



## **Waukesha County Criminal Justice Collaborating Council Case Processing Committee Minutes**

**Thursday, January 27, 2022**

### **Team Members Present:**

|                           |                      |               |
|---------------------------|----------------------|---------------|
| Michael Neimon (Co-Chair) | Hon. Paul Bugenhagen | David Herring |
| Monica Paz                | Jessica Klein        |               |

### **Team Members Absent:**

|                      |               |
|----------------------|---------------|
| Sue Opper (Co-Chair) | Neil Dussault |
|----------------------|---------------|

### **Others Present:**

|                                  |                 |               |
|----------------------------------|-----------------|---------------|
| Rebecca Luczaj                   | Janelle McClain | Steven Hughes |
| Melissa Zilavy (proxy for Opper) | Alex Klosterman |               |

Neimon called the meeting to order at 7:33 a.m.

### **Approve Minutes from December 17, 2021 Meeting**

Motion: Bugenhagen moved, Paz second, to approve the Case Processing Committee minutes of December 17, 2021. Motion carried without a negative vote.

### **Update on 2022 Pretrial Conferencing Schedule and Room Changes**

Paz stated that since the pandemic, the pretrial conferencing check-in process was moved to the Jury Assembly Room (JAR) to allow for social distancing; room 121 was utilized as the courtroom.

Due to the Brooks case occurring on February 11, the same day as the next pretrial conferencing, pretrial conferencing check-in will be moved to room 121 and room 115 will be used as the courtroom.

### **Discuss Pretrial Conferencing Outcomes**

Paz distributed and reviewed a packet of documents titled, "Pretrial Program 2021."

Judge Maroney will be hearing most of the cases scheduled for pretrial conferencing, although Judge Bugenhagen will preside over a day and a half.

The number of cases heard in the morning and afternoon will be decreased from 8 per time slot and 4 for the last time slot to 7 per time slot and 4 for the last time slot. This will bring the number of defendants scheduled down to 71 per day.

Pretrial conferencing will resume at two days per month.

Zilavy stated that misdemeanor retail theft cases are difficult because they require restitution be paid up front, so we may want to consider whether we should exclude these cases in the future.

Herring said that he has a meeting scheduled with Jeremy Perri, as there is a backlog of felony filings waiting for attorneys to be assigned, and many of these defendants are still waiting to be evaluated by the State Public Defender's Office.

Herring stated that State Public Defender (SPD) evaluations are occurring virtually on Tuesdays and Thursdays. If a defendant is eligible for an SPD, it would be helpful to have an attorney onsite at the hearing as a "Friend of the Court" to speed things along.

## **Update on Criminal Case Backlog**

When reviewing the percentage of criminal cases were resolved because of the pretrial conferences, Paz provided the following data:

- October 2021: 14% came from the pretrial conferences
- November 2021: 9.6% came from the pretrial conferences
- December 2021: 8.9% came from the pretrial conferences

Paz provided the following data regarding the backlog:

- Pending Felonies
  - February 2021: 2040
  - December 2021: 1803
- Pending Misdemeanors
  - February 2021: 2064
  - December 2021: 1568
- Pending Criminal Traffic
  - February 2021: 1009
  - December 2021: 503
- Felony Filings (cases have been opened and are not in warrant status)
  - 2018: 1782
  - 2020: 1866
  - 2021: 1958 (highest since at least 2016)
- Misdemeanor Filings
  - 2019: 2678 (highest)
  - 2021: 2482
- Criminal Traffic Filings
  - 2019: 1290
  - 2020: 1082
  - 2021: 1387
- Jury Trials
  - 2019: 59
  - 2021: 97
  - 2022 to date: 8

Herring left at 8:15 a.m.

## **Announcements**

Neimon stated that the WI Supreme Court's Planning and Policy Advisory Committee (PPAC) will be rewriting the statutes on virtual court appearances and then they will go to the Supreme Court for a decision.

## **Discuss Agenda Items for Next Meeting**

There were no additional agenda items discussed for the next meeting.

## **Public Comment**

There was no public comment.

## **Adjourn**

Motion: Paz moved, Klein second, to adjourn the meeting at 8:23 a.m. Motion passed unanimously.