the words of one participant “the county ought to be willing to spend at least as much on a CJC as they are on a jail and the Sheriff’s budget.” That same participant expressed her doubt that that would be the case.

Woven throughout the stories, input and ideas offered during the three conversations was the idea that to be successful a CJC must be seen as welcoming and inclusive. It must be a place focused on the person, on healing and health, and on truly restorative practices that engage the whole of our community. It must incorporate advocacy designed to hold the community accountable for the conditions we allow to exist, including - but not limited to - systemic racism.

While there was a great deal of criticism expressed toward the current system along with significant doubts about the County’s willingness to create a true Community Justice Center, the men and women attending the meetings were still hopeful. The Red Hook Community Justice Center offers a glimpse into what can be. If the County is willing to accept the feedback received through these conversations across agencies, to expand engagement, and to invite more people to the table in planning and leadership roles, people felt that it was possible to build a real community justice center. The overwhelming opinion was that it would be a benefit to the entire community and could truly help address some of the disparities, although not all of the disparities. Participants also want to be engaged in the process, to have a voice. This engagement and input must be at every level: initial planning, site selection, services and projects offered, metrics and goals, funding, evaluation, and continued focus on advocacy and policy change to reform the system in Dane County. The men and women in the conversations we hosted do not want to have someone “speak for them or as their voice” and they don’t want someone else or some other group to “be their voice”. They would like people in power and at the table to pull up more chairs and hand over the microphone – if that happens, they are optimistic that the Dane County system could be reformed into a restorative, healing model.