



Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Policy Team Minutes
Thursday, April 20, 2017

Team Members Present:

Hon. Jennifer Dorow, Presiding Judge & Policy Team Chair
County Board Chair Paul Decker
DOC Regional Chief Sally Tess
DOC Community Corrections Field Supervisor Marla Bell
Menomonee Falls Police Chief Anna Ruzinski
State Public Defender Regional Attorney Manager Sam Benedict

CJCC Coordinator Rebecca Luczaj
District Attorney Sue Opper
HHS Director Antwayne Robertson
Clerk of Circuit Court Kathy Madden
District Court Administrator Michael Neimon

Team Members Absent:

WCS Program Director Mary Wittwer
County Executive Paul Farrow
Town of Brookfield Municipal Judge JoAnn Eiring

Victim Witness Coordinator Jen Dunn
Sheriff Eric Severson
Waukesha Police Captain Dan Baumann

Others Present:

NIC Consultant Mimi Carter
Inspector James Gumm

Senior Administrative Assistant Janelle McClain
State Special Projects Coordinator Tommy Gubbin

Welcome

Luczaj called the meeting to order at 12:13 p.m.

Review Goals and Agenda for the Meeting

The goals of this meeting are to:

- Discuss Pretrial Pilot and Review Site Visit Recommendations
- Continue Discussion on Staff Engagement in EBDM
- Review Progress of Workgroups
- Update on Diversion Grant Opportunity & Diversion Symposium
- Discuss Next Steps

Update on State EBDM Policy Team's Work

Gubbin reported that the State Policy team is changing how they document the work that they are doing, so they have developed a spreadsheet to track their change targets and goals for each workgroup. Gubbin will send Luczaj an updated spreadsheet for distribution to the team. The State team continues to review the barriers identified by the local sites to determine if a resolution is possible.

Gumm arrived at 12:15 p.m.

The State team is also working with a judge in Milwaukee County to do something similar to a TED Talk on the EBDM Initiative.

An EBDM presentation is being scheduled to a joint legislative committee in an effort to educate legislators on EBDM and Wisconsin's accomplishments thus far in the Initiative. DOJ is hoping to do this in May or June, but there are some schedule conflicts. Waukesha County will be featured with Judge Dorow, Paul Farrow, Jen Dunn, and Anna Ruzinski.

Dorow arrived at 12:22 p.m.

Carter reported that there is a meeting on Friday with the National Association of Counties. The purpose is to develop a case study on implementation of pretrial reform through a process of state and local partnerships. There are many counties trying to change things on their own. Wisconsin and Indiana are being highlighted as the two states making the most progress in this area, so there will be approximately a dozen people from each of those states present to discuss what has worked, what has been challenging, etc.

Opper arrived at 12:26 p.m.

Approve Minutes from February 7, 2017

Motion: Ruzinski moved, second by Tess, to approve the minutes from February 7, 2017. Motion carried unanimously.

Update on Status of Pretrial Pilot

Carter reported that the State team has sent out the Pretrial Protocol to all of the pilot EBDM counties, and are reviewing the feedback they received.

The State team is trying to coordinate training on the use of the former Milwaukee County risk assessment tool, the *MCPRAII*, for the purposes of collecting 60-day baseline data. The *MCPRAII* tool is evidence-based, has been validated on a Wisconsin population, is free, and Milwaukee County has individuals willing to train others on it. The Arnold Foundation tool, the PSA, will not be available to pilot sites until at least September.

It is important to screen not just the in-custody population of defendants, but also the out-of-custody population.

Users will see a higher percentage of high-risk defendants in urban areas versus rural areas. The Arnold Foundation tool, the PSA, has been validated over a wide range of populations. Milwaukee and Dane counties are currently testing the PSA for the Arnold Foundation, although Dane County is not an EBDM county.

The DOJ's Pretrial Protocol for the pilot program is currently being reviewed by the Pretrial Workgroup.

Overview of Findings/Recommendations from February 20 Pretrial Services Observation

Luczaj distributed, and Carter reviewed, a memo from Carter regarding her site visit to observe Waukesha County's Pretrial Services on February 20, 2017.

Carter reviewed each expectation from the Pretrial Protocol, and explained how Waukesha County has met, or could meet, that expectation.

Ruzinski left at 1:00 p.m.

