



## WISCONSIN PUBLIC DEFENDER

**Nicholas L. Chiarkas**  
State Public Defender

**Virginia A. Pomeroy**  
Deputy State Public Defender

**Deborah M. Smith**  
Legal Counsel

**Arlene F. Banoul**  
Administrative Director

**Marla J. Stephens**  
Appellate Director

**Ellen K. Berz**  
Assigned Counsel Director

**José Perez**  
Chief Information Officer

**Jennifer L. Bias**  
Community Justice Initiatives Director

**Kellie M. Krake**  
Training Director

**Michael Tobin**  
Trial Director

315 N. Henry St, 2nd Fl.  
P.O. Box 7923  
Madison, WI 53707-7923  
(608) 266-0087  
FAX: (608) 267-0584

January 9, 2001

George F. Lightbourn, Secretary  
Department of Administration  
101 E. Wilson Street, 10<sup>th</sup> Floor  
Madison, Wisconsin 53702

Senator Brian B. Burke, Co-Chair  
Joint Committee on Finance  
119 Martin Luther King, Jr. Blvd., LL1  
Madison, Wisconsin 53702

Representative John Gard, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 316 North  
Madison, Wisconsin 53702

Dear Secretary Lightbourn, Senator Burke and Representative Gard:

Pursuant to s.977.085, Stats, the Office of the State Public Defender (SPD) is submitting its second quarter report on the 2000-2001 private bar appropriation [s.20.550(1)(d)].

During the quarter ending December 31, 2000, the SPD opened 24,602 cases, including 12,338 assigned to private bar attorneys on a rotational or contract basis. We project case openings to remain at this level for the remainder of FY01, and do not project a deficit in the appropriation for private bar payments during this biennium. Notwithstanding any modifications that might be made to the SPD's statutory authority, we project similar caseload and expenditure levels for Fiscal Year 2001-02.

State Public Defender collections are received in four categories: SPD initiated, DOA contract collections, county juvenile recoupment and court ordered payments. Following is a summary of the collections received by category during the second quarter of FY01. During this time period, the agency referred \$4,428,125 of client accounts to the DOA contracted collection agencies. In return, the SPD received a total of \$14,473 (collected from clients) from these agencies.

SPD Initiative:	\$ 208,488
Court-Ordered Attorney Fees:	\$ 38,799
Juvenile Recoupment:	\$ 50,531
DOA Contract Collections:	<u>\$ 14,473</u>
Total:	\$ 312,291

If we can provide any additional information, please let us know.

Sincerely



NICHOLAS L. CHIARKAS  
State Public Defender



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WISCONSIN  
**FORWARD**  
A W A R D  
2000 Recipient

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August 15, 2001

To the Members of the Joint Committee on Finance:

This letter is the first monthly report to provide information as to how the Office of the State Public Defender is proceeding with cost-savings toward the \$550,000 lapse required in 2001-02 and 2002-03.

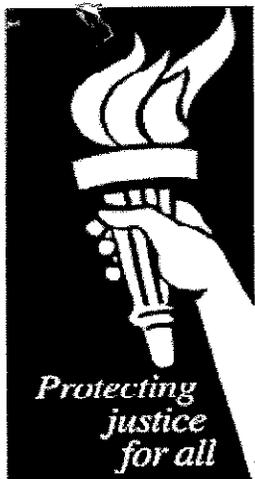
In order to develop a comprehensive plan with the least programmatic impact on our clients, we have asked staff in each SPD office to help us identify potential areas for cost-savings.

We expect to evaluate these cost-cutting options within the next several weeks, and will provide an update with our progress to each of you on the 15<sup>th</sup> of each month.

Thank you again for all your support of the agency and please let us know if you have further questions.

Sincerely,

**Krista L. Ginger**  
Executive Assistant/Legislative Liaison



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August 20, 2001

George F. Lightbourn, Secretary  
Department of Administration  
101 E. Wilson Street, 10<sup>th</sup> Floor  
Madison, Wisconsin 53702

Senator Brian B. Burke, Co-Chair  
Joint Committee on Finance  
119 Martin Luther King, Jr. Blvd., LL1  
Madison, Wisconsin 53702

Representative John Gard, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 316 North  
Madison, Wisconsin 53702

Dear Secretary Lightbourn, Senator Burke and Representative Gard:

Pursuant to s.977.085, Stats, the Office of the State Public Defender (SPD) is submitting its fourth quarter report on the 2000-2001 private bar appropriation [s.20.550(1)(d)].

