

From: [Himle, Sheldyn](#)
To: [Murphy, Michael \(Alderman\)](#)
Cc: [Lee, Chris](#); [Pearson, Eric](#); [Mosley, Derek](#); [Hill, Valarie](#); [Chavez, Phil](#)
Subject: Follow up from 10 Oct 2018 F&P 2019 Budget Hearing with Municipal Court
Date: Friday, October 26, 2018 2:00:39 PM
Attachments: [2017 Conditional Sentence Rate of Compliance.xlsx](#)
[OWI Revocations and DL Suspensions 2017-2018.pdf](#)

Alderman Murphy,

As a follow up on questions from the Court's 2019 Budget hearing, here is information on the following:

- drivers' license suspensions and revocations
- incarcerations
- community service

DL Suspensions & Revocations: Please see the attached document

Incarcerations

You asked for numbers and also the circumstance involved. Incarceration on our cases happens for failure to pay a judgment.

- If a defendant was in Court when the judgment was issued, judges explain the options for payment or community service. If a defendant says they can pay, they are given 60-90 days to make full payment: this is part of the conversation between the defendant and the judge "how much time do you need". Judges explain that if full payment cannot be made by that due date, they should come back to Court and explain what's going on and seek an extension. Extensions are often given. If the defendant says they cannot pay, judges will suggest community service: either Court monitored or as a referral to JusticePoint. If there are extenuating circumstances, the defendant will be referred to JusticePoint for full assessment and determination/recommendation of another alternative (e.g., treatment).
- If a defendant was not in Court when the judgment was issued, if the Court has proof of service, a default judgment will be entered and a notice of the judgment and {for the non-traffic cases} the commitment alternative will be mailed to the defendant. If the judgment is not timely paid, the Court will issue a warrant to appear to ensure the defendant is aware of the commitment alternative. If the defendant is subsequently stopped for another violation, the officer will make sure the defendant is aware of the outstanding warrant and will give them a notice with a Court date on it {this is called a Personal

Recognizance bond, PR for short}. If the defendant were to appear in Court, this would be the time the judge would determine whether someone can pay the fine. If the defendant does not come to Court, that cycle of being stopped, informed, given a Court date, failure to show up in Court, and a warrant being issued again would take place **four more times** before the commitment for incarceration would be issued. Each Court date a defendant has been given is an opportunity for the judge to determine whether a defendant has the ability to pay. Statutorily, Municipal Courts in Wisconsin are required to provide one opportunity for that: we provide a minimum of four.

In 2017, 31 people were incarcerated on Milwaukee Municipal commitments: 343 commitments were issued that year. YTD 2018, as of the end of September, 14 people have been incarcerated on Milwaukee Municipal commitments: 158 commitments have been issued during that same timeline. A commitment may not be served on a defendant for months or years after it is issued.

These numbers represent the number of people incarcerated ONLY on a Milwaukee Municipal commitment. When we receive invoices for payment at the House of Corrections or the Jail, we review them to see if defendants are being held concurrently on other charges. If so, we do not pay for them because they are not being held solely because of our commitment.

Community Service: Please see the attached document

Please let me know if there is further information I can provide.

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Sheldyn M. Himle | Chief Court Administrator | Municipal Court | City of Milwaukee

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