



**CITY OF MILWAUKEE
MUNICIPAL COURT**

Derek C. Mosley, Presiding Judge
Branch 2

Valarie A. Hill, Judge
Branch 1

Phillip M. Chavez, Judge
Branch 3

Kristine M. Hinrichs
Chief Court Administrator

Clarice Hall Moore
Assistant Court Administrator

October 9, 2008

Judiciary and Legislation Committee Members
Alderman Ashanti Hamilton, Chair
Alderman Terry L. Witkowski, Vice Chair
Alderman Jim Bohl
Alderman Joe Davis, Sr.
Alderman Robert Donovan

Dear Aldermen:

This letter is in response to the questions raised at the September 29, 2008, meeting by Aldermen Witkowski, and Davis regarding the status of the 100 egregious offenders initiative, whether or not the defendants listed on the report committed new offenses for which there are new cases in collection, and what impact will retaining the warrants and commitments on the Court's information system have on electronic storage.

First, I want to begin with a summary of the circumstances under which these cases ended up on the "Old Warrants and Commitment" report. The report contains four categories of *Warrants*. I have listed the categories below with an explanation of what transpired on the cases prior to the issuance of the warrants.

- *Open Arrest Warrant* (Failure to Pay Judgment)

An *Open Arrest Warrant* is issued by a judge when the defendant has already received notice of a judgment that carries a jail alternative. Defendants having cases with a jail alternative are entitled to an indigency hearing to determine their ability to pay before a commitment can be issued which is the reason this warrant is issued. There are 308 cases on the report having *Open Arrest Warrants* for a total judgment amount of \$69,969.35.

- *Open Bench Warrant* (Failure to Appear for Judgment)

A *Bench Warrant* is issued by a judge for the arrest of a defendant for the purpose of personally serving the defendant with a copy of the hearing notice of a default judgment that carries a jail alternative. There are 1,698 cases on the report having *Bench Warrants* for a total judgment amount of \$338,863.81.

- *Warrant* (Failure to Appear for Arraignment--Juvenile)

A *Regular Warrant* is a court order that a defendant be arrested and brought before the judge to enter a plea to the charge. The judge issues this warrant or arrest order when the defendant does not appear on the arraignment date and the citation was either mailed or left

at the defendant's last known address with a competent family member who is at least 14 years of age. There are 130 juvenile cases on the report having *Regular Warrants* with \$0 judgment amount since there was no proof of service. *Warrant (Failure to Appear for Arraignment--Adult)--* This is the same scenario as above in that a *Regular Warrant* is a court order that a defendant be arrested and brought before the judge to enter a plea to the charge except the warrant or arrest order is issued for an adult. There are 589 cases on the report having *Regular Warrants* for adults with \$0 judgment amount since there was no proof of service. A default judgment cannot be applied unless the Court has evidence that the defendant was personally served with the citation.

- *Commitment*

The *Commitment* is an order issued by the judge that the defendant be arrested and incarcerated in the House of Correction or the County Jail for failure to pay a forfeiture/judgment amount. A *Commitment* can only be ordered after a judicial determination by the judge has been made that the defendant has the ability to pay the judgment; but has not paid it. There are 434 cases on the report having *Commitments* with a total judgment amount of \$122,128.92.

A special report revealed the court has disposed of 65,500 *Old Warrants and Commitments* over the years. It is important to note that of the 65,500 cases; only 86 (one-tenth of one percent) warrants were served on defendants in the seventh or eighth year.

Second, with respect the 100 most egregious offenders initiative, the Court still provides the Milwaukee Police Department (MPD). The Chief Court Administrator provides MPD with a list of the top 20 defendants who owe the most on cases with open warrants every other month; and the list of the top 100 offenders is provided annually in October.

Third, there was no activity on any of the cases listed in the report for seven or more years. This means these defendants have received no other citations; and there have been no arrests by the Milwaukee Police Department on other charges. Therefore, no new citations were added to collection; and past collection efforts were unsuccessful.

Fourth, regarding the impact on electronic storage if the warrants were retained on the Court's information system, the Network Manager indicates that, at this time, there would no significant impact on electronic storage if the warrants and commitments were retained on the system in perpetuity. However, the impact of retaining these paper files indefinitely will have a significant impact on our need for storage space in the City Records Center.

Finally, I hope this letter provides you with the information needed to recommend approval of the resolution. However, if you have additional questions, feel free to contact me at 286-3820.

Respectfully submitted,

FOR THE MILWAUKEE MUNICIPAL COURT



Clarice Bishop
Assistant Court Administrator

cc: Municipal Court Judges
Kristine Hinrichs, Chief Court Administrator
Kurt Behling, Assistant City Attorney