During the quarter ending June 30, 2001, the SPD opened 30,612 cases, including 13,281 assigned to private bar attorneys on a rotational or contract basis. We project total case openings to remain at the 2000-01 level during the 2001-2003 biennium, with some additional cases associated with "early representation" cases, for which restoration of SPD jurisdiction is pending in Enrolled SB55, the biennial budget bill.

Enrolled SB55 contains several other provisions that will affect appointment of, and funding for, SPD cases beginning in fiscal year 2002. These include funding for thirty additional staff attorneys in SPD offices, and establishment of a "conflicts office" in Milwaukee, in order to keep more cases in-house, thus providing representation more cost-effectively than with private bar attorneys. The private bar appropriation was reduced accordingly, by \$6.8 million over the biennium. That appropriation was also reduced by \$398,100 over the biennium to reflect projected cost savings associated with raising the misdemeanor-felony threshold for certain property crimes. Additionally, the agency will be required to lapse \$550,000 from its GPR appropriations each year. We will monitor our progress in each of these areas carefully.

State Public Defender collections are received in four categories: SPD initiated, DOA contract collections, county juvenile recoupment and

court ordered payments. Following is a summary of the collections received by category during the fourth quarter of FY01. During this period, the agency referred \$4,152,945 of client accounts to the DOA-contracted collection agency. In return, the SPD received a total of \$20,451 (collected from clients) from the agency.

SPD Initiative:	\$ 220,969
Court-Ordered Attorney Fees:	\$ 30,286
Juvenile Recoupment:	\$ 110,127
DOA Contract Collections:	<u>\$ 20,451</u>
Total:	\$ 381,832

If we can provide any additional information, please let us know.

Sincerely

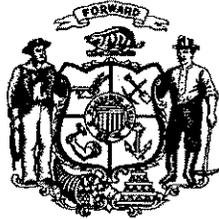


NICHOLAS L. CHIARKAS  
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# THE STATE OF WISCONSIN

SENATE CHAIR  
BRIAN BURKE

317-E Capitol  
P.O. Box 7882  
Madison, WI 53707-7882  
Phone: (608) 266-8535



ASSEMBLY CHAIR  
JOHN GARD

308-E Capitol  
P.O. Box 8952  
Madison, WI 53708-8952  
Phone: (608) 266-2343

## JOINT COMMITTEE ON FINANCE

### MEMORANDUM

To: Members  
Joint Committee on Finance

From: Senator Brian Burke  
Representative John Gard

Re: Public Defender Quarterly Report

Date: August 28, 2001

Attached is a copy of the fourth quarter report from the Office of the State Public Defender, pursuant to s. 977.085, Stats. The report provides information on the private bar appropriation.

The report is being provided for your information only. No formal action is required by the Committee. Please feel free to contact us if you have any questions.

Attachment

BB:JG:dh

# THE STATE OF WISCONSIN

SENATE CHAIR  
**BRIAN BURKE**

317-E Capitol  
P.O. Box 7882  
Madison, WI 53707-7882  
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Phone: (608) 266-2343

## JOINT COMMITTEE ON FINANCE

### MEMORANDUM

To: Members  
Joint Committee on Finance

From: Senator Brian Burke  
Representative John Gard

Re: Public Defender Quarterly Report

Date: February 18, 2002

Attached is a copy of the second quarter report from the Office of the State Public Defender, pursuant to s. 977.085, Stats. The report provides information on the private bar appropriation.

The report is being provided for your information only. No formal action is required by the Committee. Please feel free to contact us if you have any questions.

