

Wisconsin State Legislature

SENATE CHAIR
Alberta Darling

317 East, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-5830



ASSEMBLY CHAIR
John Nygren

309 East, State Capitol
P.O. Box 8593
Madison, WI 53708-8953
Phone: (608) 266-2343

Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative John Nygren

Date: January 26, 2015

Re: s. 16.515/16.505(2), Stats. Request

Attached is a copy of a request from the Department of Administration, received January 26, 2015, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Fond du Lac County District Attorney's Office.

Please review the material and notify **Senator Darling** or **Representative Nygren** no later than **Thursday, February 12, 2015**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AD:JN;jm



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR
MIKE HUEBSCH
SECRETARY
Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842

Date: January 26, 2015
To: The Honorable Alberta Darling, Co-Chair
Joint Committee on Finance
The Honorable John Nygren, Co-Chair
Joint Committee on Finance
From: Mike Huebsch, Secretary *MH*
Department of Administration
Subject: s. 16.515/16.505(2) Request(s)

RECEIVED
JAN 26 2015

BY: *St. Finance*

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2013-14</u> <u>AMOUNT</u>	<u>FTE</u>	<u>2014-15</u> <u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants				1.0*

* Project position ending 12/31/15.

As provided in s. 16.515, the request(s) will be approved on February 16, 2015, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Mary Hamele at 266-1807, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

Date: December 29, 2014

To: Michael Heifetz

From: Emily Ley

Subject: Section 16.505(2) Request

Attached is a s. 16.505(2) request analysis for your approval and processing. Listed below is a summary of each item:

DOA RECOMMENDATION:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2013-14</u>		<u>2014-15</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants				1.0*

* Project position ending 12/31/15.

AGENCY REQUEST:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2013-14</u>		<u>2014-15</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants				1.0*

* Project position ending 12/31/15.

MH APPROVAL MCH 01-12-15 (FORWARD TO MARY HAMELE)



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: December 29, 2014

To: Mike Huebsch, Secretary
Department of Administration

From: Emily Ley
Executive Policy and Budget Analyst

Subject: Request Under s. 16.505 from the Fond du Lac County District Attorney to Extend a 1.0 FTE Program Revenue Assistant District Attorney Project Position.

Request:

The Department of Administration, on behalf of the Fond du Lac County District Attorney's Office, requests the extension of a 1.0 FTE program revenue assistant district attorney project position. Position authority is requested through December 31, 2015.

Revenue Sources for Appropriation(s):

The revenue source for the position in the gifts and grants appropriation under s. 20.475(1)(h) is a Pre-Trial Diversion Program Grant from the Byrne/Justice Assistant Grant (JAG) Program. As the grant is funded from a program revenue continuing, all moneys received appropriation, there is no accompanying request for an increase in expenditure authority. Fond du Lac County will reimburse the salary and fringe benefits costs for the assistant district attorney prosecutor position from the grant award.

Background:

On February 26, 2010, the Joint Committee on Finance granted position authority for an assistant district attorney in Fond du Lac County to focus on a misdemeanor diversion program. The position was funded through an American Recovery and Reinvestment Act Byrne/Justice Assistance Grant award and was effective through December 31, 2012. When the American Recovery and Reinvestment Act Byrne/Justice Assistance Grant award ended, the position authority expired.

On January 3, 2013, the Joint Committee on Finance granted position authority for a 1.0 FTE misdemeanor diversion assistant district attorney position in Fond du Lac

Mike Huebsch, Secretary
Page 2
December 29, 2014

County funded by a Byrne/Justice Assistance Grant through the Office of Justice Assistance. Funding terminates on December 31, 2014.

On December 8, 2014, the Department of Justice awarded Fond du Lac County a Pre-Trial Diversion Program Grant from the Byrne Memorial Justice Assistance Grant Program of \$80,000 to fund the salary and fringe benefits for a misdemeanor diversion assistant district attorney. The grant provides \$56,000 for salary, \$18,300 for fringe benefits, and \$5,700 for supplies and operating expenses over the period of January 1, 2015, to December 31, 2015.

Analysis:

Fond du Lac County's Diversion Program is designed to reduce long-term recidivism by diverting eligible, nonviolent offenders from the criminal justice system. Utilizing evidence-based principles and practices, the program identifies offenders based on their risk of reoffense and requires that individuals meet specific program expectations and remain crime free for the term of the diversion, typically six months to two years depending on the individual. Those who successfully complete the conditions of their diversion agreements are not subject to a criminal charge on their record; those who fail to meet program conditions are prosecuted for their charges. The program has approximately 155 active participants.

