



Waukesha County  
Criminal Justice Collaborating Council  
Evidence-Based Decision Making Case Processing Workgroup  
Thursday, June 23, 2016

**Team Members Present:**

District Attorney Sue Oppen  
Clerk of Circuit Court Kathy Madden  
Judge Ralph Ramirez

District Court Administrator Michael Neimon

**Team Members Absent:**

Commissioner Robert Dehring  
Attorney Katie Bricco

Attorney Dan Fay

**Others Present:**

Courts Division Coordinator Amy Rendell  
Janelle McClain

Attorney Sam Benedict  
CJCC Coordinator Rebecca Luczaj

Oppen called the meeting to order at 7:38 a.m.

**Discuss Progress of Public Defender Screening Pilot**

Benedict reported that Public Defender staff have adapted to the flow of defendants on Mondays, and Tuesdays have been light. An issue that has come up is that now, judges appear to think the pilot procedures can happen at any time, and are sending defendants to the Public Defender's Office at any time and telling them to return to court the same day. This has been putting a strain on the staff. The office secretary is keeping data on this, so it will be reported on at a later meeting.

The workgroup hopes that with the attorney letter going out with the summons, the frequency of judges needing to send defendants over will diminish; however, progress may not be seen for a while. Ramirez suggested not telling the judges to change their current practice, but rather, wait to see if things change as time goes on.

Rendell commented that on average, 8 defendants are being sent over on Mondays and are coming back qualified. On Tuesdays, about 3-4 defendants are being sent over. Madden added that Neimon talked to the commissioners regarding Tuesdays, and the commissioners will resume sending defendants over on Tuesdays.

This past week, Commissioner Lau had a Spanish-speaking defendant with an interpreter in the courtroom. Commissioner Lau sent the individual to the Public Defender's Office and told him to come back the following week, since they could not ask the interpreter to stay. Benedict commented that there are 2 Spanish-speaking lawyers at the office out of 15, but no bilingual clerical staff. The Public Defender staff typically rely on family members or over-the-phone translation services. The on-demand screening process is not a good fit for Spanish-speaking defendants.

Madden will look into having a secure room at the courthouse for Public Defenders to lock coats and briefcases.

### **Follow-Up on Diversion Program Evaluation**

Luczaj reported that she talked to Jerry Braatz from UW-Extension about evaluating the 180 Diversion program. He said that it could be done for a minimal cost. However, after giving it further thought, Luczaj believes there could be a conflict of interest because Braatz also sits on the 180 Advisory Board. Mimi Carter, our NIC EBDM Consultant, recommended holding off until the Phase VI decisions are made. This would be a perfect technical assistance request from NIC to bring someone in to evaluate 180 Diversion. The workgroup decided to hold off on the evaluation until September.

Opper reminded the workgroup that the 180 program should not be expanded to include adults. The focus for young offenders is different than with adults.

Neimon arrived at 7:55 a.m.

Ramirez added that after 180 Diversion is evaluated, it may be decided that the program is not working, so we need to be prepared to start from scratch.

In a month, the workgroup will report back from each of their disciplines in regards to what other diversion programs are out there.

### **Continue Discussion on Pretrial Conferencing Pilot**

The workgroup determined that the following types of cases could qualify for pretrial conferencing: misdemeanor OWI, retail theft, OARs, non-domestic DCs, obstructing, misdemeanor possession, OWLs, and misdemeanor bail jumping.

The cases should not involve a victim.

Benedict reported that Jefferson County submits a pretrial report to the court. Marinette, Sheboygan, and Green Counties set every case for pretrial conferencing.

Ramirez commented that there needs to be enough time between initial appearance and the pretrial for all parties to have discovery.

Madden reported that for the sample weeks' worth of CT/CM cases that were pulled several months ago, there were 58 cases total, and 12 (21%) were adjourned for no discovery. Out of 36 felony cases, 2 (6%) were adjourned for no discovery.

The judge would need to make the call giving the attorneys the option of doing pretrial conferencing or not on a case.

### **Approve Minutes from May 26 and June 9, 2016**

Motion: Madden moved, Neimon second, to approve the minutes of May 26, 2016, and June 9, 2016. Motion carried unanimously.

Judge Ramirez left at 8:27 a.m.

**Review Final Drafts of Work Plan & Logic Model**

Luczaj previously emailed the most current versions of the work plan and logic model. She will edit them to reflect that the workgroup will be looking at evaluating the 180 Diversion program in September.

**Other Business**

The attorney information form is now being included with the summonses as of last week.

**Discuss Next Steps & Set Date for Next Meeting**

The next meeting will be July 7, 2016 at 7:30 a.m.

The meeting adjourned at 8:45 a.m.