



Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Case Processing Workgroup Minutes
Thursday, May 18, 2017

Team Members Present:

Sue Opper
Michael Neimon
Hon. Ralph Ramirez (via phone)

Molly Jasmer
Kathy Madden

Team Members Absent:

Chris Ehrfurth

Katie Kegel

Others Present:

Kristina Gordon
Rebecca Luczaj
Monica Paz

Janelle McClain
Brittany Marin
Kelsey Loshaw

Opper called the meeting to order at 7:31 a.m.

Review & Discuss Outcomes from 5/16 Pretrial Conferencing

Marin distributed and reviewed a document titled "Summary Data of Branch 3 Pretrial Pilot." The clearance rate per case was 64.52%, the third highest week since the pretrial conferencing pilot began. The clearance rate per defendant was 63.83%. There were several in-custody cases, so the pretrial conference took longer than usual in those situations.

The group discussed various options for referring defendants from Intake Court to one of the judges for pretrial conferencing. Opper stated that if she is notified on a Thursday (ideally) or Friday of Intake Court cases scheduled for pretrial conferencing the following Tuesday, she is able to make it work with staff coverage. However, she was only given a one-day notice the last two weeks, so there was not enough time to arrange for staff to cover the Tuesday pretrial conferencing.

Jasmer arrived at 7:36 a.m.

Gordon stated that if Intake Court defendants were scheduled at 10am, for example, it would allow time for the District Attorney's (DA) Office to prepare.

The group agreed that before judges schedule pretrial conferencing time for Intake Court defendants, the DA would need to okay the date/time. Paz stated that it could be incorporated with the clerk's calendar that goes out Friday mornings. Opper stated that the DA's Office is usually working schedules out on Thursday afternoons for the following week, so it would be helpful to know by then if possible. Paz will coordinate between the DA's Office, the Commissioner, and the courts for future Intake Court referrals for pretrial conferencing. The group will review this process at the next meeting. Ramirez will speak to the other judges regarding whom will handle the Intake Court defendants for July and August. Ramirez suggested that the duty judge be the primary judge for pretrials, and if they are not available, then one of the other judges can take the cases.

The workgroup discussed the impact of OWI cases on pretrial conferencing efficiency. Ramirez stated that negotiations take much longer for an OWI. Gordon suggested that OWIs be resolved in the originating court. There have not been many OWI cases thus far during the pretrial conferencing pilot (only 8 of 333 cases; 2.4%). The workgroup agreed to remove OWIs from the list of pretrial conferencing-eligible charges.

Ramirez stated that he is pleased to see the commitment from the DA's Office and the State Public Defender's (SPD) Office to the program.

Ramirez will speak with Aprahamian and Maxwell to see if they want to observe the June 13 pretrial conferences, as Aprahamian will be handling the July calendar, and Maxwell will be handling the August calendar. Marin stated that the June 13 pretrial conferencing calendar is almost full, and some defendants have already been scheduled for July and August.

Ramirez stated that the pretrial conferencing pilot should be expanded to other branches. He also stated that even when the other judges are doing pretrial conferences, he is still willing to do them for half days in Branch 3.

Madden stated that the Commercial Docket will be starting in August, so Aprahamian may not be available for pretrial conferencing. Neimon will be monitoring the volume of cases associated with this new docket.

Ramirez left the meeting (via phone) at 8:00 a.m.

Review SPD Pilot Comparison Data from February 2016 and February 2017

Paz distributed and reviewed a document titled "State Public Defender Screening Pilot," which now includes an overall summary of statistics at the end. Some of the stats included:

- 34.57% appeared with an attorney
- 12.69% went to SPD from Intake
- 99.66% returned from SPD
- 65.65% qualified for a public defender
- 31.29% did not qualify for a public defender

Jasmer stated that she would like to be able to send defendants to the SPD at other times, such as a Tuesday or Friday afternoon, and have them immediately come back to court. Loshaw responded that she could talk to SPD staff to determine if it would be feasible, but they are currently short-staffed.

Gordon believes there has been a decline in the number of OAR cases set for trial. Madden will look deeper into this, as she would like to create a dashboard-type report to show the impact of our pilots.

When the pilot first began, the Commissioner was directing the defendants to go to the SPD for screening. Lately, it seems to have become less of a directive and more of a choice for defendants to go. The workgroup would like to see this emphasized and become a directive again. Loshaw suggested that before the first case is called, the Commissioner could give instructions for anyone without representation to go to the SPD's Office for screening and to return.

For those defendants who indicate they are going to seek private counsel, Jasmer asked the group if it would be beneficial for her to adjourn initial appearances and have the defendants come back before her with their attorney. Madden will discuss this with the judges at a future Criminal/Traffic judges' meeting. Neimon suggested sending them over to the SPD's Office, even if they say that they want private counsel. A one-hour delay at the commissioner's end still saves 30-90 days of delay in future case processing.

Approve Minutes from April 20, 2017

Motion: Madden moved, Neimon second, to approve the minutes of April 20, 2017. Motion carried unanimously.

Review Revised OAR Information Sheet

This item was tabled until a future meeting.

Discuss Agenda Items for Next Meeting

The June 1 meeting will be moved to June 5, 2017 at 7:30 a.m. in order to accommodate the NIC consultant's site visit.

Adjourn

The meeting adjourned at 8:30 a.m.