The misdemeanor diversion assistant district attorney serves as the program director for Fond du Lac County's diversion program and is responsible for managing and screening offenders to participate in the program, assuring victim's rights are covered, preparing the legal paperwork, making all court appearances and implementing the appropriate level of supervision and oversight for each individual participant.

The Byrne/Justice Assistance Grant funding will terminate on December 31, 2015, and Fond du Lac County has a desire to continue the current program. To continue the program, funding has been and will continue to be secured from the fees assessed to participants in the program. While the Byrne grant has been in effect, the county was allowed to keep 50 percent of the program fees it collected and may retain all fees when the grant is completed. In February 2012, the Fond du Lac County Board issued a resolution stating that any funds received from the fees should be placed in a segregated account to be used exclusively in administering the diversion program.

The misdemeanor diversion assistant district attorney position furthers the state's policy to fight drug and other crimes and to reduce recidivism by diverting nonviolent offenders away from the traditional criminal justice system and directing them toward effective services and treatment.

Recommendation:

Approve the request.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Kevin M. St. John
Deputy Attorney General

17 West Main Street
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529

December 8, 2014

Mr. Scot Mortier, Assistant District Attorney
Fond du Lac County District Attorney's Office
160 South Macy Street
Fond du Lac, WI 54935-4241

RE: Diversion Program
DOJ Grant Number: 2013-DJ-02-11036

Dear Assistant District Attorney Mortier:

The Wisconsin Department of Justice, Division of Law Enforcement Services has approved a grant award to Fond du Lac County in the amount of \$80,000. These funds are from DOJ's Byrne Memorial Justice Assistance Grant Program available through the US Department of Justice. This grant supports Fond du Lac County's "Diversion Program."

To accept this award, have the authorized official sign the *Signatory Page, Certified Assurances and Lobbying and Debarment Forms* in addition to initialing the bottom right corner of Attachment A. The project director should sign the acknowledgement notice. One of the two award packets enclosed should be returned to DOJ within 30 days. The other should be maintained for your records. Funds cannot be released until all signed documents are received.

As project director, you will be responsible for all reporting requirements outlined in the grant award and seeing that funds are administered according to the approved application materials and certifications. Please refer to the FAQ sheet enclosed for contact information and grant guidelines. We look forward to a collaborative working relationship with you.

Sincerely,

J.B. VAN HOLLEN
Attorney General

JBV:ja
Enclosures



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

**SCOTT WALKER
GOVERNOR**

**MIKE HUEBSCH
SECRETARY**

Division of Administrative Services
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869
Voice (608) 267-2700
Fax (608) 264-9500

DATE: November 11, 2014

TO: Michael Heifetz, Administrator
Division of Executive Budget and Finance

FROM: Philip W. Werner, ^{PWW} Director
State Prosecutors Office

SUBJECT: ***REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: FOND DU
LAC COUNTY DISTRICT ATTORNEY'S OFFICE***

On behalf of the Fond du Lac County District Attorney's Office, I am submitting the attached request to extend position authorization for a 1.0 FTE program revenue project position in Department 475, District Attorneys.

Thank you for your attention to this matter.

Attachment

**DEPARTMENT OF ADMINISTRATION REQUEST UNDER S. 16.505 FOR
POSITION AUTHORIZATION**

I. REQUEST

The Department of Administration (DOA) requests, under s.16.505, the extension of project position authorization of a 1.0 FTE (BC91) program revenue (PR) assistant district attorney (ADA) position in the Fond du Lac District Attorney's Office from December 31, 2014, to December 31, 2015. Eventually the position will be funded from fees paid by participants in the Misdemeanor Diversion program; however, for calendar year 2015, the Wisconsin Department of Justice (DOJ) will award JAG Pre-Trial Diversion Program grant funding. The position will be funded via appropriation 20.475(1)(h).

II. BACKGROUND

In December, 2009, the Office of Justice Assistance (OJA) approved a Fond du Lac grant application for a Misdemeanor Diversion prosecutor. The American Recovery and Reinvestment Act (ARRA) grant, made available through the Byrne Justice Assistance Grant (JAG) program, fully funded an ADA position that would focus on a misdemeanor diversion program. Funding had been authorized through December 31, 2012. Effective February 26, 2010, the Joint Committee on Finance (JCF) granted position authority for the Misdemeanor Diversion ADA through December 31, 2012.

