

# RACIAL EQUITY AND SOCIAL JUSTICE TOOL

## FAST TRACK VERSION



Racial Equity  
& Social Justice Initiative





# Racial Equity and Social Justice Initiative

## Racial Equity Analysis Tool

### Fast-Track Version

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#### INSTRUCTIONS

*This abbreviated version of the Comprehensive RESJI Racial Equity Analysis Tool is intended for issues on a short timeline or without a widespread impact.*

*Examples:*

- single piece of legislation already drafted and introduced.
- creation of a single position description and job posting for an open position
- development of a single budget item proposal

*For broader policies and legislation in its beginning phase, please use the full version of the RESJ Toolkit.*

*This tool should be completed by people with different racial and socioeconomic perspectives. When possible, involve those directly impacted by the issue. Include and document multiple voices in this process. The order of questions may be re-arranged to suit your situation.*

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**Mission of the Racial Equity and Social Justice Initiative (RESJI):** To establish racial equity and social justice as core principles in all decisions, policies and functions of the City of Madison.

**Equity** is just and fair inclusion into a society in which all, including all racial and ethnic groups, can participate, prosper, and reach their full potential. Equity gives all people a just and fair shot in life despite historic patterns of racial and economic exclusion ([www.policylink.org](http://www.policylink.org)).

**Purpose of this Tool:** To facilitate conscious consideration of equity and examine how communities of color and low-income populations will be affected by a proposed action/decision of the City.

The “*What, Who, Why, and How*” questions of this tool are designed to lead to strategies to prevent or mitigate adverse impacts and unintended consequences on marginalized populations.

#### BEGIN ANALYSIS

Name of topic or issue being analyzed:

Operator Application Process

Main contact name(s) and contact information for this analysis:

Nikki Perez, City Clerk's Office  
Maggie McClain, City Clerk's Office

Names and affiliations of others participating in the analysis:

Jamie Doyle, Supervisor, Court Services, Police  
Suzanne Fichtel, Records Manager, Police  
Michael Donnelly, Vice-Chair, ALRC  
Stefan Fletcher, Voting Member, ALRC  
Steve Brist, Assistant City Attorney  
Kelly Donahue, Captain, Central District  
Jennifer Haar, WCMC, Municipal Clerk II (Logistics)  
Jean Phelps, Legal Secretary 2, Office of the City Attorney (Facilitator)

Have stakeholders from different racial/ethnic and socioeconomic groups—especially those most affected—been informed, involved and represented in the development of this proposal or plan? Who is missing and how can they be engaged?

This fast track analysis was performed internally by the City Clerk, Police, and ALRC staff listed above over three meetings. The process examined is limited due to state laws and municipal ordinances.

## 1. WHAT

a. What is the policy, plan or proposal being analyzed, and what does it seek to accomplish?

Both the processing of an Operator Application and the questions on the forms may intimidate applicants or stop them from applying altogether. In order to make sure we are as equitable as possible, we need to ask and understand:

- Do we have the correct information on the form for background checks?
- Is there more/less information needed?
- Who is paying the fees? Are the fees refundable? Could who is paying be an issue?

We want to look at the process from submission of an Operator Application through to the background check and then to the approval/denial of the license. The process and application were created based on state and city requirements, however, no equity lens was applied during creation.

It is important to note that only anecdotal observations exist; there is no hard data.

b. What does available data tell you about this issue? (See page 3 for guidance on data resources.)

It is important to note that only anecdotal observations exist; there is no hard data.

- Background checks are required by state law

- There are guidelines that Court Services follows in regards to flagging applications for Captain's Review and possibly an invitation to appear before the ALRC. See the attached document titled "City of Madison Policy Guidelines for Operator Licenses," which is available on the Clerk's website.

- It can be difficult and frustrating to use the online portal to apply for an operator's license or renew an operator's license. Clerk's Office staff doesn't know the exact step by step process which makes it hard to help applicants.

