



Waukesha County Criminal Justice Collaborating Council Pretrial Committee Minutes Wednesday, September 4, 2019

Members Present

Hon. Jennifer Dorow	Sue Opper	Monica Paz
Sara Scullen	JoAnn Eiring	

Members Absent

Craig Kuhary	Michelle Larsuel
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Others Present

Rebecca Luczaj	Janelle McClain	Sara Carpenter
Mary Wittwer	Kevin Costello	Karla Gabor
Jeremy Perri	Abbey Nickolie	Anna Kees

Dorow called the meeting to order at 12:03 p.m. The meeting began with introductions amongst those present.

Approve Minutes from August 7, 2019 Meeting

Motion: Scullen moved, second by Paz, to approve the minutes from the August 7, 2019 meeting of the CJCC Pretrial Committee. Motion passed unanimously.

Review and Discuss Updated Pretrial Electronic Monitoring Data

This agenda item was tabled until a future meeting.

Continue Discussion on Serving Out-of-County Drug-Impaired Drivers in Intoxicated Driver Intervention Program (IDIP)

Wittwer stated that currently, there are 16 drug-impaired drivers in the program, and three or four are out-of-county. Due to the low number of out-of-county drug-impaired drivers, WCS will handle these situations on a case-by-case basis and is able to provide courtesy drug testing in Milwaukee, Kenosha, and Jefferson counties. If the number of out-of-county defendants significantly increases, the topic will need to be revisited by the committee.

Carpenter stated that WCS is currently looking at a sweat patch as a drug testing option for clients; however, it will be more expensive.

Commissioners should continue to order the IDIP for out-of-county defendants, and if it is not feasible, WCS will notify the court. In response to Perri's question, Eiring responded that WCS could usually assess their ability to monitor these defendants within the week.

Review and Discuss Release Conditions Matrix (RCM)

Dorow and Luczaj distributed and reviewed a document titled "Wisconsin Pretrial Release Conditions Matrix; Version 3 (08/30/2018)." Luczaj will follow up regarding why "Criminal History (local check)" is not to occur for Level 1, but the assumption is because those ordered to Level 1 monitoring only receive court text reminders and no supervision from WCS.

The release conditions levels on the RCM will guide the commissioners' decision on whether or not to order pretrial monitoring. The matrix will not reference cash bail or signature bonds. Prosecution and defense are encouraged to present any mitigating or aggravating circumstances that they feel should affect a defendant's assigned level of monitoring, and then the court commissioner will use their discretion to make the final decision.

The committee agreed that the RCM should include all OWI offenses, although those charges were not initially set to be included.

The "X" listed in the "Conditions" at the bottom of the matrix allows for flexibility based on each county's procedures in regards to the use of additional screening tools for mental health, substance use, etc.

Perri would like to see further clarification under the wording of the GPS Monitoring Condition regarding when it should be authorized; is there an “or” missing, or are each of these qualifiers.

Luczaj reminded the group that there is a list of charges in the Operational Guide that result in an automatic “bump up” to either the next level, or the highest level of monitoring.

Dorow wondered what bond language the other counties are using. Luczaj will follow-up on this. Dorow suggested that the committee visit either La Crosse or Outagamie counties since they have implemented the PSA, or schedule a representative from one of those counties to be on the phone for our next meeting to answer any questions the group may have.

Review and Discuss Implementation of MOU amongst Justice System Partners

Luczaj distributed documents titled “Memorandum of Understanding Regarding Pretrial Protections” and “Memorandum of Understanding; Outagamie County District Attorney’s Office, Wisconsin State Public Defender’s Office Appleton, Outagamie County Criminal Justice Treatment Services, and Outagamie County Circuit Court.”

This agenda item will be discussed at a future meeting.

Update on DOJ Pretrial Pilot Project Implementation

9/18/19 – PSA Assessor Training

This training will be held in Wisconsin Dells and is specifically for those who will be administering the PSA.

10/24/19 – Rock County PSA Stakeholder Training

This training will take place in the afternoon; specific times to be determined.

10/25/19 – Waukesha County PSA Stakeholder Training

This training will take place in the morning; specific times and location to be determined.

A flyer will be sent out for the PSA Stakeholder Trainings with an EventBrite RSVP.

Scullen left at 1:21 p.m.

Announcements

There were no announcements.

Discuss Agenda Items for Next Meeting

- Vote on replacing Benedict with Perri as a member of the committee
- Review current electronic monitoring data
- Review and discuss implementation of an MOU amongst justice system partners

Public Comment

There was no public comment.

Adjourn

Motion: Paz moved, second by Eiring, to adjourn the meeting at 1:22 p.m. Motion passed unanimously.