



**Waukesha County Criminal Justice Collaborating Council
Pretrial Committee Minutes
Monday, November 26, 2018**

Team Members Present:

Judge Jennifer Dorow	Sam Benedict	Michelle Larsuel
Sara Scullen	Sue Opper	Monica Paz
JoAnn Eiring	Craig Kuhary	

Also Present:

Gina Colletti	Janelle McClain	Rebecca Luczaj
Mary Wittwer	Anna Kees	

Dorow called the meeting to order at 4:01 p.m.

Approve Minutes from October 3, 2018 Meeting

Motion: Scullen moved, second by Benedict, to approve the minutes from October 3, 2018. Motion passed unanimously.

Update on DOJ Pretrial Pilot Project

NIC Gap Technical Assistance

Luczaj reported that the NIC budget for PSA technical assistance did not get approved; however, the State DOJ believes they will be able to fund the same level of technical assistance that NIC was going to provide, which includes identifying pretrial experts to assist the counties on-site with pretrial pilot implementation.

Status of LJAF MOU

Luczaj stated that the MOU with the Laura and John Arnold Foundation (LJAF) is fully executed by all the counties.

CJCC Ordinance for NCIC Access

Luczaj distributed and reviewed a document titled "Ordinance Administrative Fact Sheet."

In an effort to get approved by the FBI for NCIC access, the CJCC is forming a Pretrial Services Subunit, which will consist of the county's three pretrial programs: Pretrial Screening, Pretrial Supervision, and Pretrial Intoxicated Driver Intervention, which will be responsible for pretrial release. The state DOJ's Crime Information Bureau (CIB) has already reviewed and approved of the language of the ordinance. The ordinance will be presented to the HHS Committee on December 6, and the County Board on December 18 for approval.

After the ordinance is approved by the County Board, the CJCC will resubmit its application for NCIC access to the FBI, specifically for the Pretrial Services Subunit. In the event that the application is not approved, the Waukesha County Circuit Court currently has its own NCIC access, which we could potentially use for the Pretrial Screeners; however, the difficulty is that the Circuit Court would have to be the pretrial services contract holder, which would create budget restructuring issues. In either case, WCS would then need to apply for their own ORI with the FBI since they subcontract with the County.

All of the other EBDM counties are experiencing similar issues with NCIC access, other than Outagamie. Outagamie County has an existing ORI; however, their ORI does not allow them full access to NCIC.

WI DOJ Application for PSA Technical Assistance

The Arnold Foundation released a competitive RFP for PSA research and technical assistance providers in October. Mimi Carter's organization, the Center for Effective Public Policy, was awarded the contract.

The Arnold Foundation also released a separate RFP to receive PSA technical assistance in October. The WI DOJ submitted an application on behalf of all the EBDM counties involved in the Pretrial Pilot. The Arnold Foundation will select 10 jurisdictions, notifying them this Friday if they have made it through the first round of selection. If Wisconsin is chosen and makes it through the second round of selection, the technical assistance would start in early 2019. Luczaj will notify the committee once the outcome of the application process is known.

Update on Fundamentals of Bail In-Service Training for Judges

Luczaj stated that Tim Schnacke and Lori Eville will be conducting a fundamentals of bail training for the judges and commissioners in 2019 – more details will follow.

Continue Discussion on Pretrial Screening Report Format

Wittwer distributed and reviewed documents titled "Waukesha County Pretrial Services Screening Report" and "Waukesha County Pretrial Services Risk Report."

WCS is proposing that the first page of the screening report remain, the second page be omitted, and the Risk Report would also remain. This would avoid the comments section being distributed to stakeholders. Benedict liked this recommendation, commenting that basing the risk report off the results of the VPRAI would be an improvement.

Eiring commented that the reports are "filled in" based off of information entered into the WCS database. WCS is not able to edit or format the database to change/eliminate wording in the report.

Opper and Scullen still like including some of the questions on page 2 regarding residence and employment, as it can impact bail decisions. Benedict added that, rather than throw out all of page 2, the issue arises when non-required narrative is added by the screeners.

While drug and alcohol use are not a risk factor on the PSA, this would affect recommendations for levels and types of pretrial supervision requirements.

Paz left at 4:45 p.m.

Kuhary stated that there are some private bar attorneys who may need to be reminded to look at the risk report prior to intake court. Kees responded that many attorneys present the same information included on the risk report at the hearings in their client's defense.

The workgroup discussed removing the defendants' comments regarding substance use. The commissioners will need to ask the defendant/attorney to elaborate on this issue. Comments regarding WCS staff verification of information provided by the client, such as with a defendant's parent, are important and allowed to be noted on the report.

Motion: Kuhary moved, second by Benedict, to eliminate comments made by the defendant regarding his/her drug/alcohol use on the screening report. Opper opposed. Eiring and Larsuel abstained. Motion passed.

Eliminating substance use comments by the defendant in the comments section of the screening report will begin on December 1, 2018.

Eiring will e-mail the pretrial screening questions to the committee members.

Luczaj stated that there will be a group of CJCC Coordinators and another guest from each jurisdiction going to Milwaukee County to observe their pretrial screening process on Thursday.

Other Items for Discussion

State Public Defender (SPD) staff has been keeping track of issues that they have had with being able to meet with their clients in the jail; Benedict will forward the information to Dorow.

McClain will send a Doodle poll regarding rescheduling the January 2, 2019 meeting.

Adjourn

The meeting adjourned at 5:17 p.m.