



BOARD OF SUPERVISORS County of Dane

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October 3, 2007

To Whom it May Concern:

The Dane County Board of Supervisors retained the services of the Institute for Law and Policy Planning (ILPP) in March, 2007 to conduct a comprehensive criminal justice system assessment. We have found their report to be thorough, insightful, and most helpful in setting a course for improved efficiencies in our justice system.

Dane County, Wisconsin has a population of approximately 460,000 people, and is home to Wisconsin's capital city of Madison. We have seventeen elected circuit court judges, and also separately elect the District Attorney, Sheriff, Clerk of Courts and County Executive. The county is governed by a thirty-seven member Board of Supervisors, who elect their own chair.

Over the last several years, Dane County has been faced with increasing jail populations, the need for facilities improvements, and renting jail beds in other counties. We asked the ILPP, led by Dr. Alan Kalmanoff, to come into this complex, politically sensitive system in the hopes that he could identify improvements that could be undertaken in order to relieve jail overcrowding in the near term, and provide longer term efficiencies in the operations of the courts and other parts of the system

We were very impressed with the quality of the ILPP team that worked on this project. We found the ILPP team to be professional, knowledgeable, and skilled in working with the range of municipal, county and state government staff and elected officials who have roles in the Dane County system.

I found Dr. Kalmanoff to be candid, direct and independent, yet very responsive to our concerns and issues. He was more than willing to discuss his findings and recommendations with the various elected officials who are stakeholders in the system, and accommodate their concerns, while at the same time maintaining his objectivity and critical insights.

In the budget currently being considered by the County Board, we have used the ILPP assessment to estimate \$3 million in savings this year alone. We have also put on hold several expensive jail expansion plans until our actual jail bed needs are determined. If you have any questions, feel free to call my office at 608-266-5758.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott McDonell".

Supervisor Scott McDonell, Chair
Dane County Board of Supervisors



DANE COUNTY

Kathleen M. Falk
County Executive

October 5, 2007

To Whom It May Concern:

I am writing this letter on behalf of Dr. Alan Kalmanoff, Executive Director of the Institute for Law and Policy Planning. Dr. Kalmanoff and the ILPP recently completed a report assessing the criminal justice system in Dane County, Wisconsin, which the Dane County Board of Supervisors had requested.

The resulting report, the final version of which Dr. Kalmanoff delivered to the County Board and to my office on September 20, 2007, provided over 100 recommendations for improved efficiencies in our courts, our district attorney's office, and in our sheriff's department. The report also included a thorough assessment of the inefficiencies in our current system, and the ways these inefficiencies contribute to higher jail population rates and longer lengths of stay in the jail. In addition, Dr. Kalmanoff's study provided us with an overview of our current IT systems, the ways these systems do (and do not) work together, and ways we can go about improving integration for added efficiencies.

The report has created a road-map for us to follow in improving the workings of our criminal justice system, and promises to save us over \$3 million in the coming year by helping us end the costly practice of transporting and housing inmates in neighboring counties to deal with the crowding in our county jail. Dr. Kalmanoff's good work promises to save our taxpayers millions of dollars while providing for improved public safety, a more efficient criminal justice system, and improved delivery of justice both to defendants and victims.

I have made implementation of the ILPP study an integral part of my 2008 proposed budget, and I believe we will be using this study for many years as we develop better methods of managing our criminal justice system.

In addition, Dr. Kalmanoff brought together an excellent team of scholastic and experienced technicians to do this work. The process he lead was on time. Finally, he and his team were very professional and delightful to work with.

I recommend Dr. Kalmanoff and the ILPP as useful and knowledgeable resources for any jurisdiction seeking to deal with issues of jail crowding and criminal justice system efficiency.

