

July 22, 2020

TO: Supervisor Marcelia Nicholson, Chair, County Board of Supervisors
Supervisor Jason Haas, Chair, Committee on Finance
Supervisor Willie Johnson, Jr., Vice-Chair, Committee on Finance
Supervisor Supreme Moore Omokunde, Member, Committee on Finance
Supervisor Sequanna Taylor, Member, Committee on Finance
Supervisor Joseph J. Czarnezki, Member, Committee on Finance
Supervisor Shawn Rolland, Member, Committee on Finance
Supervisor Liz Sumner, Member, Committee on Finance
Supervisor Anthony Staskunas, Chair, Committee on Judiciary, Safety and General Services

FR: Mary E. Triggiano, Chief Judge, First Judicial District – Milwaukee County
Carl Ashley, Deputy Chief Judge
Bill Pocan, Deputy Chief Judge

CC: David Crowley, Count Executive
Mary Jo Meyers, Chief of Staff, County Executive
Kelly Bablitch, Chief of Staff, Board of Supervisors
John Barrett, Clerk of Courts
Steve Cady, Director of Policy and Research, Office of the County Comptroller
Earnell Lucas, Sheriff, Milwaukee County
John Chisholm, District Attorney, Milwaukee County
Tom Reed, Vice-Chair, Milwaukee Community Justice Council and Regional Attorney Manager,
WI State Public Defender
Mandy Potapenko, Executive Director, Milwaukee Community Justice Council

RE: Report from Milwaukee County Courts in Response to Resolution 20-464 on Racial Equity

Introduction:

The First Judicial District of Wisconsin, serving all of Milwaukee County, is the largest circuit court in the State of Wisconsin. Comprised of six divisions - felony, misdemeanor, civil, probate, family, and juvenile - the Court is operated by 47 Judges, 22 Court Commissioners, District Court Administrator, Clerk of Courts and over 300 employees. The mission of Wisconsin's court system is to protect individuals' rights, privileges, and liberties, to maintain the rule of law, and to provide a forum for the resolution of disputes that is fair, accessible, independent, and effective.

In Resolution 20-464, the Milwaukee County Board of Supervisors requested from the Milwaukee County Courts a report detailing information related to "racial disparities in sentencing, a report on diversion programs and their use, and combined operations with the Office of the Sheriff related to

racial equity.” This report articulates the requested information to the best of our ability in the timeframe provided.

The Role of the Courts and Eliminating Racial Disparities:

While the Courts are not the first point of entry into the justice system, we serve a critical role in ensuring individuals equal opportunity for justice. Every person elected or appointed as a Judge must take an oath to administer justice without respect to persons, and faithfully and impartially discharge and perform all the duties under the Constitution and laws of the United States. This oath requires Judges to perform their duties without bias or prejudice. As Judges, we take deep commitment to our oath. We also acknowledge that long-standing, systemic racism and racial inequities have dramatically hurt people of color in our community for generations and that extends into the justice system. The path to equal justice requires reckoning with practices that are unfair and failing.¹ As Judges and as a justice system, we can no longer stand passive and allow for implicit bias to creep into decision-making. We must eliminate outdated and disparate policies and practices that negatively impact individuals seeking access to justice. We must reimagine justice to be more person-centered, humane, kinder, more equitable, and work to repair public trust and confidence in our system. To improve, all entities within the justice system must acknowledge their role and recognize the need to change. Judges occupy a special place in our justice system and have an essential role in inspiring others to address difficult issues. We must be willing to not only attend meetings but do the heavy lifting and have honest and uncomfortable conversations that results in reform. Systemic change to the justice system is essential.

Racial Equity Work Underway:

The Judiciary's work to advance racial equity in the Courts and across Milwaukee County's justice system is not new to our stakeholders. Work has been underway for several years. The Courts have been leading and working closely with many of the justice system leaders through the coordinated effort of the Milwaukee Community Justice Council (CJC) since its creation in 2007.² For more than a decade, CJC members³ have been working collaboratively to ensure a fair, efficient, and effective justice system that promotes public safety and quality of life in our community. One of the CJC's first large-scale endeavors was partnering with the National Institute of Evidence-Based Decision-Making Initiative. It was through that initiative that the Courts, Prosecution and Defense were able to formalize the implementation of pre- and post-charge diversion programs, Universal Screening, the use of pretrial risk assessment tools, and dosage probation. Building upon this momentum, Milwaukee County then also expanded its use of treatment courts, alternatives to incarceration, and evidence-based services. It is through this work that Milwaukee County has become nationally recognized as an advanced jurisdiction for its evidence-based programming and practices. More information on these programs can be found in Addendum A.

