



## Legislation Text

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File #: 37673, Version: 1

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### Fiscal Note

No appropriation is required.

### Title

Resolution in support of on-going efforts by the Police Chief and City Attorney's Office to create and execute a Memorandum of Understanding (MOU) with the Dane County District Attorney's Office and Dane County Human Services in regards to Dane County's "*Community Restorative Court*" (CRC) initiative.

### Body

WHEREAS, since 2009, Dane County has been addressing racial disparities in the criminal justice system--utilizing the past work of the Dane County Task Force on Racial Disparities in the Criminal Justice System (2009) and the Dane County Juvenile Justice Disproportionate Minority Contact Solutions Workgroup Report (2009) as well as other critical community reports;

WHEREAS, in November 2013, Dane County Supervisors Stubbs, Levin, Hotchkiss and Sergeant successfully introduced an amendment to the 2014 Dane County Executive Budget creating and funding a 1.0 FTE *Community Service Coordinator* position in the Department of Human Services budget for purposes of developing a pilot community court in one Dane County neighborhood to address the high involvement of youth and young adults (17-25) in the criminal justice system using restorative principles and practices;

WHEREAS, in early 2014, staff from Dane County Human Services reached out to MPD South District command staff for purposes of partnering and collaborating on this pilot "*Community Restorative Court*" (CRC ) initiative;

WHEREAS, during the summer and fall of 2014, South District Neighborhood Officer Mike Alvarez was assigned by command to assist Dane County Human Services in the interviewing and screening of several candidates for the CRC Community Services Coordinator position which was filled in October 2014 and announced by County Executive Joe Parisi during a press conference at the Villager Mall in South Madison;

WHEREAS, restorative justice is broadly defined as a community based form of justice that seeks to repair the harm caused by crime on a neighborhood;

WHEREAS, the mission of the Dane County CRC is to

- *Repair harm*
- *Reduce risk*
- *Rebuild community*

WHEREAS, the goals of the Dane County CRC are to

- *Reduce racial disparities*
- *Provide for efficient respondent case resolution*
- *Utilize community-driven solutions*
- *Reduce case burden on criminal and municipal court.*
- *Reduce recidivism.*
- *Provide victims of crime with an alternative, restorative and potentially more meaningful role;*

WHEREAS, the proposed Dane County CRC pilot seeks to defer from the formal criminal justice system, eligible young adults, aged 17-25 who have committed non-domestic violence and non-traffic misdemeanor crimes in the MPD's South Police District. These eligible young adults will be directed to appear at a "pre-charging" orientation at the South Police District. At that time, they will be given the opportunity to participate in the CRC and appear before a group of South Madison community members;

WHEREAS, in a recent review of MPD South District arrests and nontraffic citations between January 1 and September 30, 2014,

- Officers arrested/cited 702 individuals between 17 and 73 years of age. These 702 arrested/cited persons were responsible for 1,344 criminal and city ordinance charges.

- **238 of those arrested/cited (34%) in the South District were between the ages of 17 and 25 years of age (target range for CRC). This group was responsible for over 400 criminal and city ordinance charges. 38 of these arrests were domestic violence related. 65% of these charges were for State Statute criminal crimes; 35% were City ordinance violations.**

- Of these 238, 17-25 year olds arrested or cited during this time period in the South District, 68% were male, 32% female, 45% African American, 50% White, 3% Asian, 2% Unknown (Hispanic or Latino ethnicity is unknown at this time).

WHEREAS, given restorative justice's emphasis on restored relationships, full attention will be given during the CRC process to all victims, to those that commit crimes (or "respondents"), and to the broader community where the crime occurred;

WHEREAS, the Dane County CRC will use a hybrid of two restorative justice models used nationally and internationally. In the conferencing model the victim is willing to participate in the discussion of harm and repair of harm. The victim's voice is critical and is included in pre-planning, discussion of crime, repair agreement, and future harm reduction. In the community impact circles the harm is victimless, or the victim(s) may be unable or unwilling to participate. In the community impact circles local community members are trained in the restorative justice circle process and take the place of victims when meeting with the respondent.

WHEREAS, the guiding principles for the CRC will be

- Respect
- Collaboration
- Enhanced information collection from respondents and victim
- Community engagement
- Accountability

WHEREAS, the South Madison location for this pilot Dane County CRC was chosen because it is a community of strength, strong community anchor organizations, strong resident involvement, and MPD South Police District long standing commitment to restorative justice principles.

WHEREAS, in November 2014, Dane County staff and the newly hired Dane County CRC Coordinator held community meetings announcing the new CRC, and more recently completed training sessions for community members who wish to volunteer their time to the CRC;

WHEREAS, the Town of Madison Police Department and Municipal Court have indicated to Dane County staff and MPD South District staff of their desire to similarly participate in the pilot CRC;

WHEREAS, Madison Municipal Court Judge Dan Koval, the City Attorney's Office, and MPD have begun preliminary discussions on creating a new process whereby South Police District city ordinance citation arrests fitting the Dane County CRC criteria would be referred to the CRC for community disposition and if successfully resolved at the CRC would result in the citation being voided;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison:

1. Voices our support of this innovative, Dane County CRC initiative;
2. Believes the Dane County CRC is an example of an initiative which seeks to proactively address institutionalized bias and racial equality in our community;
3. Endorses the current Police Chief and City Attorney Office efforts to execute a Memorandum of Understanding with the Dane County District Attorney's Office and Dane County Human Services for purposes of this CRC pilot project in the MPD's South Police District.
4. In February 2016, the Common Council request a status report from the Police Chief on the Dane County pilot CRC in order for the Common Council to participate in the monitoring and evaluation of the CRC pilot project effort.