



Waukesha County Criminal Justice Collaborating Council Case Processing Committee Minutes

Thursday, August 26, 2021

Team Members Present:

Michael Neimon (Co-Chair)

Sue Opper (Co-Chair)

Hon. Paul Bugenhagen

Monica Paz

Neil Dussault

Paul Crawford

David Herring

Team Members Absent:

Jessica Klein

Others Present:

Janelle McClain

Brittany Marin

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

Approve Minutes from July 22, 2021 Meeting

Motion: Paz moved, Crawford second, to approve the Case Processing Committee minutes of July 22, 2021.

Motion carried without a negative vote.

Update on Criminal Case Backlog

Paz distributed and reviewed documents titled, "Pending Criminal Cases by Case Type: January 2019 – Present" and "Criminal Case Filing and Disposition History (2021 YTD through July)."

Waukesha County is currently trending toward 2021 being the highest year for felony cases.

Update on Pretrial Conferencing Outcomes and Discuss Continuation

Paz distributed and reviewed a document titled, "Pretrial Program 2021 Summer." The next pretrial conferencing date is October 1.

Paz stated that fewer pretrial conferences could be the result of agreements being reached at initial appearances or offenses not being eligible for pretrial conferencing.

Opper will discuss extending the OAR/OWL plan with her management team next week. If the arrangement is continued, the extension would last at least through the year.

Herring arrived at 7:41 a.m.

Tyler Brandt, Neimon, and Paz are determining the benchmarks that will ensure that adding the sixth judge to the C/T Division would be for two years, specifically to help address the backlog of cases.

Update on State Public Defender (SPD) Eligibility Screening at Initial Appearances ~AND~ Discuss Current Practice of Utilizing Zoom at Initial Appearances

The State Public Defender's (SPD) Office is currently short-staffed, so they are unable to have someone onsite doing eligibility screening at the courthouse. Crawford stated that they hope to be fully staffed again by December.

The SPD's Office is striving to keep an attorney available via Zoom for Tuesday and Thursday morning hearings.

Paz confirmed that text reminders for court appearances are still being sent out on Friday mornings, and are offering the SPD phone number for the defendant to contact prior to the Initial Appearance.

Crawford will consult with Jeremy Perri to determine if it is possible to utilize Zoom to have an attorney available when a defendant is appearing in person and states that they qualified for the SPD. This would help to eliminate a future status hearing. The Zoom option would be used as an exception to the rule.

Crawford stated that the SPD's Office has been having difficulty finding attorneys to handle the short-notice (10-day) preliminary hearings.

Attendees agreed to add a Status of Counsel Hearing with lockups the day before the preliminary hearing. If notice of appointed counsel comes in before that time, the hearing will come off the calendar and all parties will know that the preliminary hearing is still scheduled. If not, then the hearing will continue, and the court can find good cause to extend the time limit. Victims will be made aware that the hearing time limits could be extended if an attorney could not be appointed. This process will begin on Monday and will only apply to those defendants who are unable to post bail, do not have an appointed attorney, and time limits are enforced.

Herring left at 8:16 a.m.

Announcements

Neimon stated that once all the technology is installed in the new court tower addition, stakeholders will be brought in to test the technology. The ribbon cutting is planned for late September and the first court appearance could potentially occur by November 1.

Bugenhagen expressed a concern that the SPD's Office will not have attorneys to staff the additional cases in front of the sixth C/T judge. Crawford will address the issue with Jeremy Perri. Opper suggested that the Criminal/Traffic judges discuss stacking cases.

Discuss Agenda Items for Next Meeting

There were no additional agenda items discussed for the next meeting.

Public Comment

There was no public comment.

Adjourn

Motion: Paz moved, Neimon second, to adjourn the meeting at 8:25 a.m. Motion passed unanimously.