

# **Criminal Defense Bar: Use the New Day Report Center**

By Mac Davis

Last year the Sheriff decided, in response to his staffing concerns, that he would close one floor of the Huber Jail and put about 50 Huber prisoners out on electronic monitoring (EM). Before that, there were only one or two prisoners on EM at a time. The County, through the work of the Criminal Justice Collaborating Council (CJCC), reacted to this opportunity by creating and funding a new Day Reporting Center (DRC) located at the Huber Jail, but operated by Wisconsin Community Services under contract.

The DRC offers a great opportunity to some defendants. As their lawyers, you need to take advantage! Some prisoners are referred into the DRC directly by the Sheriff, but others are put into the program by the sentencing judge. That is where client advocacy utilizing good information can pay off. Figure out if the DRC is a good option for your client, then advocate for it at sentencing. As of June, I have sentenced four or five people to the DRC. Other judges have as well. And not once, so far, have the lawyers suggested it. I/We need your help.

The DRC might be imposed by the sentencing judge as a condition of probation or as a condition to maintain a stay of jail time. Being sentenced to DRC is a lot like probation, but the monitoring can be much tighter and the support can be much greater. Both differences can help your client, either by promoting pro-social behavioral changes, or perhaps by reassuring a judge that less incarceration is necessary.

The DRC staff assesses each "client" to determine appropriate levels of supervision and supportive services. The client might have to report in one to five days a week. Alcohol and drug testing can be performed. Electronic monitoring equipment and/or secure continuous remote alcohol monitoring (SCRAM) might be required. Verification of living arrangements, jobs, school, community service, driver's licensing, etc. may be conducted. But as long as he or she complies, nights are spent at home instead of the jail.

The DRC staff helps connect and assist clients to find and use treatment resources, educational programs, employment search resources, living arrangements, transportation, and all the other things the client may need. In my experience, state probation agents often set a lot of rules, then move on to their next job duty. The DRC staff will take the time to listen, assess, and help. As a result, the DRC can be especially helpful with lower functioning clients. Defendants who are younger and not handling the demands of adulthood can benefit. So can the cognitively limited, mentally ill, drug dependant, educationally needy, or under and unemployed. The DRC staff can provide some of the support that good parents, good friends, good teachers, and good counselors provided for most of us in our lives. Any Waukesha County resident can be referred to the DRC, whether for a felony or misdemeanor.

Do a good job in your sentencing recommendation to the Court. Where it makes sense, argue for the DRC for needy defendants. Convince the Court that less or no incarceration is needed. Convince your client that the DRC will help them if they will give it a chance.