Sincerely,

Kathleen Falk
Dane County Executive

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Chief Judge
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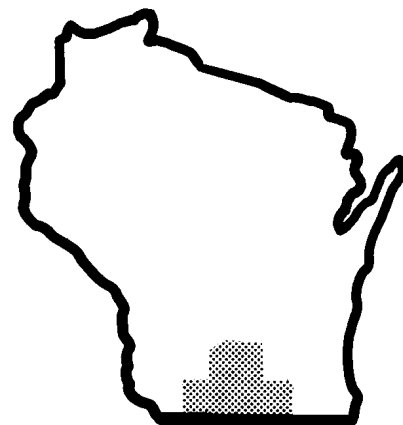
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STATE OF WISCONSIN

FIFTH JUDICIAL DISTRICT

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A letter to the editor

September 28, 2007

Dear Sir,

The Dane County Judges have now had an opportunity to read the September 20, 2007 Criminal Justice System Assessment Final Report, submitted by the Institute for Law and Policy Planning. This report focuses on reducing the number of inmates in the Dane County jail. No one and no group, either within the criminal justice community or outside of it, is more concerned with jail overcrowding than the Judges. This is a topic of critical importance to the county; for both financial and philosophical reasons. The County Board is to be commended for bringing in an outside consultant to offer a fresh perspective and make recommendations for positive change.

As acknowledged in the report, the Dane County Circuit Court has over time "...thoughtfully evaluated the functions of the criminal justice system and has initiated alternative programs aimed at reducing (jail) crowding." I believe we can diligently and conscientiously continue to explore ways to improve the system in a manner that is both cost-effective and safe for our citizens and which does not negatively affect the remainder of the judicial system (i.e., family law, small claims, civil and probate). Some things can be done immediately or in the short term. Others will involve more time and collaboration. Some may save money or have an immediate impact on the jail population while others may not. Some may cost money.

In a meeting on Thursday, September 27, the Judges agreed to take the following steps immediately, as recommended by the report. Information on in-custody defendants will be regularly provided by the jail, and in conjunction with existing court reports, be used to process in-custody cases more quickly. Court automation, provided by the state court system, will provide a tickler system to be used to identify cases approaching the time for disposition to alert courts to prioritize a hearing. I have approached the Dane County Municipal Judges to explore the use of collection agency referrals in place of commitment to the Dane County jail for failure to pay municipal court fees and fines. This has a potential of reducing the jail population. A group has already met once to develop fair, consistent and rapid procedures to evaluate those arrested to facilitate earlier release. The Drug Treatment Court already eliminated the Education Track earlier this year. Courts will implement procedures to increase efficiency in scheduling. Other changes that can be implemented without delay will become apparent as we move forward.

I am confident that the judges, working with system partners, will identify areas where modifications to current practices can be introduced and, if given county administrative support, can be successfully implemented. I pledge the efforts of the court to a timely, comprehensive and systemic examination of the recommendations, balancing the goal of relieving jail crowding against the protection of individual rights, public safety and the integrity of the law.

Sincerely,
C. William Foust, Chief Judge
5th Judicial District



**Carlo Esqueda
Clerk of Circuit Court
and Register in Probate**

The work of ILPP in Dane County opened our eyes to the systemic problems of our criminal justice system but, more importantly, provided a framework for understanding how we can address these problems through collaborative means. ILPP's thorough, rigorous analysis will help us improve the policies, procedures and technology of our justice system, but it doesn't stop there. We've been given a roadmap to re-engineering the very culture of our justice system-- and moving toward that goal is what will pay off in the long run in terms of increased service, greater efficiency and substantial cost savings.

Carlo Esqueda
Clerk of Circuit Court and Register in Probate

Criminal Justice Report Hailed as 'Blueprint for Change'

County urged to act quickly; Board chair wants jail report followed

The Capital Times

September 20, 2007

Author: Bill Novak

The new *Dane County criminal justice assessment report is a "blueprint for change,"* said County Board Chairman Scott McDonell, and *should be implemented as soon as possible to help the county save time, money and beds in jail.*

McDonell and the report's author, Alan Kalmanoff, met with The Capital Times' editorial board on Thursday to tout the 151-page document as the foundation for a sea change in how the county handles lawbreakers at practically every step of the way in the criminal justice system.

"Every day we are slow in implementing this report will exacerbate the problems," McDonell said. *"If we did all of what's in this report, we'd be in great shape."*

The recommendations in the report, which were presented to the County Board Thursday night, call for more reliance on modern-day methods, such as using computers for court scheduling instead of paper, and using electronic bracelets for off-site monitoring of minor crime offenders instead of putting them behind bars.

"There is enormous waste here in scheduling and in jailing," Kalmanoff said. "There are many places in the system here where you can make things go quicker."

McDonell said *change in the system can come about rather quickly, since the recommendations in the report are predicated on having the budget and the wherewithal by the leaders in the system to do it.*

"We have control over this," he said. "There is no one else we need to go to to do this."