The 1.0 FTE ADA has worked with non-violent misdemeanor offenders accused of possession, theft crimes, criminal damage to property, obstruction, disorderly conduct, OAR due to OWI/PAC, and other non-violent misdemeanors. The two main target offender groups have included those who commit crimes to fuel substance abuse problems and those who are non-recidivist youths (age 25 and under) who can avoid the impact of a criminal conviction on their future aspirations. The goal has been to more effectively reduce recidivism among non-violent misdemeanor offenders by diverting at least 200-250 offenders per year into a program that recognizes and addresses the root cause of their criminal conduct.

ARRA Byrne JAG funding ended December 31, 2012. Effective January 3, 2013, JCF granted position authority for a 1.0 FTE PR Misdemeanor Diversion prosecutor through December 31, 2014. While funding eventually will be secured from fees assessed to participants in the program, OJA authorized grant funding for the position through December 31, 2014. Currently, DOJ will award JAG Pre-Trial Diversion Program grant funds for a prosecutor's salary and fringe benefits through December 31, 2015.

III. ANALYSIS

This position is in furtherance of the State's policy to fight drug and other crimes and to divert non-violent offenders away from the traditional criminal justice system and direct them toward services and treatment, thereby reducing recidivism.

IV. FISCAL ANALYSIS

As mentioned above, the funding provided by the JAG Pre-Trial Diversion Program grant is projected to last until December 31, 2015. Thereafter, Fond du Lac anticipates that fees already collected from this program plus future fees collected from participants will be sufficient to fund this position in an ongoing manner. The program revenue appropriation is continuing and will be re-estimated based on actual experience.

V. REVENUE SOURCE FOR APPROPRIATION

Initially, the source of the grant funds had been an ARRA grant made available through the Byrne JAG program. Subsequently, JAG Pre-Trial Diversion Program grant funding has been authorized and is projected to last through December 31, 2015. Funds to continue the Misdemeanor Diversion program have been collected and will continue to be collected through fees assessed to program participants, and will be used in the long-term to fund the prosecutor position. Fond du Lac County will reimburse the salary and fringe benefit costs for the State-paid ADA position in the Department of District Attorneys.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the District Attorney program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the LAB methodology's results using the modifications recommended by the Wisconsin District Attorneys Association and highlights that there would be no impact on the Fond du Lac DA Office since the position authority already was approved in January, 2013. The table uses the most current court data available (2010-2012) and the positions authorized as of April 1, 2014. It is important to note that the position need shown in the LAB methodology is a general need responding to all duties of a DA office and is not specific to a particular type of criminal activity or caseload.

- 2) *An assessment of similar caseload problems in counties not addressed by the request.*

Data with which to make this assessment are not available.

- 3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

Other counties had the opportunity to apply for the funds to the extent permitted by federal law.

- 4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

These funds may not be used to address types of caseloads not specifically authorized by the federal law or County Resolution.