- Most applicants ask how far back they are supposed to provide history for, regarding charges. It can be challenging to remember. The Clerk's office usually advises that the Police are looking for honesty over accuracy.

- Applicants often do not know they need to know information regarding charges (Question #4) and are unprepared. Although they can request a City of Madison contact sheet from Police Records, the time and inconvenience of going to GR-10 or getting reliable Wi-Fi to check CCAP, could be a barrier. They may be working a shift later that day.

- Many applicants have questions about what sorts of charges should be included or if a charge would prevent them from being approved (usually before completing the application process).

- The processing time can be an issue. ALRC meets once a month in the evenings. Many of the applicants invited to make an appearance work at that time and must arrange time off of work or skip the meeting altogether. This pushes their application back even further and their provisional license could expire during that time. This job may be the only source of income and may not have benefits such as paid time off.

- The word choice of "operator" vs. "bartender" vs. "server" can be confusing to applicants.

- The processing time can be affected by things like finding municipal court fees due, existing warrants for arrest, incomplete applications, Captain's review, etc. All of these things stop the background check process until Court Services has been notified of a payment plan, updates to applications, etc. Applicants may not respond in a timely fashion and/or may not be able to arrange for payment of existing fees, or be able to take time off of work to travel to where an existing warrant is issued.

c. What data are unavailable or missing?

- A scan of the Legistar system determined that approximately 31 operator licenses have been denied by the ALRC and 2 out of 31 applicants appeared before the ALRC. Nikki and Maggie will research numbers.
- What happens if the applicant does not have an ID to complete the operator application?
- How many applicants receive the letter for scheduling an ALRC appearance and decide not to pursue the license? How many assume that any citation/violation will automatically lead to denial?
- How many applicants have the City's email, regarding an issue with the application such as when court fees are due or additional information is needed, or an invitation to the ALRC, funneled to a spam or junk folder where it is then missed and potentially deleted before the applicant realizes they haven't heard from the City yet or assume they have a license (sort of a no news is good news deal).
- How many applicants decide not to apply based on word of mouth experiences or questions on the application?
- How many applicants decide not to apply because they cannot navigate the online portal and/or do not have time/money to get downtown to apply in person (or appear before ALRC)?
- How many applicants have been denied a license and why?
- Racial, socio-economic (not limited to) demographics of applicants who have been denied a license and why.
- How far back must applicants list citations, tickets, convictions, etc.?
- How many applicants do not apply or are inconvenienced by having no option to pay over the phone, or having to figure out the online portal to make a payment online (which requires a debit/credit card) or having to come downtown to pay in person?
- We do not currently apply the same standard to operators, agents and officers. For example, officers and agents are not flagged for court fees, however, operators are flagged. Could this be a barrier?
- How many applicants overcome the hurdle of completing an application and pay the fee but never follow up to complete the process when: flagged for municipal court fees, flagged for incomplete information, flagged to appear before the ALRC, the provisional license expires and the applicant assumes they are licensed?
- How much money the City collects in application fees that never result in licensure? Nikki and Maggie to work on data collection regarding fees being paid but no license issued.
- What is the City's duty to follow up with people who have outstanding items? What is the City's duty to provide guidance for moving forward in the process so a license can be issued?
- Consider applicants who may be paying the application fee out of their own pocket vs. applicants who may have an employer willing to pay for their licensure. If it is denied, there is no refund. Also, what would be the implications of an employer who consistently pays for licensure that is denied – would that influence their willingness to pay?

## 2. WHO

a. Who (individuals or groups) could be impacted by the issues related to this policy, plan or proposal?

- Operator Applicants including people of color and/or those from low-income communities
- Potential operator applicants including people of color and/or those from low-income communities
- Clerk's office staff
- Court Services/Police staff
- IT
- Alcohol License Review Committee
- Residents of the City of Madison
- All applicants and potential applicants (related to self-safety)

b. Who would benefit?

