



**Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Case Processing Workgroup Minutes
Thursday, March 22, 2018**

Team Members Present:

Monica Paz
Sue Opper

Sara Scullen
Frank McElderry

Katie Kegel
Michael Neimon

Team Members Absent:

Hon. Ralph Ramirez

Chris Ehrfurth

Others Present:

Kristina Gordon
Gina Colletti

Janelle McClain
Patrick Ryan

Rebecca Luczaj
Dawn Maldonado

Opper called the meeting to order at 7:35 a.m.

Approve Minutes from February 22, 2018

Motion: Scullen moved, Paz second, to approve the minutes of February 22, 2018. Motion carried unanimously.

Review and Discuss Pretrial Conferencing Outcomes from 3/6/18 and 3/20/18

Discuss Interpreter Concerns

Paz distributed and reviewed documents titled "Pretrial Conference Attorney Breakdown," "Summary Data of Pretrial Pilot," and a list of pretrial conferencing dates held with the presiding judge and the number and percent of cases broken down by each judge.

Ryan stated that the roles of the interpreter include helping defendants go through pro se paperwork; meeting with the ADA for pretrial conferences; and being present in court to go on the record. Ryan and Maldonado agreed that the interpreters could handle up to four defendants per hour.

The clerks have not been flagging interpreter cases at intake. Brittany Marin can update the schedule manually and note how many regular and interpreter-required cases there are. Paz expressed concern that a backlog could result, and those defendants would be pushed back to a later month. The workgroup agreed that the four-defendant limit would be set for the 8:30 a.m. pretrial conference calendar, but that there would not be a limit for the 9:30 a.m. or 10:30 a.m. pretrial conference calendars. As long as Maldonado is notified ahead of time, she can come to pretrial conferences after intake court to help with the cases needing an interpreter.

Maldonado commented that defendants are showing up on Tuesday mornings, thinking they can just pay the ticket and be done with the case. Maldonado advises them to get an attorney, and has noticed that most defendants she has sent to the State Public Defender for eligibility screening have qualified.

Kegel arrived at 7:46 a.m.

Review Pretrial Conferencing Outcomes

Kegel stated that the SPD's Office would be requesting non-assigned pretrial conferences go to a judge other than Aprahamian. Aprahamian has not been accepting the plea deals that were agreed upon between the

ADA and SPD, and was adding on jail time, community service, etc. This was not the first time that this has happened during pretrial conferencing, but it happened more frequently this time.

Opper reminded the workgroup that judges have always had the final decision, and the attorneys cannot tell any judge what they can or cannot do during a sentencing hearing. This would be the same situation in a non-pretrial-conference scenario.

Neimon will meet with Dorow and Ramirez regarding the situation. Kegel, Gordon, and Opper will attend the next judge's meeting on April 10 to explain the reasoning and philosophy behind the pretrial conferences, in hopes that the information will help the judges appreciate the workgroup's goals.

Lazar was adding her own cases in addition to those scheduled for pretrial conferencing. This resulted in the morning session going until 12:30 p.m., and the afternoon session going until approximately 5:30 p.m. Gordon stated that the plea colloquies were not going as fast as they could have.

McElderry stated that Lazar's courtroom layout is not conducive to pretrial conferencing. He also commented that ordering defendants into custody on the fly puts a strain on the Sheriff's Department staff.

Opper thanked everyone for the hard work they do, and added that the program is still successful because Waukesha County is clearing about 60% of cases on the pretrial conferencing calendar.

At a future meeting, the workgroup will discuss the feasibility of having pretrial conferencing designated as a "special assignment," similar to that of the treatment courts.

Update on SPD Eligibility Screening at Intake Court

Paz distributed and reviewed a document titled "State Public Defender Screening Pilot."

Kegel stated that the SPD's Office is surprised that the in-house screening is not being utilized more often. She feels that the text message reminders may be the cause of that. Paz commented that the text reminders are going out a week ahead of defendants' scheduled court dates, and she has noticed fewer failures to appear (FTA) since the text message reminders were implemented. She has also noticed more defendants showing up with attorneys to Intake Court. Gordon complimented the clerks on doing a good job sending defendants to the SPD representative for screening during check-in.

Paz will send Kegel the spreadsheet so she can chart out the percent of defendants who appear without an attorney and the percent who qualify for the SPD in order to identify any trends. Kegel stated that the SPD's Office has committed to not making any changes for three months so that they can observe the overall impact.

Discuss Impact of OARs/OWLs and Potential Solutions

Paz stated that we are not getting information from the agencies who do not use the TraCS system. Opper will send a memo to the police chiefs, as well as speak to them at the next Police Chief's Association meeting.

Adjourn

The meeting adjourned at 8:33 a.m.