Table 1: DA Office Caseload Analysis, April 1, 2014

DA Office	4/1/14 Total FTE Positions*	FTE needed before positions approved	FTE needed after positions approved	DA Office	4/1/1 Total FTE Positions*	FTE needed before positions approved	FTE needed after positions approved
Adams	1.20	1.32	1.32	Marathon	11.00	3.02	3.02
Ashland	2.00	0.13	0.13	Marinette	2.50	0.26	0.21
Barron	3.00	2.61	2.61	Marquette	1.00	0.65	0.65
Bayfield	1.00	0.88	0.88	Milwaukee	118.50	-12.89	-12.89
Brown	13.00	11.89	11.89	Monroe	3.00	3.19	3.19
Buffalo	1.00	0.57	0.57	Oneida	2.50	1.82	1.82
Burnett	1.25	1.19	1.19	Outagamie	10.00	5.90	5.90
Calumet	2.00	0.79	0.79	Ozaukee	3.00	1.57	1.57
Chippewa	5.00	1.51	1.51	Pepin	0.80	-0.31	-0.31
Clark	2.00	0.43	0.43	Pierce	2.50	0.15	0.15
Columbia	4.75	2.80	2.80	Polk	3.00	1.95	1.95
Crawford	1.00	-0.26	-0.26	Portage	4.00	3.74	3.74
Dane	27.85	6.42	6.42	Price	1.00	0.12	0.12
Dodge	4.00	1.36	1.36	Racine	18.00	8.91	8.91
Door	2.00	0.57	0.57	Richland	1.80	-0.15	-0.15
Douglas	3.50	1.56	1.56	Rock	14.00	2.93	2.93
Dunn	3.00	2.47	2.47	Rusk	1.50	0.06	0.06
Eau Claire	8.00	4.77	4.77	Saint Croix	6.00	0.46	0.46
Florence	0.50	0.21	0.21	Sauk	5.00	1.84	1.84
Fond du Lac	8.00	1.57	1.57	Sawyer	2.00	1.51	1.51
Forest	1.00	1.21	1.21	Shaw/Men	3.00	2.07	2.07
Grant	2.00	2.03	2.03	Sheboygan	7.50	4.05	4.05
Green	2.00	0.74	0.74	Taylor	1.00	0.34	0.34
Green Lake	1.50	0.48	0.48	Trempealeau	2.00	0.03	0.03
Iowa	1.75	0.89	0.89	Vernon	2.00	-0.14	-0.14
Iron	1.00	-0.29	-0.29	Vilas	2.00	0.83	0.83
Jackson	2.00	1.88	1.88	Walworth	5.00	3.48	3.48
Jefferson	5.30	1.74	1.74	Washburn	1.25	0.68	0.68
Juneau	2.50	0.59	0.59	Washington	5.00	3.96	3.96
Kenosha	16.00	5.07	5.07	Waukesha	15.50	7.62	7.62
Kewaunee	1.50	-0.37	-0.37	Waupaca	3.50	1.21	1.21
La Crosse	8.00	4.45	4.45	Waushara	2.00	1.06	1.06
Lafayette	1.00	0.40	0.40	Winnebago	10.00	6.51	6.51
Langlade	1.50	1.80	1.80	Wood	4.00	5.79	5.79
Lincoln	2.00	1.33	1.33				
Manitowoc	5.00	2.23	2.23				

November 11, 2014
Fond du Lac County – Misdemeanor Diversion Program 2013 Grant
s.16.505 request

*Modifications:

- 1) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses.
- 2) In Milwaukee, the total FTE used is 118.50 rather than 120.50 due to the following factors:
 - a) the 1.0 FTE DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
 - b) the 1.0 FTE Restorative Justice MPS position is excluded as its funding is exhausted.
- 3) In Brown the total FTE used is 13.00 rather than 15.00 due to the following factors:
 - a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.
 - b) the 1.0 FTE JAIBG position is excluded as its funding is exhausted.
- 4) The weighted time estimate for CHIPS cases was changed from 2.61 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.
- 5) CHIPS extensions include permanency plan review petitions filed under s. 48.365 beginning with data for 2006.
- 6) Immunization cases filed by DA Offices under s. 48.13(13) are included with CHIPS cases beginning with data for 2006.
- 7) WDAA Executive Board authorized the following changes to the weighted time estimates beginning with the 2007-09 caseload study:
 - a) increase the "reviewing case referrals that are not prosecuted" from 35 to 100 hours per year, thereby reducing hours available per prosecutor to handle individual cases to 1162 per year.
 - b) Weighted time estimate for Class A and Class B homicides changed from 100 hours each to 160 hours each.
 - c) Weighted time estimate for "All other Homicides" changed from 50 to 80 hours each.
 - d) The weighted time estimate for misdemeanors changed from 2.17 hours each to 2.91 hours each.
 - e) The weighted time estimate for criminal traffic changed from 1.68 hours each to 2.91 hours each.
 - f) Weighted time estimate for juvenile delinquency changed from 3.32 hours each to 3.44 hours each.

Werner, Phil W - DOA

From: Luick, Ray J. <luickrj@doj.state.wi.us>
Sent: Wednesday, November 05, 2014 1:03 PM
To: Werner, Phil W - DOA
Subject: FDL Co Pre Trial Diversin proposal 2015
Attachments: FDL Co application 2015.pdf

Hi Phil,

Attached is the most recent grant application. Let me know if you need anything else.

It appears that the date for the Attorney General to sign this grant will be December 8, 2014.

There is no reason to expect that the project will not be approved. This is a continuation grant and the federal funds have been identified for this purpose.

