



**Waukesha County Criminal Justice Collaborating Council
Evidence-Based Decision Making Pretrial Workgroup Minutes
Wednesday, March 7, 2018**

Team Members Present:

Judge Jennifer Dorow (Chair)	Daniela Imig	Frank McElderry
JoAnn Eiring	Sam Benedict	Sue Opper

Team Members Not Present:

Laura Lau	Abbey Nickolie	Craig Kuhary
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Also Present:

Mary Wittwer	Janelle McClain	Rebecca Luczaj
Karla Gabor	Monica Paz	Anna Kees

Dorow called the meeting to order at 12:04 p.m.

Approve Minutes from February 7, 2018 Meeting

Motion: Opper moved, second by Imig, to approve the minutes from February 7, 2018. Motion passed unanimously.

Update on DOJ Pretrial Pilot Project

Luczaj reported that the PSA Assessor's training was on February 26. Mimi Carter conducted the training, and a consultant from the Arnold Foundation was also present. The training was intense, and participants commented that an additional day would have been beneficial. There is a possibility that another training will be held after the tool is implemented, as many questions are expected to arise. During the training, participants learned how to administer the tool, and then practiced scoring the tool using three case studies. The tool appears to be somewhat basic, but once looked at closer, is actually very complicated.

A segment of the PSA Assessor's training was conducted by the DOJ Crime Information Bureau (CIB), which focused on how to query and interpret defendants' criminal histories in NCIC. JusticePoint staff attended representing Milwaukee County, and informed Luczaj that they do not check NCIC for every defendant, but rather, check CCAP first. Often, the defendant maxes out on points in the PSA on CCAP alone; if not, they will look the defendant up in NCIC. The reason behind this is because checking NCIC is very time consuming and can be a strain on staff resources. Dorow stated she is concerned that if we do not check NCIC, the score may be questioned; however, Imig responded that when the PSA score is provided, they do not explain how the score was determined, so that should not be an issue.

The pretrial screeners will be testing the PSA alongside our existing pretrial screening tool (a version of the VPRAI). WCS supervisory staff will perform random quality assurance checks by reviewing two screens per day per assessor. The data obtained from testing the PSA will not be used beyond simply to practice administering the tool.

Dorow would like someone from the Arnold Foundation or DOJ available via phone or in person during the beginning stages of PSA implementation to assist with any issues that may arise. Luczaj will look into this possibility.

The PSA Stakeholder's training was on February 27. There was a diverse group of about 40 people in attendance. Luczaj was concerned that there were not many questions asked; however, since we have used a

pretrial screening tool for many years in Waukesha County, the process is not new. Rock County's training was videotaped and will be made available in the near future.

NIC's Pretrial Essential Elements training for Waukesha, Rock, and Marathon Counties has been tentatively rescheduled for May 21 and 22 in Madison.

We are still waiting on software procurement and NCIC access before we can go live with the PSA tool. The Microsoft Excel autocalculator that was provided to participants at the PSA Assessor's training can only be used in the testing phase; it cannot be used once we go live with the tool, as software must be in place.

The MOU and Release of Information still need to be finalized; however, Dorow does not want to work on those until closer to when we go live with the PSA.

Review and Discuss Current Pretrial Screening Reports to Ensure Compliance with Best Practices

Imig distributed and reviewed the handouts titled "Pretrial Screening Inmate Interview," "Waukesha County Pretrial Services Screening Report," and "Waukesha County Pretrial Services Risk Report."

Imig informed the workgroup that the PSA does not require interviews. The current Screening Report and Risk Report are given to the commissioner and attorneys prior to initial appearances. If we choose to do an interview, the information will be provided to the attorneys, but it does not affect the PSA scoring. Kees stated that the information is available by other means. Benedict is concerned about the interview questions related to AODA/mental health history and the comments section. Opper expressed concern that the commissioners may still ask questions related to this ancillary information currently provided by the screeners, resulting in longer bail hearings.

Imig stated that the UNCOPE will screen for substance use, and would eliminate the questions on the third page of the Interview. Dorow added that the PSA looks at factors predictive of Failure to Appear (FTA) and New Criminal Activity (NCA) only. By not providing the current Pretrial Screening Report, the duty is placed on the defense and prosecution to bring up the ancillary factors that are not included in the PSA for consideration during the bail hearing.

Ultimately, there is still judicial discretion. Dorow added that if we do not follow the Pretrial Decision Making Matrix, we should not be using the tool. Imig responded that Milwaukee uses the tool's recommendations approximately 85% of the time. JusticePoint indicated that Milwaukee County has identified specific charges that would cause the defendant to be "bumped up" a level on the Decision Making Matrix. Benedict expressed a concern that these exceptions are not evidence-based to warrant the "bump up."

Luczaj will contact Milwaukee County to find out what fields generate from their ePretrial database that are sent to all parties prior to initial appearances. If the state decides to go with Automon for the PSA, we may be able to get a sample of this report from the state. The workgroup agreed that there is difficulty knowing what is fair to ask in the interview without knowing what is or is not included on the report.

Eiring and McElderry left at 12:59 p.m.

Paz reported that the judges are no longer issuing bench warrants in response to WCS pretrial non-compliance reports. The judge will simply set a court date for the defendant to report in so they can address the non-compliance issue.

Discuss and Consider Implementing the UNCOPE Plus Substance Use Disorder Screen

This agenda item will be tabled for a future meeting.

Discuss Agenda Items for Next Meeting

- Review the PSA
- Review the Decision Making Matrix

Kees will be Benedict's proxy for the next meeting, as he will be on vacation.

Adjourn

The meeting adjourned at 1:02 p.m.