



Dane County

Minutes - Final Unless Amended by Committee

Criminal Justice Council - Pre-Trial Services Subcommittee

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Wednesday, October 28, 2020

12:15 PM

Virtual Zoom Meeting: See top of agenda for
instructions on how to join the webinar or call in by
phone.

A. Call To Order

Clark-Bernhardt will temporarily chair until McNamara joins; Ozanne joins immediately thereafter and takes over as chair.

Staff present: Sarah Jensen and Lindsay Menard

The meeting was called to order at 12:19 pm by CLARK-BERNHARDT.

BEYLER attending for ESQUEDA.

OZANNE joined at 12:20pm.

McNAMARA joined at 12:23pm.

Present 7 - COLLEEN CLARK, CATHERINE DORL, TROY ENGER, JEFF KOSTELIC, DAVE MAHONEY, NICK MCNAMARA, and ISMAEL OZANNE

Excused 1 - KERRY PORTER

B. Consideration of Minutes

[2020
MIN-243](#)

Minutes of the August 19th, 2020 CJC Pre-Trial Services Subcommittee Meeting

Attachments: [2020 MIN-243](#)

A motion was made by KOSTELIC, seconded by CLARK, that the minutes be approved. The motion carried by a voice vote.

C. Action Items

None

D. Presentations

None

E. Reports to Committee

None

F. Discussion Items

1. Status of Pretrial Assessors

Presented by Ozanne

Budget proposal is moving out of PP&J to Finance committee. The vote is coming up. Proposal is looking to keep two positions. There will be additional information in the next week or so.

2. Law enforcement requests for GPS data

Pretrial Services receives numerous requests regarding GPS tracking for people who are on pretrial supervision. Pretrial Services wants to receive feedback from the CJC about what policies need to be in place to give law enforcement GPS data. Defendants on bond have GPS data collected, and thus other agencies can pull the data. In the past, Pretrial Services was told that they could share this information because there is an ongoing criminal investment while defendants are on bond. Pretrial Services aims to increase transparency related to these requests, and to keep the district attorney and the defense attorney notified about these requests. National best practices suggest that policies need to be based in a large conversation with stakeholders. Pretrial Services invites feedback on data sharing parameters, and practices for transparency.

Discussion ensued. These issues will be brought to the criminal judges at their meeting. Note that GPS tracking data are public records.

Ozanne transfers chairing authority to McNamara.

Discussion continued and the following topics were discussed: (1) how will this policy be modified, and whether warrants would be required; (2) law enforcement contacting Pretrial Services regarding a bail jumping/bail violation investigation compared to checking whether defendant is in an exclusion zone without law enforcement initiation; (3) sharing information with victim; (4) data collected from these requests; greatest volume is from law enforcement, and requests are increasing; (5) impact of investigation. Need to formalize and notify attorneys; (6) boundaries of these releases of requested data.

Next step is to discuss with corporation counsel on handling these requests. Then this subcommittee can discuss in the future based on additional information.

3. Curfew conditions of bail

Presented by Beyler

Increasing number of defendants on pretrial services are given curfews, but these defendants are homeless and do not have a stable place to stay for their curfew. In the past, Pretrial Services allowed defendants to inform caseworkers where they were staying on particular evenings due to lack of stable housing. Pretrial Services is changing this policy due to concerns about bail jumping charges based on different addresses. Clerk of Courts and Pretrial Services discussed Dane County policies with national partner. Language about curfew refers to a singular "residence." The language requires modification for defendants who lack of stable residence during pretrial monitoring. Court needs to establish additional guidance. Pretrial Services invites feedback about these cases and implement standard policies.

Discussion ensued. Conversation about victim safety issue. Prevalence of homelessness, indicated by "no permanent address," in criminal justice data in Dane County. Considerations about flagging these individuals in the future. Discussion as to whether curfew is redundant if GPS data is tracked already.

4. Dropped-down supervision levels

Presented by Beyler

Nationally, pretrial service programs often have drop-down supervision. Drop-down supervision is based upon PSA scores, such that Pretrial Services can adjust the level of supervision based upon compliance at the previous level. For example, if a defendant is scored at level 2 by the PSA and the defendant complies with all supervision requirements for a certain amount of time, the defendant could be reduced to level 1 supervision. Pretrial Services has limited capacity for cases at each level, so this policy could increase case capacity.

Discussion ensued. Least restrictive conditions should be imposed on defendants under pretrial supervision. Additional research can examine best practices on these specific issues. Discussion about impact of Marcy's Law on pretrial supervision and pretrial process. Discussion about Pretrial Services reports to judges, and whether Pretrial Services is still sharing positive reports or only negative reports. Discussion of shared reports with judges based upon which defendants are on their caseloads. Considerations for pretrial process and candidates for future supervision changes.

F. Future Meeting Items and Dates

December 2, 2020 at 12:15pm

After the budget has been passed, this subcommittee can discuss:

- 1) Moving forward with the PSA assessors*
- 2) Looking to the future at some of the major initiatives presented in County Board 2020 RES 180, including the community justice center and triage restoration center*
- 3) GPS data requests from pretrial services from Clerk of Courts.*

G. Public Comment on Items not on the Agenda

None

H. Such Other Business as Allowed by Law

Reminder that community conversation about community justice center is tomorrow, 10/29 at 5pm. Information is available on the CJC website.

I. Adjourn

A motion was made by OZANNE, seconded by CLARK, that the meeting be adjourned. The motion carried by a voice vote.

The meeting adjourned at 1:14pm.

Minutes respectfully submitted by Sarah Jensen pending committee approval