¹ “Securing Equal Justice,” Vera Institute of Justice

² Milwaukee County Board of Supervisors Resolution 07-223

³ Executive Committee Members Include: Mary Triggiano (Chair), Tom Reed (Vice-Chair), David Crowley, John Chisholm, Earnell Lucas, Willie Johnson, Jr., Tom Barrett, Alfonso Morales, Niel Thoreson, Matthew Krueger, Constance Kostelac, Walter Lanier, Jose Hernandez, Shakita LaGrant, Margaret Daun, and Derek Mosley.

Juvenile Justice

Beginning in 2010, Milwaukee County's Juvenile Courts Division entered a partnership with the Anne E. Casey Foundation, entitled the Juvenile Detention Alternatives Initiative (JDAI). The central premise of this work was to reduce disproportionate justice system involvement and ensure equity in the decision-making regarding the use of juvenile detention. Through this initiative and still today, the Courts collaborate with the County, Youth Justice Milwaukee, the Burns Institute, and many others to ensure a variety of perspectives and expertise are involved in transforming the system to be more equitable and just. The Courts have also worked with the County to find community-based alternatives to incarcerating youth, as Lincoln Hills and Copper Lake close. Additional information regarding the ongoing work at Vel Phillips Juvenile Justice Facility can be found in [Addendum B](#).

Race, Equity and Procedural Justice Committee

In 2013, a group of stakeholders working within the Courts came together organically and began conversations on how to elevate racial equity work in Milwaukee County's justice system. Initially, the group decided that more criminal justice professionals needed to become aware of the problematic intersection of race in the criminal justice system, as well as the need to take active steps against the status quo. In early 2014, the group garnered the approval of the Chief Judge to close the Courthouse to allow for a full-day of learning and conversation amongst the many agencies that comprise and serve the criminal justice system. This event was the first step in normalizing a conversation about race in the justice system and collaboratively identifying ways to eliminate disparities. Agency leaders and staff agreed that it was essential to keep the dialogue and learning going on an annual basis. In sum, the committee has since put on a total of 6 convenings with increasingly rich content and discussion. Each year, the committee has dug deeper into the ways Milwaukee County Courts and the justice system as a whole can improve. More information on those convenings can be found below.

- October 2014 – Inaugural Presentation: The Shared History of Racial Division in America, by Attorney Jeffrey Robinson, Director ACLU Center for Justice.
- October 2015 - "The Science of Implicit Bias," by L. Song Richardson, Law School Dean, and Attorney Jeffrey Robinson, Director ACLU Center for Justice; "The Science of Trauma," by Tim Grove, Chief Clinical Officer at Saint A's and Judge Mary Triggiano; "The Culture of Policing in the 21st Century," by Sue Rahr, Executive Director of the Washington State Criminal Justice Training Commission; Lisa Daugaard, Director of the Public Defender Association.
- October 2016 - Guest Presenters and Panelists, followed by an afternoon of facilitated breakout sessions by YWCA of Southeast Wisconsin. Presenters and panelists included:
 - John Chisholm, District Attorney
 - Adam Foss, Former Prosecutor, Suffolk County, Massachusetts
 - Glenn Martin, Founder of JustLeadershipUSA
 - Jeff Robinson, Director ACLU Center for Justice
- October 2017 - Guest Presentations by: Dr. Lawrence Berger, UW Institute for Research on Poverty; Reggie Jackson, America's Black Holocaust Museum; Prof. Cecelia Klingele, UW Law

School; Prof. Michael O’Hear, from Marquette Law School on “Mass Incarceration and Sentencing;” Professor Lois Quinn, UWM

- March 2019 - A morning performance of “White Privilege,” a nationally-recognized theatre production written by Malaina Moore from Marquette University, followed by a cast talkback, first responder panel, and two sets of afternoon breakout sessions facilitated by the Zeidler Group.
- February 2020 – Partnership with Milwaukee Film, Black Lens to view the following short films: Stop, Jim Crow Juvenile Justice, Plea, and Emergency. The event also included post-viewing talkbacks and small group discussions facilitated by the Zeidler Group.

