



Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Case Processing Workgroup Minutes
Thursday, September 28, 2017

Team Members Present:

Monica Paz	Sara Scullen	Kathy Madden
Hon. Ralph Ramirez	Michael Neimon	
Frank McElderry	Chris Ehrfurth	

Team Members Absent:

Sue Opper	Katie Kegel
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Others Present:

Rebecca Luczaj	Janelle McClain	Sam Benedict
Kristina Gordon		

Neimon called the meeting to order at 7:34 a.m.

Approve Minutes from August 24, 2017

Motion: Ramirez moved, Madden second, to approve the minutes of August 24, 2017. Motion carried unanimously.

Review & Discuss Outcomes from 9/5 Pretrial Conferencing

Paz distributed and reviewed a document titled “Summary Data of Branch 3 Pretrial Pilot.”

Gordon stated that the clearance rates were down, as it seemed as though there were many people who did not show up at all or came without attorneys. There did not appear to be any one thing that made it less successful than usual. She felt that we should have been able to handle more cases.

Ehrfurth arrived at 7:38 a.m.

Ramirez will send the “Summary Data of Branch 3 Pretrial Pilot” to the other Criminal/Traffic judges to discuss at their next meeting. Paz has reviewed the process with court staff and thinks outcomes will improve as the staff become more experienced with pretrial conferencing.

The workgroup would like the following added to the “Summary Data of Branch 3 Pilot” document:

- Include the judge that handled each session, added onto the second page as well
- Include the total clearance rate on the second page as well

There continues to be confusion with defendants about OARs being a crime, not just a fine. Ehrfurth stated that some defendants do not realize that a misdemeanor is a crime. Gordon added that if a person received an OAR in the past when it was not a crime, they do not realize that now, OARs are a crime. McClain stated that some community agencies are providing misinformation by informing defendants that OARs are “just fines.” Gordon stated that the more OARs we add to pretrial conferencing, the less successful this program will appear.

Gordon stated that the DA's Office is working with staff to train them on which cases are pretrial eligible. Ramirez will work with the DA and SPD to update the court order to the commissioners, as the list of pretrial eligible cases has changed since originally starting the program.

Madden reminded the workgroup that capacity remains an issue, as we are quickly filling up pretrial conferencing slots. Starting in November, we will be doing two full days a month to get back on track. At that time, we can evaluate how the interested parties are affected. Gordon added that Lazar's November pretrial conferencing would be a test, as the DA's office will be short-staffed due to the prosecutors' annual conference.

Review Existing Data to Determine What to Include on Workgroup Dashboard

This item was tabled until a future meeting.

Begin Discussing OARs and Potential for New Pilot Project

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

Starting September 11, anyone who does not have an attorney and who the Clerk's Office has a phone number for, receives a text reminder about obtaining an attorney prior to their court date.

Scullen noticed that because of the added traffic, they were not able to start Monday's 10 a.m. calendar until 10:45 a.m., and Tuesday's 10 a.m. calendar started at 10:30 a.m. Scullen suggested having the clerk arrive before 8 a.m. to start checking people in, although the courtroom would not be opened until security is present. She also commented that she issued far less warrants because of the text message Monica sent out in advance of court. Benedict stated that an unintended consequence is that the "if you get this message in error" phone number in the text is for the SPD, rather than the Clerk's Office. Paz will correct this for future texts.

Ramirez is concerned about the high number of warrants for OARs and OWLs. Benedict would like to see these cases handled at lock-ups, since they are usually given time-served or a monetary penalty. In addition, defendants with transportation issues may not be able to attend a future court date. Ehrfurth agreed, stating he also attempts to pre-try his cases on the phone with the DA's Office before the initial appearance.

Scullen & Ehrfurth left at 8:10 a.m.

Ramirez commented that he would be willing to take other judges' OAR/OWL cases to get them through faster. Neimon added that with the new facility, we would have video conferencing capabilities that will allow for multiple options, so we should keep that in mind as well.

For the next meeting, Ramirez suggested identifying all of the issues associated with OARs. Luczaj will work with the Sheriff's Department to determine how many OARs/OWLs we have in custody, as that information would come from Spillman.

Discuss Agenda Items for Next Meeting with NIC Consultant

The workgroup will meet at 7:30 a.m. on Tuesday, October 10.

Adjourn

The meeting adjourned at 8:26 a.m.