

**Minutes of the Waukesha County Criminal Justice Collaborating Council  
Executive Committee  
May 10, 2010**

Judge Davis called the meeting to order at 8:32 a.m.

**Committee Members Present:** Judge Mac Davis (Chair), Jim Dwyer, Peter Schuler, Brad Schimel, Dan Vrakas, Sam Benedict.

**Also Present:** Rob Henken, Vanessa Allen, Mike Giese, Karen Phillips, Rebecca Luczaj, Sarah Spaeth.

**Approve Minutes from March 15, 2010 Meeting**

The minutes of March 15, 2010 were approved with unanimous consent.

**Update on Pretrial Subcommittee Meeting Held 4/13 at Executive Committee's Request**

Benedict reported that the Pretrial Subcommittee met on April 13<sup>th</sup> to discuss the guidelines for pretrial use of SCRAM. After thorough discussion and consideration, Benedict stated the other Pretrial Subcommittee members did not share his concerns of the SCRAM cost issue and the over-inclusiveness of the criteria.

Benedict said his concerns with SCRAM continue. While WCS purports SCRAM is an effective tool to use to get people on the road to recovery and treatment, it is implied that the judiciary will consider it as a mitigating factor at the time of sentencing. He cited a recent public defender client's case as an example. This individual volunteered to go on SCRAM, had four months of sobriety, perfect attendance, and did well in treatment. Unfortunately, the good performance on SCRAM did not get much recognition from the judge or D.A., as a near maximum sentence was imposed. Benedict went on to provide more background and details of the case.

Schimel and Davis reviewed some of the benefits of SCRAM as discussed at the Pretrial Subcommittee meeting. Statistics show that clients in programs such as SCRAM are less likely to re-offend while their current case is pending as well as after sentencing. Feedback from clients indicates that SCRAM provides the necessary support as they struggle to break their drinking cycle. The community as a whole benefits as public safety is protected. Dwyer added that the aforementioned client had the benefit of not drinking for four months even though the sentencing was not in his favor. Benedict maintained that SCRAM is promoted to clients and the defense bar as having a potential positive impact on the outcome of their case. He opined that SCRAM seems to be used more to detect and punish people. More positive long-term results would likely be achieved by having some connection to the continuation of ongoing treatment.

Schuler commented that he believes that the WCS philosophy on using SCRAM is not to detect and punish. He said if represented here today, WCS would maintain that SCRAM is a tool to help individuals be supported through the process of gaining and maintaining sobriety.

In closing, Benedict said he would like to see the "carrot on a stick" approach used in conjunction with SCRAM monitoring, whereby providing incentives to those who volunteer for SCRAM and perform well on it. He would like to see SCRAM monitoring more often considered a mitigating circumstance at the time of sentencing.

### **Discuss & Consider Changing Payment Terms for Byrne Grant Contract with Public Policy Forum**

Luczaj said the contract with the Public Policy Forum (PPF) was funded through the Byrne Grant that Waukesha County received along with several other jurisdictions. The other jurisdictions chose to purchase tangible items with the grant money; Waukesha County was the only grant recipient that chose to spend the money over a three-year period by contracting with the PPF for technical assistance. The City of Waukesha Police Department, the lead entity on the grant application, is responsible for quarterly reporting on the grant to the federal government. It is a very extensive reporting process. The City has made a request, through Lyndsay Johnson of the Sheriff's Department, that Waukesha County prepay the contract with the PPF so the grant could be closed out, thereby eliminating the need for quarterly reporting. Keith Swartz, Budget Manager, advised that from a budget perspective there is not a problem because the money is in the Sheriff's Department budget to be spent this year. Cindy Greco in Purchasing had prepared the original contract and has indicated that the payment terms can be revised to reflect prepayment of the contract. Swartz and Greco cautioned, however, that with prepayment of any contract there is always a risk involved. Consequently, this request has been brought before the Executive Committee for consideration.

Luczaj clarified that the total amount of the contract is \$17,041.97. One payment in the amount of \$2,840.33 has been made so far, leaving a balance of just over \$14,200 to be paid out. Vrakas suggested moving forward with prepayment of the contract. Henken added that it is not unusual for the PPF to receive upfront payments on multi-year research contracts.

**MOTION:** Dwyer moved, second by Schuler, to prepay the balance due on the contract with the PPF using the Byrne Grant funds, thereby allowing the City of Waukesha Police Department to close out the grant and associated reporting. Motion carried with unanimous consent.

Schuler asked Luczaj to prepare a document to be attached to the minutes of this meeting to serve as documentation for the fiscal records. Luczaj advised that once Greco has revised the contract she would then forward it to Henken and Allen.

### **Discuss/Reevaluate Pretrial Supervision Program's Purpose & Goals**

Luczaj reminded that this agenda item was carried over from the CJCC Executive Committee meeting of March 15, 2010, for further discussion. She reviewed the background and premise of this issue.