Kalmanoff said if there's any downside to the report, it's getting entrenched people to change their mind-set.

"People are resistant to change," he said. "But they need to understand they are the ones who will benefit the most from it."

Study Provides Blueprint for Savings and Increased Efficiency in Justice System

Jail changes could bring big savings. Reducing minor offender stays may save \$3M.

The Capital Times
September 20, 2007
Author: Bill Novak

Dane County could save \$3 million a year by cutting down or eliminating jail stays for minor offenders, according to a final justice system assessment report being presented to County Board members tonight.

County officials who had seen the final 151-page report from the Institute for Law and Policy Planning praised its potential.

"The thrust of the recommendations are strong and unwavering," County Executive Kathleen Falk said today. ***"This is a vital overdo of the system, and it's doable."***

County Board Supervisor Dennis O'Loughlin hailed it is a blueprint for taking a new direction in the criminal justice system. ***"It has the ingredients that will allow us to save money."***

He pointed to one area - having a weekend judge and a weekend district attorney on hand to expedite cases and keep people out of lockup - as one of the dozens of specific things the county can do to better serve the public and save time and money.

"Get 'em in, get 'em booked, and if it's a misdemeanor, get 'em the hell out of the jail," O'Loughlin said. "If that means cutting down the number of beds used, we've got some real savings there."

The report also recommends adding more management to move people quickly through the system, but backed away from a recommendation made in the initial draft of the report to add five managers to oversee the workflow in the criminal justice departments. Some department heads, including District Attorney Brian Blanchard, were critical of that idea.

"In light of the difficulty of change, and the investment in the past, citizens should expect some resistance by long established office holders," the report says. "But now is the time for serious and systemwide re-engineering to improve public safety."

Blanchard told The Capital Times today he hadn't had a chance to review the final report yet, so he would reserve judgment on the recommendations until reading the full document.

Falk said she's already been working with department heads to get recommendations from the report included in the 2008 county budget proposal that she will introduce on Oct. 1.

Alan Kalmanoff, project director overseeing the report, will give his findings to a joint meeting of the County Board's Public Protection and Judiciary and Executive committees at 5:30 tonight in Room 309 of the City-County Building, 210 Martin Luther King Jr. Blvd.

The report makes 58 recommendations in its "action plan," including 20 top priority goals centered on better use of technology for recordkeeping, court scheduling and inmate tracking; better use of existing managers, with an oversight "executive committee" composed of top judicial officials; keeping minor offenders out of hard cells in the jail so inmates shipped to other counties can be housed here; and a continuation of the sheriff's office reclassification plan for jail inmates so a majority are considered "minimum security" and eligible for alternative sentence other than being housed in a county lockup.

"Minor offenders who are briefly in custody could be quickly transported out of the system, reducing unnecessarily long stays," the report says. "Better use of the jail and budget directly results in a likelihood of improved public safety."

County Board Chairman Scott McDonell said one of the first goals in implementing the recommendations is to establish the oversight executive committee for departments involved in criminal justice, including the district attorney's office, the courts and the sheriff's office.

"Even though we don't run the district attorney's office or the courts (both are state functions), they rely a lot on the county budget," McDonell said.

JAIL POPULATION

The report says *if jail admissions were reduced by 10 percent and the average length of stay in jail dropped 7 percent, the county wouldn't have to rent out-of-county jail space and could save \$3 million a year.*

A major factor in reducing the jail population would be drastically reducing the need to house minimum-security inmates by using electronic monitoring so existing hard-cell beds can be reserved for medium- and maximum-security criminals.

Reclassifying inmates would give jailers greater flexibility in how to house the inmates or not house them at all, the report said.

The three county jail facilities in the City-County Building, the Public Safety Building and the Ferris Center (a work-release facility) have a capacity of 949, but daily population regularly exceeds that number, resulting in the shipment of inmates to jails in other counties.

The new classification system implemented by Sheriff Dave Mahoney shows 62.6 percent of the jail inmates now classified as minimum security, up from 26 percent in 2005, while 24.9 percent are medium security (34 percent in 2005) and 12.3 percent are maximum security (40 percent in 2005).

The report said the sheriff, county executive and oversight committee should establish a capacity limit for the existing facilities and an objective of reducing the population by 250 to 300 inmates over six months to eliminate the need for more staff in the jails.

