



## 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

Sheldyn M. Himle  
Assistant Court Administrator

June 27, 2011

### Judiciary and Legislation Committee Members:

Alderman Ashanti Hamilton, Chair  
Alderman Terry L. Witkowski, Vice Chair  
Alderman Jim Bohi  
Alderman Joe Davis, Sr.  
Alderman Robert Donovan

Your agenda includes a request from the Municipal Court for a Resolution authorizing the Court to resolve old cases having open warrants through permanent stay or dismissal. The Court has made such a request annually for approximately 30 years. In the past, the committee has had a number of questions about information on the report and Court processes. The information provided here is intended to answer some of those questions.

Initially, the Court used a ten-year threshold to determine which cases should be dismissed. Some time ago, the Municipal Court Judges established the seven year threshold as they determined no significant activity between seven and ten years. This is also in-line with the timeline used by other City departments (e.g., DPW Parking uses a six year threshold for write-off).

There has been no activity on any of the cases listed on this report for seven or more years. These defendants have received no other citations, there have been no arrests by the Milwaukee Police Department (MPD) on other charges, and there has been no further Police contact whatsoever.

Essentially, a case remains "open" until the judgment is satisfied monetarily or through other alternatives such as community service, driver's license suspension, or commitment. This means a case could remain in active status for an eternity. Withdrawing the warrants and commitments and permanently staying the forfeiture portions of the judgments on these cases with absolutely no activity will "close" the cases and thereby make them eligible for purging consistent with our records retention schedules.

The material you received in the packet references warrants. There are four types of warrants used in Municipal Court.

- **Warrant (Failure to Appear for Arraignment—Juvenile/Adult)** – Issued by a judge when the defendant failed to appear at arraignment; the defendant needs to enter a plea to the charge. A default judgment cannot be entered on a case unless the Court has evidence that the defendant personally received the citation (proof of service). There are 112 Juvenile cases with open warrants on the report and 772 adult cases, representing \$338,742.45 in potential judgments. In all of these cases the Court has no proof that the defendant cited even received the citation so does not know that they were aware of the charges against them.

- **Bench Warrant (Failure to Appear for Judgment)** - Issued by a judge for the purpose of personally serving the defendant with a copy of the notice of a default judgment that carries a jail alternative. This warrant is used when the Court has qualified proof of service. This occurs when a citation was either mailed or left at the defendant's last known address with a competent family member (at least 14 years of age). In these cases the defendant knows the charges against them but does not know that a judgment has been rendered. There are 2,022 cases on this report with open Bench Warrants, representing \$80,952.15.
- **Arrest Warrant (Failure to Pay Judgment)** - Issued by a judge when the defendant has received notice of a judgment carrying a jail alternative. In such cases, defendants are entitled to request an Indigency Hearing to determine their ability to pay before a commitment can be issued. There are 366 cases with open Arrest Warrants, representing \$80,952.15. The Judges are prohibited from enforcing a commitment until they have proof that the defendant is aware of the opportunity to request an Indigency Hearing.
- **Commitment** - Issued by the Judge to arrest and incarcerate the defendant at 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. These defendants have either had or have waived having an Indigency Hearing. There are 328 cases on the report with a Warrant of Commitment, representing \$80,993.79.

In the interest of public safety, the Judges do not dismiss any matters that are related to OWI offenses.

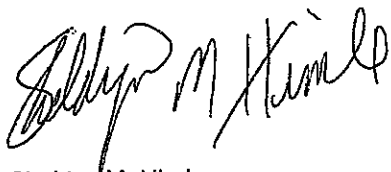
During the past ten years, Municipal Court's Chief Court Administrator has made a practice of providing information to MPD listing the most egregious offenders: defendants who owe the most on cases with open warrants. A list of the top 20 defendants is provided every other month, while a list of the top 100 offenders is provided to MPD annually.

Absent the action requested of the Committee, the Court will be required to keep these files in perpetuity, requiring a great deal of physical space for storage either at the City Records Center or elsewhere. This is the last resort for closing these cases.

I hope this provides you with all the information you need to recommend approval of the resolution.

Respectfully submitted,

ON BEHALF OF THE MILWAUKEE MUNICIPAL COURT



Sheldyn M. Himle  
Assistant Court Administrator

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