- Operator Applicants including people of color and/or those from low-income communities
- Potential operator applicants including people of color and/or those from low-income communities
- Clerk's office staff
- Court Services/Police staff
- IT
- Alcohol License Review Committee
- Residents of the City of Madison
- All applicants and potential applicants (related to self-safety)

c. Who would be burdened?

- Clerk's office staff
- Court Services/Police
- IT
- Alcohol License Review Committee
- Residents of the City of Madison

d. Are there potential disproportionate impacts on communities of color or low-income communities?

There is no data to support that this impacts specific groups. All data to this point has been anecdotal. We do not want to make an unfair assumption because we don't know who doesn't show up.

**3. WHY**

- a. What are potential unintended consequences (social, economic, health, environmental or other)?

- Applicants may not be able to afford the fees involved. It is \$80 for a two year license and \$45 for a one year license, not including an extra \$15 for a provisional license.
- Court Services checks first to see if the applicant owes any fines (from non-moving violations) as these must be paid first or have a payment plan set up with the first payment made. Applicants may not be able to pay the license fees or the fines which are needed for them to get a job to make the money to pay the fees/fines. (see next point)
- Moving violations do not stop the background check process. Any non-moving violations where fees are owed will stop the background check process. MGO 9.01(2)
- Applicants may not be able to pay online if they do not have a debit/credit card. Likewise, applicants may not be able to come downtown to pay in person due to issues with taking time off of work or transportation, to name a few.
- Clerk's office staff may unintentionally (inadvertently) provide information that is misinterpreted or misunderstood by applicants.
- Does everyone give the same message when the Clerk's office advises the applicant to include all citations/pending charges even if the applicant doesn't know all the details? Is there a best practice all Clerk's Office staff follows? Someone might not ask the question and then choose not to disclose because they don't have all the details on the form. Is that fair?
- Court Services/Police could experience higher numbers of background checks.
- The ALRC has a historical precedent of allowing applicants with marijuana-related offenses to be approved. National data, however, shows that marijuana-related offenses are not issued in a racially equivalent manner. This may affect who applies or how far into the process they make it. (this is not advertised)
- There are no background checks done for renewals of operator licenses. If new charges are disclosed at renewal time, it doesn't go to Court Services.
- New Liquor Beer Agents and Corporate Officers/Members are asked to disclose tickets but there is an automatic background check for every agent/officer/member.
- Regular ALRC meetings happen once a month. It may be difficult or impossible for an applicant to take time off work, find transportation to get downtown and appear before the ALRC/Common Council. If a regular meeting is missed, the applicant must wait until the next month and the same thing could happen. There is risk the provisional license would expire during this time. There have been situations where special ALRC meetings were established to assist with transparency. Could this be done for operators?
- Applicants may not get asked the same questions from ALRC members or by meeting attended. The ALRC has recently taken steps to make the questions more consistent and to eliminate certain questions that are not relevant. However, there is not a set list of questions that can be asked or cannot be asked.
- What happens when applicants assume they've been approved and were not?
- Is there a way to flag applicants who should not be re-approved at renewal time? (no)
- There is currently no follow up for background checks that were stopped for missing information. Someone may have applied but missed the form email asking them to contact the Clerk's office. The files sit indefinitely with Court Services. A policy may be needed for these types of applications as the Clerk's office has had direction that no new application is needed no matter the age of the original



application; but what if new charges have appeared since the submission of the original application? Should anything over 2 months be rechecked/re-submitted?