If we join the DOJ Pretrial Pilot Project, we would have to change our risk assessment tool. However, the tool we are currently using is a first generation tool that has been around 7-8 years and has since been updated, but Waukesha County is not using the most current version. Carter also identified that there is room for skill development/training for staff implementing the existing tool.

Best practices suggest that when someone is released on pretrial supervision, the screening tool should be used to determine the dosage of supervision they should receive, based upon risk level. Historically, WCS has been using a set of criteria that is not evidence-based to make this determination.

Another area for improvement is verification of information reported by defendants as part of the screening process. There should be a quality assurance protocol in place to maintain consistency.

Many of the areas identified as needing improvement may be due to recent WCS staffing changes, and that Carter and Luczaj were shadowing a newer staff person.

Continue Discussion on Staff Engagement in EBDM (Activity 5 of Phase VI Roadmap)

Luczaj distributed and reviewed a PowerPoint presentation on EBDM. The group offered suggested changes, such as adding an accomplishments slide. Carter also suggested having each Policy Team member make an impact statement on video and include those on the slides, which is something Rock County did.

Robertson arrived at 1:12 p.m.

Gumm left at 1:22 p.m.

Dorow requested that everyone bring impact statements to the next meeting, stating how EBDM has impacted their department. Luczaj will ask Rock County for the template they distributed to their Policy Team.

Workgroup Updates

Pretrial Workgroup

Dorow reported that the workgroup is continuing to review the Pretrial Protocol and Carter's site visit observations. They are also working with WCS and their researcher to review data collected on the IDIP screening tool.

Case Processing Workgroup

Neimon stated that the workgroup continues to collect and analyze data on their original State Public Defender screening pilot.

The workgroup also continues to work on the pretrial conferencing pilot in Branch 3 with Judge Ramirez. It is currently being held once a month, but we are looking to expand it to other branches and operate it as a regular program instead of a pilot program. Feedback has been consistently positive from all interested parties. The last pretrial conference on April 18 had a case clearance rate of approximately 76%. Neimon commented that the attorneys, both State Public Defenders and Assistant District Attorneys, are really demonstrating that they want the program to be successful.

There is still a language barrier for Spanish-speaking individuals who do not seem to fully understand that OARs are criminal cases, not citations. There is an interpreter present, but there are still misunderstandings.

Madden has started a text court date reminder program to reduce the number of failure to appears, and is tracking statistics pre- and post-implementation.

Defendants are being referred to Judge Ramirez's court directly from Intake Court to resolve their cases. The defendants have been very pleased with being able to have everything handled in one day and not have to come back.

Dorow thanked Madden's office for the data collection they have done for the Case Processing and Pretrial workgroups. It has entailed a lot of manual recordkeeping.

Neimon commented that the work of this group has also been important when thinking about the courthouse expansion and how rooms and technology will be utilized.

Mental Health Workgroup

Robertson commented that the workgroup met yesterday with the Mental Health Center (MHC) doctors and area hospital emergency room (ER) doctors. This is the second time the group has met. The focus of the meeting was discussing the medical clearance process. The discussion led to a workaround where the ER doctors can initiate the transfer of a patient before the lab work is fully completed, due to the lengthy time for urine test results to come back. This will also benefit law enforcement who are required to wait at the emergency room until the patient is cleared. The doctors look forward to having another meeting together. This meeting brought attendees from Waukesha Memorial Hospital, Moreland Reserve, Community Memorial, and Oconomowoc Memorial hospitals together. We hope to have Winnebago staff at the next joint meeting.

As a result of the previous meeting with the ER doctors, the doctor-to-doctor consultation process has been significantly reduced to an average of 33 minutes, with 30 minutes being the goal.

Decker arrived at 1:57 p.m.

There could be a possibility for the MHC to obtain read-only access to the Epic System, which would result in an efficient sharing of information between ProHealth Care hospitals and the MHC.

Robertson reviewed crisis services data that he had shared with the Police Chiefs recently when presenting Mobile Crisis. Luczaj will distribute the information to the Policy Team after the meeting.

The workgroup is also looking at piloting initial appearances by video for those on emergency detentions (ED) at the MHC who have criminal charges pending. While it will not affect many cases, for those it will, it eliminates the need to have the patient picked up by the Sheriff's Department, handcuffed, driven to the courthouse for their initial appearance, and then driven back to the MHC. Robertson commended the MHC staff for being willing to take on tasks that they were unable to do in the past.