Ray Luick
266-7282

WISCONSIN DEPARTMENT OF JUSTICE

DOJ USE ONLY

Applicant Heroby Applies to the DOJ for Financial Support for the Within-Described Project:

Receipt Date	Award Date	Subgrant Number(s)
10/27/2014		-- 11036

SUBGRANT #: 11036

SHORT TITLE: Fond du Lac County Diversion Program

1. Type of Funds for which you are applying.	() JAG Pre-Trial Diversion Program 2013		
2. Applicant	Name Of Applicant:		
	Fond du Lac County District Attorneys Office		County: Fond du Lac
	Street Address Line 1: 160 S Macy St		
	Address Line 2:		Address Line 3:
	City: Fond du Lac	State: WI	Zip: 54935-4241
3. Recipient Agencies	Fond du Lac County District Attorneys Office		
4. Signatory	Name:		Title: County Executive
	County Executive Allen Buechel		Agency: Fond du Lac County
	Address Line 1: 160 South Macy Street		
	Address Line 2:		Addr Line 3:
	City: Fond du Lac	State: WI	Zip: 54935
	Phone: 920-929-3155	Fax: 920-929-3016	Email: allen.buechel@fdlco.wi.gov
5. Financial Officer	Name:		Title: Financial Officer
	Ms. Debra J. Neubauer		Agency: Fond du Lac County District Attorneys Office
	Address Line 1: 160 S Macy St		
	Address Line 2:		Addr Line 3:
	City: Fond du Lac	State: WI	Zip: 54935-4241
	Phone: 920-929-3048	Fax:	Email: debra.neubauer@da.wi.gov
6. Project Director	Name:		Title: Assistant District Attorney/Diversion Coordinator
	Mr. Scot Mortier		Agency: Fond du Lac County District Attorneys Office
	Address Line 1: 160 S Macy St		
	Address Line 2:		Addr Line 3:
	City: Fond du Lac	State: WI	Zip: 54935-4241
	Phone: 920-929-3048	Fax: 920-929-7134	Email: scot.mortier@da.wi.gov
7. Brief Summary of Project (Do Not Exceed Space Provided)	<p>Short Title (may not exceed 50 characters) Fond du Lac County Diversion Program</p> <p>Diversion of appropriate, low risk, individuals, from traditional criminal justice system, using an evidence based risks/needs assessment and professional judgment of an experienced prosecutor, to identify and correct the underlying causes of criminal activity in populations with limited prior criminal justice system involvement and/or drug and alcohol dependency, and efficiently target an appropriate level of supervision and treatment to eliminate or significantly reduce their risk of reoffending.</p> <p>Participants will be monitored for follow through with their conditions on a weekly through monthly basis in order to hold them accountable. Program will result in a reduction of criminal cases requiring either jury trials or jail time, which will save police, probation, parole, jail, courthouse staff, and juror resources through reducing recidivism through treatment and education. Additionally, pro-social conduct of program participants will be encouraged, explored, and implemented, reducing risks to themselves, their families, and the community.</p>		

8. SubGrant Budget

Categories	Sources	
	Federal	Category Total
Personnel	56,000.00	56,000.00
Employee Benefits	18,300.00	18,300.00
Travel (Including Training)	0.00	0.00
Supplies & Operating Expenses	5,700.00	5,700.00
Consultants/Contractual	0.00	0.00
Source Total	80,000.00	80,000.00

9. Project Start Date: 1/1/2015 Project End Date: 12/31/2015

10. BUDGET DETAILS:

A. MASTER BUDGETS:

BY RECIPIENT AGENCY	YEAR 1	Total
Fond du Lac County District Attorneys Office	80,000.00	80,000.00
Total:	80,000.00	80,000.00

Allocation/Recipient Agency: Fond du Lac County District Attorneys Office

Category:	YEAR 1	Total
Personnel	56,000.00	56,000.00
Employee Benefits	18,300.00	18,300.00
Supplies & Operating Expenses	5,700.00	5,700.00
Total	80,000.00	80,000.00

11. BUDGET DETAILS:

A. MASTER BUDGETS:

Line Item Details for Fond du Lac County District Attorneys Office

YEAR 1

PERSONNEL

Justification: 1.0 FTE Salary for Assistant District Attorney

COST

Position: Diversion Coordinator Staff
Name:

Description of your computation: 1.0 FTE Salary for Assistant District Attorney

Source: Federal

56,000.00

Personnel Year 1 Total:

56,000.00

EMPLOYEE BENEFITS

Justification: Employee Benefits for 1.0 FTE Assistant District Attorney

COST

Position: Employee Benefits for 1.0 FTE Assistant District Attorney
Name:

Description of your computation: Employee Benefits for 1.0 FTE Assistant District Attorney

Source: Federal

18,300.00

Employee Benefits Year 1 Total:

18,300.00

SUPPLIES & OPERATING EXPENSES

Justification: Urinalysis Screening Cups for previously purchased Urinalysis reader device.