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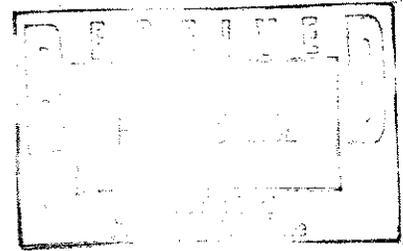
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February 15, 2002

George F. Lightbourn, Secretary  
Department of Administration  
101 E. Wilson Street, 10<sup>th</sup> Floor  
Madison, Wisconsin 53702

Senator Brian B. Burke, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 317 East  
Madison, Wisconsin 53702

Representative John Gard, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 308 East  
Madison, Wisconsin 53702



Dear Secretary Lightbourn, Senator Burke and Representative Gard:

Pursuant to s. 977.085, Stats, the Office of the State Public Defender (SPD) is submitting its second quarter report on the 2001-2002 private bar appropriation [s.20.550(1)(d)].

Between July 1, 2001 and December 31, 2001, the SPD opened 65,703 cases, including 27,630 assigned to private bar attorneys on a rotational or contract basis. Case openings during the first half of 2001-2002 are approximately eight percent higher than during the first half of fiscal year 2001. If this trend continues, we project total openings for the year will be between 132,000 and 135,000 cases -- significantly higher than projected during development of our 2001-2003 biennial budget request. This is likely due to the economic downturn resulting in more people meeting the SPD's eligibility standards.

As I noted in my letter of January 31, 2002, this increase in cases exacerbates the budget cuts and lapses that have been allocated to the agency this biennium. Based on cases opened and private bar payments made through the end of January 2002, we project that the private bar appropriation is under-funded by \$11.5 million for this biennium, and that the biennial private bar appropriation will be depleted by the end of the first quarter of 2002-2003 if supplemental funding is not provided.

Although the balance in the private bar appropriation will not be depleted until early autumn, an emergency is imminent. Private bar attorneys submit their bills at the conclusion of the case; on average, six months after a case is appointed. The Attorney General's Office has opined that we will risk violating s.20.903, which prohibits an agency from committing funds before they are appropriated, if we continue to appoint cases to private bar

attorneys without a reasonable expectation that funds will be available to pay the bills at the time they are submitted.

State Public Defender collections are received in four categories: SPD initiated, DOA contract collections, county juvenile recoupment and court ordered payments. Following is a summary of the collections received by category during the first half of FY02. During this period, the agency referred \$9,038,149 of client accounts to the DOA-contracted collection agency. In return, the SPD received a total of \$51,797 (collected from clients) from the agency.

Collections – July 1, 2001 through December 31, 2001:

SPD Initiative:	\$444,086
Court-Ordered Attorney Fees:	\$ 10,922
Juvenile Recoupment:	\$157,887
DOA Contract Collections:	<u>\$ 51,797</u>
Total:	\$664,692

If we can provide any additional information, please let us know.

Sincerely



NICHOLAS L. CHIARKAS  
State Public Defender

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Representative John Gard

Re: Public Defender Quarterly Report

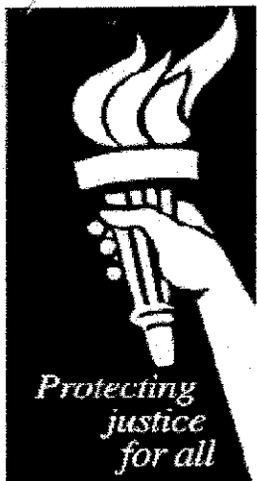
Date: February 18, 2002

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February 15, 2002

George F. Lightbourn, Secretary  
Department of Administration  
101 E. Wilson Street, 10<sup>th</sup> Floor  
Madison, Wisconsin 53702

Senator Brian B. Burke, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 317 East  
Madison, Wisconsin 53702

Representative John Gard, Co-Chair  
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State Capitol, Room 308 East  
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Dear Secretary Lightbourn, Senator Burke and Representative Gard:

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WISCONSIN  
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2000 & 2001 Recipient

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May 6, 2002

George F. Lightbourn, Secretary  
Department of Administration  
101 E. Wilson Street, 10<sup>th</sup> Floor  
Madison, Wisconsin 53702

Senator Brian B. Burke, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 317 East  
Madison, Wisconsin 53702

Representative John Gard, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 308 East  
Madison, Wisconsin 53702

Dear Secretary Lightbourn, Senator Burke and Representative Gard:

Pursuant to s. 977.085, Stats, the Office of the State Public Defender (SPD) is submitting its third quarter report on the 2001-2002 private bar appropriation [s.20.550(1)(d)].

