



## A New \$130M Dane County Jail? The Wrong Solution to the Wrong Problem

**MOSES rejects the proposal for a new Dane County jail.** Data show that a large percentage of the people in Dane County jail are there **unnecessarily**. Correcting outdated and misaligned policies and practices would dramatically reduce the number of jailed people, beginning in the next few months. This is the shortest path toward closing all or part of the unsafe City-County Building jail, reducing racial disparities, and avoiding waste of lives and money. It is also a necessary prerequisite to making credible projections about long-term jail needs.

Dane county contracted with a prison design firm, Mead and Hunt, to produce a report and recommendations for a new jail. After studying their document, the concerned citizens of MOSES reject the proposal. We are clear that no new jail building is needed, for the following reasons:

1. We agree that the City-County Building jail is **sub-standard**, and that this must be addressed immediately.
2. **The fastest and most cost-effective solution lies not in brick and mortar, but in rapidly implementing proven new systems and policy changes to immediately stop unnecessary incarceration.** With fewer people in all three jail sites, the City-County building site can be fully or partially emptied, remodeled, and put to other non-jail use.
3. A new jail building (estimated to cost \$130-\$141M) would not only be wasteful and unnecessary, but may also sustain or worsen Dane County's excessive incarceration rate and appalling racial disparities.

In MOSES' view, the Mead and Hunt report:

- Assumes that Dane County's already outdated incarceration policies and practices will continue.
- Ignores more cost-effective alternatives already implemented and proven throughout the U.S.
- Inflates the number of beds needed, based on questionable projections of the number of people in jail.<sup>1</sup>
- Creates perverse incentives to jail more people in order to maximize staffing and facility efficiency.<sup>2</sup>
- Proposes to generate revenue by incarcerating people from other counties' jails--particularly youth.<sup>3</sup>
- Assumes incarcerating the same or greater number of people with mental illness.
- Ignores new funding opportunities in BadgerCare expansion to single individuals starting April 1, 2014.

Dane County's incarceration rates can, should, and must be lowered by implementing new standards of practice, including treatment, alternatives, and diversions in the arrest, pre-trial detention, prosecution, and incarceration stages of the criminal justice process. These practices are well established elsewhere and proven to be more cost-effective and better for communities. Medicaid funds are also now more available to fund treatment alternatives.

As one example: Black people are typically 48% of the Dane County jail population but only 14% of those on home electronic monitoring. This likely relates to inability to pay the required \$20/day fee to participate in electronic monitoring. The effect is that African Americans are disproportionately incarcerated **unnecessarily**. The table on reverse side shows many examples of unnecessary incarceration, and the changes that could reduce it. MOSES is working hard for the changes needed to correct this terrible situation in our county.

<sup>1</sup> Despite a decline in Madison arrests since 2004, a decline in the number of new District Attorney cases since 2007, and a large decline in the average daily number of people in jail since 2006, the plan projects future jail space need by using a starting number **higher** than the current average daily number of jailed people, and then projects a steady increase.

<sup>2</sup> The plan proposes 64-bed "pods" to maximize facility/staffing efficiency. But each pod is only efficient if at least 90% full.

<sup>3</sup> The plan projects only 14 youth beds needed, but proposes a 40-bed youth unit so that Dane County can make over \$1 M annual revenue housing teens from other counties.

# PEOPLE INCARCERATED IN DANE COUNTY JAIL

ADP = Average Daily Population (2012 actual or 2013 estimated); LOS = Length of stay (in days)

People in Dane County Jail	% of ADP	LOS days	Proposed Alternatives to Reduce Jail Time
People who cannot post their bail bond of: ≤\$500 \$501 to \$1,000 \$1,001 to \$5,000 <i>Effect: Jail functions as a Poor House</i>	33.8% 8% 7%	84 125 134	Do these people <b>need</b> to be in jail? Establish bail payment fund, sliding scale bail, or ROR Assist into FoodShares & other job training programs Implement Pre-Trial Services Program Community service in lieu of bail
People in jail who could be released for Huber privileges (to work or school) Note: No racial data provided in report. Note: Some Dane Co. Huber participants return to jail nights & weekends	23.6%		If these people are <b>safe</b> enough for Huber, why aren't they completely out on supervision? Did they ever <b>need</b> to be in jail? Huber participants should be on home electronic monitoring, not in jail Need racial data and eligibility policy to ensure equity
People with DOC holds, many with rule violations, not new crime. Note: 40% of holds are dropped; see next row. Note: Malfunctioning DOC bracelet/GPS equipment causes thousands of jail days	19.4%	25.1	Why so long? What systems changes could reduce or eliminate jail time?
People with mental illness  <i>(Note: Estimates in the jail plan report vary widely)</i>	2.9% to 18.4%	31 to 43	Treatment, alternatives, diversions Create Mental Health Court (Medicaid funds) Prohibit solitary confinement for person with mental illness (except emergency segregation pending transfer to treatment facility) Transfer to mental health treatment facility Release to community with Medicaid services
People with admission type "amended"	6.4%	67.5	Need clarification of what this "amended" admission type means and whether there are potential alternatives to jail for people in this category.
People who are released by signature bond or ROR (Release on Recognizance)	4.1%	4.6	Why does this take 3 to 5 days? What systems/policy changes could reduce this?
People released after "hold" dropped	3.5%	10.1	Need clarification of what these "holds" are: Does it include DOC holds, and/or other types of holds?
People who are later released on cash bail	3.3%	3.3	Why does this take 3 to 5 days? What systems/policy changes could reduce this?
People in jail for 24 to 72 hours • Initial court hearings occur only Mon-Fri • Bail hearings occur only twice/week	2.3%	1 to 3	Video court sessions 7days/week If safe in community, release ROR, or w/ supervision More staff in District Attorney's office
Youth—16 and 17 year olds	1.9%		Youth court, restorative justice, treatment, etc. MOSES/WISDOM is working on legislation to reassign 16/17 year olds to juvenile justice system.
People in jail for less than 24 hours	1.7%	<1	What systems/policy changes could avoid this? (e.g., diversion from arrest; diversion from prosecution; District Attorney's policies]
Low-level drug offenses			Treatment instead of jail, and/or release ROR or on supervision
Arrests on old warrants			Erase old warrants (Hoover Family Foundation work)
Reduce Recidivism			Assist people with access to benefits (BadgerCare, FoodShare, job programs, etc.) <b>before</b> release <sup>4</sup>

<sup>4</sup> The Hoover Family Foundation has trained MOSES volunteers to help people apply for benefits, and has offered funding for other ways (e.g., bail fund) to stop unnecessary incarceration.