



Waukesha County Criminal Justice Collaborating Council
Evidence-Based Decision Making Pretrial Workgroup Minutes
Wednesday, September 20, 2017

Team Members Present:

Judge Jennifer Dorow (Chair)
Laura Lau

Mary Wittwer
JoAnn Eiring

Frank McElderry
Sam Benedict

Team Members Not Present:

Sue Opper

Craig Kuhary

Also Present:

Rebecca Luczaj
Monica Paz

Janelle McClain

Daniela Imig

Dorow called the meeting to order at 11:55 a.m.

Approve Minutes From September 6, 2017 Meetings

Motion: McElderry moved, second by Eiring, to approve the minutes from September 6, 2017. Motion passed unanimously.

Discuss 2018 IDIP Budget Concerns Stemming from Loss of State Funding and Potential Solutions

Luczaj distributed and reviewed documents titled “Pretrial OWI Risk Tool Levels and Corresponding Supervision Dosage” and “Potential Solutions for 2018 Intoxicated Driver Intervention Program (IDIP) Projected Budget Shortfall.”

WCS has stated that, based upon the existing budget, we will not be able to sustain the current capacity of IDIP in 2018. Tax levy and program fees make up the current program budget, with tax levy comprising \$164,328. Imig stated that this could be a result of having more low-risk clients than anticipated. These clients are in for 30-60 days and do not pay fees. Indigent fees are \$100 versus \$350 for non-indigent clients. Dorow would like more specific data, as we will have to make a case regarding why costs to serve the same number of clients are higher than anticipated. Imig commented that, to her understanding, it was just an estimate to begin with. Luczaj suggested obtaining the information that Sara Carpenter used to develop the budget and compare those numbers to what we have now. WCS can use \$17,000 in carry-over funds from last year to assist this year’s budget; however, the 2018 budget is projected to have a \$49,000 deficit.

In response to a question, Imig stated that IDIP fees do not include SCRAM fees. Dorow would like WCS to verify that there is no revenue generated, even if nominal, from the SCRAM fees they collect.

The group discussed separating the # of clients with court-appointed attorneys from those with a public defender, and possibly consider charging a fee to those with a court-appointed attorneys. Eiring stated that years ago, we separated the two groups for fee purposes. Dorow and Eiring agree that those with court-appointed attorneys should be charged more than indigent clients.

Benedict stated that he believes that NIC Consultant, Mimi Carter, would say that anytime you have a resource scarcity, you have to make a decision based upon risk levels. We have been too focused on thinking we need to supervise everybody. He would like to review the data that says minimal supervision for low-risk

defendants yields any returns. He is resistant to the idea that we resolve this problem by putting more of the financial burden on the indigent population. At the same time, we do not want to increase our jail population.

Lau stated that this program is tied to the state's push for low or no cash bail. If programs like these are disappearing, then we lose the foundation on which this policy/legal change is based. Lau believes the program definitely has merit.

Dorow is wanting to ensure that we are monitoring those on supervision in a fiscally-responsible manner. She agrees with Benedict that we want to make sure we are not over-supervising lower risk defendants.

Imig stated that those on pretrial supervision have a low failure to appear (FTA) rate.

Eiring commented that if we eliminated the low-risk population from supervision, it would not eliminate the need for a position; WCS would still need the existing three case managers, so there would be no cost savings.

In response to a discussion about the need for compliance letters, Lau commented that defense attorneys use them as a way to argue for a reduction in bail. She also feels that they give defendants a boost of confidence after being commended in front of others in the court room.

Eiring stated that IDIP fees were last increased in June 2016. She added that the biggest time constraint for case managers is in the collection of fees. Funds are not available in the budget to hire an additional person to focus solely on program fee collection in order to free up the case managers.

McElderry left at 12:44 p.m.

The group agreed that the list of options for IDIP should include:

- Shifting existing CJCC resources
- A fee increase for court-appointed defendants
- Reviewing the fees for indigent clients

If we continue to supplement services and shift resources, we will not get the attention of the state or the County that this is an issue. If it impacts the jail population, we may get better results.

Dorow suggests having this budget issue with IDIP, as well as the Pretrial Supervision program issue on the agendas for the EBDM Policy Team and the CJCC Executive Committee.

Lau left at 12:52 p.m.

Discuss Pretrial Supervision Program Capacity and Appropriateness of Referrals

Eiring distributed a chart showing the number of Pretrial Supervision participants by month, from January 2014 to August 2017.

We are over capacity in Pretrial Supervision. We have stopped taking referrals and need to determine what to do at this point. Eiring stated it has come close to this point in the past, but they were able to handle the load.

WCS has closed out all of the low-risk defendants over the summer, after reapplying the pretrial screening tool. They are seeing the high-risk, high-need population for those who are unable to get into the Drug Treatment Court.

The workgroup would like to discuss the research on the efficacy of pretrial drug testing with NIC Consultant, Mimi Carter, at the next meeting.

Review and Discuss Pretrial Pilot Behavior Response Matrix

This item has been tabled until a future meeting.

Discuss Agenda Items for Next Meeting

We will reschedule the October 4 meeting to October 9 when Carter is in Waukesha County.

Adjourn

The meeting adjourned at 1:21 p.m.