



**Waukesha County Criminal Justice Collaborating Council
Case Processing Committee Minutes
Wednesday, July 10, 2019**

Team Members Present:

Hon. Brad Schimel	Michael Neimon	Sue Opper
Sara Scullen	Chris Ehrfurth	Michelle Larsuel
Katie Kegel	Monica Paz	

Others Present:

Kristi Gordon	Janelle McClain	Rebecca Luczaj
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Opper called the meeting to order at 7:33 a.m.

Approve Minutes from May 23, 2019

Motion: Larsuel moved, Scullen second, to approve the Case Processing Committee minutes of May 23, 2019.
Motion carried unanimously.

Review and Discuss Pretrial Conferencing Outcomes since Previous Meeting

5/28 – Lau 6/4 – Schimel 6/18 – Lazar 7/9 – Schimel

Paz distributed and reviewed a packet of documents titled “Pretrial Program 2019.”

Schimel arrived at 7:35 a.m.

Gordon stated that the case clearance rate is decreasing, mainly due to many defendants who need to reinstate their drivers’ licenses, and who are not going to be able to resolve their case at the pretrial conference.

Additional “fees and court costs” could cause a \$200 fine to end up costing defendants nearly \$700. Scullen believes that if defendants are informed of the fees, they may be more inclined to obtain an attorney. Neimon added that defendants should be made aware that payment plans are available.

Schimel commented that the pretrial conferences yesterday went well, partly due to having an interpreter available for the entire time.

Paz commented that it appears that the State Public Defender’s (SPD) Office has not been on time for hearings lately, possibly to bring defendants in all at once; however, this backs up the calendar. Paz had spoken to Kegel about this, and it was improved at yesterday’s pretrial conferences.

Schimel would like defendants to have only one chance at a pretrial conference. He has noticed that many of the defendants that he sees are from Milwaukee. He suggested that they might be able to be referred to the driver’s license recovery program in Milwaukee.

Discuss Pretrial Conferencing Case Clearance Rate Trend

The committee acknowledged that 115 days for the average time to disposition is impressive; and even though the clearance rate is not as high as it once was, even at 50%, it is good.

Ehrfurth arrived at 7:57 a.m.

Gordon stated that she has not had an OAR set for trial in about 2 years, which is great. She acknowledged that all of the cases that could resolve yesterday were resolved.

Paz mentioned that court clerks have complained about the larger caseload associated with pretrial conferences. She asked Brittany Marin to update the written instructions for the clerks, and then sat with them in court to train them. There is now a laptop available for the clerks when they are in the hallway, allowing them to do other work during the slow times. Marin remains in constant communication with the deputy during the conferences. She also gives a list to the ADA of the defendants due to show up who have a warrant.

Scullen left at 8:01 a.m.

Kegel commented that other SPD attorneys are noticing many more offers being contingent on community service, but Opper, Gordon, and Schimel have not seen that occurring.

Schimel and Gordon agreed that, when a defendant comes in with a valid driver's license, there is a sense of pride for the defendant that should be acknowledged in court. Kegel added that there could be an opportunity for incentives similar to treatment courts, such as applauding when someone gets their license.

Kegel suggested designating one traffic pretrial calendar per month, and we could maintain separate statistics on these cases. This would allow non-traffic cases to move faster, and traffic cases could receive several attempts to resolve, based upon progress with driver's license reinstatement. Gordon likes this idea. Opper stated that the judges may not want an entire day of OARs/OWLs, and attorneys may not be available on those specific dates.

Kegel has seen more defendants utilize the SPD's Office since having the SPD on site Mondays and Tuesdays. Gordon added that those who may face probation seem to be the ones who want to obtain an attorney. Otherwise, once she tells them the offer, they tend to take it without an attorney. The committee agreed to have defendants check in with the clerk on intake court days, and the clerk will automatically send the defendant to speak with the SPD representative on-site.

Schimel will talk to Judge Dorow about having a designated OAR/OWL day as part of pretrial conferencing. Paz suggested that all traffic cases be heard at Tuesday morning intake court so that they can see the SPD representative for eligibility screening while they are on site. Kegel will discuss this plan with Sam Benedict for the approval of the SPD's Office. Paz will instruct the clerks to scan the DOT printouts into case files so that judges have this information and can reference it during the hearings.

Create Process for Referring Defendants to WCS' Center for Driver's License Recovery and Employability (CDLRE) and Discuss How to Track Referrals

This agenda item has been tabled until a future meeting.

Discuss Any Construction-Related Case Processing Issues/Concerns

Paz reported that there are a number of room changes. The courthouse will go from five in-custody jury rooms to three. There is a high probability that a case with Bugenhagen or Lazar will not be heard in their designated courtroom. There will be signs made available to direct the public where they need to be.

Other Items for Discussion

Luczaj commented that the jail efficiency study would be indicating that the average time to disposition is too long and that the negative impact on jail days as a result is not good. Schimel added that comparing county-to-county is not a fair comparison.

Discuss Agenda Items for Next Meeting

- Develop a process for in-custody defendants to resolve cases quickly
- Follow-up on designated pretrial conferencing day for traffic cases

Adjourn

Motion: Larsuel moved, Paz second, to adjourn the meeting at 8:35 a.m.