



Waukesha County Criminal Justice Collaborating Council
Evidence-Based Decision Making Pretrial Workgroup
Wednesday, August 3, 2016

Team Members Present:

Judge Jennifer Dorow (Co-Chair)	Laura Lau	Sam Benedict
Sara Carpenter (Co-Chair)	Sue Oppen	

Team Members Absent:

Craig Kuhary

Also Present:

Rebecca Luczaj	Abbey Nickolie	Alison Ries
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Dorow called the meeting to order at 12:07 p.m.

Approve Minutes from June 27, 2016 Meetings

Motion: Carpenter moved, second by Oppen to approve the minutes from the June 27, 2016 meeting.

Motion passed unanimously.

Update on Use of New Risk Tool/Supervision Matrix in Intoxicated Driver Intervention Program

Carpenter distributed handouts entitled, *Weekly Risk Assessment Report to the Administrator of Court Services* and *WCS Pretrial Services-Waukesha OWI Program Summary Report from 7/1/16-7/31/16*.

Carpenter reported things are going well. She explained the Weekly Risk Assessment Report and stated 430 risk assessments have been administered up to the week of 6/13/16. Since implementation of the new tool on 6/13/16 to the present, 370 risk assessments have been administered, which may include previous 2nd OWI offenders who had to be re-assessed from the original pilot program.

Carpenter reviewed OWI Program outcomes, detailing offender education and marital status, risk level at admission, violation by risk level and the number of drugged drivers at admission for the period. From 7/1-7/31/16, there were a total of 45 new admissions, including 3 drugged drivers. Responding to Dorow's question, Carpenter stated she could get the number of low risk clients whose supervision was extended for an additional 30 days due to violations since 6/13. When reporting violations, Dorow suggested reporting how many people violated as well as the number of violations since some individuals have more than one violation. Carpenter will also e-mail Luczaj the names of offenders who were extended on supervision.

Lau arrived at 12:16 p.m.

Benedict stated the number of drugged drivers appears low, considering the opioid epidemic in the county. Carpenter stated it is low and could be because the offender refused the drug test or had a valid prescription. If a client has a valid prescription, they are excluded from being counted as a positive drug test. No testing is done for levels when a client has a valid prescription. Marijuana is tested for levels because there can be a positive test due to residual THC in the system, but is only done upon client request.

Review Decision Point Opportunities & Pretrial Programs Evaluation to Agree on Next Workgroup Project

Luczaj handed out a document titled *EBDM Decision Point Opportunities* and stated that the group needs to identify their next project. Two Decision Points that are pertinent to the workgroup are:

Decision Point #2: Pretrial Status

Several opportunities under this decision point are already being addressed by the workgroup; however, potential items to explore are:

- Increase % of arrestees being screened
Carpenter stated that since WCS does not have a 24-hour screening program, increasing the number of screenings would be difficult. In addition, many offenders are released prior to WCS hours of operation and thus, are unable to be screened
- Refer low risk people with stability issues to services before their cases are referred to the DA's office
- Consider re-evaluating the pretrial risk tool; how valuable is information if only 35% is verified?
Discussion was held regarding re-evaluation of the current tool. Dorow stated if we are moving to a new tool, such as the Public Safety Assessment (PSA), then it would not be beneficial to review the current tool. Benedict stated the better issue to visit would be to measure the concurrence of the tool. Is the data it tracks beneficial and being utilized to make appropriate decisions? Lau reported that the actual score wasn't necessarily helpful but the information (background information, who they live with, etc.) the tool tracked was beneficial
- Consider getting WCS staff access to NCIC data
- Provide judges with comprehensive information when conducting Riverside reviews to determine probable cause in order to ensure that release is possible for those who are suitable

Decision Point #12: Violation Responses

- Expedite release for low risk violations
- Notify all parties (i.e. prosecutor, defense counsel, etc.) of violations that result in warrants for pretrial defendants

Luczaj distributed an additional handout from Don Trapp's evaluation of the pretrial programs, which are his recommendations for the group to consider, and highlighted several recommendations:

- Pretrial screening program should screen all release eligible defendants
- Pretrial screening program should include release recommendations in their information to the court
- The release information developed by the screening program should be shared across the other pretrial programs to facilitate case management
- Develop guidelines for referrals to pretrial supervision, and supervision protocols based on the assessed risk of defendants
- Increase appropriate referrals to the Pretrial Supervision Program
- Examine program responses to technical violations in order to reduce revocations

Benedict suggested the workgroup, as a whole, provide a response to the recommendations and forward them to Don Trapp. Benedict stated there are two main issues to look at. Do we have low-risk defendants who are being detained in the jail or who have cash bail? Do we have high-risk defendants being released without supervision? After those questions are answered, then focus on developing guidelines for referrals to pretrial supervision and supervision protocols based on the assessed risk of the defendant. In an effort to see if the tool is working, Benedict suggested everyone manually keep track of the data for a selected period.

Carpenter will e-mail Luczaj and Dorow a list of screened offenders. Benedict suggested that prior to examining the data collected from WCS, the work group should decide what fields to look at, and then go live.

Discuss Next Steps and Set Date for Next Meeting

The next meeting will reconvene after the EBDM Policy Team meeting in September. Luczaj will send out a Doodle survey.

Adjourn

The meeting adjourned at 1:10 p.m.