In addition, the committee also played a significant role in planning the following events hosted at Marquette University’s Law School:

- June 2016 - In alignment with Milwaukee County's work with the MacArthur Foundation Safety and Justice Challenge (see below), the Milwaukee Community Justice Council hosted the Honorable Steven Leifman from the Eleventh Judicial Circuit (Miami-Dade, FL) to learn more about his leadership in launching a criminal justice diversion program for those suffering with mental illness, many of whom are indigent and people of color. This program immediately deflects individuals from the criminal justice system into community-based treatment and support services. Judge Leifman’s presentation and two-day discussions were instrumental in shaping Milwaukee County’s Post-Booking Stabilization and Mental Health Diversion programs.
- October 2018 - Bruce Western, a sociology professor at Columbia University and author, was the keynote speaker at “Racial Inequality, Poverty, and Criminal Justice,” conference held at the Marquette University Law School. Western’s presentation focused largely on his newest book, *Homeward: Life in the Year After Prison*, which describes the lives of 122 individuals who talked to interviewers several times over the period of a study in Boston, describing their life experiences in the year(s) after release from prison. Western’s presentation focused largely on the human story of racial inequity and ensuring individuals’ basic needs being met in order to expect reentry success. “Criminal justice right now is not serving justice.” But, he said, he sees signs across the country, including in Milwaukee, that things are changing for the better and more people can be helped successfully to avoid incarceration.

While the work of the committee has been invaluable, more is to be done. Because of the momentum and success of the “Equal Justice Committee,” as well as the increasing need to “do more,” the committee expanded to become the **Race, Equity, and Procedural Justice Committee**,⁴ in 2018. The work of this committee is broad and deep. In addition to planning powerful events that raise awareness and discussion, the committee is working to take a more active role in reforming policies and practices

⁴ Membership includes representatives from the Judiciary, District Attorney’s Office, Public Defenders, law enforcement, the Milwaukee County Office of African American Affairs, Milwaukee County Sheriff’s Office, Milwaukee Police Department, WI Department of Corrections, Milwaukee Area Technical College, Marquette University Law School, and other partners from the CJC.

that create inequalities for people of color in the justice system. The group is currently working to develop a strategic plan that includes examining data, policies, and attitudes at every point in our system. This systematic review of who is arrested, booked, charged, held in-custody, subject to pretrial supervision, and adjudicated is essential in understanding where inequities lie. The committee is also committed to expanding its membership to include more non-justice system members with diverse perspectives, to amplify opportunities for community input.

MacArthur Safety and Justice Challenge Initiative

As mentioned previously, the CJC is an essential pillar of Milwaukee County's criminal justice system. The CJC has and will continue to set forth actionable goals to meaningfully advance racial equity and anti-racist work within Milwaukee County's justice system. Beginning in 2016, Milwaukee County was selected by the John T. and Catherine D. MacArthur Foundation to receive resources through the Safety and Justice Challenge (SJC). The SJC has three goals for sites: 1) safely reduce the over-reliance and/or unnecessary use of local jail(s), 2) reduce racial and ethnic disparities in the local justice system, and 3) increase community engagement in criminal justice efforts. In addition to funding, Milwaukee County and the CJC have received substantial technical assistance and guidance from the MacArthur Foundation's "Strategic Allies." These allies - notably the Vera Institute of Justice, Institute for State and Local Governance (ISLG), Burns Institute, and Policy Research, Inc. - have provided profound support and guidance so that Milwaukee County could deploy a data-informed and evidence-based approach to advance reforms that met mutual goals set by the CJC members and the Foundation.⁵

In addition to jail deflection, case processing, and other-court involved reforms, a portion of the SJC initiative has been dedicated to deploying a SAMHSA-created, trauma-informed training for criminal justice employees entitled, "How Being Trauma-Informed Improves Criminal Justice Outcomes." Funding allowed for 30 local staff to be trained by Policy Research, Inc., and in-turn trainers then were assigned to train those in their organizations. The training focused heavily on the intersection of race, historical trauma and how the justice system has often exacerbated this trauma, and how secondary trauma faced by those working in the system can desensitize them to behavior which is harmful to those they serve. The training also provided guidance on how to identify and respond effectively to those who may be exhibiting behaviors related to trauma. Over the past three years, over 550 staff-persons within Milwaukee County's criminal justice system have been trained using this curriculum, including our judges. Because of its success in Milwaukee County, the training was also provided at the 2019 Wisconsin Judicial College, an annual training event for Judges across the State of Wisconsin.