WCS has recently indicated that the Pretrial Supervision Program caseload is operating at near capacity. Joann Eiring stated the problem was not inappropriate referrals; rather, a pattern of increasing opiate abusers has evolved, requiring more intensive levels of monitoring and staff time. This issue spurred the discussion of whether the proper tools and treatment modules are in place to effectively deal with those defendants who are opiate/drug abusers.

Benedict agreed that it appears the focus of the Pretrial Supervision Program has shifted to serving more and more clientele with drug-addiction issues. He suggested perhaps it would be good for the CJCC to look at available treatment modalities and other options that may be available within the community, evaluate the options and become as informed as possible through educational seminars and presentations by experts in the field. Davis agreed there is a need to keep up with the types of charges and people coming through the system; however, providing treatment for the influx of opiate abusers should not prevent others from being provided the treatment and support they need. Schuler pointed out that treatment resources for opiate addiction declined last year in the county – the Lawrence Center closed due to budget shortfalls. Waukesha County Department of Health and Human Services decreased services for opiate addiction treatment except for at the Mental Health Center. The

treatment medications are very expensive and require ardent monitoring. Schuler agreed it is a good idea to look for possible sources within the community that already provide treatment services to couple with WCS services. He offered the AODA Mental Health Clinic as a source. Schuler noted a direct relationship between increasing drug abuse and rising crime. Schimel agreed, noting that heroin use is on the rise in the County. Heroin/opiate-abuse monitoring presents a very different challenge than alcohol monitoring. These individuals almost always continue abusing drugs even while being monitored, and sometimes die before charges are even issued by the D.A. Many of those who have been charged are already in custody by the time of sentencing. Benedict agreed that monitoring alone is not enough to discourage these people from abusing drugs, because they physically cannot stop. Perhaps expert advice should be sought regarding what approaches can be taken to deal with the growing number of opiate-addicted individuals.

Davis suggested forming a special CJCC taskforce or subcommittee to look at the heroin/opiate addiction issue in depth and pursue some of the ideas discussed today. Possible expert resources and topics discussed included the following:

- The Medical Society
- Methadone clinics located in Waukesha County
- The director of Rogers Memorial Hospital
- National supervision programs including best practices and medical supervision
- Buckley Meade and John Schiro (involved in Milwaukee taskforce)
- Medical/treatment component overview

Benedict supported formation of another subcommittee or a taskforce, as suggested by Davis. Schuler agreed, and volunteered some HHS staff members to participate. Luczaj suggested a group format similar to the Alcohol Workgroup would be feasible – once their task is accomplished the group would be dissolved. Davis requested Luczaj put together an outline plan, including names and assignments, so the CJCC Executive Committee can have something more specific to evaluate.

As the discussion addressed part of agenda item 6 (Discuss & Consider Future Presentation to CJCC on Effects of Drug/Alcohol Abuse on the Brain & on Behavior), any further coverage will be charged to the proposed workgroup to complete and present to the CJCC.

### **Discuss & Consider Holding Special CJCC Meeting in December Regarding Department of Transportation Funding for Intoxicated Driver Intervention Program**

Davis reviewed past issues faced with WisDOT funding for intoxicated driver intervention programs. Currently there is seed money that seems to be readily available, but not funding for existing/ongoing programming. Davis introduced the concept of having a special CJCC meeting in late November/early December, following the elections, after legislators are assigned to committees and prior to the governor's budget preparation. Legislators would be invited to hear presentations and participate in discussion about the Intoxicated Driver Intervention Program in Waukesha County in an effort to garner support for funding on a regular basis.

Vrakas added that he is continuing to work with Wisconsin State Patrol staff in trying to obtain \$40,000 in WisDOT funding for the intoxicated driver programming. Nonetheless, a meeting for later this year should still be scheduled in efforts to continue to raise awareness on this important issue.

Dwyer supported holding the special meeting in November/December. Davis said it would also be a good refresher for members of the CJCC on its role in this area. Davis advised the meeting should be decided upon by late summer. Overall, the committee members agreed the proposed meeting is a good idea.

**Discuss Agenda Items for 5/26 CJCC Meeting**

- Introduction of the new DOC – Division of Community Corrections Administrator
- Presentation: 180° Juvenile Diversion Program
- Update from Public Policy Forum on research completed and current projects: October 2009 through May 2010
- Update on Juvenile Justice Committee and its relevance to the CJCC
- Update on change in payment terms for contract with PPF

Vrakas suggested getting a representative of Rogers Memorial Hospital involved as a member of one of the CJCC committees. Luczaj stated that Mickey Gabbert had participated in the CJCC Alcohol Workgroup as a member.

Luczaj stated that she and Davis will soon meet with the new mayor of Waukesha about his role in the CJCC.

**Next CJCC Meeting:**

- Wednesday, May 26, 2010 @ 8:30 am, Room C179
- July 28, 2010

**Next CJCC Executive Committee Meeting:**

- Monday, June 14, 2010 @ 8:30 am, Room G55 (Dwyer and Schuler have scheduling conflicts – Luczaj will email committee members with possible alternate dates)

The meeting adjourned at 9:34 a.m.