Kalmanoff gives a warning to the board about letting the report just sit on a shelf without implementing the recommendations, but ***McDonell said there's no chance this report will gather dust.***

"This report will be one of the things that defines this term of the County Board," he said. "We have a lot of incentive to implement this."

Sheriff Latches on to ILPP Recommendations

Dave Zweifel: New sheriff brings new thinking to the job

The Capital Times

October 1, 2007

Author: Dave Zweifel

Dane County Sheriff Dave Mahoney, less than a year into the job, continues to impress.

Last week, *he submitted his first budget request, and it became immediately apparent that he's taken to heart the new report on how the county can more efficiently run its criminal justice system.*

One of the keys to that report, the final version of which was presented to the County Board less than two weeks ago, is that *the county could save \$3 million a year by getting the minor offenders out of the County Jail*, where they are taking up space designed for dangerous criminals.

Jail space has been a long-standing problem here. Every year, it seems the sheriff and others lament the overcrowding of the jail and the need to build more space to house the prisoners.

But the Criminal Justice System Assessment, conducted by nationally known consultant Alan Kalmanoff, pointed out that the jail could actually have open beds if the people who are going to be released anyhow would be released in a more timely and orderly manner.

If the sheriff, district attorney and the judges would work together more closely, Kalmanoff noted, enough space could be freed to end the practice of sending prisoners to neighboring county jails at a cost of up to \$3 million a year to Dane County taxpayers.

That's exactly what Mahoney proposed in his first budget, which went to County Executive Kathleen Falk last week.

Mahoney wants to quadruple the number of monitoring devices -- from about 50 to about 200 -- to allow more prisoners to go back to work and sleep and eat in their homes, rather than spending county money on feeding them and housing them for a few days while awaiting court proceedings. And, of course, a few days in jail often result in the prisoner losing his or her job, throwing families into poverty and unleashing a whole new cycle of taxpayer expense.

These are prisoners who are not a risk to society, often people who did something foolish while getting drunk or taking drugs, and who are excellent risks to show up for court appearances.

To the sheriff's credit, he latched onto the recommendations. He figures that his department can save \$3 million by freeing up more jail beds, then use some of that savings to strengthen traffic safety efforts and put more resources into recruiting and hiring minorities for the department.

Mahoney says he's alarmed at the number of recent deaths on county roads, plus increasing the diversity of the Sheriff's Office was a promise he made during last fall's campaign.

That all makes sense. Hats off to the new sheriff for some new thinking.

Now we've just got to get other county departments to follow suit.

Dave Zweifel is editor of The Capital Times.

Dane County Judges Take ILPP's Recommendations Into Effect

Jail option may close to debtors

The Capital Times

September 29, 2007

Author: Susan Troller

Dane County judges are backing a money-saving move to send a collection agency after deadbeats.

Chief Circuit Court Judge William Foust says people who owe municipal fines and fees but would rather spend a few days in jail are costing the county plenty, and the rest of the Dane County judges agree.

It's one of a series of steps the judges are prepared to consider immediately to try to ease jailhouse crowding and lower costs in the county's criminal justice system, according to Foust.

The judges are considering a long series of recommendations from a report by the Institute for Law and Policy Planning submitted last week to the Dane County Board. The 151-page assessment of the county's justice system suggested that the county could save millions of dollars if it moved people through the system more quickly and found alternatives to incarceration for minor, nonviolent offenses.

In a letter to The Capital Times, Foust said *Dane County's judges met on Thursday and agreed to begin immediately pursuing some of the report's suggestions, including exploring the use of collection agency referrals in place of commitment to the Dane County Jail for failure to pay municipal court fees and fines.*

"Some things can be done immediately or in the short term," Foust wrote. "Others will involve more time and collaboration. Some may save money or have an immediate impact on the jail population while others may not. Some may cost money.

"I pledge the efforts of the court to a timely, comprehensive and systemic examination of the recommendations, balancing the goal of relieving jail crowding against the protection of individual rights, public safety and the integrity of the law," he wrote.

In an interview on Friday, Foust said that it was important to take a look at who's in the jail, why they are there, and how long they are there.

Foust said he has already begun approaching municipal judges in communities throughout the county to explore using collection agencies instead of sending offenders to jail for fines and fees.

