



**Waukesha County Criminal Justice Collaborating Council**  
**Pretrial Committee Minutes**  
**Wednesday, May 1, 2019**

**Members Present**

Hon. Jennifer Dorow  
Sara Scullen  
JoAnn Eiring

Sam Benedict  
Sue Opper

Michelle Larsuel  
Monica Paz

**Members Absent**

Craig Kuhary

**Others Present**

Rebecca Luczaj  
Mary Wittwer

Janelle McClain  
Kevin Costello

Sara Carpenter

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

**Approve Minutes from April 3, 2019 Meeting**

Motion: Opper moved, second by Paz, to approve the minutes from the March 3, 2019 meeting of the CJCC Pretrial Committee. Motion passed unanimously.

**Overview of GPS and WCS Electronic Monitoring (EM) Protocol**

***Review 2018-2019 EM Data Broken Down by Criminal vs. Non-Criminal Cases***

Carpenter distributed and reviewed a document showing the data on SCRAM, GPS, and Remote Breath usage for Treatment Courts, Day Report Center, Pretrial, OWI, and other clients on EM only (mostly domestic violence cases on GPS). Family court cases are not included on the document.

Dorow would like the entries with "2019" to be updated to include "2019 YTD" followed by the date the report was generated.

Scullen acknowledged that GPS was not widely utilized until mid-late 2018, when the judges and commissioners were made aware of the availability of GPS and how the program works.

In response to a request from the committee, Carpenter will break out all of the categories to show which cases are pretrial versus post-conviction, as well as misdemeanor vs. felony. Carpenter also stated that WCS does track how long the defendants are on each EM device.

***GPS Protocol***

Carpenter distributed and reviewed a document titled "GPS Protocol Tamper and Exclusion Zone Alerts and Violations for Domestic Violence Cases." Carpenter commended all of the parties involved for working together so well on discussing better ways to handle these cases. Dorow agreed that the communication has been beneficial and educational.

In response to a question by the committee, Carpenter explained that when law enforcement is notified of an alert, they would conduct a "wellness check." Thus far, no cases have resulted in a re-arrest. Carpenter explained that in many other counties, GPS is paid for through county tax levy. Jefferson County charges participants, but indigent clients do not have to pay. Ozaukee County is client-pay as well.

Dorow commented that one of her goals with the implementation of the PSA is for Pretrial Services to screen more defendants before their initial appearance, and then use the funds saved by not conducting in-person interviews to develop an indigent fund to help offset EM costs. Carpenter added that the County already has an existing indigent client budget of \$30,000 per year, and WCS offers reduced fees and payment plans for that population.

**Review and Discuss Flyer Summarizing Electronic Monitoring Fees to be Made Available in Courtrooms**

Carpenter distributed and reviewed a flyer summarizing EM fees through WCS. The information will be available in a postcard version for defendants in all courtrooms.

Costello and Scullen prefer ordering GPS to setting a higher bail amount. Scullen suggested that there could be discussions with defendants that, if they cannot do the GPS, what a reasonable alternative would be, such as Huber.

Carpenter stated that defendants who have a court-appointed attorney or who are represented by the State Public Defender's (SPD) Office do not have to pay the installation fee, and the advance payment requirement is reduced. Indigent clients would pay half of the daily indigent cost rate, provided indigent funds are available through the County. WCS will work with the defendant to determine what they can pay and develop a payment plan.

**Update on DOJ Pretrial Pilot Project Implementation**

Luczaj commented that the grant application is due this week Friday. This year, being a shorter grant year, will allow for \$30,000 to be spent in approximately 7 months vs. 12 months to help offset pretrial EM fees for indigent defendants.

The Fundamentals of Bail training will be held on May 31 in the County Board Room. A flyer will be distributed to the committee.

**Other Items for Discussion**

There were no other items for discussion.

Larsuel left at 12:55 p.m.

**Discuss Agenda Items for Next Meeting**

- Standing Agenda Item: EM Data Review

**Adjourn**

Motion: Paz moved, second by Benedict, to adjourn the meeting at 12:56 p.m.