



Waukesha County Criminal Justice Collaborating Council
Evidence-Based Decision Making Pretrial Workgroup Minutes
Wednesday, April 19, 2017

Team Members Present:

Judge Jennifer Dorow (Chair)
Mary Wittwer

Sam Benedict
Sue Opper

Laura Lau
Abbey Nickolie

Team Members Absent:

JoAnn Eiring

Craig Kuhary

Also Present:

Rebecca Luczaj
Mimi Carter

Janelle McClain
Anna Kees

Dorow called the meeting to order at 12:10 p.m. The meeting began with introductions amongst the committee members and guests present.

Approve Minutes from March 15, 2017 Meeting

Motion: Benedict moved, second by Opper, to approve the minutes from March 15, 2017. Motion passed unanimously.

Discuss and Consider Workgroup Membership Addition

Tabled until future meeting.

Discuss Adding Defendants' Cell Numbers on Court Letters

Wittwer stated that the courts have started sending out text message reminders to defendants in an effort to reduce the failure to appear (FTA) rate. WCS obtains current phone numbers through pretrial screening, and would like a way to get the information to the courts, wondering if it could be included on court letters.

CCAP has the ability to do court reminders, but there has to be some type of disclaimer. Also, people are often concerned about their privacy in CCAP, such as in domestic abuse cases or when lawyers utilize robocalling to generate business. Dorow commented that the phone numbers could be included on an internal form.

Phone numbers change frequently, but WCS is willing to work with courts to get them the information.

The group agreed that it was not appropriate to add phone numbers to court letters. Dorow stated that this issue should be further addressed by the Case Processing Workgroup.

Continue Review and Discussion February 20 Pretrial Observation Findings

The workgroup members continued to review the Wisconsin EBDM Initiative Pretrial Pilot Protocol.

The group discussed the "look-back" process, which will be a requirement in the Pretrial Pilot. This process involves identifying defendants who were ordered bail, but who are still detained in the jail. Dorow will follow up with the Sheriff to find out if we can get this information from Spillman.

Members of the group discussed some concerns they have with the Pretrial Protocol. One issue with the MOU is finding the balance between encouraging defendants to participate in the pretrial interview, and protecting their rights while making the information discoverable. By conducting an in-person interview, there is the opportunity to have interaction with the defendant.

Another issue is the accuracy of the information being given to the WCS screener. Carter stated that the assessment should be scored after the verification, as erroneous information could affect the risk score.

The workgroup discussed the issue of defendants inadvertently disclosing damaging or incriminating information to the screener, and the potential for the information to be used against them in future court proceedings. An example would be when a defendant is asked if they are employed, and they respond with "yes, by selling drugs." Prosecuting attorneys would like to be able to use that statement, while defense attorneys do not want it used against their client.

Lau left at 1:07 p.m.

Opper stated she is concerned that her office won't be notified of all pretrial violations. Carter said we can tweak this to fit our local needs.

Opper has already written to the State EBDM Policy Team with comments and recommended changes to the protocol. Benedict will be doing the same.

The group left off reviewing #19 of the Pretrial Pilot Protocol, and will continue discussing the document at a future meeting.

Discuss Analysis of Data Collected on In-Custody Defendants from September 2015 through September 2016
Tabled until a future meeting.

Discuss Next Steps

The next meeting will be on May 17, 2017.

Adjourn

The meeting adjourned at 1:26 p.m.