He said that in a recent week, there were about 20 inmates in the jail whose only offense was failure to pay municipal court fees and fines. According to Foust, the average length of stay for inmates in jail for failure to pay fines is about 12 days.

Going to a collection agency system can yield substantial savings, both through the collection of the fines and in the reduction of the jail population. Results at the county level where collection agencies are already being used suggest substantial savings could be achieved at the municipal level as well.

Dane County moved to the collection contract referrals approach instead of commitments to jail for failure to pay fines in 2002, and by 2003 money returned to the county totaled \$800,000. Last year the collection referrals brought in about \$1.2 million, and so far this year they have brought in \$1.1 million, and that's with three months to go.

Foust said he is also interested in examining the procedures and sentencing for inmates who have been given a bench warrant, which is issued when someone doesn't show up in court.

"One number that catches my eye is that the average length of stay for someone issued a bench warrant is 52 days. That's seems kind of long," he said.

He said he would like to streamline the system so these inmates would move more quickly through the system. An important step would be to put them more quickly in front of a judge so he or she could more accurately weigh the credibility of their story for why they didn't show up for their initial court appearance, and what kind of risk for further offenses or flight they might actually pose.

County Board members requested the \$140,000 study, which suggests the county could save up to \$3 million a year by cutting down or eliminating jail stays for minor offenders. ***County Board Chairman Scott McDonnell and County Executive Kathleen Falk have both been receptive to many of the report's recommendations.***

Study Shows How to Lower Jail Crowding

County officials seek jail efficiency

Wisconsin State Journal

September 21, 2007

Author: Sandy Cullen

Dane County 's criminal justice system may soon operate more efficiently -- eliminating up to \$3 million in costs resulting from jail overcrowding -- if the final recommendations of a consultant 's report are adopted, County Board Chairman Scott McDonnell said Thursday.

McDonnell also said he plans to ask for an audit of the state Department of Corrections to determine how much taxpayer money is being spent on delays in processing inmates who are in jail on probation holds.

"It 's a big part of our jail problem, " said McDonnell, who is waiting until next month 's Wisconsin Counties Association conference to see if other counties will join in seeking the audit.

The recommendations were presented Thursday at a joint meeting of the board 's executive committee and public protection and judiciary committee. They included instituting a master court calender, creating a new position in the district attorney 's office in order to keep cases moving through the system, and eliminating weekend jail stays for some misdemeanor offenders.

McDonnell said he expects the changes would eliminate the need to transport and house inmates outside the county by reducing the jail 's population to between 80 percent and 85 percent of its capacity.

"I think it is vital that the criminal justice system accomplish the reforms recommended, " said ***County Executive Kathleen Falk, who called the changes "both overdo and are very doable. "***

"I will be incorporating the recommended changes in the budget that I give to the County Board on Oct. 1, " said Falk, who also called on officials in the criminal justice system to take the initiative in adopting the changes.

Savings expected

McDonnell could not put a price tag on the changes but said ***the costs would be more than offset by savings, which could be used to fund other needs, such as human services.***

County Board members requested the \$140,000 study by the Institute for Law and Policy Planning after plans to build a new work-release jail and alcohol- and drug-addiction treatment facility on Madison 's South Side met with opposition.

The report focuses attention away from whether a new facility is needed to making sure individuals are not in jail unless it is necessary, McDonnell said.

"The report is about management, " said Alan Kalmanoff, executive director of the Berkeley, Calif., institute. "There 's delay that doesn 't have to exist. "

Kalmanoff said his recommendations focus on "how do you do what 's going to happen anyway, faster? "

"There's well over 100 recommendations in the report, " he said. "This is across-the-board change. ... This is a matter of changing policy and procedure and practice."

Jail manager needed

After receiving feedback on a preliminary report, Kalmanoff scaled back a recommendation to create five new positions to manage the jail system, courts, district attorney 's office, information and technology systems, and a criminal justice group that would oversee the entire system.

"I got the message on that -- it 's just too much new money, " said Kalmanoff, who instead is calling for one new position in the district attorney 's office, while existing managers would take on those duties in other divisions.

McDonnell said he expects the new position for the district attorney 's office will be approved in next year 's budget. "They 're too big an agency not to have an office manager. "

District Attorney Brian Blanchard said having an employee whose primary job is working on system problems and case flow "could be a real benefit. "

Blanchard said he also believes some of the other recommendations could help cases move through the system more quickly and possibly result in fewer people in jail.

