



Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Case Processing Workgroup Minutes
Thursday, June 15, 2017

Team Members Present:

Sue Opper

Hon. Ralph Ramirez

Frank McElderry

Molly Jasmer

Kathy Madden

Team Members Absent:

Michael Neimon

Monica Paz

Chris Ehrfurth

Katie Kegel

Others Present:

Rebecca Luczaj

Sam Benedict

Angie Wollenhaupt

Janelle McClain

Torin Misko

Kristina Gordon

Opper called the meeting to order at 7:33 a.m.

Approve Minutes from June 5, 2017

Motion: Madden moved, Ramirez second, to approve the minutes of June 5, 2017. Motion carried unanimously.

Discuss & Consider Workgroup Membership Addition

Motion: Madden moved, Ramirez second, to approve replacing Commissioner Molly Jasmer with Commissioner Sara Scullen as a member of the EBDM Case Processing Workgroup. Motion carried unanimously.

Review & Discuss Outcomes from 6/13 Pretrial Conferencing

Madden distributed and reviewed a document titled "Summary Data of Branch 3 Pretrial Pilot."

Ramirez commented that the 6/13 pretrial conferences went well. He recommends continuing to have another clerk in the hall, as that helped organize the process for the ADAs and the deputies.

Ramirez recommended excluding OWIs and weapons charges from pretrial conferencing eligibility. The OWI cases take longer, and the defendants really prepare for the cases, so he does not want to rush them. Typically, weapons charges are not the only charge involved, so he would like to be able to take a closer look at those particular cases and needs more time to do so.

It needs to clear that both the defendant and counsel must be present at the pretrial conferences.

Ramirez is impressed with the State Public Defender (SPD) staff, and their motivation to resolve cases and take advantage of the State's desire to close cases. The recommendations from both parties have been such that Ramirez does not typically waiver from them.

For the 6/13 pretrial conferences, approximately 50 cases were heard in the morning, completing at 11:15 a.m. Approximately 70 cases were heard in the afternoon, completing at 5:30 p.m. In the future, 118 cases

may be too much to handle, although if 10 cases were moved from the afternoon to the morning, that may have been a solution. Gordon stated that almost all of the afternoon cases resolved through a plea.

Benedict reported the following from the SPD attorneys who were present:

- Felt the pretrial conferences went too late in the afternoon
- Having a clerk in the hallway helped the process
- The hallway clerk was prioritizing order over allowing people to enter the courtroom, which slowed the process
- There are many pretrial-eligible cases that are being overlooked at Intake Court
- The more we have situations where we have the pretrial offer and are just going to plea, the more time it is going to take in court

Opper will send Jasmer and Scullen the list of acceptable charges for pretrial conferencing.

Gordon expressed concern that if the case is sent right from Intake Court, the SPD attorneys may not have enough time to prepare by talking with the client. Benedict commented that it should not be a concern, based upon the commitment the SPD attorneys have to the process.

Gordon stated that, when it comes to not needing the plea questionnaire, she could give the best offer for pretrial, and while there may be a lot of commonality across the board for charges that may not always be the case.

Ramirez stated that the number of defendants scheduled could be reduced. Aprahamian set the cap at 70 cases for the 7/11 pretrial conferencing date. Maxwell will be handling the 8/22 date, and Ramirez recommends Dreyfus handle the September date.

Gordon commented that from the Assistant District Attorneys' (ADA) perspective, the June pretrial conferencing went very well. There were two ADAs working the morning and afternoon shifts. Gordon spent much of the Friday and Monday prior, preparing the calendars and contacting attorneys with offers. Opper commented that while her dedication is commendable, it might not be feasible for other ADAs to accomplish this level of work. Ramirez added that the preparation makes it successful, and if she did not take that time, those cases would be scheduled for trial.

At this time, Gordon feels that holding pretrial conferences once a month is sustainable. Any more than that and it may be too much. Gordon stated that having the clerk available in the hallway was very helpful.

The biggest problem was defendants not showing up for court; the agreement was already worked out with the attorney – they just needed the defendant present. Madden stated that they are going to work with the clerk in Intake Court to get the phone numbers for text messaging in a continued effort to lessen the Failure to Appear (FTA) rates. There were 19 FTAs, which is extremely high.

Misko commented that the number of defendants scheduled for pretrial conferencing who are in custody impacts the Sheriff's Department due to transporting the defendants. It is much easier handling those cases in the morning because there are more staff available. Ramirez stated that his desire is not to have anyone in

custody scheduled for pretrial conferencing; however, there were four for June. Ramirez makes every effort not to take people into custody directly from pretrial conferences.

If someone is to be taken into custody due to warrants, it has an impact on the Sheriff's staff. The courts have no control over outstanding warrants. On June 13, there were 11 defendants with warrants; however only one showed up for court. Gordon commented that if she knows there is a warrant, she could inform the deputies when the person is there. Defendants with warrants may also be adding to the higher FTA rate by not showing up for their cases, knowing they have a warrant.

Misko thinks it would be helpful to see how long it takes to process certain types of cases, and then utilize that data to determine what the "sweet spot" is for the maximum number of cases that can be handled during pretrial conferencing.

The workgroup should be looking at the number of defendants instead of the number of cases during the discussions. This will maintain consistency in the group's conversations.

Madden reported that she had heard the process flowed much better than in the past. Paz will ensure that the other judges' clerks are familiar with the process before future pretrial conferences are held in their courts.

Discuss Feasibility of "Spin" Judge Concept for In-Custody Defendants

Ramirez agrees with the goal of resolving cases quickly; however, he is not in favor of doing that with in-custody defendants during pretrial conferencing.

Ramirez stated that the monthly duty judge, if they have no trials, could handle taking a simple, victimless case.

If we are going to have a "Spin" judge process, we will need to find a way to measure it. Ramirez will talk about the idea at the next Judges' meeting. Benedict agreed to assemble data from the SPD so that the group can determine if the volume warrants this type of process change.

Follow-Up from 6/13 Criminal/Traffic Judges' Meeting Regarding Commissioners Sending Defendants to SPD for Eligibility Screening

This item has been tabled until a future meeting, as the Criminal/Traffic Judges' meeting was rescheduled to 6/15/17.

Review Revised OAR Information Sheet

This item has been tabled until a future meeting.

Adjourn

The meeting adjourned at 8:29 a.m.