COST

Supply Item: Urinalysis Screening Cups

Description of your computation: Urinalysis Screening Cups

Source: Federal

5,700.00

Supplies & Operating Expenses Year 1 Total:

5,700.00

YEAR 1 TOTAL: 80,000.00

12. SECTIONS:

A BUDGET NARRATIVE

Please describe how your budget relates to the overall program/project strategy or implementation plan.

RESPONSE:

Consistent with prior years, the primary cost in the budget is for a 1.0 FTE Assistant District Attorney position. Fond du Lac County continues to believe in the advantages of having an Assistant District Attorney in the role of Project Director, which include: 1) familiarity with the criminal justice system, 2) ability to handle court appearances and legal issues directly, 3) Understanding the importance of Victim's Rights, 4) having knowledge of individual Judges and defense counsel, 5) ability to access juvenile and adult histories of potential participants, 6) monitoring compliance, while maintaining flexibility, in a manner to reasonably achieve the program's goals. Resources are conserved and efficiency promoted by this arrangement.

We again rely on previously established, and improved, procedures to implement the program, but have supplemented them with new drug testing equipment, which has dropped the cost of a Urine screen from \$42.50 to \$5 per test. This will allow us to perform more frequent, random, and targeted Urine Screens on appropriate program participants.

For instance, minor drug offenders, marijuana, non-opiate prescription pills, and paraphernalia associated with those types of offense, will still be randomly screened, by urine test, once per month, but they will now have to call in every day to see if that day they are to report for a test. Those drug offenders with paraphernalia, or small amounts of, cocaine or pain killing prescription drugs or methamphetamine, will call in every day but will be tested on average three times per week.

Participation fees remain a necessary part of the program in order to cover routine office supplies, such as copy paper, letterhead, pens, postage, printer cartridges. Additionally, furniture and equipment are periodically a necessary expense to ensure the orderly administration of the program, which is heavily reliant on data access and retrieval. Finally, now that a new Urine Screen process is in place, fees may also partially cover the cost of the Urine Screen cups (\$5.00 per cup), since there will be many more UA tests being run.

BUDGET NARRATIVE - RELATED ATTACHMENTS:

File Name	File Description
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B PROJECT NARRATIVE

Please identify each member of your jurisdiction's project team and describe their roles and responsibilities.

Describe how your program implements effective coordination and communication between the project team. Describe your program's treatment partners/service providers, including any past partnerships and how the court will ensure that they are using evidence-based services.

RESPONSE:

The Project Director is the primary team member for the program, but is heavily supported by Financial Officer Debra Neubauer, and other legal assistance from office clerical staff as necessary for participant contact and monitoring.

The project Director screens potential applicants, assures victim's rights are covered, prepares the legal paperwork, makes all court appearances, and implements the appropriate level of supervision and oversight for each individual participant. The project Director's duties include careful observation of all processes, with an eye towards opportunities to improve the program.

The Financial Officer keeps track of expenses and program fees, restitution, and expenses.

Both the project Director and Financial Officer must be mindful of careful documentation of any and all program finances or fees, as reasonably required, and to insure program compliance and integrity.

PROJECT NARRATIVE - RELATED ATTACHMENTS:

File Name	File Description
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C PROBLEM DESCRIPTION

Please describe the nature and scope of the problem the court will address. Local data should be used to provide evidence the problem exists, demonstrate the size and scope of the problem, and document the effects of the problem on the target population and the community. Please describe any unique factors about your community impacting your program. Describe who the program is designed to serve (target population). Please describe any changes to your original problem description and explain why these changes have occurred.

RESPONSE:

Since the addition of a 5th Judicial Branch in 1999 in Fond du Lac County, with all 5 Circuit Courts handling a criminal calendar, the workload has continuously increased. The 2009 District Attorney workload analysis indicated 11.49 prosecutor positions were justified by the nature and number of cases processed at that time. The number of cases have gone up since then.

