Crime and Courts: County tackling racial disparities in the court system

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During recent interviews of candidates for judge in Dane County Circuit Court Branch 11, the eventual winner, Ellen Berz, said that one of her priorities would be to get the county's efforts to reduce racial disparities in the criminal justice system back on track.

For years, Dane County has been at or near the top of the list of counties nationally that disproportionately lock up more black boys and men than whites. So the county put together a Task Force on Racial Disparities to tackle the problem, and in 2009 the panel released a report with more than 80 recommendations, 10 of which were given priority.

In 2010 an implementation team was formed to put some of the recommendations in place.

"There was that commission," Berz said. "But then it stopped. I am unaware of any data or report coming forward saying what, if anything, has been accomplished."

I thought that was worth checking out. What has the county been doing to address a system in which black men are 21 times more likely to be incarcerated than white men, and in which nearly half the black men between the ages of 25 and 29 are either behind bars or on supervised release?

Turns out a number of policymakers — including the county executive and the district attorney — have been steadily working on the problem.

"A lot of people, because this isn't front-page stuff, assume there's nothing happening," says Isadore Knox, director of Dane County's Office of Equal Opportunity. "Well, that's just not true."

Knox and others involved in the effort to reduce racial disparities say that the problem didn't appear overnight, and the solution will require a many-pronged effort that will take some time.

"There are no magic quick fixes here, and anyone who would think that could happen doesn't understand the problem at all," he says.

One sign that the county is trying to make headway is last year's county budget. While County Executive Joe Parisi called it the most difficult budget in the county's history, he included a number of modest proposals to help the county chip away at the problem.

"It was a priority for me to include funding for racial disparities despite difficult budget times," Parisi says. "The impact first offenses and re-entry difficulties have on our county as a whole, be it the human toll or the economic toll, must be addressed."

Those budget items include $155,000 for a Court Diversion Unit (DPU), which the DA's office is currently working to put in place. The unit will work with first offenders to help them take advantage of the Dane County Deferred Prosecution Program. District Attorney Ismael Ozanne says many young offenders choose to do jail time to get their criminal matters resolved quickly rather than take part in a program that can take up to a year to complete. That leaves them with a criminal conviction on their record — which could affect future employment and eligibility for federal financial aid — whereas they would have a clean record after successfully completing the program.

The unit will also help offenders participate in drug court, which gives offenders a chance to participate in treatment to keep their records clean.

Ozanne says the program will also provide required drug testing for indigent offenders serving

sentences in the community who otherwise would have to pay for their own drug testing.
In addition, Ozanne says he's looking for ways to expand the scope of the DPU program.
"I have looked to increase the numbers of people participating in our DPU, as it is a way we can help affect positive change in people while allowing them the opportunity to accept responsibility, pay restitution and avoid a criminal conviction," he says.
For instance, Ozanne hopes to implement a fast-track domestic violence program that will channel first-time offenders through the diversion unit to get them into treatment and counseling sooner rather than handing them a criminal conviction. He's also collaborating with child support staff to find ways to help parents who have fallen behind on payments resolve the situation outside of court.
Ozanne also says he's working with community partnerships to help offenders make a smooth transition into the community so they have a better chance of succeeding. He says the county is also working with those partnerships to help children who are victims of abuse and neglect "in order to keep kids from being victims who may then become delinquent, working their way into the adult system in the end."
"If we are to have a true effect on racial disparities, we need to focus on how people are coming into the system," he says.
Parisi says he hopes to address some of the root causes of crime with $87,000 for Joining Forces for Families and the Early Childhood Initiative to help struggling families with basic needs.
Parisi also slotted $62,000 for a New Life Skills and Employment Initiative, which will offer young people training and work experience with Operation Fresh Start.
Parisi restored funding for the YMCA driver's license recovery program, which was pegged for elimination. The $25,000-a-year program helps those who have lost their licenses for reasons other than drunken driving to regain driving privileges for work and school.
And in juvenile court, where black youths are far more likely than whites to be referred for charges, the county has set a goal of boosting the percentage of juveniles taking part in informal dispositions, such as offering support services rather than court proceeding, from 20 percent to 50 percent.
In addition, the county has established a Criminal Justice Council, including the district attorney, the County Board chairman, a representative from the State Public Defender's Office, the chief judge and law enforcement representatives, to look for ways to address racial disparities in all aspects of the criminal justice system. Colleen Clark Bernhardt, a community outreach specialist with the county's Office of Equal Opportunity, says the group was formed because the Racial Disparities Task Force implementation team didn't have the clout to enact policies.
"The goal is to get the people who make policy and budget decisions to prioritize which of the recommendations they would move forward," she says.
That group looks for ways to implement recommendations from the task force and also discusses initiatives taken by other communities. The group has recently hired a facilitator to help move some of the recommendations forward, says Bernhardt.
Parisi says the council will "be an agent for meaningful, systematic change in the months ahead."
During my interview with Berz, she told me that her chief complaint is that the county has never issued reports or studies to gauge the successes of the programs the county is putting in place.
Knox says the county is in the process of doing just that.
"Finding ways where we can measure the impact that those things have, I think that's where the focus is," he says.