



Waukesha County  
Criminal Justice Collaborating Council  
Evidence-Based Decision Making Case Processing Workgroup  
Thursday, January 14, 2016

**Team Members Present:**

District Attorney Sue Opper

Clerk of Circuit Court Kathy Madden

Judge Ralph Ramirez

Attorney Dan Fay

CJCC Coordinator Rebecca Luczaj

District Court Administrator Michael Neimon

Attorney Katie Bricco

**Others Present:** Windy Jicha

**Overview of Evidence-Based Decision Making (EBDM) Initiative**

Luczaj distributed and reviewed a handout titled *National Institute of Corrections/Evidence-Based Decision Making* including highlights, phases, frequently asked questions and a list of the Waukesha County EBDM Policy Team members. Luczaj updated the group on the EBDM Policy Team and their progress to date, as well as NIC technical assistance and continued funding opportunities.

**Overview of EBDM Change Target Selection Process**

Luczaj distributed a handout titled *EBDM Change Target Workgroup Process*, which includes 12 specific work group steps that NIC has requested the workgroup follow. The primary goal of the group is to examine methods to avoid setting cases for trial or reducing the number of scheduled cases. The group agreed that it would like to create a system that is standardized, predictable and flexible. The group discussed reasons cases are delayed, issues to investigate, issues to consider and thoughtful reminders. Opper agreed to draft a goal statement for the next meeting.

**Review, Discuss, & Prioritize EBDM Policy Team's Case Processing Opportunities for Change**

Luczaj distributed a handout titled *Waukesha County EBDM Decision Point Opportunities* and Opper reviewed the following EBDM decision points: diversion (pre-charge programs)/deferred prosecution, pleas, and sentencing. Opper said this group is tasked with finding ways to improve case processing and make it more efficient, which would save a considerable amount of time and money. Currently, the majority of cases are set for trial but few actually proceed to trial. The process is both time consuming and inefficient for many people. Also, many cases are not ready when they come before the judge which causes further scheduling delays. Opper said she is open to suggestions but would like the group to consider resuming scheduled pretrial conferences (which the county has not used in many years) before appearances in front of judges. Ramirez said his schedule is filled with cases that will never go to trial.

**Reasons Cases are Delayed**

- Cases are not ready by trial date
- Defendants have not secured private attorneys or public defenders by trial date
- Delayed receipt of discovery, videos, police dash cam footage, reports and drug panel results
- Judges' and court scheduling issues
- Fulfillment of treatment and bifurcated offers
- Defendants' inadequate knowledge of the court system and processes
- Defendant self-imposed delays

- Defense attorneys' strategies to delay the case
- Court dates set only to secure future court dates
- The time consuming back and forth "offer" process between the prosecution and defense
- Lack of incentive to move cases more quickly through the system

### **Issues to Investigate**

- Pretrial conference best practices
- Other reasons for case delays
- Solutions to eliminate case delays
- Predictable systematic scheduling models used by municipalities (aka cattle call)
- How to make court appearances more meaningful
- Approaches to process cases more efficiently at less cost to all parties
- Incentives for citizens who dispose of cases quickly
- Meaningful communications/correspondence between defense, prosecution and courts
- Ways to connect defendants with public defenders more quickly
- Methods of opening discussions/negotiations between prosecution and defense
- Ways for the DA to offer plea deals within judicial guidelines with preset expiration dates
- Percentage of cases that actually go to trial
- Percentage of cases that are resolved at trial

### **Issues to Consider**

- Adding a court commissioner and a law enforcement representative to the group
- Piloting pretrial conferences with easy to resolve, victimless cases: misdemeanor possession, OAR, OWI seconds, and retail theft

### **Reminders**

- Judges can suggest pretrial conferences but cannot make them mandatory
- With court filings at a 25 year low, now is a good time to make changes and improvements
- Find solutions to "low hanging fruit" first to build system trust and then expand scope
- The group would like to have short term success but realizes this is a long term process

### **Discuss Next Steps & Set Date for Next Meeting**

January 21, 2016 at 7:30 a.m.

The meeting adjourned at 8:40 a.m.