



Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Case Processing Workgroup Minutes
Thursday, February 23, 2017

Team Members Present:

Sue Opper

Michael Neimon

Katie Kegel

Kathy Madden

Others Present:

Kristina Gordon

Amy Rendall

Hon. Ralph Ramirez (via phone)

Robert Dehring

Chris Ehrfurth

Janelle McClain

Opper called the meeting to order at 8:02 a.m.

Review & Discuss Outcomes from 2/21 Pretrial Conferencing

Rendall distributed and reviewed the updated spreadsheet containing data on the pretrial conferencing pilot.

Statistics from the 2/21 pretrial conferencing include:

- 39 total defendants (4 came directly from Intake Court)
- 27 (69%) total resolved cases (includes the 4 cases from Intake Court)
- 8 adjourned cases
- 4 capiases issued for no-shows

Ramirez felt that the pretrial conferencing went well, but expressed a concern that it may be attributed to Gordon being there, or a product of his own efficiency in moving cases on. He is concerned about the ability of the process to be replicated in other branches. The program should stay in “pilot status” for a few more months while we establish a smoothly functioning model that can be easily replicated.

While Ramirez has never wanted to have a traffic court, it may be something to explore in order to get some of the cases handled in a quicker and more efficient manner.

Kegel and Ehrfurth arrived at 8:13 a.m.

Ramirez and Gordon reiterated that defendants do not get a better deal when doing the pretrial conferences. They simply are able to have conversations with the ADA and come to an agreement sooner in order to move the case along.

Dehring left at 8:17 a.m.

Opper and Gordon are confident that they will be able to get other ADAs on board and trained in the pilot program protocol.

Kegel reported that the State Public Defender’s (SPD) office continues to appreciate the pilot program because cases can be stacked and resolved quickly. Defendants are also happy for that same reason. However, Kegel stated there are two areas where she has run into difficulty. The first is the lack of private space to meet with clients. This results in attorneys and defendants having to meet and discuss cases in the hallway around other

parties. Madden recommended a room across from Hon. Lee Dreyfus's chambers or a conference room on the first floor.

A second difficulty that Kegel has encountered is that judges are not routinely letting her add cases onto the pretrial calendar, citing that they are unsure it is still an option. Ramirez agreed that if the attorney requests it, he is okay with adding those cases and then the clerks will contact Rendall, who is co-monitoring the final calendar with Ramirez's clerk. Ramirez just wants to remain cautious that he does not receive too many cases from other branches. If there is room on the calendar, it is still do-able. If we start to see an increase in cases from other branches, we may want to look at expanding pretrial conferencing to include additional branches.

The Sheriff's Department has expressed a concern to Madden about the pretrial pilot, if defendants are being taken into custody. This could result in a staffing shortage, as well as a security risk. The workgroup discussed the validity of the concerns, but due to the nature of the cases, defendants who were not already in jail, are typically not going to jail after the pretrial conference. More than likely, Ramirez is giving a report-in date for jail or credit for time served. This holds true for those who are pleading guilty from Intake Court as well.

Rendall reported that the four defendants who came up from Intake Court missed the ID processing (fingerprinting and photographing) step that is usually ordered at the initial appearance by the Commissioner when bond is set. Since the Commissioner did not set bond, ID processing was not ordered. Ramirez then needs to order them to give DNA samples. In these four cases, the Sheriff's Department processed them and obtained their DNA.

Rendall commented that she spoke to the four individuals who came up from Intake Court. They were all very happy to have their cases resolved right away, and be able to move on from the situation.

Gordon stated that there are stipulation forms that are filled out when the charge is amended from a criminal charge to a non-criminal citation. It is only used when the amendment is to a non-criminal charge, so there is no possibility of jail time or probation – the only penalty is a fine. The form includes the statute number, number of demerit points assessed (if a traffic violation), and the total amount of the fine with court costs. It also allows 90 days to pay the fine/court costs. The ADA signs the form, the defendant or defense attorney signs, and then the judge reviews the stipulation and signs it. All parties then get a copy.

Neimon suggested having a judge who is not rotating out of the Criminal Division in August, sit down with Ramirez and observe the pretrial conferencing process. The workgroup felt Hon. Michael Aprahamian (Branch 9) would be a good candidate. Ramirez will contact him.

The next pretrial conferencing date is set for March 28. Currently, there are 75 cases (55 defendants) scheduled.

Approve Minutes from February 9, 2017

Motion: Neimon moved, Rendall second, to approve the minutes of February 9, 2017. Motion carried unanimously.

Discuss Agenda Items for Next Meeting

The next meeting of the workgroup will be on March 30.

Adjourn

The meeting adjourned at 8:40 a.m.