



Waukesha County Criminal Justice Collaborating Council Pretrial Committee Minutes Wednesday, August 7, 2019

Members Present

Hon. Jennifer Dorow
Sara Scullen

Sam Benedict

Monica Paz

Members Absent

Craig Kuhary
Sue Opper

JoAnn Eiring

Michelle Larsuel

Others Present

Rebecca Luczaj
Mary Wittwer
Abby Nickolie (Proxy for Opper)
Sara Carpenter

Katie Kegel
Kevin Costello
Anna Kees

Jeremy Perri
Karla Gabor
Gina Colletti

Dorow called the meeting to order at 12:01 p.m.

Approve Minutes from June 5, 2019 Meeting

Motion: Benedict moved, second by Paz, to approve the minutes from the June 5, 2019 meeting of the CJCC Pretrial Committee. Motion passed unanimously.

Review and Discuss Data Collected on Weekend Judicial Bail Review

Kegel distributed and reviewed documents titled "Weekend Bail (Riverside) Data Review" and "Weekend Bail Review."

Benedict gave a brief history on the Riverside data collection project. The review consisted of a sample of 250 defendants over 16 weeks (April 1 – July 15, 2019). Kegel stated that only cases eligible for release were tracked, and only about 50% of the eligible cases were being reviewed by the Duty Judge for possible release. Kegel found that of those reviewed, defendants were more likely to be held in custody (75% were held for court Monday), but then a majority were released at Monday lock-ups.

Dorow has been working with the jail to standardize the process in hopes of capturing more defendants through PSA screening, once implemented. The issue remains that results of pretrial screening are not provided to the judges on the weekends. Scullen agreed, adding that a reason more defendants are released on Mondays is because more information is available.

Dorow asked if Kegel had broken down felonies versus misdemeanors in the data she collected and asked what percentage were domestic violence cases. Dorow would like to review the domestic violence cases, as she is not sure if they have the right to post bail. She is currently looking at the way the law is written. Dorow also commented that the review does not note the nature of the crime, as the law does allow for those arrested for a felony can be held for court.

Scullen would like to address the population of OAR defendants who are arrested on Fridays who then sit in jail because they were a no-show for their initial appearance.

Benedict stated that the intent of collecting this data was to start a discussion, and then reminded the group that a defendant's risk level increases the longer they sit in jail. Kegel added that we might be holding people solely because they are indigent, but high-risk defendants may be posting bail and are being released.

Dorow has all of the probable cause statements from the jail and will forward them to Kegel to allow her to add to the data she has already collected.

Scullen suggested that, instead of issuing a warrant after a failure to appear at the initial appearance, that a summons is issued for a second-chance initial appearance. If the defendant fails to appear at that time, a warrant could then be issued. Dorow agreed, but commented that a court notice could be sent instead of a summons. Costello agreed this was a great idea.

Paz commented that traffic tickets rarely contain phone numbers, so court date text reminders are not sent. Luczaj suggested adding the topic of officers including phone numbers on traffic tickets to an upcoming Police Chiefs Association meeting agenda. This will allow the Clerk of Courts Office to send text reminders to more defendants, hoping to decrease the number of failures to appear.

Kegel will continue to collect data, as well as detail felony and misdemeanor data, until at least six months of data has been collected. She will then present the findings at a future meeting.

Paz will add Kegel to the criminal complaint report e-mail.

Review and Discuss Electronic Monitoring (EM) Data

Carpenter distributed and reviewed a document titled "SCRAM; January 1 through July 31, 2019." Carpenter will confirm whether a defendant with multiple cases is only counted once on the report; she is fairly certain that only the most serious charge is counted, but will confirm this.

Benedict commented that it is hard to interpret the EM data without having the corresponding risk level for defendants, as we cannot discern whether we are over-supervising people.

Discuss Serving Out-of-County Drug-Impaired Drivers in Pretrial Supervision/Intoxicated Driver Intervention Programs (IDIP)

Wittwer stated that Waukesha County is seeing more drug-impaired drivers from out-of-county in our pretrial programs. Due to the requirements of the IDIP, defendants are required to report to the office three times per week initially. The defendants from other counties may have difficulty meeting that requirement.

WCS currently has locations in Milwaukee, Jefferson, Kenosha, and Waukesha counties. Carpenter will contact the other offices to determine if they are able to conduct courtesy supervision for defendants residing in those counties.

Wittwer will collect data on the number of out-of-county drug-impaired drivers, and the topic will be revisited at the next meeting.

Update on DOJ Pretrial Pilot Project Implementation

Luczaj updated the group on several items. A PSA stakeholder training will be scheduled in the near future, as she and Rock County's Coordinator are working diligently on it. There is currently a delay on getting the software for the PSA, as DOJ IT staff have security concerns with Automon. Luczaj will email the current Operational Guide to the committee.

Dorow suggested that the committee revisit the MOU at a future meeting. Now that interviews will no longer be conducted with implementation of the PSA, the MOU should be able to be signed by every member of the committee.

Review and Discuss Release Conditions Matrix

Dorow and Luczaj distributed a document titled "Wisconsin Pretrial Release Conditions Matrix; Version 3 (08/30/2018)."

This agenda item has been tabled until a future meeting.

Other Items for Discussion

There were no other items for discussion.

Discuss Agenda Items for Next Meeting

- Revisit serving out-of-county drug-impaired drivers
- Review Release Conditions Matrix
- Discuss implementation of an MOU

Adjourn

Motion: Paz moved, second by Benedict, to adjourn the meeting at 1:08 p.m. Motion passed unanimously.