



Waukesha County Criminal Justice Collaborating Council  
Evidence-Based Decision Making Pretrial Workgroup  
Monday, May 16, 2016

**Team Members Present:**

Judge Jennifer Dorow (Co-Chair)  
Sara Carpenter (Co-Chair)

Craig Kuhary  
Sue Oppen

Sam Benedict

**Also Present:** Joann Eiring  
Corina VanDuser

Rebecca Luczaj

**Team Members Absent:** Laura Lau

Dorow called the meeting to order at 9:08 AM.

**Approve Minutes from May 9, 2016**

Minutes from May 9, 2016 will be approved at the next meeting.

**Continue Discussion on Dosage of Supervision for Pretrial Intoxicated Driver Intervention Program  
Participants – All**

Members continued discussion on dosage of supervision for the IDIP program. Members reviewed the low risk repeat OWI offender supervision requirements and definitions of compliance. The group has consensus on dosage of supervision for low risk repeat OWI defendants, but still needs consensus on the drugged driving defendants. The group also decided that for repeat OWI defendants, if they have two back-to-back tests that are missed, their 30 days of monitoring would start over. This recommendation will be given to the judges.

The group discussed the following:

**LOW RISK DEFENDANTS**

- Members prefer that the 30-day restart for violations be automatic
- The judge needs to be notified of all positive tests
- 2 missed or 2 consecutive on-demand tests = automatic 30-day restart
- Any violations = 30-day restart; the judge can schedule a review hearing if they want to recommend an alternative consequence for the violation
- Carpenter said that the program will be losing a lot of revenue; therefore, there will be a higher emphasis on fees. Refusal to sign a payment plan will be an issue. Oppen recommended that the payment plan be signed at intake and to notify the judge if they refuse. Benedict stated that WCS cannot be required to supervise defendants for free
- Cost of monitoring will be:
  - \$12.50/day for SCRAM; \$9/day for those with court-appointed attorney; \$6/day for indigent clients
  - \$9/day for Remote Breath; \$6/day for those with court-appointed attorneys or indigent clients
- Start date target for implementation of new risk tool/supervision guidelines is July 1<sup>st</sup>

## **MODERATE RISK DEFENDANTS**

- After 60 days of full compliance, send a letter to the court notifying the judge that the person has been removed from SCRAM/Remote Breath (automatic).
- Utilize the existing SCRAM criteria; Remote Breath is required if there are issues with SCRAM
- For moderate risk drugged drivers, after 90 days of full compliance, they are reduced to testing every other week
- A participant charged with OWI, who has a history of drug use, will be given random drug tests 2 times/week
  - After 90 days with no positive drug tests, it is at the discretion of the case manager whether to reduce frequency of testing

## **HIGH RISK DEFENDANTS**

- SCRAM is mandatory for 90 days
- Drugged drivers: after 90 days of full compliance (testing 2 times/week), reduce to testing 1 time/week for the remainder of supervision

Dorow will schedule a meeting with the judges and commissioners to present what the group has agreed upon for supervising low, moderate, and high risk defendants, and would like to have Opper, Carpenter, and Benedict there in case there are any questions

Carpenter distributed and reviewed statistics on drugged drivers currently being supervised by WCS that Dorow asked for at a prior meeting. The handout provided results for missed and positive tests while on Remote Breath

- 2 had positive alcohol tests
- 90% had at least 1 missed test
- Benedict stated that we don't want the drugged drivers who have a valid prescription to continually be non-compliant as a result of testing positive due to the prescription

## **Review & Discuss Workgroup Logic Model & Action Plan Templates – Luczaj/All**

Luczaj stated she will get together with Carpenter and Dorow to draft the logic model and work plan and will bring them to the group for review at a future meeting.

## **Discuss Next Steps & Set Date for Next Meeting - All**

- Clean up the Dosage Supervision Matrix for final review
- Next Meeting is set for: 5/31 at Noon

## **Adjourn**

The meeting adjourned at 10:05 AM.