



Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Case Processing Workgroup Minutes
Thursday, October 20, 2016

Team Members Present:

District Attorney Sue Opper
Judge Ralph Ramirez
Commissioner Robert Dehring

District Court Administrator Michael Neimon
Attorney Katie Bricco

Team Members Absent:

Clerk of Circuit Court Kathy Madden

Others Present:

CJCC Coordinator Rebecca Luczaj
Janelle McClain

Circuit Court Division Coordinator Amy Rendall

Opper called the meeting to order at 7:32 a.m.

Approve Minutes from September 29, 2016

Motion: Ramirez moved, Neimon second, to approve the minutes of September 29, 2016. Motion carried unanimously.

Update on Public Defender Screening Pilot

Dehring reported that from the commissioners' perspectives, the pilot is going well. He has noticed that lately, few defendants are choosing to go to the SPD for eligibility screening, but the goal is to inform – not force. When he makes the announcement to defendants, an average of about 4 people go and come back, almost all qualifying.

OAR Letter

Opper was reminded by her staff that a letter could not be included with OAR summonses because the court date is placed right on the ticket – there are no summonses mailed for OARs. This may be contributing to the problem of people thinking OARs are just fines and not criminal charges.

Related to earlier workgroup discussions, Neimon asked if the group is interested in looking at cases where there are multiple delays due to attorneys not having consulted with their clients. In an extreme case he reviewed, there were three adjournments in a row. Ramirez stated that attorneys should be given a shorter timeframe to consult with their clients – not 30 days. Neimon will bring in some cases for the workgroup to review at a future meeting.

Update & Discussion on ARC Proposal

Opper informed the workgroup about the Greenfield Police Department initiative. When people are detained and suspected to be an opiate addict, they can either be arrested, or have the case held open for 60 days while they get treatment. This is decided at the point of the police detaining the person, and if the person accepts the treatment option, they sign a contract indicating that the case will not be referred to the DA's Office for charging if they engage in treatment.

Issues that arise with the Greenfield model include the use of wide officer discretion. In addition, there is currently only one Sergeant handling the cases who is performing duties more similar to a social worker or

case manager. The Greenfield PD uses asset forfeiture revenue to help with treatment and related costs, if not covered by insurance.

Bricco arrived at 7:45 a.m.

Joe Muchka from Addiction Resource Council (ARC) approached Opper about having workers from ARC handle the social work aspect of the initiative if Waukesha County wanted to implement a similar program. Luczaj believes that a grant would need to be applied for in order to provide the case manager(s).

Opper stated that for the Greenfield PD, the Sergeant handling the cases is the one who tracks the progress of the participants. If another meeting with Opper is scheduled, she will attend and update the workgroup at a future meeting.

Continue Discussion/Planning for Pretrial Conferencing Pilot

Ramirez will draft a standing order describing the pilot, with a December 20 start date.

Pretrial conferencing will be set up on a trial day to maximize opportunities for attorneys. If a private bar attorney cannot wait for their pretrial conference, they can be added to the following month's schedule. Attorneys will need to pick either morning or afternoon, and then be available. If they are not able to make it at, for example, 8:30am, they can show up at 10am, and it would be similar to a cattle call.

Ramirez will not permit attorneys to ask for an adjournment of the pretrial conferencing. They will try to be shuffled in for that day, just at a different time.

Opper and Rendall stated they are ready to move forward with the pilot.

As soon as the standing order is approved, scheduling will begin. It is anticipated that scheduling will begin on November 1st. The first two pretrial conferencing dates that have been established thus far are December 20, 2016 and January 17, 2017. Once the standing order is approved, Rendall will distribute it to everyone.

If the court is waiting on blood test results for OWIs, the conferencing will be set out 2 months. Tests are sent to the state hygiene lab in Madison and it can take 4-6 weeks to get alcohol test results, and up to 6 months for drug test results. Luczaj will raise this issue with the state EBDM team, as it causes significant delay in case processing.

The ADA will ask the Commissioner in G49 to set the case for pretrial if it is on the list of allowable charges for pretrial conferencing agreed upon by the workgroup.

Attorneys have expressed concern because similar, previous attempts at pretrial conferencing have not worked out. Opper stated what is different this time is that cases will not be assigned to any specific ADA – there will be no ownership of a case at the pretrial conferencing stage.

Neimon left at 8:12 a.m.

Bricco volunteered to be the contact person if any of the private bar attorneys have questions about the pilot.

An interpreter will be available for the pretrial conferences, in either the morning or afternoon, and cases will be scheduled accordingly.

Discuss Next Steps & Set Date for Next Meeting

Opper will approach attorney Chris Ehrfurth about replacing Fay on the workgroup.

Dehring left at 8:17 a.m.

The next meeting will be Thursday, November 3rd, 2016 at 7:30 a.m.

The meeting adjourned at 8:25 a.m.