



**Waukesha County Criminal Justice Collaborating Council**  
**Pretrial Committee Minutes**  
**Thursday, December 12, 2019**

**Members Present**

Hon. Jennifer Dorow  
Sara Scullen  
Jeremy Perri

Sue Opper  
JoAnn Eiring

Monica Paz  
Craig Kuhary

**Members Absent**

Michelle Larsuel

**Others Present**

Rebecca Luczaj  
Mary Wittwer

Janelle McClain  
Abbey Nickolie

Christine Olsen  
Karla Gabor

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

**Approve Minutes from November 13, 2019 Meeting**

Motion: Kuhary moved, second by Scullen, to approve the minutes from the November 13, 2019 meeting of the CJCC Pretrial Committee. Motion passed without a negative vote.

**Update on DOJ Pretrial Pilot Project Implementation**

Luczaj reported that the next Pretrial Pilot Coordinators meeting would be held on Monday, December 16, so she should have more information at that time.

Luczaj has been working with the WI DOJ's Crime Information Bureau (CIB), Waukesha County IT, and WCS regarding getting access to Portal 100 (NCIC) on the WCS computers in the Pretrial Screening office. Staff already have access to the training modules.

La Crosse and Outagamie Counties began PSA implementation with a soft launch to ensure that the process was running efficiently. Luczaj will get more information on this in case Waukesha wants to do something similar.

Luczaj mentioned that screeners need to be prepared to re-run the PSA "on the fly" in Intake Court as oftentimes, the referred charges from law enforcement will differ from the DA's actual charges. Attendees discussed possible options, which included the WCS screeners completing the PSA right before the initial appearance (if charging information is available), as well as screeners having a laptop and Wi-Fi printer in court to be able to print the revised PSA based upon the actual charges. Luczaj will find out if the WI DOJ Pretrial Pilot grant will allow funds to be used for the printer and laptop. Luczaj will contact Milwaukee County to find out how often the PSA is being re-run at initial appearances, as well as what triggers them to re-run it.

Perri left at 12:27 p.m.

**Review Local Data Collected on PSA Sample Cases**

Luczaj distributed and Olsen reviewed a handout detailing the results of 200 PSAs that were run by WCS on Waukesha County defendants. Luczaj also distributed and reviewed a document showing where those sample cases fell on the Release Conditions Matrix (RCM).

Olsen reported that WCS screeners have difficulty determining if the defendant had been extradited for the current charge, which is necessary to score the PSA accurately. This problem should be solved once screeners have access to NCIC, as this information will be readily available.

Olsen reported that WCS would continue to run both the VPRAI and PSA risk tools and track the data until we go live with the PSA. Once WCS screeners have access to NCIC for criminal background checks, a new data tracking spreadsheet will need to be started, reflecting the change from CCAP to NCIC for background checks.

### **Continue to Discuss Implementation of a Memorandum of Understanding (MOU) Between all Stakeholders Outlining Agreed Upon Pretrial Practices**

Opper suggested adding a “sunset clause” statement on the MOU so that stakeholders are not bound by an agreement for an unlimited amount of time. Opper will email draft language to Dorow for consideration. Dorow stated that the MOU would outline our commitment to this initiative. Kuhary stated that he has no objection to signing an MOU, but indicated that the defense bar would have reason to review the agreement regularly, just as other stakeholders would.

### **Discuss and Consider Use of Release on Own Recognizance (ROR) at Initial Appearances with Select Case Types**

Dorow presented the idea to the committee of utilizing RORs prior to utilizing signature or cash bonds, as signature and cash bonds create a debt for the defendant based upon their non-appearance. Dorow asked the group if we should consider using RORs for low-level offenses, such as OWLs and OARs.

Scullen supports the idea and likes the graduated consequences for non-appearance from ROR, to signature bond, to cash bail, as many of these low-level offenses are crimes of poverty.

Opper commented that she does not think we need a policy on this practice, as it is at the commissioners and judges’ discretion to use RORs. However, many variables worry her, such as OWI-related OARs and the prior number of OARs a defendant has had. Kuhary commented that he likes this idea of identifying low-level cases eligible for RORs, as it promotes consistency. Dorow stated that she wants the DA’s Office to know that the judiciary may start using RORs in the near future.

Scullen left at 1:08 p.m.

### **Continue Review of Release Conditions Matrix**

This agenda item will be further discussed at a future meeting. The group asked Luczaj to find out if Milwaukee County has had a validation study done on their use of the PSA. Luczaj will report on this at the next meeting.

### **Announcements**

There were no announcements.

### **Discuss Agenda Items for Next Meeting**

1. Continue review of the Release Conditions Matrix (RCM)
2. Continue discussion on implementation of an MOU

### **Public Comment**

There was no public comment.

### **Adjourn**

Motion: Kuhary moved, second by Paz, to adjourn the meeting at 1:21 p.m. Motion passed unanimously.