



Waukesha County Criminal Justice Collaborating Council Pretrial Committee Minutes Wednesday, November 13, 2019

Members Present

Hon. Jennifer Dorow
Sara Scullen
Jeremy Perri

Sue Opper
JoAnn Eiring
Craig Kuhary

Monica Paz
Michelle Larsuel

Others Present

Rebecca Luczaj
Mary Wittwer
Anna Kees

Janelle McClain
Kevin Costello
Abbey Nickolie

Sara Carpenter
Karla Gabor
Gina Colletti

Scullen called the meeting to order at 12:05 p.m.

Approve Minutes from October 2, 2019 Meeting

Motion: Paz moved, second by Perri, to approve the minutes from the October 2, 2019 meeting of the CJCC Pretrial Committee. Motion passed without a negative vote.

Opper arrived at 12:06 p.m.

Review and Discuss Updated Pretrial Electronic Monitoring Data

Carpenter distributed and reviewed a document showing the breakdown of Pretrial Defendants on Electronic Monitoring.

Update on DOJ Pretrial Pilot Project Implementation

Luczaj stated that the WI DOJ is finalizing the Automon software contract. When the contract is finalized, the Automon software package that was prepared for Outagamie County will be implemented at all of the pilot sites, making for a quick installation process.

Luczaj stated that the second application for WCS' NCIC access was recently denied from the FBI. The FBI would like the contract to be between WCS and the CJCC Pretrial Services Subunit, since that is the entity with the approved ORI. Luczaj worked with Waukesha County's Corporation Counsel to draft a WCS Court Services contract amendment that CIB sent to the FBI yesterday with supporting documentation as our third attempt at securing WCS access to NCIC. If this application is again denied, Luczaj will work with Purchasing to separate out pretrial services from other services in the WCS contract and we will try again.

Eiring and two other WCS staff members are attending a DOC-sponsored training next week regarding reading NCIC criminal histories.

Luczaj stated that NIC is going to adjust their state EBDM technical assistance contract to divert some technical assistance to the counties participating in the PSA pilot. NIC plans to connect pilot sites with jurisdictions from across the country who have been using the PSA.

The statewide Pretrial Manager has been hired by the Office of State Courts (through a grant from the WI DOJ) and starts in December. She is familiar with the PSA due to assisting with Dane County's PSA implementation.

Review and Discuss PSA Scoring Statute List (Elevated and Maximum "Bump-Ups")

Luczaj distributed and reviewed documents titled "PSA Scoring Statute List," "Wisconsin Pretrial Release Conditions Matrix; Version 3 (08/18/2019) / Applying the PSA Results to the Release Conditions Matrix (RCM)," and a page from the PSA website defining a violent offense.

All of the PSA pilot counties will be consistently utilizing the PSA Scoring Statute List. Any changes to the list would need to be approved by all of the PSA pilot counties.

Dorow arrived at 12:27 p.m. Larsuel left at 12:29 p.m.

OWI cases are recommended to follow the RCM.

Arnold Ventures has recently changed their position and now recommends that the pilot sites not utilize “bump ups” until data has been collected to show that a “bump up” is research-based, demonstrating an improvement in pretrial outcomes.

Scullen encouraged both the prosecuting and defense attorneys to defend their cases with additional arguments at initial appearances, presenting information that is not already contained in the police report.

Opper expressed reservations due to the arbitrariness of the charges contained on the “bump up” statute list.

Perri also expressed reservations, stating that utilization of the “bump up” statute list would be deviating from the PSA, as it was intended to be used, based upon research.

Dorow reiterated that use of the “bump up” statute list would be required.

Discuss Feedback from 10/25 PSA Stakeholder Training

Dorow stated that she asked Alison Shames to join in on a conference call with this committee once we have worked through the RCM, answer any outstanding questions, and discuss the general implementation process.

The Rock County PSA Stakeholder Training, held on 10/24, was recorded and will be ready in a couple months for future online training.

Continue Review of Release Conditions Matrix (RCM)

Dorow distributed a blank version of the RCM for members to complete where they believe each level of supervision should be distributed. The group will review these at the next meeting.

Announcements

There were no announcements.

Discuss Agenda Items for Next Meeting

- McClain will send a Doodle to reschedule the December 4 meeting
- Review local data collected from WCS
- Discuss the RCMs that members filled out
- Discuss language used by commissioners when ordering pretrial monitoring
- Discuss using ROR prior to utilizing signature bonds or cash bail
- Continue to discuss a Memorandum of Understanding between all stakeholders

Public Comment

There was no public comment.

Adjourn

Motion: Opper moved, second by Paz, to adjourn the meeting at 1:16 p.m. Motion passed unanimously.