"I think a number of these are good for their own sake and good public policy, " he said.

But Blanchard, who expressed concerns that some recommendations in the preliminary report could have a negative effect on efforts to reduce crime and protect potential victims, said "there are a number " of recommendations he is opposed to or has concerns about. He declined to be more specific, saying he hadn 't yet read the full report.

Signature bonds

Kalmanoff is also advocating giving authority to the sheriff to release some misdemeanor offenders on signature bonds rather than put them in jail "unless there is reason to keep them. " That would prevent some individuals who are arrested on a Friday night from having to stay in jail for the weekend -- when much of the crowding occurs -- while waiting for court appearances on Monday or Tuesday, when they would be released on a signature bond.

Such a move would require an order from Chief Judge William Foust, McDonnell said, adding that a similar policy was in place in the 1990s.

Kalmanoff also is recommending that some offenders -- who are now getting "three hots and a cot " and sitting around watching TV at taxpayers ' expense -- be sentenced to community service, saying, "It isn 't punishment to sit in front of a TV for most of them. "

"If they got picked up in Dane County and they had to work, they wouldn 't want that, " McDonnell said, suggesting it might be a deterrent to some crime.

"If we had a well-run community service option, I think that might be used, " Blanchard said. "There are cases (where) we do need some consequences for the person. It doesn 't have to be jail."

Justice Report Embraced by County Board

Falk embraces justice revamp

The Capital Times

July 20, 2007

Author: Bill Novak

County Executive Kathleen Falk is hailing the newly released report on how to revamp the county's criminal justice system as "welcome news" for both taxpayers and public safety.

"No new jail, maintaining public safety, saving money and bringing our inmates back from other counties," Falk said Thursday. ***"With all the benefits possible to taxpayers and our criminal justice system, this report cannot be ignored."***

The massive report, a County Board-requested audit of all criminal justice county agencies, recommends putting a new layer of managers in place to make the justice system work more efficiently. ***With faster court procedures and different ways of handling inmates, the report predicts that the county can stop sending inmates to other counties' jails and will not need to build more cells here.***

Alan Kalmanoff - executive director of the Institute for Law and Policy Planning, the consulting firm that did the audit - said the nation's best criminal justice practices have "blown by" the county and need to be implemented here.

"The problems here start when the police report is given to the District Attorney's Office," Kalmanoff said. "Can't the report be electronic instead, so it can be scheduled and the defendant screened?"

Saving time at the front end could save days in the county lockup for inmates who aren't really dangerous but haven't had a chance to get through the system.

"If we can reduce the average stay of an inmate in the county jail by one day, we can save 100 beds," County Board Chairman Scott McDonell said Thursday. "Reducing the average length of stay means no change in sentencing and no change in safety."

Daily populations have been around 1,000 inmates in facilities that are considered "safely" maxed out at about 850.

County Board Supervisor Dennis O'Loughlin said he supports the recommendations, especially if it means eliminating the \$2 million to \$3 million in annual costs for shipping inmates out of the county and paying for deputy and jail staff overtime.

Kalmanoff said other county jail systems were looked at in Wisconsin and other states to compare to Dane County.

"The county doesn't do well in alacrity," he said. "You arrest more people for less crime here than they do in Minnesota."

Managers are key to changing the criminal justice system, Kalmanoff said.

"The people in place aren't trained to manage - they are trained to prosecute and adjudicate," he said. "This system needs management."

Other key elements of the report include more use of jail diversion programs, starting a day reporting center to reduce or eliminate the need for a Huber work release facility, and adding real community work programs for low-risk inmates to provide the opportunity for gaining work skills while still serving sanctions for their crimes.

McDonell said there would still be a need for some Huber work release beds, but they could be in the Public Safety Building.

New classifications by the Sheriff's Office on the level of security necessary for inmates resulted in a three-fold increase in inmates regarded as minimum security, going from 23 percent last year to 63 percent now.

This change means that potentially two-thirds of the jail inmates could be monitored with electronic bracelets, freeing cell space for the ones that need it.

District Attorney Brian Blanchard said he didn't have a chance yet to take a close look at the report and didn't want to comment on the recommendations until he did so.

Falk liked what she saw and will push for implementing the plan.

"For the next year, this report will be front and center as I work with the judges, district attorney and sheriff on their budgets and programs," Falk said.