Additional Partnerships:

The Courts not only serve those who come before us, but we work to address community-wide issues in partnership with others outside the justice system. If we are to make headway, judges must step forward in partnership with others, to encourage solutions to the problems we see outside our court system. If we want fewer evictions, we need more affordable housing and better employment

⁵ More detailed information on Milwaukee County's SJC strategies can be found [here](#).

opportunities; if we want less intimate partner violence, we must disrupt the developmental pathways towards domestic violence; if we want fewer people with serious and persistent mental illness in our jails and facing involuntary commitments in a hospital, we need more community mental health services; and, if we want fewer people dying of opiate overdoses or in court on drug offenses, we need more addiction treatment. Without sacrificing our critical role as independent arbiters, we need to find partnerships outside of our system just as much as we are devoted to reforming our own work.

The courts were invited to participate in meetings as key stakeholders in the work that led to the Blueprint for Peace, an innovative approach to the reduction of violence in our communities, led by the City of Milwaukee's Office of Violence Prevention. We pledge to work with the City of Milwaukee and the community in implementing the strategies in the Blueprint that relate to the law, the legal system, and the administration of justice.

Some of our judges are members of bar association committees directly working on racial equity in the justice system, such as the State Bar's Diversity and Inclusion Committee. We commit to working hard to make sure the legal community understands the need for racial equity.

In 2019, Milwaukee County launched its first strategic plan in 20 years. The plan explicitly recognizes racism as a public health crisis and leads with the vision that: By achieving racial equity, Milwaukee is the healthiest county in Wisconsin. In the Spring and Summer of 2019, thousands of Milwaukee County employees participated in racial equity training, including employees in the Clerk of Courts Office.

Looking Forward:

In addition to the criminal division, the Courts serve people with a variety of needs and often work to address their most pressing problems. When faced with the COVID-19 public health crisis, the Milwaukee County Court System made significant changes to our court operations in a very short period of time; changes that were once unimaginable. Eliminating racism and advancing racial equity within our justice system warrants an equally urgent response and commitment. As mentioned earlier, we are beginning to compile and review data as it becomes available to evaluate our own internal policies and practices. In doing so, we pledge to use racial equity as our lens and as a driver for change.

The impact of COVID-19 continues to affect our community everywhere we look. As judges, we have seen challenges in our court system. Because of the strong collaborations we built, we have been able to make significant progress on reducing local jail populations safely with almost daily cooperation from the Milwaukee County Sheriff's Office, House of Correction Administration, the District Attorney, Public Defender, and others. Similarly, there are efforts underway in our courts, the County Executive's office and the Milwaukee legal community to help address the alarming influx of evictions and other small claims cases.

During the pandemic, we initiated regular meetings with the Secretary of the Wisconsin Department of Corrections discussing opportunities to reduce the prison population, while still prioritizing public safety. As a result, they have taken steps to minimize the number of people being held for violations of their supervision rules or returning to state prison. We see a willingness to use the same collaborations to

reduce their population by selectively transitioning some individuals at the end of their sentence into community supervision early – thereby reducing the health risks tied to COVID-19. We anticipate this relationship continuing beyond the pressures of COVID-19, and we look forward to doing so with a racial equity lens.

Conclusion:

These commitments are by no means comprehensive; however, these are resolute steps towards collectively forging a new path forward for our justice system. We are called to reconsider long-held assumptions and commit to change, so as we redefine access to justice, equity must be our focal point. We are not perfect; we can and will do better. Above all, we care deeply about our Milwaukee community and believe that “Justice for All” is more than a hopeful slogan.

