



**Waukesha County Criminal Justice Collaborating Council  
Pretrial Committee Minutes  
Wednesday, October 3, 2018**

**Team Members Present:**

Sam Benedict	Daniela Imig	Frank McElderry
Sara Scullen	Sue Opper	Monica Paz
JoAnn Eiring	Judge Jennifer Dorow	

**Team Members Absent:**

Craig Kuhary

**Also Present:**

Gina Colletti	Janelle McClain	Rebecca Luczaj
Mary Wittwer	Kevin Costello	Michelle Larsuel
Anna Kees		

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

**Approve Minutes from September 5, 2018 Meeting**

Motion: Eiring moved, second by Scullen, to approve the minutes from September 5, 2018. Motion passed unanimously.

Dorow arrived at 12:05 p.m.

**Discuss and Consider Committee Membership Change**

Motion: Imig moved, second by Scullen to replace Sheriff's Department Captain Frank McElderry with Captain Michelle Larsuel. Motion passed unimously.

**Update on DOJ Pretrial Pilot Project**

***NIC Gap Technical Assistance***

Luczaj reported that NIC is waiting on budget approval before this can progress.

***Status of LIAF MOU***

Dorow reported that the County Executive has signed off on the MOU.

***NCIC Access***

Dorow is working with some connections she has at the FBI to try to move this process forward.

***Software***

This topic has been tabled until a future meeting.

Opper arrived at 12:09 p.m.

**Update on Progress of PSA Testing**

Imig stated that the screeners continue to test the new PSA each week.

Benedict asked how long it will take to run NCIC checks once the screeners have access. Luczaj responded that we have heard from the Milwaukee County pretrial screeners that they don't need to check NCIC on everyone (if the defendant has already maxed out points on the PSA), so it is not very time consuming overall.

Costello stated that on the screening reports he used to see when he worked in Milwaukee County, there was a box that was checked indicating if the NCIC record impacted the defendant's score, but what does that mean? He would like to know what conviction specifically triggered it. Imig confirmed that there is a box on the report that asks if the NCIC report impacted the score; however, the report does not require additional information explaining how the information impacted the score.

Dorow reiterated that we will track any deviations from the screening recommendations in bail set so that we can look further into those cases.

### **Review and Discuss Interview Information Provided to Parties on Pretrial Screening Report**

Benedict commented that current practice deviates from best practices. He stated that there are sections on the screening report that report a defendant's comments in response to questions by the screener about substance use or mental health history. The defendant has not been given their Miranda Rights before giving the information, and the information is made available to the District Attorney's Office and the courts. This information could then be used against the defendant as the case progresses through the system.

Imig distributed and reviewed a redacted pretrial screening report for the committee to review. The committee members discussed how to best reflect the answers on the screening report to avoid self-incrimination.

Opper stated that a yes/no answer is subject to interpretation because, for example, if the defendant stated that they have six beers every night, the screener would then need to use their discretion to determine if that constitutes an alcohol problem or not in order to respond with only "yes" or "no."

Luczaj commented that best practice is that the information is not even provided to the parties; however, the information is used to help WCS recommend types and levels of supervision for the defendant. In the event that Waukesha County is awarded technical assistance, Benedict suggested utilizing the technical assistance for help addressing this issue.

McElderry and Larsuel left at 12:37 p.m. Dorow left at 12:39 p.m.

Imig will discuss with Eiring and the screeners how the process would work to implement use of the UNCOPE. Costello added that an issue with the UNCOPE is that it is self-reported, so it can be unreliable.

### **Other Items for Discussion**

Imig stated that she sent the revised judges' survey to Dorow, but has not heard back. Luczaj will follow-up.

Paz reported that family lock-ups came out of the criminal calendar as of this week; criminal lock-ups will now start at 1:30pm. Scullen suggested starting lock-ups at 1:15 p.m. to allow walk-ins to be seen without having court delayed. Benedict is concerned that there could be schedule conflicts for the State Public Defender staff.

### **Adjourn**

Motion: Scullen moved, second by Paz, to adjourn the meeting at 12:59 p.m.