

**Rock County**  
**Evidence-Based Decision Making Ad Hoc Committee**  
**Wednesday, December 7, 2016 minutes**  
**Conference Rooms N-1/N-2**

- 1) Call to Order. Chair Nelson called the meeting to order at 9:17 A.M.
- 2) Committee Members Present. Chair Eric Nelson, Chief David Moore, Vice Chair Sandra Kraft, Stephen Meyer, Judge Daniel Dillon, Chief David Zibolski, Kate Luster, Jacki Gackstatter, Angela Moore, Judge Alan Bates, Troy Enger, Judge Michael Haakenson, Josh Smith at 9:21 and David O'Leary at 9:28.
- 3) Committee Members Absent. Commander Erik Chellevold, Judge James Daley, Dorothy Harrell, Sheriff Robert Spoden and Judge Brooke Joos.
- 4) Staff Members Present. Elizabeth Pohlman McQuillen, Criminal Justice System Planner/Analyst; Tracey VanZandt, HR Secretary; Gina Koehl, Deferred Prosecution Director; and Dara Mosley, Public Safety Systems Manager.
- 5) Others Present. Steve Howland; Faun Moses, State Public Defender's Office; and Mimi Carter, CEPP Technical Assistance advisor via phone.
- 6) Approval of Agenda. Judge Bates moved approval of the agenda, second by Ms. Luster. ADOPTED.
- 7) Approval of Minutes of November 9, 2016. Judge Bates moved approval of the minutes of November 9, 2016, second by Judge Dillon. ADOPTED.
- 8) Report on How Policy Team Members are advancing EBDM in their Agencies. Chair Nelson welcomed back Ms. Moses from her leave. They had some EBDM discussions to get Ms. Moses caught up on recent progress of the team.  
  
Nothing else to report at this time.
- 9) Workgroup Updates.

There has only been one workgroup that has met since our last meeting.

Risk Reduction Programs- Mr. Smith said that the group met and they are trying to get into more detail. They reviewed diversion and pretrial services. They are comparing the Milwaukee County diversion model and walked through their process. For pretrial, they

reviewed the Spurgeon Kennedy presentation again. They brought a list of questions to the policy team today for consensus on how to proceed.

#### 9) Policy Team Discussion regarding Phase VI of EBDM Initiative.

Ms. Pohlman McQuillen handed out a copy of the Milwaukee County model on their pre and post charge diversion programs. First the team reviewed the pretrial diversion eligibility criteria for Milwaukee County. Do we want to model everything that is listed? Judge Bates suggested removing residential burglary from the exclusion list. Mr. O'Leary said it would be helpful if we had a diversion definition. When talking about pretrial diversion we are talking about the officer on the street making that decision. We want to divert these individuals entirely out of the system. (Low-risk individual, no CCAP) Second step is post-arrest diversion. Third-level of diversion would be post-charge diversion. Eau Claire uses a prearrest proxy. There was more discussion on when charges get entered in CCAP. It was discussed how Badgertrack is transmitted to CCAP. Ms. Gackstatter said it is entered at the point of arrest. She said that CCAP is looking at deleting dismissed charges. Mr. Smith said the workgroup would like to keep our current Deferred Prosecution program for higher risk individuals and add a post-arrest pre-charge diversion program for low risk individuals. Judge Dillon said we should be focusing on offenders and recidivism. We currently don't use a risk assessment tool for our Deferred Prosecution program. Judge Dillon feels Rock County could more closely be compared to Milwaukee County versus Eau Claire County. Milwaukee County holds their pre-charge diversion agreements open for about six months. We would like to make this a lot shorter timeframe for Rock County. The state team is also reviewing the possible exclusions to diversion as well. The team discussed history of firearm wording and decided to leave the same as Milwaukee County wording. The team also discussed public welfare and entitlement charges but decided to remain the same. **Ultimately the team decided to go with the Milwaukee County list. Our exclusion list could change in the future depending on the assessment tool that we choose to use.** We cannot mirror Milwaukee's process as their program is driven through their District Attorney's office. Our District Attorney's office does not have the manpower available to sustain the same program as Milwaukee.

What do we expect low risk offenders who are diverted to do? Watch an informational video, fill out a thinking log, and pay restitution (only very small amounts are allowed for diversion). We need to decide how the victim would be involved in this process.

#### Pretrial

Ms. Pohlman McQuillen provided a pretrial services hand out. The policy team reviewed the hand out. We are looking at post-arrest not post-charge pretrial services. Monday would be a high intake day with arrests from the weekend. There will be a different assessment tool used for pretrial and diversion. The workgroup is trying to decide when charging actually occurs. Individuals in custody will have an initial

appearance within 48 hours of arrest. The group is looking at having pretrial services independently housed. After a current review of individuals in the jail, we have an average of six individuals per day with fresh charges that would be eligible for pretrial services. We currently have no idea of the risk level of these individuals. Mr. Kennedy suggested to start with our current in custody jail population to collect baseline data. The policy team suggested two pretrial services staff to start. Mr. Smith would like to see this service contracted to begin with. Is Dane County currently doing pretrial and could we contract with them? What information should get verified? (criminal record, housing, employment, education, treatment) Mr. O'Leary suggested that we defer this to the experts. Do we need an MOU (memorandum of understanding) between the prosecution and defense about the pretrial interview? Yes. Ms. Carter said some jurisdictions don't use these at all. Ms. Carter does have a sample MOU that she will forward to the team. There is basic language in the MOU that states the information obtained in the interview is not discoverable. There is also a mandatory reporter clause in the MOU. What happens with the pretrial report? It goes to everyone involved in the process. (Prosecution, defense, courts, diversion, victim witness, and judges) Judge Bates will speak with the other judges about making a court rule that these interviews will be sealed in the court file so as not for public viewing.

#### Collaboration Survey

Is there anything else that needs to be on the survey? No. Ms. Carter will send out to policy team members. We should have results in January.

#### Future meeting dates in 2017

Ms. Carter will be in Wisconsin for one week each month. Her time will be split between Rock County and Waukesha County. Historically, Ms. Carter spends Wed/Thurs in Rock County. January will be an exception to this. It was decided that it would be beneficial for the workgroups to meet first. The policy team will meet Tuesday, January 10 from 12-3 pm, thereafter policy team meetings will be held on Thursdays at noon. Ms. Pohlman McQuillen will reach out to workgroup chairs to get times scheduled.

- 10) Update on State EBDM. The state has scheduled a conference call with the Arnold Foundation. The state is working on making a recommendation for an assessment tool. They are also discussing training opportunities. They are working on position papers which explains the whole EBDM process.
- 11) Citizen Participation and Announcements. None.
- 12) Future Meeting Date: Tuesday, January 10, 2017, Noon, Conference Rooms N1-N2, 5<sup>th</sup> Floor Courthouse East

13) Adjournment. Mr. O'Leary moved adjournment at 11:38 A.M., second by Chief Zibolski. ADJOURNED.

Respectfully Submitted,

Tracey VanZandt

HR Secretary

**NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.**