ADDENDUM A

TO: Milwaukee County Board of Supervisors

FROM: Stephanie Garbo, Judicial Operations Manager

CC: Mary Triggiano, Chief Judge

DATE: July 9, 2020

RE: Request for information on the pretrial and diversion programs and use

Pretrial Supervision Programs

Milwaukee County's pretrial supervision programs were restructured under the guidance of the National Institute of Corrections' Evidence-Based Decision Making (EBDM) initiative. The foundation for the current programs was built in 2012. There have since been updates and modifications made to align with research and best practices in the evolving field. Pretrial risk is measured by the risk of failing to appear (FTA) for a scheduled court date and new criminal activity (NCA) while out in the community pending disposition of the underlying case. Individuals who are booked into the Milwaukee Criminal Justice Facility go through Universal Screening to determine pretrial risk⁶. A voluntary interview is also completed to gather additional information that may be helpful to the parties when making a bail argument at the initial appearance. A "pretrial risk assessment" report is completed with the information and made available to the parties. The report includes a release and supervision recommendation based on the information collected. The report does not remove professional judgement or discretion.

In January 2020, with the assistance of the MacArthur Safety and Justice Challenge grant, a court reminder program was introduced. Prior to this program, individuals who were deemed low risk and ordered to level 1 or level 2 court reminders received automated texts/emails/phone calls for their scheduled court appearances. With the new program, in addition to the automated reminders a staff person contacts the individual five days ahead of the court hearing and the day of the court hearing to provide reminders. Additional information, such as attorney contact information and parking at the complex, is also provided.

The programming descriptions below do not reflect changes made March 16, 2020 with on onset of the COVID-19 pandemic.

Pretrial Supervision: Individuals may be released at any time during the life of the case and ordered to pretrial supervision. There are three levels of supervision: (1) Level 3 – once a month office

⁶ Universal Screening uses the Public Safety Assessment. This is an actuarial tool based on adult criminal history factors. It has been validated nationally and locally. <https://advancingpretrial.org/psa/factors/>

appointments with a case manager and once a month telephone contact; (2) Level 4 – twice a month office appointments with a case manager and twice a month telephone contact; and (3) Level 5 – weekly office appointments with a case manager. At every office appointment, regardless of supervision level, the case manager reviews: contact information, employment/education status, law enforcement contact, prescription verification, provides reminders for court hearings, and offers any assistance in connecting to services (treatment, mental health, etc.). An individual may be ordered to drug testing which is conducted on a random basis. Case managers may also work through various programming such as planning to get to court. Case managers also submit reports to the court ahead of all scheduled court hearings regarding compliance with supervision. If there is any non-compliance that is reported to the court according to the agreed upon process.

Repeat Intoxicated Driver/OWI Supervision: This program mirrors the pretrial supervision program. The difference is the alleged offense the individual is facing. At office appointments, individuals are also given a portable breathalyzer test. Some individuals may be ordered to wear a Secure Remote Alcohol Monitor (SCRAM) device. This device is worn on the ankle and detects alcohol through contact with the skin. There is no expense to the individual for this device, unless ordered to “private pay”.

GPS Supervision: The GPS supervision program follows the same structure as the pretrial supervision program. Individuals in the GPS program tend to be higher risk and placed on Level 5 supervision. Individuals wear a GPS device around their ankle while in the program. There is no cost to the participants in this program for the device.

2019 Milwaukee County Pretrial Supervision Programs

Demographic Information⁷

		Pretrial	OWI	GPS
Race	White	28%	61%	26%
	African American	70%	35%	71%
	Asian	1%	1%	1%
	Native American	1%	1%	1%
	Other/Unknown	6%	2%	1%
Ethnicity	Hispanic	10%	14%	9%
	Non-Hispanic	81%	75%	84%
	Unknown	9%	11%	7%
Gender	Male	83%	82%	89%
	Female	17%	18%	11%

Program Information

	Pretrial	OWI	GPS
Contracted Daily Capacity	1,200	250	90
Participants Served	5,597	845	318
Participants Discharged	4,067	270	227
Participants Still Active (7/8/2020)	573	121	41

Supervision Outcomes (Percent)⁸

	Level 1	Level 2	Level 3	Level 4	Level 5	Level 5F	Total
Release⁹	82	73	59	66	68	50	69
Appearance¹⁰	72	79	79	73	66	88	76
Public Safety¹¹	97	86	87	79	80	77	84

⁷ Demographic information is provided through an interface with the CMS system to ePretrial. It only captures those who were booked into the Criminal Justice Facility. Individuals who are ordered to a program and not booked are not represented. VTC demographics are collected through a different process.

