



Waukesha County Criminal Justice Collaborating Council
Evidence-Based Decision Making Pretrial Workgroup Minutes
Monday, August 21, 2017

Team Members Present:

Judge Jennifer Dorow (Chair)
Laura Lau
Mary Wittwer

Sam Benedict
JoAnn Eiring
Craig Kuhary

Frank McElderry
Sue Opper

Also Present:

Rebecca Luczaj
Anna Kees

Janelle McClain
Monica Paz

Daniela Imig

Dorow called the meeting to order at 11:09 a.m.

Begin Thorough Review of DOJ Pretrial Protocol and Feedback on Protocol from DA's Office and SPD

Luczaj distributed Opper's and Benedict's Pretrial Pilot Protocol feedback. The workgroup then reviewed the WI Department of Justice's Pretrial Protocol and had the following notes:

- #2 – Opper will be the representative for Victims' rights, and if necessary, she will consult with Jen Dunn. Those who we do not have on this workgroup, we have on the EBDM Policy Team and other EBDM workgroups.

Kuhary arrived at 11:16 a.m.

- #7 - The courtroom construction project is causing a logistical issue due to available space once the construction starts in 2018. This will cause G49 to go "offline." The lack of space issues will result in scheduling conflicts for having space available to interview more defendants. Benedict is concerned that people will have to wait for release because they haven't been screened, but the screening does not have to be done in-person, as it is measuring static factors.
- #8 – The workgroup will review the Release and Supervision Matrix, as well as determine a way to track the concurrence rate, at a future meeting. There will be a required database to utilize to input data from the PSA, which Luczaj requested funding for from the DOJ. Luczaj added that supplemental screening tools were acceptable, so the current OWI screening tool used in the IDIP could be utilized for all OWI cases, along with the PSA.
- #9 – The DOJ is working on getting all of the EBDM sites access to NCIC data, per Luczaj.
- #10 – The IDIP program charges program fees; other than SCRAM fees, the Pretrial Supervision program does not charge program fees.
- #11 – We will need to clarify which NAPSA standards are under revision.
- #16 – Mimi Carter had previously mentioned that the State is not going to require an MOU, but are strongly recommending it; we are waiting for the written confirmation. Dorow feels an MOU would be

beneficial for those stakeholders who are not on this workgroup. The MOU is not a contract; it is a statement of purpose describing why we are participating in the Pretrial Pilot. Dorow also commented that the MOU should not include policies. Absent statutory authority, Wisconsin court records are public record – not confidential.

Dorow will draft a revised MOU, changing some of the language in the sample provided, and will present it to the group at the next meeting. The workgroup liked Opper's Consent Form revisions, but requested to leave #6 of the form more general.

- #17 – All defendants are now automatically enrolled in text reminders if we are provided with a valid phone number. The FTA rate appears to have decreased as a result.
- #20 – The workgroup will review the Supervision Matrix at a future meeting.
- #21 – The workgroup will review the Response Protocol at a future meeting.

Discuss Future Agenda Topics

- Review revised MOU
- Review Pretrial Protocol #20 and #21
- Review the Matrix from the Pretrial Protocol #8
- Draft a Critical Incident Review procedure

The workgroup will revise their meeting schedule to every other week through the remainder of the year, beginning on Wednesday, September 6, from 11:45 a.m. – 1:00 p.m., in Judge Dorow's jury room.

Adjourn

The meeting adjourned at 12:56 p.m.