**4. HOW: RECOMMENDATIONS SECTION**

- a. Describe recommended strategies to address adverse impacts, prevent negative unintended consequences and advance racial equity (program, policy, partnership and/or budget/fiscal strategies):

- Develop a plan for applicants who may not have an ID.
- Develop a strategy to start gathering data when possible and appropriate. Could it be done anonymously and voluntarily? Are these things we can freely ask people? The OCA said “even though this information would be voluntary, we would have concerns about collecting it. These are all protected classes and we would be concerned about a city agency holding this information. What if someone believes that this information was the basis for discrimination against them? It sounds like the intent would be the opposite, but how would we be able to show that it wasn’t used in a discriminatory way?” The Dept. of Civil Rights had the same concerns.
- Make the operator application a PDF-fillable form. Maggie completed this ahead of the second meeting.
- Develop a step by step guide to assist applicants using the online portal to apply or renew their operator’s license. Nikki completed this ahead of the second meeting.
- Provide training to new ALRC members, similar to the current training provided by Deputy Clerk Verbick for new Council members. MPD Records could do a presentation to new members or present as part of an ALRC meeting. \*\*Update from Police: Court Services does not feel comfortable presenting a training as workflow fluctuates. They would welcome a co-presentation or a high level overview of typical items we look for but not during a meeting. The specifics on their workflows are internal to them alone (proprietary)\*\*
- Update the operator application instructions and Clerk’s website to provide a checklist for completing the application and listing resources for obtaining citations/convictions. This checklist should be included on the paper form, on Clerk’s website and online application.
- Highlight the provisional expiration date when handing it to an operator. Revise emails such as the background check hold emails to include information about the provisional expiration date and steps to take if provisional expires.
- Provide more education to alcohol licensees (employers) about operator licensing requirements. Perhaps a flyer included in license renewal mailing so employers can provide information/checklist to employees applying for operator license. Employer education may also help to eliminate unprepared applicants from coming in at the last minute to obtain a license for a shift later that day, etc.
- Current online portal is hard to use and the software is older. Create a mobile app allowing people of color/low-income who may not have a computer with internet access (or a printer) to complete the application and payment online using their smartphone or tablet.
- The statement “Update the Clerk’s licensing website to explain the purpose of the Juvenile Records Release form” will be replaced with: The Juvenile Records Release form is not needed for routine applications and should be removed from Clerk’s website. Records informs that any felony or misdemeanor conviction as a juvenile, where the applicant is waived into adult court, will show up on background checks and be included in abstract. \*\*Update from Police: Juvenile records are not used and can be removed from the website. However, in accordance with last sentence, if a juvenile records release is needed, the clerk will be notified\*\*
- Auto emails to applicants who have incomplete applications. Can we use text messaging or follow up with additional emails/calls? That might help those who do not check email often.
- Make sure to advise applicants that GR-10 is able to provide a contact sheet for the City of Madison if they cannot recall past charges. Similarly, the *DOJ Wisconsin Online Records Check System* is a place where people can get information on convictions. There is a fee for the report. There is no way for applicants to look up Municipal Court fees without calling or visiting their office. \*\*Update from Police: Please note applicants can phone into the records unit to request a contact sheet and they can also email a request to PD Records. They do not have to request a contact sheet in person.\*\*

