



Waukesha County Criminal Justice Collaborating Council
Evidence-Based Decision Making Pretrial Workgroup Minutes
Wednesday, February 15, 2017

Team Members Present:

Judge Jennifer Dorow (Co-Chair)
Mary Wittwer
Sam Benedict

Sue Opper
Craig Kuhary

Laura Lau
JoAnn Eiring

Team Members Absent:

Abbey Nickolie

Also Present:

Rebecca Luczaj

Janelle McClain

Dorow called the meeting to order at 12:05 p.m.

Approve Minutes from January 11, 2017 Meeting

Motion: Opper moved, second by Eiring, to approve the minutes from January 11, 2017. Motion passed unanimously.

Discuss Addition of Select Aggravated 1st OWI Cases to the Intoxicated Driver Intervention Program for Supervision

Opper was concerned that, even with an OWI homicide, the OWI screening tool and corresponding levels of supervision is only being used with repeat OWI offenders. First OWI offenders are supervised through the general Pretrial Supervision program, and are not subject to SCRAM unless the court orders it. Eiring stated that if the screening tool is administered to first OWI offenders, the majority would score as low risk and the offender would be done with supervision in 30 days.

The workgroup discussed various options for this population, factoring in concerns for public safety and community expectations.

After a lengthy discussion, the group agreed that all OWI homicides should be supervised through the Pretrial Supervision program, and not through the IDIP. If there are multiple charges, the most serious charge prevails.

Motion: Benedict moved, second by Kuhary, to take all OWI homicides (Chapter 940) out of the IDIP program and place the defendants in the Pretrial Supervision program, ordered by the court. Motion passed unanimously.

There are two OWI homicide cases currently in the IDIP that will need bond modifications with the court.

Judges, Amy Rendall, and court clerks need to be notified and trained on the policy change immediately. Dorow will send an email to the judges.

WCS will notify the state and defense counsel that there has been a policy change.

Update on Pretrial Jail Screening Expansion Proposal Submitted to the WI DOJ

Luczaj distributed, and reviewed with Dorow, the “Waukesha County Pretrial Jail Screening Expansion Proposal; February 6, 2017.”

Luczaj had a very short window of time to put together a proposal for DOJ for a grant they are applying for on what it would take to move our current pretrial screening system to a universal screening model. After analysis of total bookings for 2016, it was noted that the highest volume of bookings occurred between 3-7pm. Currently, the pretrial jail screeners work from 5:30am-1:00pm. Therefore, the proposal consisted of adding pretrial screeners on second shift in order to screen any new bookings who are not screened in the morning hours, in an effort to catch more of the “book and release” population who are currently not being screened. This proposal can be revised later if need be.

The workgroup discussed at length the possible reasons why only 2,422 of the 8,302 bookings in 2016 had been screened by the pretrial staff. Opper wondered if existing staff could just screen those defendants who are going to post bail first. Benedict commented that he thinks many of the people not screened are there on a P.O. hold, who would not be screened anyway, and felt that we should be most concerned with low-risk defendants who are unable to post bail and sit in the jail, as opposed to those who bail out. Dorow commented that couldn't we just change our process to have WCS screen out-of-custody defendants outside G49 prior to their initial appearances for the purpose of assisting commissioners in setting conditions of release.

Review Work Plan to Assess Progress on Identified Activities

This agenda item was tabled.

Discuss Next Steps

There needs to be an update on the data collection project from Amy Rendall at the next meeting. Luczaj will follow-up with her and ask her to attend the next workgroup meeting.

Adjourn

The meeting adjourned at 12:57 p.m.