Robertson commented that, thanks to the EBDM Initiative and working with the other stakeholders, he and Bell were able to quickly collaborate regarding a probation client, and get the person the help they needed upon release from the jail.

Carter commended the workgroups for being so far into implementation, and for having an appreciation for data. She recommends developing a graphical dashboard as a visual to show the progress on the various change targets. We could see if Donn Hoffman from the Waukesha County I.T. department could come and present on the dashboard they created. Also, Decker suggested talking to Jerry Braatz from UW-Extension to have a student do the project for us for educational credits.

Benedict left at 2:14 p.m.

Victim Rights Workgroup

Bell reported that Dunn is presenting on the restitution memo to the State Policy Team next week. Dunn has received positive feedback from those she has sent the memo to thus far. Once feedback is received from the State Policy Team, the memo can be taken to Representative Hutton.

Judge Aprahamian met with the Criminal and Traffic judges to discuss a new process to reduce harm to victims who are present in court: the bailiffs should be notified, and then the bailiff or clerk can notify the judge, and that case can be called prior to those without victims present.

The workgroup is beginning a new Restitution Affidavit pilot project. Once the form is finalized, it will be piloted in Judge Aprahamian's court in an attempt to move the case along faster, while reducing harm to victims as they would not be required to be in court.

Dunn has also met with the Sheriff's Department and local police departments to educate them on the mobile victim assistance unit.

Last week was Victims' Rights Week. Waukesha County hosted a presentation and the Stuff-A-Squad fundraiser.

Alternative Interventions Workgroup

Luczaj reported that the workgroup is in the beginning stages, having finalized the goal statement, and now drafting and prioritizing change targets. The workgroup has also been focused on our application for the BJA Diversion Grant, which is due April 25.

On September 30, 2017, Waukesha County's federal funding for the Drug Treatment Court will expire, so the workgroup has been developing a sustainability plan. Currently, we are waiting to hear about the SAMHSA Grant the county applied for in December 2016.

Update on BJA Diversion Grant Application

Luczaj stated that the BJA Diversion Grant application is due on April 25. We are requesting \$400,000 to serve a proposed 200 people over the 3-year period. 50 participants would be served during the first year, and 75 participants would be served in years two and three. Pre-charge diversion would be utilized for low-risk possession of narcotics cases (heroin and other opiates), and deferred prosecution agreements (DPAs) would

be utilized for moderate-risk possession cases. We would hire a full-time Diversion Coordinator and a full-time Case Manager, who would start in the second year of the grant. Until then, we would be utilizing the Day Report Center staff, as the program has been underutilized. Those applications that include an Action Researcher will receive priority consideration, so we have brought Professor Tom LeBel from UW-Milwaukee on to fill this role.

After reviewing the grant budget with the HHS Fiscal division, we were about \$35,000 over the \$400,000 maximum federal budget. To make up the difference, we could either have the Diversion Coordinator take a small caseload in order to reduce the Case Manager to a part-time position, or implement program fees from the beginning. At this point, the plan is to include program fees in the budget, but that can be changed during the planning phase of the grant. The \$180/person program fee is still much less than the cost of traditional case processing (fines and court costs). Madden will send information to Luczaj to include in the grant application regarding standard court costs.

Luczaj expects to hear in September if we received the grant. The 6-month planning phase would begin October 1, 2017.

Update on 5/31 – 6/1 NIC Diversion Symposium

Carter, Luczaj, and Opper will be attending the NIC Diversion Symposium in Washington D.C. All of the EBDM sites in Wisconsin, Indiana, and Virginia will be attending, along with some additional public and private organizations who were invited. The agenda has not been finalized yet.

Next Steps

Decker suggested speaking with Farrow's PIO, Nicole Armendariz, regarding having a webpage on the County's website with EBDM information. Each department should also link to that page once it is set up. Further discussion on this will occur at the next meeting.

Set Dates for Future Policy Team Meetings

The May 2 meeting has been cancelled. The next meeting will be on June 6 from 12 p.m. – 3 p.m.

Adjourn

Motion: Robertson moved, second by Madden, to adjourn the meeting at 2:37 p.m. Motion carried unanimously.