



Waukesha County Criminal Justice Collaborating Council
Pretrial Committee Minutes
Wednesday, September 8, 2021

Members Present

Hon. Jennifer Dorow (Chair)	JoAnn Eiring	Neil Dussault
Monica Paz	Jeremy Perri	Sue Opper
Kevin Costello		

Members Absent

Craig Kuhary

Others Present

Rebecca Luczaj	Janelle McClain	Brittany Marin
Mary Sweeney	Dan Rieck	Sara Carpenter
Christine Olsen		

Dorow called the meeting to order at 12:25 p.m.

Approve Minutes from August 11, 2021 Meeting

Motion: Dussault moved, second by Opper, to approve the minutes from the August 11, 2021 meeting of the CJCC Pretrial Committee. Motion passed without a negative vote.

Update on Efforts to Close Cases from the Intoxicated Driver Intervention Program (IDIP) with Sustained Compliance

Eiring sent a list of approximately 20 names to Luczaj, Opper, and Dorow of IDIP participants who were in the program over a year and who have been compliant for the last 6+ months. WCS is proposing to close participants from the program who are compliant after 9 months, with judicial approval.

Eiring only heard back from one judge that 3 participants from the list of 20 could be removed; however, nothing was updated in CCAP. Dorow stated that an official process was not agreed upon yet regarding judges removing participants from IDIP supervision.

In the past, WCS has sent letters to the court recommending participant discharges. This practice will resume with Opper submitting motions to the court based on the list of approximately 20 defendants from Eiring. After these initial motions are filed, WCS will resume sending the letters to the court. Participant discharges would then be discussed at the next scheduled court date.

The IDIP caseload is down, so the program will be reopened with priority given to felony OWIs and defendants with more than 1 pending OWI. Commissioners will continue to use their discretion when making referrals to the program.

Update on Change to Release Conditions Matrix (RCM) Success Rates as a Result of New Research on the PSA

Luczaj distributed and reviewed a document titled, "Waukesha County Pretrial Release Conditions Matrix (RCM)." Luczaj explained that pretrial success percentages were changed on the RCM to reflect research on 500,000 additional cases, averaging the success rates from a total of 1.25 million cases evaluated by Advancing Pretrial Policy & Research (APPR). After the PSA is validated in Waukesha County, those success rates on the RCM will be changed again to reflect local pretrial success of defendants in Waukesha County.

Costello and Rieck confirmed that the RCM is being used for initial appearances.

Follow-Up Discussion on Drug Testing as a Condition of Bail

Dorow requested that this topic remain on future agendas for the committee to discuss why drug testing is being ordered, and to ensure that Waukesha County is accomplishing the goals that are intended.

Opper left at 12:55 p.m.

Identify Data Needed to Examine Issue Locally (6-Month Data Collection Project)

Luczaj reminded attendees of the following *ideal* data to collect that the committee had discussed previously regarding drug testing:

- Number of defendants ordered to supervision
- Number of defendants ordered to drug test as a condition of bail
- Frequency of drug testing
- Outcome of drug testing (positive/negative)
 - For positive tests:
 - What drug(s) tested positive
 - What action was taken by the court as a result (i.e.: no action, hearing scheduled, etc.)
- Number of pretrial defendants deemed a “success” due to compliance, no failure to appears, and no new criminal arrests

Carpenter expressed a concern regarding the complexity and costs to gather the data listed above, as some data would be easier to obtain than others. Dorow empathized and suggested looking into a partnership with a local university or utilizing a sampling of cases versus collecting data on every single case.

Costello left at 1:13 p.m.

Dorow asked WCS to put together pretrial drug testing recommendations to present to the group for consideration at the next meeting.

Update on Plan to Merge IDIP and Pretrial Supervision as of January 1, 2022

This agenda item will be tabled until a future meeting.

Announcements

There were no announcements.

Discuss Agenda Items for Next Meeting

- WCS recommendations on pretrial drug testing frequency
- Plan to merge IDIP and Pretrial Supervision programs in 2022

Public Comment

There was no public comment.

Adjourn

Motion: Paz moved, second by Dussault, to adjourn the meeting at 1:27 p.m. Motion passed unanimously.