



Waukesha County Criminal Justice Collaborating Council Case Processing Committee Minutes Thursday, September 28, 2023

Team Members Present:

Hon. Paul Bugenhagen	Michael Neimon (Co-Chair)	Sue Opper (Co-Chair)
Monica Paz	Neil Dussault	Jessica Klein

Team Members Absent:

David Herring	Steven Hughes
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Others Present:

Rebecca Luczaj	Janelle McClain	Laura Flood
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Co-Chair Neimon called the meeting to order at 7:32 a.m.

Approve Minutes from May 25, 2023 Meeting

Motion: Paz moved, Bugenhagen second, to approve the Case Processing Committee minutes of May 25, 2023. Motion carried without a negative vote.

Update on Criminal Caseload

Paz stated that there are 7 felonies and 3 misdemeanors remaining of the cases filed prior to March 2020; however, there has been an ongoing increase in the felony caseload since then, which has warranted the continued need for the 6th C/T judge.

Neimon shared some of the difficulties that he has been dealing with regarding finding reserve judges to fill in for judicial shortages within Waukesha County and surrounding counties within our judicial district.

Discuss Pretrial Conferencing

Flood distributed and reviewed a document titled, "Pretrial Program Summary."

Opper expressed a concern that the DA's Office will not be able to maintain the current pace of 40 cases in the morning and 40 cases in the afternoon due to staff shortages. Opper will be losing 5.5 attorneys due to grants and other funding ending between January and September 2024 – 3 of whom will be gone in January alone.

Paz and Neimon expressed their support for the continuation of and need for pretrial conferencing, as over 600 criminal cases have been disposed of this year already. Without pretrial conferencing, cases will take longer to reach disposition and there will be even more cases set for trial.

Opper stated that she can only commit 2 attorneys in January for pretrials.

The group agreed that pretrial conferencing practices will return to defendants being allowed 1 hearing only to resolve their case(s); cases will no longer be adjourned for another pretrial conferencing date, so defense attorneys will need to come prepared. This should reduce the number of cases set for pretrials and allow for new cases to be scheduled sooner on the pretrial calendar.

Discuss Court Exhibit Storage Challenges

Paz reported that felony exhibits are required to be held for 20 years and misdemeanor exhibits are required to be held for 10 years. This is posing a risk to staff because so many exhibits are dangerous drugs such as Fentanyl. Best practices are currently that the court should be keeping the exhibits in a locked cabinet in the

Clerk of Courts offices, transported by the Sheriff's Department. Then at the end of the trial, the exhibits should be returned to the law enforcement agency. The problem is not only lack of storage space, but with the physical dangers of some of the exhibits.

Opper stated that each court seems to be handling this differently. What happens when a trial ends at 10pm? Who calls the law enforcement agency to come pick up the exhibits at that time?

Paz will forward a document to committee members to review prior to the next meeting regarding best practices developed by the state Office of Court Operations. The group will work on developing policies around court exhibit storage.

Continue to Discuss Bail Changes and Potential Impact on Speedy Trials

After some brief discussion by the group, this no longer seems to be a problem impacting speedy trials.

This item can be removed from future agendas unless there is an update.

Continue to Discuss Case Processing Delays Caused by State Hygiene Lab Backlog

Neimon stated that there are many committees at the state level currently working on this issue.

This item can be removed from future agendas unless there is an update.

Courthouse Construction Update

There are no additional updates at this time.

Announcements

There were no announcements.

Discuss Agenda Items for Next Meeting

- Begin to develop policies around court exhibit storage

Public Comment

There was no public comment.

Adjourn

Motion: Opper moved, Bugenhagen second, to adjourn the meeting at 8:30 a.m. Motion passed unanimously.