⁸ Pretrial outcome data is captured at the time of case disposition. The information was pulled from the ePretrial system on 7/8/2020.

⁹ Reported by risk score supervision levels and not ordered supervision levels.

¹⁰ Appearance rate is reported. Failure to appear is defined as any missed court appearance while on release pending case disposition for the current case and a bench warrant or capias for arrest was authorized (issued or stayed). There was a change to the definition that took effect on 1/1/2020, "the FTA will not be counted if: it is confirmed the individual is in custody or the bench warrant was withdrawn or canceled the same day".

¹¹ Public safety is reported. New criminal activity is recorded if there are new charges filed while the individual is out of custody and the offense date happened after the pretrial release date and before the disposition of the underlying case.

2018 to 2020 Program Comparison¹²

	Pretrial			OWI			GPS		
	2018	2019	Q2 2020	2018	2019	Q2 2020	2018	2019	Q2 2020
Contracted Daily Capacity	1,200	1,200	1,500	250	250	250	90	90	90
Participants Served	5,055	5,597	3,245	728	845	438	329	318	182
Participants Discharged	3,599	4,067	1,434	342	270	259	239	227	76
Participants Still Active (7/8/2020)	40	573	1,772	6	121	256	4	41	104

Supervision Outcomes (Percent)¹³

		Release	Appearance	Public Safety
Level 1	2018	83	77	90
	2019	82	72	97
	Q2 2020	91	74	94
Level 2	2018	72	80	91
	2019	73	79	86
	Q2 2020	86	92	92
Level 3	2018	57	80	87
	2019	59	79	87
	Q2 2020	78	76	86
Level 4	2018	64	77	83
	2019	66	73	79
	Q2 2020	80	73	86
Level 5	2018	62	68	82
	2019	68	66	80
	Q2 2020	72	66	67
Level 5F	2018	53	80	86
	2019	50	88	77
	Q2 2020	43	74	75

¹² 2018 and 2019 are full calendar years. 2020 is through June 30, 2020.

¹³ Pretrial outcome data is captured at the time of case disposition. The information was pulled from the ePretrial system on 7/8/2020.

Early Intervention Programs

Milwaukee County's Early Intervention programs started in 2007 and have continued to evolve and align with research and best practice as more is learned in the field. The programs are designed to maximize opportunities and support for eligible, non-violent individuals in the justice system while minimizing potential negative consequences for the defendant, victim, and community. There are five primary programs that have specific eligibility criteria and requirements for completion. The programs are voluntary and participants must accept responsibility for their offense(s). The programs and information below only pertains to those receiving county funding with oversight from the Office of the Chief Judge.

Referrals to any of the programs can be made by the Assistant District Attorney, Defense, Judge, or Case Manager. Once a referral is made a screening is conducted to determine appropriate program eligibility. When the screening assessment is completed, the parties are notified and negotiations take place to determine the appropriate program requirements that will be included in the agreement.

Diversion: Individuals are at low-risk for re-offending. The diversion agreement is offered prior to the District Attorney's Office issuing charges. Upon successful completion the charges will not be issued. If the program is not completed charges will be issued. There is no judge or court involvement with diversions. The program takes a "hands-off" approach and typically includes requirements of restitution, community service, and apology letter. The program is typically six months but agreements are often extended to allow more time for completion if good faith efforts are shown towards the requirements.

Deferred Prosecution Agreements (CLU DPA)¹⁴: Individuals are at moderate to high risk for re-offending. The participant enters a guilty plea in court which is stayed pending successful completion of the program. The agreements are designed to address the individual's risk(s) and need(s) with appropriate programming and community support. Upon successful completion the charges are either dismissed or reduced depending on the agreement. If the program is not completed the participant's agreement is revoked and goes directly to sentencing. Participants meet regularly with a case manager who assists with employment, education, treatment services, budgeting, etc. There are also regular staffings which include the Assistant District Attorney, Defense, Participant, Case Manager, Service Providers, and Participant. The staffings are designed to assist participants through the program and successful completion. There are also check-ins with the Judge to assess progress or address any struggles. Depending on the participant's risk the program is designed for either six or nine months but may be extended if there is good faith effort shown towards the requirements.