Between July 1, 2001 and March 31, 2002, the SPD opened 99,729 cases, including 41,174 assigned to private bar attorneys on a rotational or contract basis. Case openings during the first three quarters of 2001-2002 remain nearly eight percent higher than during the same period in fiscal year 2001. If this trend continues, we project total openings for the year will be between 132,000 and 135,000 cases -- significantly higher than projected during development of our 2001-2003 biennial budget request.

In my last quarterly report, I projected that the private bar appropriation would be depleted during the first quarter of Fiscal Year 2003. Since that time, the Joint Committee on Finance amended the pending Budget Repair Bill to provide \$10.7 million in FY03. Enactment will provide sufficient funds to meet projected payments during the balance of this biennium. However, the portion of these additional funds specified as base-building will not be sufficient to meet our cost to continue in the 2003-2005 biennium if current caseload trends continue into fiscal year 2003.

State Public Defender collections are received in four categories: SPD initiated, DOA contract collections, county juvenile recoupment and court ordered payments. Following is a summary of the collections received by category during the first three quarters of FY02. Between January 1, 2002 and March 31, 2002, the agency referred \$4,630,489 of client accounts to the DOA-contracted collection agency. In return,

the SPD received a total of \$26,330 (collected from clients) from the agency during this quarter.

Collections – July 1, 2001 through March 31, 2002:

SPD Initiative:	\$ 518,535
Court-Ordered Attorney Fees:	\$ 83,749
Juvenile Recoupment:	\$ 218,190
DOA Contract Collections:	<u>\$ 78,127</u>
Total:	\$ 898,601

In January, the Public Defender Board expanded statewide a collections pilot program that extends the prepayment period (in which a client may satisfy the payment obligation at the lower "prepay" level) from thirty to sixty days. Our experience has shown that clients are much more likely to pay the reduced fee at the front end of the case, than to pay the full amount at the conclusion of the case. Based on our fifteen-county pilot, we project that expanding the sixty-day prepayment option statewide will increase annual revenue by approximately \$110,000.

The Public Defender Board also passed a resolution at its January meeting to implement a pilot project that increases SPD collections payment amounts by twenty percent. The pilot began March 4<sup>th</sup>, and is expected to run four to six months. At that time, the Board will determine whether collections have increased or if the higher payment amounts are a deterrent to payment.

If we can provide any additional information, please let us know.

Sincerely



NICHOLAS L. CHIARKAS  
State Public Defender



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June 27, 2002

George Lightbourn  
Secretary  
Department of Administration  
101 East Wilson Street, 10<sup>th</sup> Floor  
Madison, Wisconsin 53702

Dear Secretary Lightbourn:

2001 Wis. Act 16 directs the State Public Defender ("SPD") board to submit a diversion proposal to the Department of Administration by 7/1/02. Enclosed please find the final proposal for the Wisconsin Misdemeanor Diversion Project.

We have also submitted the proposal to the Office of Justice Assistance ("OJA") to satisfy the application requirements for the Edward J. Byrne Memorial Law Enforcement Grant. As you know, OJA will submit the application to the federal authorities for approval. OJA will continue to monitor SPD's compliance with the grant during the funding period.

As required by the statute, we have consulted with the Wisconsin District Attorneys Association (WDAA) and the State Court Administrator's Office in developing this proposal. It incorporates a substantial number of recommendations from the WDAA.

Sincerely,

Nicholas L. Chiarkas

Enclosure

c: ✓ Senator Brian Burke, JCF co-chair  
Representative John Gard, JCF co-chair  
SPD Board Misdemeanor Diversion Project Committee:  
Roberta A. Harris, Jerry Baumbach, Stella A. Young, & John Farrow  
Ray Luick, OJA  
Mike Neimon, District 3 Court Administrator  
Bob Jambois, District Attorney, Kenosha County

**Wisconsin Misdemeanor Diversion Project**  
Proposed Project Narrative  
for the  
Edward Byrne Memorial Law Enforcement Program

**Problem Statement**

2001 Wis. Act 16 directs the State Public Defender ("SPD") board to submit a diversion proposal to the Department of Administration by 7/1/02. The proposal must recommend alternatives to charging and sentencing for misdemeanor crimes, including nonviolent crimes against property, in order to divert offenders from imprisonment.

