



**Waukesha County Criminal Justice Collaborating Council
Pretrial Committee Minutes
Wednesday, January 12, 2022**

Members Present

Hon. Jennifer Dorow (Chair)
Monica Paz
Sue Opper

JoAnn Eiring
Jeremy Perri

Craig Kuhary
Kevin Costello

Members Absent

Neil Dussault

Others Present

Rebecca Luczaj
Mary Sweeney

Janelle McClain
Abbey Nickolie

Christine Olsen
Melissa Santiago

Dorow called the meeting to order at 12:14 p.m.

Introduce CJCC Marquette University Graduate Student Intern, Melissa Santiago, and Discuss Pretrial Detention Data Project Scope

Luczaj introduced Santiago, who will be collecting data on pretrial detention for her spring practicum placement with the CJCC. Attendees introduced themselves.

Opper arrived at 12:15 p.m. Costello arrived at 12:16 p.m.

Approve Minutes from November 10, 2021 Meeting

Motion: Costello moved, second by Paz, to approve the minutes from the November 10, 2021 meeting of the CJCC Pretrial Committee. Motion passed without a negative vote.

Continue to Discuss Merger of Intoxicated Driver Intervention Program (IDIP) and Pretrial Supervision and Its Impact on Bond Language

Luczaj reminded the group that the standard bond language had to be changed to reflect the merger of the Intoxicated Driver Intervention and Pretrial Supervision programs this year, as well as regarding the duration of CAM and drug testing frequency, which will be left to WCS to determine, if those conditions are ordered. Commissioners no longer will need to distinguish between Pretrial Supervision and IDIP; they will make a general order to Pretrial Supervision. Commissioners will still need to specifically order CAM and drug testing.

Nickolie stated that sometimes the text code doesn't match what is stated in court. Paz said the text code has been changed to fix that issue.

Dorow stated that the bond language has been modified after discussion with the judges and commissioners, but it has not been implemented yet. She will send it out to the group once it is finalized.

Update on Status of Pretrial Supervision Caseloads

Eiring stated that over the last 3-4 weeks, Pretrial Supervision has been getting many referrals. Staff now have 148 open cases with 53 in-custody follow-ups.

The sentencing rate has increased; however, WCS is still seeing more admissions than discharges from supervision. The program capacity is 130.

Eiring also reported that if bail gets reinstated after it has been revoked, WCS is not always notified. Dorow asked if WCS follows cases via the REST feed. Luczaj responded no since the REST subscription is cost prohibitive at \$6,000. Dorow indicated that she would follow up on this.

Opper asked if the court would be receptive to letters from WCS stating that defendants with certain charges (OARs for example) are not appropriate for supervision, given the limited resources. Costello agreed that yes, it would be good to receive these letters from WCS so we can use our resources on the more serious cases. Kuhary recommended that WCS create a form letter for the defendants who they recommend are not appropriate for supervision.

Opper left at 12:53 p.m.

Update on Pretrial Drug Testing Data Collection Project

Eiring reported that from September 25 through December 31, 2021, WCS received 172 referrals.

Of the 172 referrals:

- 72 (42%) were ordered to drug test
 - 6 had at least one positive test with no prescription
 - 29, including 4 of the 6 positives, have missed or refused one test
- 81 (47%) were not ordered to drug test
- 19 (11%) are unknown because they have not had an intake yet

Eiring expressed a concern about having to continue collecting data due to WCS staffing issues between those out with COVID and being generally short-staffed. Due to the staffing situation, Eiring was unable to present data on Failure to Appear (FTAs) and new criminal charges.

Luczaj stated that WCS can pause the data collection at this time. Waukesha County will likely go live with AutoMon by early February, and the software should allow for this data to be tracked moving forward.

Announcements

As Santiago works on the data collection project, she should be aware of the following potential data nuances:

- DOC/Probation holds
- Detainers
- Other active warrants
- ICE holds
- Other federal holds
- Municipal holds

Discuss Agenda Items for Next Meeting

- Nominate a co-chair for the committee
- Dorow will not be at next meeting (Costello will chair)
- Update from Santiago
- Bond language
- Supervision caseload

Public Comment

There was no public comment.

Adjourn

Motion: Kuhary moved, second by Perri, to adjourn the meeting at 1:02 p.m. Motion passed unanimously.