

CJCC Courts Committee
Sentencing Orders Workgroup Meeting Minutes
March 10, 2022, at 10:00 a.m.

Present: Kalene Engel, Mike Kuehn, Renee Rumpca, Judge Buytendorp, Mike Flaherty, Becky Brandt, Christina Galewski

Issue of Concern: (1) Inaccuracies and inconsistencies in Rule 15 plea petitions by mail (which then get converted into sentencing orders) and (2) sentencing orders arising from in court hearings which contain inaccurate information are creating problems in supervision for the Department of Corrections. These issues end up creating a lot of work and extra time for the DOC in trying to get an accurate sentencing order. DOC cannot open a file if the sentencing order is incorrect, which causes delays/cancellations for client appointments which can become very critical in cases where a client has time sensitive concerns (such as moving out of state).

Issues With Orders:

- This week, the DOC received 9 referrals; four of them contained issues that prevented DOC from being able to open a file.
 - One issue was that the plea petition does not say whether it is a stay of imposition or stay of execution or a stay of adjudication. If it is a stay of execution, DOC needs to know the number of days stayed.
- Sometimes the standard conditions of probation are missing (see handout).
- Another issue is where the defendants live out of state, such that the ICPC might apply, but the appropriate language is not included. This creates problems because DOC only has a certain amount of turnaround time on ICPC cases—they have 7 calendar days from sentencing to get the ICPC signed and transferred to another state; many times they don't even get the order until 3 days after sentencing.
- A frequent issue is not addressing the amount of the fine.
- Another issue arises when a person receives a conviction for a driving offense as opposed to a stay of adjudication with respect to the Driver's License Return Program. The goal for the Driver's License Return Program is to get a person driving legally with the least amount of expense to them. Having another conviction on the driving offense just revokes the license and starts the program all over again. In order for them to benefit from the program, it needs to be a stay of adjudication.
- Sometimes when a person pleads guilty to a petty misdemeanor and a higher-level offense, the sentencing order places them on probation for both the petty and the higher-level offense. Probation does not/cannot supervise petty misdemeanors.

Process:

- The mail in plea petitions come into the Judge electronically, who must sign off on the plea petition but can give specific instructions to the CPT (Central Processing Team). A plea petition is merely a joint recommendation from the prosecutor and the defense attorney not binding on the judge; the judge has discretion and final authority in issuing the final sentencing order.

- The Central Processing Team then prepares the sentencing order for the Judge's signature. Lacey B. prepared a checklist for the CPT to use to make sure that the order contains the necessary information (attachment).
- The Judge then signs the order, and it is e-served. The sentencing order is what DOC and everyone else must follow with respect to the sentence and conditions.
- Probation gets the order and must make sure that it contains the information needed for them to be able to open a file.
 - If there are issues with the Order (such as mentioned above), Renee reaches out to the attorneys for clarification, as that is what she was originally directed by someone in court administration to do.
 - Renee should be contacting Court Administration and CPT Supervisor Lacey Bartsch when there are issues with the sentencing order and copying the attorneys. Court Administration will then send it to the judge.

Possible source(s) of the problem: There are several stages at which omissions can occur (1) plea agreement stage; (2) judge review of plea petition and input to CPT on sentencing order; (3) CPT preparation of sentencing order. The main issue is the plea petition including all the terms of the disposition. Receiving information that is complete and accurate is the key. Suggestion for CPT to add the different types of sentences to the Plea Petition checklist.

Action Plan:

- Add the stay of adjudication, imposition, execution option to the CPT Checklist. Becky will talk to Lacey about this.
- When a judge orders standard conditions, all the standard conditions as listed in the list Renee provided should be incorporated into the order.
- The standard conditions lists should be provided to judges.
- Judges should be more careful about reviewing plea petitions and letting CPT what additional/different information to include.
- Renee will keep track of any more errors in sentencing orders that come in between now and the next meeting (starting next week).
- From now on, when there are issues in sentencing orders, Renee will contact Court Admin as per the above.

Next Meeting: April 20, 2022, at 8:00 a.m.

Adjourned: 10:54 a.m.

Minutes by Kalene Engel