Diversion is an alternative to processing cases through the criminal justice system, thus reducing prosecutor case filings, public defender workload, jail time, judicial and court staff time, law enforcement court time, and correctional resources. To effectuate the greatest cost savings, diversion must occur at the earliest possible point after an offender has contact with law enforcement, ideally before a complaint is filed in court.

Indigent offenders who are diverted from the criminal justice system will derive the greatest benefit from the diversion programs statewide. Other beneficiaries and benefits from implementation of diversion programs in local communities include:

- Taxpayers – reduced court costs, reduced corrections costs, and restored, safer communities
- Jails – less crowding, safer for jailers and inmates
- Offenders – prompt service delivery to address the root causes of the behavior, return to law abiding behavior and status, continuation of community ties such as family, school, work, church
- Victims – increased opportunity for restitution, offenders promptly address behavior and restore sense of safety
- Criminal Justice System (Courts, Prosecutors, Defenders, Jails & Corrections) – effectively and efficiently distributes resources to more serious cases.

Sufficient numbers of qualified cases and offenders exist in many communities throughout the state. Diversion programs address the large numbers of misdemeanor cases and offenders in our court system. Prosecutors and defense attorneys face the challenges of extremely large workloads. In addition, each case is scheduled for numerous court appearances. Court calendars are crowded and over booked. The entire court system is challenged to complete their assigned responsibilities with few resources. The court system needs to divert less serious cases through an effective and efficient process so that resources can be reallocated to serious cases and offenders.

Current misdemeanor case processing often fails to address the behavior of offenders promptly and effectively. Indigent offenders are often unable to post bail, and local jails are often crowded with inmates awaiting disposition and sentencing in courts. A diversion program gives the community an early opportunity to address the root causes of criminal behavior in an effort to make the community whole. Many offenders and victims know each other, and may continue to live in close proximity, often as family or neighbors or coworkers, following the offense.

### **Program Description**

This is a statewide misdemeanor diversion program based on local needs. A successful program will allow reallocation of these criminal justice system resources to the cases and offenders that most need them.

### **Project Goals, Objectives and Strategies**

- **GOAL:** Create system-wide savings by diverting qualified offenders from the courts to alternatives geared toward meeting the individual needs of an offender.
  - Objective** – Provide at least five communities with resources to design, implement and administer diversion projects.
    - Strategy** – SPD will recruit communities to submit proposals.
  - Objective** - Establish an RFP process.
    - Strategy** – Proposals will be due July 15, 2002
    - Strategy** – Proposals will be reviewed by a committee of representatives from the SPD, WDAA and State Court Administrators Office.
  - Objective** – RFP must incorporate required program components and be tailored to local needs.
    - Strategy** – Proposals must outline savings in court services and savings will be achieved by the diversion program.
  
- **GOAL:** Improve the level of public safety within the diversion program communities by providing services necessary to restore offenders to lawful behavior and status promptly following contact with law enforcement.
  - Objective** – Use grant funds to provide treatment and other services to program participants.
    - Strategy** – Project staff will screen participants and develop diversion plans.
    - Strategy** – Project staff will monitor participant success or failure in meeting diversion plans.

## Project Methodology

Requests for Proposals ("RFPs") will be available to any local community in the state. RFPs will require applicants to identify a community stakeholder advisory committee or board. This group shall include a representative from the local court, the local District Attorney's Office, the local Public Defender's Office, social service providers, state legislature, city/county government, local law enforcement, local jail, bar association and community at large. This group will ensure that all the necessary representatives will be identified, notified, and participate in the effort to establish a diversion project from the earliest possible time.

Proposals will be received and reviewed by a committee of representatives from the State Public Defender Board or designee, Wisconsin District Attorney's Association and the State Court Administrator's Office or designee. The proposals must meet the criteria set outlined in the programmatic areas discussed below. The diversion program may be administered by public or private entities.

Funds currently set aside and obtained from grants under the program must be used for program administration and/or to purchase needed social services for the participants from existing providers in the community.

Proposals for administration of local diversion programs are not limited to first offenders. The local committee or board will decide which offenses from those listed will be diverted, based on their local needs. Proposals must identify that potential candidates would serve jail time if not diverted; otherwise, cost savings will not be realized from the program. The proposal must provide for screening offenders for individual treatment needs and must identify appropriate and available services. The proposal must ensure that offenders are able to maintain their current employment and that the conditions of the diversion program do not interfere with their ability to keep working.

