



Waukesha County Criminal Justice Collaborating Council  
Evidence-Based Decision Making Pretrial Workgroup  
Monday, June 27, 2016

**Team Members Present:**

Judge Jennifer Dorow (Co-Chair)  
Sara Carpenter (Co-Chair)

Laura Lau  
Sue Opper

Sam Benedict  
Craig Kuhary

**Also Present:**

JoAnn Eiring  
Abbey Nickolie

Janelle McClain

Rebecca Luczaj

Dorow called the meeting to order at 12:08 PM.

**Approve Minutes from May 9, May 16, and May 31, 2016 Meetings**

Motion: Opper moved, second by Kuhary, to approve the minutes from the May 9, May 16, and May 31, 2016 meetings. Motion passed unanimously.

**Update on Implementation of Changes to the Intoxicated Driver Intervention Program**

Carpenter reported that she revised the monthly report to include two additional boxes: risk level at admission – low/medium/high, and then by offense. She also changed it to show violations that are specific to the new model for supervision. The revised report is working, but she will bring it back to show the group after some tweaks are made to make it look better.

Benedict arrived at 12:11 PM.

Implementation of the new tool involved Rose Barton and JoAnn Eiring going through every current client to administer the assessment; assessments have been completed on 2nds since June 2015. At 58% of the total caseload, 2nds make up the largest group of OWI defendants in the program.

Until the week of June 13, 2016, 430 OWI 2nds had been assessed. WCS's open OWI 2nds include 34 low risk, 48 moderate risk, and 4 high risk. Before the go-live date, WCS closed 274 low risk 2nds, 66 moderate risk and 4 high risk. Carpenter will e-mail the statistics to the workgroup.

As of the go-live date, the assessment was administered on all open clients in the program, 2nds and greater. There were 254 current clients. The stats are as follows:

- 41 2nds, low risk
- 54 2nds, moderate risk
- 4 2nds, high risk
- 92 3rds, moderate risk (3rds automatically start at moderate risk)
- 1 3rd, high risk
- 33 4ths, high risk (4ths and above automatically start at high risk)
- 27 5ths, high risk
- 2 7ths, high risk

In total, 41 defendants scored low risk, 146 scored moderate risk, and 67 scored high risk. The numbers will change tomorrow with Fast Track.

When someone is under WCS supervision and is a low risk 2nd, if they pick up another drunk driving charge in any county (Waukesha or otherwise), even though the risk score may not change, the court does still need to be notified, and their risk level will automatically be bumped up.

### **Bond Language and Testing**

Carpenter reported that at the judges' meeting, there was a lot of discussion on the bond language. Dorow commented that there are standard text codes used by the clerks for the bonds.

The workgroup discussed what conditions were acceptable, including absolute sobriety and prescription medications. Eiring expressed concern that alcohol users switch to using other substances because they cannot use alcohol. Dorow commented that nothing can be blanket-ordered. In addition, if WCS are not offering it, it cannot be in the bond. Dorow will address the two issues with the Clerk's office.

Carpenter stated that if defendants are coming in for an alcohol offense, they are not being tested for drugs. However, if they have a history with using drugs, they will be tested, just not as frequently as "drugged drivers."

WCS needs the ability to address whether "absolute sobriety" means just alcohol, or will it include controlled substances as well.

Dorow recommends the bond language state "Defendant ordered to maintain absolute sobriety and not use or possess alcohol, drugs, or controlled substances without a valid prescription. Defendant will not operate a motor vehicle without a proper license. Defendant is ordered to report and comply with Wisconsin Community Services (WCS) Intoxicated Driver Program, including sobriety testing according to WCS program protocols."

### **Review Workgroup's Logic Model and Work Plan**

Luczaj distributed the logic model and work plan.

#### **Logic Model:**

Dorow reviewed the logic model with the workgroup, and the workgroup agreed upon several edits. Dorow and Luczaj will make the recommended changes.

Benedict left at 1:01 PM.

#### **Work Plan:**

Dorow reviewed the work plan with the workgroup, and the workgroup agreed upon several edits. Dorow and Luczaj will make the recommended changes.

Lau left at 1:07 PM.

**Discuss Next Steps and Set Date for Next Meeting**

At the next meeting, the workgroup will look at what should be the focus moving forward.

Luczaj will send a Doodle survey for the beginning of August for the next meeting.

**Adjourn**

The meeting adjourned at 1:20 PM.