



Waukesha County  
Criminal Justice Collaborating Council  
Evidence-Based Decision Making Policy Team Minutes  
Tuesday, February 7, 2017

**Team Members Present:**

Hon. Jennifer Dorow, Presiding Judge & Policy Team Chair  
DOC Regional Chief Sally Tess  
DOC Community Corrections Field Supervisor Marla Bell  
Town of Brookfield Municipal Judge JoAnn Eiring  
State Public Defender Regional Attorney Manager Sam Benedict  
Waukesha Police Captain Dan Baumann

CJCC Coordinator Rebecca Luczaj  
District Attorney Sue Opper  
Clerk of Circuit Court Kathy Madden  
Menomonee Falls Police Chief Anna Ruzinski  
Victim Witness Coordinator Jen Dunn  
WCS Program Director Mary Wittwer

**Team Members Absent:**

District Court Administrator Michael Neimon  
County Board Chair Paul Decker  
HHS Director Antwayne Robertson

Sheriff Eric Severson  
County Executive Paul Farrow

**Others Present:**

Inspector James Gumm

Senior Administrative Assistant Janelle McClain

**Welcome**

Chair Dorow called the meeting to order at 12:08 p.m.

**Review Goals and Agenda for the Meeting**

The goals of this meeting are to:

- Continue Discussion on Staff Engagement in EBDM
- Review Progress of Workgroups
- Discuss Diversion Grant Opportunity
- Discuss Next Steps

**Approve Minutes from January 11, 2017**

Remove "as amended" from minutes approval.

Motion: Madden moved, second by Baumann, to approve the minutes, as amended, from January 11, 2017.  
Motion carried unanimously.

Eiring arrived at 12:09 p.m.

**Update on State EBDM Policy Team's Work**

Luczaj gave an update on the work of the state Policy Team, as Gubbin was unable to attend the meeting. Luczaj distributed a handout titled "EBDM Position Paper: Value of Evidence-Based Decision Making." This is the first of the position papers, one on each decision point, which the state team is putting together.

The state applied for a Justice Reinvestment Initiative (JRI) grant, which will be a supplement for the funding already designated for the Pretrial Pilot Project if DOJ is granted the award. DOJ requested some budgetary information from each EBDM county on the cost of starting or expanding pretrial services to a "universal

screening” model. Luczaj had to submit the required paperwork to DOJ without Policy Team approval, as the request was made with short notice. The budget requested for Waukesha County was approximately \$113,000 per year for the 3-year grant, starting October 1, 2017. Matt Raymer from DOJ estimates each EBDM county would receive approximately \$75,000 from the grant if they are funded.

Currently, the pretrial screeners work from 5:30am – 1:00pm at the jail. In 2016, there were 8,302 bookings, and only about 2,500 were screened. Those not screened were either booked and released before the screeners could interview them, or were part of a category of inmates who do not require a screen (i.e. Probation holds, federal inmates, municipal holds, etc.). An analysis of when the defendants were booked showed that the majority of the bookings occur between 3:00 – 7:00pm. The Waukesha County application proposed adding a full-time supervisor and two part-time 2<sup>nd</sup> shift screeners in order to screen defendants who may be booked and released on 2<sup>nd</sup> shift. If funded, Waukesha County can revise this proposal based upon the need determined by the Policy Team. Dorow and Luczaj will meet with the Sheriff’s Department to determine how this service expansion would impact them.

Ruzinski arrived at 12:23 p.m.

Benedict commented that the screeners may not see a significant change, since some of the 2<sup>nd</sup> shift bookings are currently screened the following day. In those cases, the procedural change would simply allow the defendant to be screened earlier.

#### **Continue Discussion on Specific Strategies to Engage Staff in EBDM (Activity 5 of Phase VI Roadmap)**

Luczaj distributed & reviewed “National Institute of Corrections/Evidence-Based Decision Making Frequently Asked Questions” and “National Institute of Corrections/Evidence-Based Decision Making.”

Luczaj will update and distribute the state’s EBDM PowerPoint presentation. Members will then review it prior to the April Policy Team meeting, and revisions will be made prior to scheduling presentations for each individual stakeholders’ organization/department. The more Policy Team members who can attend each presentation the better, as it would further demonstrate the cohesiveness of the team and EBDM process.

Gumm arrived at 12:35 p.m.

