



Waukesha County Criminal Justice Collaborating Council Pretrial Committee Minutes Wednesday, May 13, 2020

Members Present

Hon. Jennifer Dorow
Sue Opper

Craig Kuhary
JoAnn Eiring

Monica Paz
Kevin Costello

Members Absent

Michelle Larsuel

Jeremy Perri

Others Present

Mary Wittwer
Rebecca Luczaj
Daniel Rieck

Janelle McClain
Abbey Nickolie
Brittany Marin

Anna Kees (proxy for Perri)
Sara Carpenter
Karla Gabor

Dorow called the meeting to order at 12:04 p.m.

Approve Minutes from March 11, 2020 Meeting

"Poral 100" should be corrected to "Portal 100."

Motion: Kuhary moved, second by Paz, to approve the minutes, as amended, from the March 11, 2020 meeting of the CJCC Pretrial Committee. Motion passed without a negative vote.

Update on Pretrial Services' Operations During Pandemic

Carpenter stated that pretrial screening was deemed an "essential service," so WCS staff are continuing to conduct screens daily at the jail. Many staff are working remotely during this time, so they are reaching participants via phone and utilizing collateral information for contact. An internal WCS committee is looking at reopening procedures, which includes contacting the medical consultant they have been utilizing to determine when it is safe to resume drug and alcohol testing.

WCS is also reviewing staff caseloads and program capacity, as many individuals have not been closed out during this time, since the courts are functioning at reduced operations. The Pretrial Supervision program has been supervising felony cases only, and will determine if there is any potential to discharge defendants early, if appropriate. If the caseloads reach the point that new referrals need to be closed, electronic monitoring-only services can still be provided.

WCS is utilizing transdermal patches for testing treatment court participants, with more participants being tested in Drug Treatment Court (DTC) than Operating While Intoxicated Treatment Court (OWITC). The recommended maximum length for use of the patch is 14 days. Diversion program participants are not being tested at this time.

Carpenter has noticed the judges and commissioners giving a consistent response to failure to pay issues, and if there are any issues, she discusses them with Luczaj.

Update on DOJ Pretrial Pilot Project Implementation

National Institute of Corrections (NIC) & Crime and Justice Institute (CJI) Technical Assistance (TA)

Luczaj reported that Waukesha County is currently receiving TA from The Center for Effective Public Policy's (CEPP) Tanya Anderson. Anderson initially held conference calls with all of the pretrial pilot sites to assess current pretrial services and determine their readiness for PSA implementation. Waukesha County's call was in April. Due to a NIC travel freeze as a result of the pandemic, the next step of Anderson conducting site visits will likely not occur until after September 30. After the site visit, Anderson will submit a written report sharing her findings.

Arnold Ventures did not approve CJ's proposal to conduct validation studies in the pilot sites. However, there is a possibility that CEPP will be approved to assist with validation.

Portal 100

Luczaj reported that Waukesha County's IT department has installed a computer in the WCS office in the jail to allow WCS screening staff to access Portal 100, although the Portal 100 application still needs to be installed. WCS staff have completed Portal 100 training and are certified to conduct criminal history queries. Queries will not be printed in order to avoid the rigorous security protocols that are required when printing that confidential information.

Software

Initially, WI DOJ was going to contract with Automon for all pretrial pilot sites; however, DOJ's IT staff did not feel comfortable with Automon's security platform, and opted not to move forward with procuring the software. Software procurement is now the pilot counties' responsibility, but the DOJ will provide grant funding to purchase the software. There has been no guidance given on any software requirements. Some of the counties are utilizing Automon, while others are utilizing Avatar. Waukesha County is currently exploring our options. In the short term, there is a data tracking document and a PSA scoring calculator in Excel that can be utilized.

Waukesha, Marathon, Rock, and Eau Claire Counties have not implemented the PSA yet.

Discuss "Go Live" Date for PSA Implementation

Dorow stated that WCS should have the "go ahead" to implement the PSA once the Portal 100 software application is installed and the interim scoring tool and data tracking spreadsheet are approved by the committee. Luczaj suggested that the implementation begin with the in-custody defendants, and then be expanded gradually to out-of-custody defendants. The group agreed that staff should indicate on the report if out-of-state convictions impacted the PSA score.

Opper is concerned about switching to a tool that does not adequately assess the risk level of domestic violence offenders.

Continue Review of Release Conditions Matrix (RCM)

Consider Implementation of Matrix with No Bump-Ups

The pilot sites have agreed it is best not to utilize the bump-up list at this time. Pilot counties may not be eligible for validation of their data if bump-ups are used, since this is no longer a best practice.

Costello left at 1:10 p.m.

Motion: Opper moved, second by Eiring, to agree to a specific implementation date of the PSA and add a sunset clause for 30 days unless there is further action by the committee. Motion failed.

Motion: Kuhary moved, second by Kees, to implement the PSA tool as-is, without RCM bump-ups. Motion passed.

Motion: Eiring moved, second by Kuhary, to implement the PSA upon two weeks' notice to the stakeholders, following the installation of the Portal 100 application on the computer and WCS approval of the scoring tool/software. Motion passed.

Announcements

There were no announcements.

Discuss Agenda Items for Next Meeting

There were no new agenda items discussed for the next meeting.

Public Comment

There was no public comment.

Adjourn

Motion: Eiring moved, second by Paz, to adjourn the meeting at 1:36 p.m. Motion passed unanimously.