Treatment Alternatives & Diversions – Deferred Prosecution Agreements (TAD): This program receives funding from the Wisconsin Department of Justice and has a county match. It mirrors the DPA program

¹⁴ Under the MacArthur Safety and Justice Challenge grant, the District Attorney's Office began offering deferred prosecution agreements for domestic violence cases in 2017. Data on that program is not included below. In 2019, the District Attorney's office began offering deferred prosecution agreements to eligible individuals charged with CCW. Weapons/firearm offenses were previously excluded from program eligibility. Participants in this category, which are over 85% individuals of color are included in the demographics below but are not supervised by the programs under the Office of the Chief Judge.

with the addition of a documented substance abuse need, which is a requirement under the TAD statute. Regular drug testing is also a component of the program.

Adult Drug Treatment Court (DTC): This program coordinates effective and accountable drug or alcohol treatment and other supportive services for high risk/high needs individuals with significant substance abuse issues. Individuals are facing a minimum of 4 months straight time¹⁵. At the time of program entry participants enter a guilty plea in court, which is stayed pending successful completion of the program. If successful participant's cases are dismissed or reduced. Participants are required to participate in cognitive behavioral programming, treatment, community service or employment/education. They meet with a case manager multiple times a week and are subject to random drug testing. There are staffings that include the: Judge, Assistant District Attorney, Defense, ADTC Coordinator, Case Manager, Law Enforcement, Treatment Provider, BHD Representative, and Participant. The program is a minimum of 12 months but may last up to 20 months.

Veterans Treatment Court (VTC)¹⁶: Is a combination of the above listed programs (diversion, deferred prosecution, and drug treatment court). VTC is designed to link Veterans with evidence based rehabilitative services that address their individual criminogenic needs. Support is provided by the Veteran's Administration (VA), Center for Veterans Issues (CVI), and other Veteran Service Organizations. The program is available for anyone that served in the US Armed Forces, received a discharge other than dishonorable and is facing criminal charges in Milwaukee County Circuit Court.

¹⁵ The length of the straight time requirement was changed in 2019 from nine months to four months.

¹⁶ Veterans Treatment Court has not received funding from Milwaukee County until July 2020. In July 2020 the Veterans Treatment Court Coordinator became a county position.

2019 Milwaukee County Early Intervention Programs

Demographic Information²

	Diversion	DPA	TAD	ADTC	VTC
Race	White	51%	57%	67%	65%
	African American	47%	37%	30%	31%
	Asian	1%	1%	1%	2%
	Native American	0%	1%	0%	2%
	Other/Unknown	7%	4%	2%	0%
Ethnicity	Hispanic	16%	9%	12%	Not Captured
	Non-Hispanic	75%	84%	80%	Not Captured
	Unknown	9%	7%	8%	Not Captured
Gender	Male	33%	69%	70%	90%
	Female	67%	30%	30%	10%

Program Information

	Diversion	DPA	TAD	ADTC	VTC
Year Established ¹⁷	2014	2014	2007	2008	2012
Daily Capacity	NA	90	90	80	40
Participants Served	378	262	207	132	60
Successful Completion	225	113	68	26	25
Unsuccessful Completion	42	52	48	32	6
Supervision Removed/Transferred	1	8	9	3	NA
Est. Jail/Prison Bed Days Saved	17,445	17,560	13,735	13,645	3,064

¹⁷ The Diversion and DPA (CLU) work began in 2012 but was fully operational in 2014.

2018 to 2020 Comparison for Early Interventions⁷

	Diversion			DPA			TAD			ADTC		
	2018	2019	Q2 2020	2018	2019	Q2 2020	2018	2019	Q2 2020	2018	2019	Q2 2020
Participants Served	369	378	221	237	262	123	207	207	110	126	132	94
Successful Completion	198	225	60	99	113	47	87	68	37	29	26	15
Unsuccessful Completion	33	42	20	40	52	11	44	48	12	26	32	9
Supervision Removed/Trans	6	1	2	7	8	5	7	9	8	4	3	3
Est. Jail/Prison Bed Days Saved	16,949	17,445	3,900	14,250	17,560	6,460	17,205	13,735	5,665	17,776	13,645	7,292

ADDENDUM B

Eliminating Racial Bias and Working Toward Racial Equity at the Vel R. Phillips Youth and Family Justice Center (VPYFJC)

The following are areas and programs operated through the Vel R. Phillips Youth and Family Justice Center (VPYFJC) where the courts and our partners are striving to eliminate racial bias and working towards racial equity for those youth and family we serve in our community.

