



Waukesha County Criminal Justice Collaborating Council Case Processing Committee Minutes

Thursday, May 27, 2021

Team Members Present:

Michael Neimon (Co-Chair)	Sue Opper (Co-Chair)	Monica Paz
Neil Dussault	David Herring	Hon. Paul Bugenhagen

Team Members Absent:

Chris Bailey	Paul Crawford
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Others Present:

Rebecca Luczaj	Janelle McClain	Jeremy Perri (proxy for Crawford)
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Opper called the meeting to order at 7:36 a.m.

Approve Minutes from March 25, 2021 Meeting

Motion: Bugenhagen moved, Paz second, to approve the Case Processing Committee minutes of March 25, 2021. Motion carried without a negative vote.

Discuss and Consider Committee Membership Change

Motion: Paz moved, Bugenhagen second, to replace attorney Chris Bailey with attorney Jessica Klein as a member of the CJCC Case Processing Committee. Motion carried without a negative vote.

Update on Criminal Case Backlog

Paz stated that in April 2021, 229 more cases were closed out than were opened, and provided the following statistics:

Number of closed cases:

- April: 711
 - Approximately 200 of these are OWL/OAR cases
- May: 458
- June might be higher due to OWL Super Court on June 1 and 2.

Number of criminal cases:

- February 2020: 3196
- Current: 4827

Paz suggested that the committee also monitor cases that the District Attorney’s Office sends to the Clerk’s Office that end up in warrant status. Since March 1, 2020, there are 1018 cases in warrant status. 692 of the 1018 are in filed status, meaning they never made their initial appearance. There are 4924 total cases in warrant status, going as far back as 1978. Paz would have to review the statistics on a deeper level to determine if the increase of warrant status cases could be due to Zoom court.

Number of felonies:

- 2017: 720
- 2021: 822

Number of misdemeanors:

- 2017: 1001
- 2021: 950

Criminal Traffic cases:

- 2017: 699
- 2021: 705

Cases closed:

- | | | | |
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| • Jan 2021: 397 | • Feb 2021: 508 | • March 2021: 604 | • April 2021: 711 |
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Failure to Appear (FTA) rates:

- 2019
 - 3rd quarter: 10.52%
 - 4th quarter: 9.82%
- 2020
 - 1st quarter: 11.37%
 - 2nd quarter: 19.40%
 - 3rd quarter: 14.47%
 - 4th quarter: 10.99%
- 2021
 - 1st quarter: 11.99%
 - 2nd quarter (so far): 12.55%

Paz stated that there are 388 criminal jury trials scheduled between now and the end of the year. 2,111 arrest warrants for missed initial appearances have been issued between March 1, 2020 and yesterday. A total of 2,489 bench warrants have been issued.

Discuss Delay in Appointment of Counsel for Extradition Cases

Herring stated that some extradition cases have been rescheduled lately because parties involved are not aware that it is an extradition case and the defendant has not been evaluated by the SPD. These situations often happen during lockups, so he lets the SPD attorney in the room know. He can also notify Perri.

Perri asked for some specific case examples so he could investigate further; however, Herring thinks the issue may now be resolved.

Dussault arrived at 7:55 a.m.

Discuss Changing Traffic Court to a Paper Process in the Fall

Paz stated that the judges have been discussing whether the current traffic court paper process should remain in place moving forward. Paz expressed concern, as the current process involves a lot of paperwork and is burdensome for her staff.

Bugenhagen stated that the judges are split (some want to keep the paper process, and some want it to return to in-person).

Opper will follow up with her staff regarding their time commitment to the current process and the committee will discuss this topic again at the next meeting.

Continue to Discuss Plan to Resume Pretrial Conferencing

Paz asked if the DA's Office can commit to pretrial conferencing into September and beyond. Opper responded that it would be difficult to commit to this for the fall. She would like to see how it goes this summer and is curious if the judges will want to continue with it. Perri stated he is generally supportive of pretrial conferencing.

The committee will continue to discuss this topic at the next meeting.

Bugenhagen left at 8:22 a.m.

Announcements

Paz reported that initial appearances will resume in-person on Tuesday, June 15. Perri stated that due to staffing reasons, the SPD staff can guarantee having someone available via Zoom, but not necessarily in-person until approximately the fall.

Herring left at 8:27 a.m.

Discuss Agenda Items for Next Meeting

Attendees unanimously agreed to continue holding the committee's meetings via Zoom, as it is convenient for members' schedules and the virtual environment has not impeded the committee's progress.

Public Comment

There was no public comment.

Adjourn

Motion: Neimon moved, Paz second, to adjourn the meeting at 8:29 a.m. Motion passed unanimously.