



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

**Team Members Present:**

District Attorney Sue Opper  
Judge Ralph Ramirez  
Attorney Katie Bricco

District Court Administrator Michael Neimon  
Commissioner Robert Dehring

**Team Members Absent:**

Clerk of Circuit Court Kathy Madden

Attorney Dan Fay

**Others Present:**

CJCC Coordinator Rebecca Luczaj  
Administrative Assistant Alison Ries

Circuit Court Division Coordinator Amy Rendall

Opper called the meeting to order at 7:35 a.m.

**Approve Minutes from June 23, 2016**

Motion: Ramirez moved, second by Neimon to approve the minutes of June 23, 2016. Motion carried unanimously.

**Discuss Progress of Public Defender Screening Pilot**

Rendall reported that this week was quiet due to new commissioners being in intake court. She stated the majority of people that are being referred for screening at the Public Defender's Office are returning qualified.

Ramirez said that there are 2 attorneys but no support staff that speak Spanish at the Public Defender's Office. Because of this, many Spanish speaking clients are unable to be helped when they are referred for same-day screening. It was suggested to offer Spanish speakers a future appointment instead of sending them for same-day screening in an effort to ensure that Spanish speaking staff will be available, especially on Tuesdays when the majority of the caseload are Hispanics. Neimon suggested scheduling a Spanish speaking person in the hallway outside the courtroom on Tuesdays to explain the screening process to Spanish speaking defendants.

Bricco arrived at 7:45 a.m.

Dehring stated commissioners need to make sure they are phrasing the referral for screening in a neutral manner so defendants can make an informed decision. Rendall stated low referrals could be because defendants don't realize they may be eligible for a Public Defender until they are actually in court as opposed to going directly from intake. They also may not realize the attorney is free.

**Continue Discussion on Pretrial Conferencing Pilot**

Rendall distributed a detailed spreadsheet of Judge Ramirez's current active caseload. The workgroup determined that there are enough appropriate cases for the pilot to be impactful. Ramirez said the next step is to decide what the workgroup is going to do and/or how they are going to do it. Who makes the initial determination about which cases are appropriate for pretrial conferencing? How are they scheduled? What will be accomplished? Is it helpful or hurtful to have the defendant present? Is it necessarily essential to have

all parties present so that on that day, a decision can be made? How many cases can be set per day? Opper stated the workgroup needs to develop guidelines and criteria and then track it to see if it is working. Bricco stated the conferencing pilot will provide face-time with the District Attorney's Office, as opposed to what is happening now, which is contact via e-mail or phone calls.

The workgroup agreed to decide what the expectations of the pilot will be and develop guidelines at the next meeting.

#### **Update on Various Diversion Program Models**

Neimon stated he received diversion program information from Marathon and Milwaukee counties. Marathon County has a court diversion coordinator position that is fully funded by tax levy. Milwaukee County uses Justice Point, which is a non-profit agency providing similar services as Wisconsin Community Services (WCS). Clients who qualify are monitored through Milwaukee's Central Liaison Unit (CLU) and Treatment and Alternatives (TAD) grant.

Opper stated that as of January 2015, deferred prosecution agreements are no longer used in the DA's Office because of monitoring inconsistencies. Ramirez stated that the 180 Diversion Program works, but he is concerned about the lengthy duration of program. Opper said it has not been used as a true diversion program. Ramirez would like to see more offenders use the retail theft program offered by UW-Milwaukee. The program is for first time adult retail theft offenders. Ramirez questioned how many first time offenders there are in circuit court? Opper replied not many because they are all written tickets at the municipal level several times first, so they are not true "first-time offenders" when they reach circuit court on an offense.

Luczaj reported that she researched diversion programs on the state CJCC website. The WI Department of Justice recently conducted a survey of all 72 WI counties to gather information on any pretrial and post-conviction programs they have available in their respective counties. Of those counties that responded, 19 reported that they have pre-charge diversion programs.

The workgroup agreed it would be beneficial to speak to other counties to see what kinds of programs they utilize and what may work for Waukesha County. Opper stated staffing of programs will be an issue for Waukesha County.

Dehring left at 8:11 a.m.

The workgroup decided that since Marathon and Eau Claire are EBDM counties, speaking to those counties would be most beneficial. Luczaj will contact Eau Claire County and Neimon will contact Marathon County to set up conference calls for upcoming meetings.

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

The next meeting will be Thursday, July 21, 2016 at 7:30 a.m.

The meeting adjourned at 8:28 a.m.