For purposes of cost comparison, each project must submit as part of its proposal an outline of savings in court services and how those savings will be achieved by the diversion program. These figures will be used as a baseline for future comparisons and used to determine the savings generated by diversion. In addition, actual sentences received by participants terminated from the program will also be used for cost comparisons. Proposals must set forth the net anticipated savings to the criminal justice system in the first year of operation. The proposal must specify the approximate percentage of misdemeanor defendants who qualify for, and who seek, public defender and court appointed counsel in the county, and the daily cost per inmate in the local jail. The RFP will include assumptions that should be utilized in estimating these savings, unless other more accurate data is available:

## Program Requirements for Diversion Projects

The majority of the referrals to the diversion program should come from diversion case managers immediately following arrest and/or booking. Additional referral sources include the district attorney's office, the public defender office, judges, social service providers, court staff, and jail staff

### Eligible offenses

1. Non-violent misdemeanor crimes, including but not limited to retail theft, possession of drug paraphernalia, disorderly conduct, theft, receiving stolen property, possession of controlled substance, obstructing an officer, criminal damage to property, criminal trespass, entry into locked vehicle, issuance of worthless check, and fraud.
2. Non-violent traffic offenses, excluding Operating a Vehicle Under the Influence of Intoxicant or With Prohibited BAC.
3. Misdemeanor violations of Wis. Stat. Ch. 943.
4. Misdemeanor violations of Wis. Stat. Ch. 49.

### Eligible offenders

1. The offender would have been charged but for participation in the diversion program.
2. The offender would have been subject to cash bail prior to trial, or would have been incarcerated as a condition of probation or as a sentence.
3. The offender has treatment or other needs that the offender is willing to address, and that can be addressed, as conditions of the diversion agreement.
4. The offender will not present a threat to public safety if he/she complies with the diversion program requirements.
5. The offender may or may not have a criminal record.

### Case Managers

1. Screen potential participants based on offender and offense criteria, explain the purpose of the diversion program, as well as sanctions for non-compliance.
2. Verify criminal history, treatment needs and history, social service needs and personal information for potential diversion participants,
4. Recommend an individualized diversion plan tailored to the participant's needs and circumstances,
5. Secure placement in necessary programs or provision of necessary services for the participant,
6. Monitor the participant's compliance with the diversion plan requirements,
7. Recommend modifications in an individualized diversion plan, or termination from the diversion program, for non-compliance,

8. Report successful completion or noncompliance to the district attorney and defense counsel, and
9. Collect all information necessary for program evaluation.

Diversion Plans shall not exceed the maximum sentence that could be imposed for the charge that could be issued. The diversion agreement must be signed by the participant, the district attorney, and defense counsel (if the participant is represented by counsel).

The individualized diversion plan shall include specific recommendations that incorporate restorative justice principles. Where appropriate and feasible, the diversion plan shall include reasonable restitution consistent with the participant's ability to pay, or reinstatement of motor vehicle operating privileges.

The individual diversion plan shall enable the participant to maintain existing employment and schooling. Services should be provided by existing service providers in the community, and, where possible, in the participant's neighborhood of residence.

Each offender will be entitled to assistance of counsel, who will advise him or her about the diversion plan, including its reasonableness. While the participant works to complete the diversion plan, defense counsel will remain available to assist with any necessary plan modifications. If a participant terminates, or is terminated from, the diversion program, counsel will provide representation when the case is referred to the district attorney and the court for prosecution.

Upon successful completion of the diversion plan, counsel is responsible for clearing any applicable court record for the diversion client.

### **Project Monitoring and Evaluation**

Each program must use the case manager model outlined in the RFP. Local programs will be required to send in reports on a monthly basis. In addition, each program will be required to maintain databases with demographic information on every offender such as age, educational level, race, etc. Case managers will be required to record data on participants screened for the program, criminal history, treatment needs, compliance and noncompliance with the program, modifications in plan and termination from program. The diversion program administrator must provide data, information and reports requested by the Public Defender Board to enable the Board to comply with grant and other fiscal monitoring and reporting required by the funding source. Program evaluation criteria will be established by the diversion program administrator, in consultation with experts in the area of programmatic measures, and consistent with national standards.