- Guideline 5 violations are common (omission). They are not their own guideline and will accompany other violations. Make sure to advise applicants of this when taking the application or when advising about what to include in the question about citations, tickets, convictions, etc. Suggest they take the application home to read or read online, the questions to ensure they can answer them. Are applicants added to the appearance list based on the omission? On the item found in the background check? Or both? Could applicants be given a chance to correct their application? \*\*Update from Police: Guideline 5 is generally used to accompany other guidelines but it can be a stand-alone. An applicant could be asked to appear solely on a Guideline 5. (This would be due to omitting items on an application that were not corrected when asked to do so)\*\*
- Provide the policy guidelines page as part of the application or build into conversation with applicant
- Rewrite the policy guidelines handout in layman's terms (written by OCA).
- Share resources internally between Court Services, Police and ALRC.
- Look at language/words used on application and website
- Add wingtips that provide definitions and additional help when searching the website/online application.
- Applications placed on hold for background checks are held by MPD for up to one year. Once a background check has begun, the information is valid for 30 days. After 30 days, the check would need to be run again and a new fee incurred by MPD. Define what "reapplying" means. Could it be defined as a period of 60 days from application or date of email notification before new application and fee needed? \*\*Update from Police: Applicants on hold for background checks are held by MPD and not moved forward. The fees are held. If we do not hear in 60 days from MPD contacting them, it is considered a "no response" and it is closed out. Applications and ALRC invites are held for one year. We will not run new backgrounds on any applicant sent to ALRC in the two year time frame as they are considered still active per Jim Verbick\*\*
- Creation of an ALRC subcommittee who would be able to provide a second opportunity during a month for an operator appearance by convening on a different day at a different time during the day to allow for more flexibility and perhaps less intimidation (not in Room 201, not with potentially large audience, etc.). Who decides now, which applicants get a special meeting and is that decision-making equitable? Michael emailed Chair Landgraf and Deputy Clerk Verbick to put this issue on a future agenda to discuss.
- Create a standard/routine check for municipal fees due and notice to the applicant that these have to be paid or a payment plan be set up before applying. Include information on how to obtain municipal contact sheet through email or in-person. Both could be built into Clerk staff's conversations with applicants.
- Look into the possibility of blast texting applicants when additional information is required. It could be a sign up service to simply advise applicants to check their emails for additional information. We already have phone numbers from the applications. Maggie will check into this and report back.
- Look into booking ALRC appearance appointments online.
- Applications completed as PDF fillable forms at kiosks in the Clerk's office (legibility and completeness)
- Look into doing an Operator Check similar to our current weekly picnic beer checks. The Clerk's office discussed this when creating our 2020 Work Plan and the check has been implemented.

## DATA RESOURCES FOR RACIAL EQUITY AND SOCIAL JUSTICE IMPACT ANALYSIS

### City of Madison

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- Neighborhood Indicators (UW Applied Population Lab and City of Madison):  
<http://madison.apl.wisc.edu>
- Open Data Portal (City of Madison):  
[www.cityofmadison.com/data](http://www.cityofmadison.com/data)
- Madison Measures (City of Madison):  
<https://www.cityofmadison.com/finance/documents/MadisonMeasures-2016.pdf>
- Census reporter (US Census Bureau):  
<http://censusreporter.org/profiles/06000US5502548000-madison-city-dane-county-wi>

### Dane County

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- Geography of Opportunity: A Fair Housing Equity Assessment for Wisconsin's Capital Region (Capital Area Regional Planning Commission):  
[www.capitalarearpc.org](http://www.capitalarearpc.org)
- Race to Equity report (Wisconsin Council on Children and Families):  
<http://racetoequity.net>
- Healthy Dane (Public Health Madison & Dane County and area healthcare organizations):  
[www.healthydane.org](http://www.healthydane.org)
- Dane Demographics Brief (UW Applied Population Lab and UW-Extension):  
[www.apl.wisc.edu/publications/Dane\\_County\\_Demographics\\_Brief\\_2014.pdf](http://www.apl.wisc.edu/publications/Dane_County_Demographics_Brief_2014.pdf)

### State of Wisconsin

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- Wisconsin Quickfacts (US Census):  
<http://quickfacts.census.gov/qfd/states/55000.html>
- Demographics Services Center (WI Dept of Administration):  
[www.doa.state.wi.us/section\\_detail.asp?linkcatid=11&linkid=64&locid=9](http://www.doa.state.wi.us/section_detail.asp?linkcatid=11&linkid=64&locid=9)
- Applied Population Laboratory (UW-Madison):  
[www.apl.wisc.edu/data.php](http://www.apl.wisc.edu/data.php)

### Federal

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- American FactFinder (US Census):  
<http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>
- 2010 Census Gateway (US Census):  
[www.census.gov/2010census](http://www.census.gov/2010census)