



Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Case Processing Workgroup
Thursday, August 25, 2016

Team Members Present:

District Attorney Sue Opper
Judge Ralph Ramirez
Clerk of Circuit Court Kathy Madden

District Court Administrator Michael Neimon
Commissioner Robert Dehring
Attorney Katie Bricco

Others Present:

CJCC Coordinator Rebecca Luczaj
Janelle McClain

Circuit Court Division Coordinator Amy Rendall

Opper called the meeting to order at 7:36 a.m.

Approve Minutes from August 4, 2016

Motion: Madden moved, Dehring second, to approve the minutes of August 4, 2016. Motion carried unanimously.

Review Pretrial Conferencing Pilot Draft Plan

Opper had e-mailed the pretrial conferencing pilot draft to workgroup members, but has not yet incorporated the feedback she received.

Ramirez has spoken to all of the judges except Judge Carter, and they are okay with the pilot. The judges are concerned about the availability of discovery since they always hear that parties are waiting for discovery, which can delay the case. Ramirez also mentioned the importance of making sure everyone understands that the case is “owned” by the District Attorney’s Office as a whole, not assigned to a specific Assistant District Attorney.

The pilot will not be able to happen by October, but perhaps by December. When Judge Ramirez selects a date, Opper will begin the process.

Madden distributed Ramirez’s caseload report that Rendall ran for June 1, 2015 – June 30, 2016 so the group could see how many cases could potentially be eligible for the pretrial conferencing pilot, based upon the parameters the group had set. Rendall put notes at the bottom of each section regarding information that could disqualify a case from the pilot. On future reports, Rendall will also report on the median days to disposition.

Bricco arrived at 7:45 a.m.

Discuss Progress of Public Defender Screening Pilot

Rendall distributed the statistics thus far for the State Public Defender (SPD) Screening Pilot. There was a scheduling issue on Monday, August 22, so there are no statistics for that day; however, the information can be gathered between the commissioner and SPD office. The number of defendants sent to the SPD office decreased in July because more defendants have been coming for their initial appearance with attorneys. The group suspects that this is a result of including an attorney information sheet with summonses. Rendall will add a running total at the bottom of the report.

Madden commented that the judges are finding they are still sending many OAR defendants to the SPD office. Opper suggested adding a notice with the OAR summonses indicating that an OAR is a criminal offense and not “just a fine,” and that the defendant could go to jail. Opper will discuss developing a bilingual insert with her Office Services Coordinator.

Follow-Up from Conference Call with Eau Claire County

Ramirez reminded the work group to keep the differences between the two counties in mind, including that Eau Claire County does not have municipal courts. There is also the fact that Eau Claire houses the Courthouse, Police Department, and Sheriff’s Department all in the same building.

Ramirez stated that he would not participate in a program similar to Eau Claire’s Deferred Acceptance of a Guilty Plea (DAGP). There are already options in place for supervision (Probation) and expunging cases. The case is in the system while it is being deferred, but the goal is to keep people off CCAP. Ramirez suggests we look at pre-charge instead of post-charge diversion. Ramirez is also concerned about how to justify the amount of time that the case is in “deferred” status.

Opper expressed concern regarding how it is decided who goes to Diversion versus DAGP. Luczaj responded that more chronic, moderate risk drug offenders are going through DAGP, versus first time offenders who are referred to pre-charge diversion.

Madden suggested talking to the DAGP coordinator from Eau Claire County. Neimon would also like to talk to someone at Marathon County about their pre-charge diversion program.

Opper has additional concerns because Waukesha County does not have a Diversion Coordinator. Luczaj commented that WCS could handle it; however, Opper is concerned about turning it over to an organization that she does not have control over. There is also an issue because Waukesha County is not getting enough participants in the existing 180 diversion program, so would there even be enough eligible cases for another diversion program?

Dehring left at 8:15 a.m.

In response to Ramirez’s inquiry, Luczaj will get information from WCS about the driver’s license reinstatement program that they operate in Milwaukee.

Discuss Next Steps & Set Date for Next Meeting

The next meeting will be Thursday, September 15, 2016 at 7:30 a.m. It will be at room C369.

The meeting adjourned at 8:25 a.m.