



**Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Case Processing Workgroup Minutes
Thursday, February 22, 2018**

Team Members Present:

Monica Paz	Sara Scullen	Katie Kegel
Sue Opper	Hon. Ralph Ramirez	

Team Members Absent:

Michael Neimon	Frank McElderry	Chris Ehrfurth
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Others Present:

Melissa Zilavy	Janelle McClain	
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Opper called the meeting to order at 7:37 a.m.

Approve Minutes from January 25, 2018

Motion: Ramirez moved, Scullen second, to approve the minutes of January 25, 2018. Motion carried unanimously.

Review and Discuss Pretrial Conferencing Outcomes from 2/6/18 and 2/20/18

Paz distributed and reviewed documents titled “Pretrial Conference Attorney Breakdown,” “Summary Data of Pretrial Pilot,” and a list of pretrial conferencing dates held with the presiding judge and the number and percent of cases broken down by each judge.

Dreyfus presided over the 2/6 pretrial conferences, and Maxwell presided over the 2/20 pretrial conferences. There was no report for the 2/6 pretrial conference, as Kristina Gordon was the ADA on that date, and she was unable to attend today’s meeting. Zilavy stated that the 2/20 pretrial conferences went well, but there were too many cases. There were 98 defendants and 121 cases. Paz commented that Maxwell wanted to ensure the calendar was full, and he added to the calendar himself as well. The morning session went until approximately 1:15 p.m. The afternoon session ran from approximately 1:45 p.m. to 5:15 p.m. with a 5-10 minute break. The plea colloquy has improved since Maxwell’s last pretrial conference; however, it was still a little long. The clearance rate per case was 69.72%. Two pro se defendants appeared in the courtroom, but did not speak with Zilavy yet. Opper believes that the confusion was an anomaly. Zilavy commented that they had 20 cases with the private bar resolve, and she was very impressed with how well prepared the attorneys were.

Kegel commented that the State Public Defender (SPD) attorneys were happy that Maxwell was following the joint recommendations, even if there was some reluctance, particularly with the agreements for time-served or for those with multiple criminal cases. Ramirez suggested that the SPD remind the judges that the fees imposed could be a defendant’s wages for an entire week.

The workgroup discussed the complications they had regarding the need for an interpreter for 17 individuals. The second interpreter, Patrick Ryan, did not arrive until 9:30 a.m. Zilavy appreciated having two interpreters in the courtroom. Ramirez stated that the interpreters are not cost prohibitive, and that ideally, there would be three interpreters scheduled on pretrial conferencing dates – 2 for pretrial conferences and 1 for intake court. Paz suggested having Dawn Maldonado come to the pretrial conferences after intake court, and the cases that need interpreters be pushed to 9:30/10 a.m. when two interpreters would be available.

There are currently six cases in need of interpreters scheduled for the March 6 pretrial conferences, which will be presided over by Lazar. Paz will have Maldonado come to help with the pretrial conferences as soon as she can after Intake Court.

Ramirez feels that the pretrial conferences are having a huge impact, and Opper agrees that they are worthwhile. Kegel is still surprised that there are cases that are over a year old.

Update on SPD Eligibility Screening at Intake Court

Kegel thought that there would be a bigger response to having the SPD in the courthouse for eligibility screening. Paz commented that the text reminders for Monday court dates are sent nearly a week ahead of time and remind defendants to get an attorney and/or go to the SPD's Office, so defendants are typically showing up with attorneys. Paz further explained that, due to the lack of cell phone numbers available for OWI and OWL cases, the Tuesday calendars tend to have fewer court reminders sent out in advance. Scullen added that she has noticed Mondays have been busier, while Tuesdays have been slowing down.

Kegel stated that the bilingual attorney who is doing the eligibility screening at the courthouse is new to the SPD's Office. Kegel suggested waiting 90 days before the pilot program is changed in any way.

Paz commented that defendants still have to be sent to the SPD's Office because they are showing up after the SPD's attorney has left.

Discuss Impact of OARs/OWLs and Potential Solutions

Paz stated that if she had cell phone numbers, she could send the court reminders in Spanish. TraCS (Traffic and Criminal Software) collects phone numbers for the Sheriff's Department, but not all Waukesha County municipalities are utilizing this feature. Opper will discuss this at the next Police Chief's meeting.

Zilavy will create an informational flyer. Maldonado has been receptive to translating small projects like this at no charge. Kegel stated that the flyer should also convey that the conversation with the SPD's attorney is confidential, as she believes some defendants may fear their immigration status would be a problem for them.

Paz will contact Ryan and Maldonado to come to the workgroup's March 22 meeting to discuss their feedback on the current processes in intake court and pretrial conferencing.

Adjourn

The meeting adjourned at 8:12 a.m.