On our delinquency side, our goal is to eliminate the pipeline of our delinquent youth in the juvenile justice system to the adult criminal system. To break this cycle, we have created a Zero In program, opened a Re-entry Court, created the Bakari Residential Treatment Center, and employed the Credible Messenger Program.

The Zero In program has a dedicated All Out Project Manager position which will lead and oversee the strategic initiatives to eliminate all placements in Lincoln Hills (LHS) and Copper Lake Schools (CLS) in favor of community based services to maintain youth in our community. This mission is critical as preparations are made for the closing of LHS and CLS in July 2021. This position will be responsible for effectively implementing strategies to eliminate correctional placements and demonstrate an accelerated reduction in the confinement of our youth of color.

Next, youth enrolled in the Milwaukee County Accountability Program (MCAP) participate in a Re-entry Court program. We found that a number of youth upon returning to the community struggled with maintaining their compliance with conditions of supervision. Utilizing the ideology employed in our problem-solving courts, a team composed of the Running Rebel Advocates, Wraparound workers, Human Service workers (HSW), therapists, prosecutor, defense attorney, and judge were put into place to support the youth beginning with the initial phase of the program and continuing through and during integration into the community. By meeting every 2-3 weeks, there is immediate positive affirmation as well as accountability. Furthermore, the connection created between the youth and judge has allowed for the development of a relationship of trust and support that gives insight into the youth's struggles and strengths to provide the appropriate resources to ensure a successful future for our youth in our community.

Due to the positive response to this Re-entry Court program, we are expanding to include our youth at the Bakari, a residential treatment program (RTC). Located in Milwaukee County, this RTC provides a staff secure setting where youth receive therapy that includes juvenile cognitive intervention therapy, dialectical behavior therapy, relationship building, and education. Bakari has been found to be a better alternative to distant, unaccountable "treatment factories" in other states or hours away.

Working to develop a connection between our youth and the community, the Credible Messenger program is being implemented. The Credible Messenger movement uses an innovative approach to restorative justice. It relies on the unique relationships that credible messengers form with youth and families to modify individual behavior and strengthen disadvantaged communities. Credible Messengers are individuals from the neighborhoods where our youth live who connect and motivate our youth and hopefully transform their thinking, attitudes, and behavior. Bakari, MCAP, Zero In, All Out, Credible Messenger, and the Re-entry Court are all working to meet the needs of our youth to establish community-based supports that empower and provide positive pro-social sustainable behavior.

At the VPYFJC, we are striving to ensure that our decisions are built on evidence-based instruments. Our Detention Risk Assessment tool, which is grounded in our judicial intake policy, is utilized to bring greater objectivity to our detention custody decisions to remove racial bias. Another evidence-based tool, the Youth Assessment Screening Instrument (YASI), is utilized by our human service workers to provide insight when drafting dispositional recommendations to the court based on the youth's risk, needs, and responsibility. All courts have been trained on these tools which eliminate racial bias and subjectivity in drafting the reports.

The impact of these initiatives and others has resulted in about 150 fewer youth of color from Milwaukee in secure custody every day than on any single day 4 years ago. Youth crime has continued to decline as well over that same time period.

On the Children in need of Protection and Services (CHIPS) side, programs have been implemented for employees to attend Intro to Equity which is a conference that includes a section on implicit bias specifically focused on race. Annual advanced equity development offerings include: cultural humility, micro aggression, the beloved community and perspective shift and the Reconstruction of Diversity.

The Diversity, Equity and Inclusion workgroups and committees are fully supported by leadership and have strong employee participation. Some areas of focus include voter education and mobilization and increased use of minority vendors and providers. At least one of our providers has committed to the Milwaukee Metropolitan Association of Commerce's Region of Choice pledge which states as an agency that they will increase the number of African-American and Hispanic/Latino employees in Metro Milwaukee by 15%, and the number of African-American and Hispanic/Latino managers in Metro Milwaukee by 25%, by 2025.

There is still work to be done, but our partner agencies stand together in our pursuit of racial equity. Our partner agencies continue to make internal efforts to address racial bias, assure greater equity in hiring, promotion, and compensation of people of color.