

DRAFT

**Minutes of the Waukesha County Criminal Justice Collaborating Council
Pretrial Subcommittee
Tuesday, October 27, 2009**

The meeting was called to order at 11:37 a.m.

Subcommittee Members Present:

Sam Benedict
Marty Binn
Diane Kelsner

Sara Carpenter
Brad Schimel
Mike Giese

Absent:

Dave Falstad
JoAnn Eiring

Also Present:

Rebecca Luczaj

Windy Jicha

Approve Minutes of July 14, 2009

MOTION: Schimel moved, Giese second, to approve the minutes of July 14, 2009. Motion carried by unanimous consent.

Update on WCS Pre-Trial Programs: Outcomes Year-to-Date

Carpenter reviewed the WCS year-to-date program statistics.

Intoxicated Driver Intervention Program

	1/1/09 - 10/26/09	1/1/08 – 10/26/08
New Admissions to Supervision	649	731
Clients Carried over from 2008	478	417
Total Supervised	1127	1148
OWI Rearrests during Supervision	3.5%	-3%
Rate of Compliance Successfully Completing the Program and Going to Adjudication	71%	70%
Rate of Noncompliance	20%	14%

Pretrial Supervision Program

	1/1/09 - 10/26/09	1/1/08 – 10/26/08
Defendants Stipulated to the Program	211	204
Remain in Custody	8	0
In Custody Follow-Ups	8	0
Rate of Compliance	71%	74%
Cases Open	131	109
Cases Not Entered into the System	9	0
Jail Days Saved	4877	5041
Males	70%	75%
Female	30%	25%

The number of drunk drivers supervised in 2009 has increased dramatically. Carpenter explained this is due to the additional staff person working in the program. WCS has been using a risk tool to determine the appropriate level of supervision and support needed for each client. Clients are seen two to four times per week depending on need. The program is extremely busy which can be partially explained by the large increase in opiate abusers in the program.

Binn arrived at 11:45 a.m.

OAR Program

	1/1/09 – 10/27/09	1/1/08 – 10/27/08
Intake Sessions Attended by staff	43	43
Referred to the OAR Program	137	201
Failure to Appear	757	804
Closed Cases	214	294
Reinstated Driving Privileges	136	170
Unable to Reinstate Privileges	77	112

Schimel asked for those unable to reinstate their driving privileges, were they able to reinstate or could they not pay their fines? Carpenter said it was a combination of the two. Schimel asked if people will be accepted into the program with eight OARs? Carpenter said that type of information would be provided to the courts in the screening report and screen people out of the program.

Carpenter said since the OAR law changed on July 1, 2009 from on August 1, 2009 to present, there have been 381 OAR cases on the court calendar versus 434 for the same reporting period in 2008. Luczaj said Joanne Eiring reported that none of the municipalities have reported an increase in OARs yet. Schimel said he would have expected the statistics to change by now. Kelsner said they expected some lag time. She never took into account how 50% of failure to appear filings would affect the program. Sheriff's Department and State Patrol tickets, the bulk of Waukesha County's filings, will continue to come here. Benedict said he wonders if cases are still being referred as criminal traffic. Schimel said the DA's office is screening those. Kelsner said the charges are coming through clean. Benedict asked if the previous cases were closely scrutinized and interpreted more broadly? Schimel said the police departments screen the tickets before the DA's office gets them and screens them again. There are mistakes but he does not think it is overwhelming. He will ask his staff to see if there are any errors or mischarges but he does not think that is going on.

Update on OAR Pilot Program Efforts and Potential Impact on Current OAR Program

Luczaj distributed a handout titled OAR Program Plan which outlines the program and the two-phase plan. She said changes to the OAR laws effective July 1, 2009 decriminalizing OARs and removing the jail component will have a huge impact on CJCC's OAR Program. Because an estimated 65% of the OAR cases that used to go through the circuit courts will now go through municipal courts, the program needed to be quickly redesigned. County Executive Vrakas offered a six-month pilot program with gradual phase out of county funding allowing municipal courts to refer cases to the OAR Program. Judge Davis and program staff met with 10 municipal court judges to promote this program and its benefits. JoAnn Eiring, also a municipal judge, has been instrumental in developing and promoting this program. The judges gave positive feedback and thought the program had value but they were concerned about the cost. The more municipalities involved, the less the program would cost. Unfortunately, after consulting with budget staff, only three judges expressed interest in the program.

Schimel left at noon.

Luczaj said the county executive, Judge Davis, Carpenter, Peter Schuler and Luczaj made a presentation on the OAR Program at the Waukesha County Cooperation Council meeting October 26. It was suggested that municipalities use additional revenues from OARs to help pay for this program. We want to prevent the jail population from increasing with inmates from the municipalities due to failure to pay fines. There were a lot of questions. Some did not understand why a program was needed when a brochure could be given. Others felt people with OARs did not need help because they are guilty of driving after revocation.

Luczaj said the program is fully funded by the county for 2010. The county executive wants to review the program in a few months when there are more solid statistics available.

Carpenter said it is important to inform people about why this program is needed. People in this situation become hopeless without their driver's licenses and will drive to get and/or keep a job. The level of support these clients need has to be stressed. The 55% to 60% reinstatement rate of the program is pretty good.

Benedict said people with OWI charges who are caught driving during the period when they could have gotten their licenses back (but didn't) could be served by the program. It depends on how Schimel will handle those cases. Benedict offered to contact Schimel to see what he will do with these cases. OARs are the most misunderstood traffic laws on the books.

Discuss Agenda Items for Next Meeting

- Review end-of-year statistics
- Update on OWI program and DOT funding
- Update on the OWI Risk Tool.

Next Meeting Date

- Tuesday, January 26, 2010 @ 11:30 a.m.

In the absence of objections, the meeting adjourned at 12:24 p.m.