The State Public Defender proposes to use some of the grant funds to hire an independent evaluator. Pacific Research Institute, Marquette University and the

University of Wisconsin – Milwaukee, have expertise in this area and have expressed an interest in evaluating this project. The SPD will follow the guidance of the evaluator in developing any additional methods or measures.

The SPD will monitor the distribution of funds to ensure that projects stay within their funded allotments and purpose. A filing system will keep track of each individual diversion program and the amounts spent for services. Notes relating to approval and disapproval of payments will be recorded in the file.

## PROPOSED BUDGET

### **Total Personnel Request**

1. Individual projects unknown at this time.

### **Equipment Request**

1. Individual projects unknown at this time.

### **Supplies/Operating Expenses**

1. Individual projects unknown at this time.

### **Contractual Request**

1. Individual local projects following request for proposal process.  
Amount unknown at this time as request for proposals have not gone out.
2. Project evaluation at several sites by one evaluator.  
Amount unknown at this time as sites have not been selected.

Total costs will be \$913,600 federal and \$304,533 state match



**WISCONSIN  
STATE PUBLIC  
DEFENDER**  
1977 - 2002

**Nicholas L. Chiarkas**  
State Public Defender

**Virginia A. Pomeroy**  
Deputy State Public Defender

**Deborah M. Smith**  
Chief Legal Counsel

**Arlene F. Banoul**  
Administrative Director

**Marla J. Stephens**  
Appellate Director

**Ellen K. Berz**  
Assigned Counsel Director

**Jose Perez**  
Chief Information Officer

**Jennifer L. Bias**  
Community Justice Initiatives  
Director

**Krista L. Ginger**  
Legislative Liaison

**Kellie M. Krake**  
Training Director

**Michael Tobin**  
Trial Director

WISCONSIN  
**FORWARD**  
A W A R D

**2000 & 2001 Recipient**

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August 12, 2002

George F. Lightbourn, Secretary  
Department of Administration  
101 E. Wilson Street, 10<sup>th</sup> Floor  
Madison, Wisconsin 53702

Senator Brian B. Burke, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 317 East  
Madison, Wisconsin 53702

Representative John Gard, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 308 East  
Madison, Wisconsin 53702

Dear Secretary Lightbourn, Senator Burke and Representative Gard:

Pursuant to s. 977.085, Stats, the Office of the State Public Defender (SPD) is submitting its fourth quarter report on the 2001-2002 private bar appropriation [s.20.550(1)(d)].

Between July 1st, 2001 and June 30th, 2002, the SPD opened 132,209 cases, including 56,662 assigned to private bar attorneys on a rotational or contract basis. Case openings during fiscal year 2001-2002 were 6.8% higher than in fiscal year 2000-2001.

2001 Wisconsin Act 109 provided \$9,688,200 to address the 2001-2003 shortfall in the private bar appropriation. Additionally, on August 2, 2002, the Department of Administration exempted SPD local offices from the hiring freeze. That action, along with all staff and supervising attorneys continuing to take as many additional cases, over and above their assigned caseload, as they feel they can competently and ethically handle, will reduce the number of cases that would otherwise have been assigned to private bar attorneys. Therefore, we currently project that the FY03 appropriation level may be sufficient to meet projected payments through the third quarter. However, the portion of these additional funds specified as base-building is not sufficient to meet our cost to continue in the 2003-2005 biennium.

State Public Defender collections are received in four categories: SPD initiated, DOA contract collections, county juvenile recoupment and court ordered payments. Following is a summary of the collections received by category during fiscal year 2001-2002. During that year, the agency referred \$18,136,833 of client accounts to the DOA-contracted collection agency. In return, the SPD received a total of \$90,715 (collected from clients) from the agency during 2001-2002.

Collections – July 1, 2001 through June 30, 2002:

SPD Initiative:	\$ 931,461
Court-Ordered Attorney Fees:	\$ 135,297
Juvenile Recoupment:	\$ 359,844
DOA Contract Collections:	<u>\$ 90,715</u>
Total:	\$ 1,517,317

If we can provide any additional information, please let us know.

Sincerely



NICHOLAS L. CHIARKAS  
State Public Defender