



**Waukesha County Criminal Justice Collaborating Council
Pretrial Committee Minutes
Wednesday, September 5, 2018**

Team Members Present:

Judge Jennifer Dorow (Chair)	Daniela Imig	Frank McElderry
Sara Scullen	Sue Opper	Monica Paz
JoAnn Eiring	Katie Kegel (proxy for Sam Benedict)	

Team Members Absent:

Abbey Nickolie	Craig Kuhary	Sam Benedict
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Also Present:

Gina Colletti	Janelle McClain	Rebecca Luczaj
Mary Wittwer	Bob Gibson	

Dorow called the meeting to order at 12:10 p.m.

Approve Minutes from August 1, 2018 Meeting

Motion: Opper moved, second by McElderry, to approve the minutes from August 1, 2018. Motion passed unanimously.

Update on 8/19-8/22 National Association of Pretrial Services Agencies (NAPSA) Annual Conference

Luczaj, Imig, Wittwer, and Scullen attended the NAPSA conference in Fort Worth, TX. Imig stated that the biggest takeaway from the conference was that charging supervision fees is considered to be excessive bail, and along with pretrial over-monitoring also being considered excessive, there could be potential legal ramifications.

Wittwer's biggest takeaway was that incarceration is a risk factor that increases recidivism. She also stated that ongoing education in pretrial best practices, not only for interested parties, but also for the public, is key. Imig added that it was suggested to have a workgroup focusing on educating the public. Scullen stated that other communities brought the media in to inform them of the process and the benefits of pretrial services over incarceration. The communities also did focus groups, and learned that the community members were more supportive of the process than they had initially anticipated.

Scullen commented that a takeaway for her was that the PSA is a risk *reduction* tool. The longer that a person is incarcerated, the greater the likelihood that they will recidivate. Therefore, if defendants are kept in jail for a shorter time in the pretrial phase, the result is more positive for all stakeholders. There is also a significant cost savings with pretrial monitoring over incarceration. The final takeaway that Scullen had is that we need to poll the judges on their perception of bail, so that data can be shown to either support or not support those perceptions. Scullen shared that Waukesha County appears to be ahead of the curve with pretrial services, compared to other jurisdictions.

Luczaj focused on attending most of the research sessions. There was a survey produced by an MIT researcher that measures judicial perception of bail before and after PSA implementation. Imig received a copy of the survey and will bring it to the next Pretrial Committee meeting. Luczaj stated that the conference would be more beneficial if there were various sized jurisdictions presenting. For example, a county presenting on pretrial services that has 80,000 bookings a year is very different from a county, such as Waukesha County, that processes about 8,000 bookings a year.

Update on DOJ Pretrial Pilot Project

Status of LIAF MOU

Luczaj reported that she sent the final revision of the MOU to Corporation Counsel this morning from the Department of Justice (DOJ). Corporation Counsel's biggest concern is the wording of the indemnification clause. If Waukesha County does not agree to sign the MOU, we will be removed from the pilot. The other counties are unable to move forward until a decision is made by Waukesha County, as there is one MOU for all of the EBDM counties to sign. Imig commented that we currently do not have an MOU for use of the VPRAI.

McElderry and Kegel left at 12:26 p.m.

NIC Gap Technical Assistance

Luczaj stated that Waukesha County was recently informed that NIC has available funds that need to be spent by mid-October. NIC is offering additional on-site technical assistance to the PSA pilot counties from experts who have implemented the PSA. The CJCC Executive Committee approved for Luczaj to submit an application, not only for the technical assistance, but also for the position of lead county. The lead county would receive the most assistance, and then would pass that knowledge onto the other EBDM counties. NIC is looking for one lead county and 2-3 additional EBDM counties who are as close to PSA implementation as possible. Luczaj has not received an update as of today; however, an update should be received by next week. If Waukesha County is selected, the frequency of this committee's meetings may need to be increased.

Review and Discuss Revised Release Conditions Matrix

Luczaj distributed and reviewed a document titled "Wisconsin Pretrial Release Conditions Matrix; Version 2 (08/06/2018)." Luczaj commented that Lori Eville from NIC had also attended the 2-day pretrial meeting in July. Eville had reviewed the original release conditions matrix and said that she could not support the EBDM counties moving forward with that matrix due to cash bail being reflected as a potential condition, as there is no research to support that the use of cash bail has a positive impact on pretrial outcomes. Dorow responded that, despite the bond schedule, Waukesha County is not yet to the point where cash bail will never be an option.

If Waukesha County uses this revised matrix as a baseline, data will be collected and defendants will be charted as to where they fall on the matrix. The matrix can then be adjusted if necessary. In addition, the two step-ups for violent crimes on the scoring of the PSA are still in effect, which would bump the defendant up to a higher level of supervision on the matrix. Imig recommended discontinuing use of a blanket order of conditions, as the conditions are too generalized and can cause automation in the judge/commissioner decision on bail.

In response to a question about software to be used with the PSA, Luczaj stated that EBDM counties will most likely be using Automon, and then the DOJ will eventually be modifying its CORE database system, which is currently used by TAD grant recipients, to incorporate the PSA; however, the DOJ does not anticipate the database being modified for a couple years.

Discuss Agenda Items for Next Meeting

- Review and discuss interview information provided to parties on pretrial screening report

Adjourn

The meeting adjourned at 1:15 p.m.