The workgroup members brainstormed ideas on the information that staff need or would want to know about EBDM. The ideas are as follows:

- What does EBDM mean?
- What are its major tenets?
- Why would we participate in it; what are the benefits?
- Has anyone done this before? Identify those entities (public or private sector)
- What happened as a result?
- What does it mean for our county?
- What does it mean for our discipline?
- What are we trying to fix/change, and why?

The members also discussed how EBDM should be presented. The ideas are as follows:

- Show that EBDM validates our practices

- Have simple data points to show what behavior causes what outcome (for example)
- Show that this has been a collaborative process, resulting in effective decision making
- Show that it has forged relationships and trust between the stakeholders
- EBDM has given freedom to look at things in a different way
- This is a process and will take time
- Validate their concerns
- Show complete commitment to the process
- Gives Waukesha County a voice with decisions happening statewide
- Need to be able to show the results. Seeing is believing!
- Be clear with the message
- Be honest
- Defend what you believe in
- Be open-minded

## **Workgroup Updates**

### **Pretrial Workgroup**

Dorow reported that the workgroup received a 6-month outcomes report from the pro bono researcher regarding the screening tool being used in the Intoxicated Driver Intervention Program. Carter is going to work with Carpenter and the researcher to revise the report into a format that provides more useful data for the workgroup.

### **Case Processing Workgroup**

Opper reported that the second round of pretrial conferences, while successful, did not appear to be as successful as the first round. The workgroup identified some issues that will help improve the process in the future.

The workgroup is still determining ways to make it clear to OAR defendants that their case is a criminal case, and that reinstating their driver's license before meeting with the judge would help move their case along more quickly.

She stated that the workgroup has started discussing new change targets, such as increased use of video conferencing.

The workgroup discussed the need to receive digital evidence quicker and in a more efficient manner. The Waukesha County IT department has helped to make the process more efficient for the DA's Office, and the state Data Workgroup will also look into it, as this has been determined to be an issue across the state.

### **Mental Health Workgroup**

Ruzinski reported that the workgroup is looking at a process where initial hearings for those at the Mental Health Center (MHC) on an emergency detention can be conducted using video conferencing, allowing the defendant to focus on recovery. Involuntarily committed defendants have more angst when court proceedings are hanging over their head.

The group will be scheduling another meeting with emergency room doctors during this first quarter to discuss the changes that were made to doctor consultations during the medical clearance process of an emergency detention, which were agreed upon at the last meeting in September.

### **Victim Rights Workgroup**

Dunn reported that the workgroup continues to pursue improvements in the collection of restitution for victims. A memo with recommended changes/revisions to the current law will be presented by Dunn to the state Policy Team at their meeting in March.

A grant-funded Restitution Specialist has been hired in the Victim Services Office, and is doing well.

Judge Aprahamian will be speaking to the judges next month about the recommendations of the workgroup to improve the overall victim experience with the justice system.

### **Alternative Interventions Workgroup**

Benedict reported that the workgroup has had two meetings so far.

At the last meeting, the members decided to change the name to encompass a broader scope of what the workgroup will be focusing on. Members also conducted a brainstorming exercise to determine the short- and long-term goals of the workgroup, as well as the populations of focus. He hopes to have a goal statement finalized after the next meeting.

### **Update on the Bureau of Justice Assistance (BJA) “Comprehensive Opioid Abuse Site-Based Program” Grant for System-Level Diversion and Alternatives to Incarceration Projects**

Luczaj distributed and reviewed a document titled “Diversion/Alternatives to Incarceration Grant Application Overview February 2017,” which summarizes a proposal to implement a pre-charge diversion program for low-risk possession of narcotics (opiates/heroin) cases, as well as expand deferred prosecution agreements for moderate risk defendants. This proposal will become one of the change targets for the Alternative Interventions Workgroup.

There is a \$400,000 budget ceiling with no match required. The grant is up to 3 years in length, starting October 1, 2017, and must include a 6-month planning phase. For a sustainability plan, we could use the Eau Claire County model as an example, and implement program fees to fund the Diversion Coordinator position.

The Executive Committee will discuss and vote on the grant application at their meeting on Monday, February 13.

### **Next Steps**

The next Policy Team meeting will be on April 11 from 12pm – 3pm.

Motion: Baumann moved, second by Madden, to adjourn the meeting at 2:03 p.m. Motion carried unanimously.