In 2012, we had 633 Felony cases filed, 903 misdemeanors and 645 criminal traffic misdemeanors. In 2013 we had a record 709 felony cases filed, 1,122 misdemeanors and 683 criminal traffic misdemeanors. For 2014, we are on pace to file more than 705 felonies, 1186 criminal misdemeanors and 650 criminal traffic matters.

The Diversion program is important to our County, in that it allows a significant percentage of the active criminal case burden to be taken from the courtroom, which gives both District Attorneys and the Courts more resources to devote to more dangerous, and serious cases.

The program focuses on diverting appropriate, low risk, people from the overcrowded local court system to a court approved, non-traditional case settlement approach. These cases, in our rural community, involve youthful offenders with scant life experiences, little or no prior records, and various alcohol or drug issues, that can otherwise clog the Court system and our jails. There is also a percentage of police criminal referrals for citizens who have had a momentary lapse in an otherwise crime free lifestyle that resulted in a criminal charge being filed.

The program has approximately 155 participants, fluctuating 10 to 15 people in either direction depending on the cycling of people in and out of the program. Approximately 67% of those participating in the program this year have successfully completed it, reducing recidivism, Court, Juror, Jail Administration, Police, Clerk, and Prosecutorial time expended.

The Diversion program may be expanded to 200-250 people, which could amount to 1/7th of the criminal cases filed. At the time the last grant application was made, 170 people had successfully been discharged from the program. As of today, 64 more graduates may now be added to that total, and that takes us only to the 3rd quarter.

Our program terms vary from 6 months to 2 years, depending on the individual. Offenders are required to sign releases for treatment received. Treatment providers include: AODA, Domestic Violence, Anger Management, Mental Health, National Association for Shoplifting Prevention, and more.

In prior years, the random Urine Drug Screens were administered less frequently. New equipment has been purchased with program funds and will improve the frequency, speed, accuracy, and costs of administering a 13 panel Urine Drug Screen to appropriate program participants.

PROBLEM DESCRIPTION - RELATED ATTACHMENTS:

File Name	File Description
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D PROJECT DEVELOPMENT & IMPACT TO DATE

Each project has completed a period of operations and is expected to have significant information to convey based on previous funding received. Please provide a succinct statement of that impact providing a summary of clients served, services provided, problems encountered and successes noted. Note that anecdotal information and narrative stories are acceptable as a part of this section.

RESPONSE:

The Fond du Lac Diversion program has approximately 155 active program participants. The program has "Graduated" 69 participants so far this year, and revoked 31 participants.

The main issues facing program participants, include youthful inexperience, impulsive decision making, use of drugs or alcohol, or other unique circumstances and pressures present at the moment the crime was committed, such as mental health issues, divorce, death of a spouse or child, or bankruptcy, for instance.

Our program has assessed and targeted the participants to receive Alcohol and Drug Assessments, Mental Health Assessments, Domestic Violence Assessments, Anger Management Assessments, and any follow up counseling as recommended.

Our program has additionally assessed and targeted specific individuals for educational programs, such as the Consumer Credit Counseling Service, Shoplifter's Alternative Course from the National Association for Shoplifting Prevention, the Fond du Lac County Victim Panel, Parenting Classes through the Department of Social Services, and continued education to attain an HSED or GED.

Other services our program has used include community service hours, seeking and maintaining employment, traffic safety school to help obtain a valid driver's license, writing apology letters to the individuals and businesses victimized by the participant's crime, making restitution payments, no contact orders with victims/businesses.

We have also improved our random Urine Screen process, purchasing our own testing device and Urine Cups, allowing lower costs testing for individuals and more frequent tests for those program participants whose cases involved more serious drugs, like cocaine, methamphetamine, or opiates.

Current program participants are receiving the following services/or must complete the following conditions:

1. 52 participants referred for Alcohol and Drug assessments with follow up as required.
2. 35 participants required to perform random urinalysis.
3. 78 participants required to perform community service hours.
4. 15 participants required to participate in the Shoplifters course.
5. 9 participants required to get valid driver's license.
6. 21 participants required to pay restitution.
7. 84 participants required to write letters of apology.
8. 74 participants required to make reasonable efforts to maintain employment.
9. 21 participants required to do a Domestic Violence assessment with follow up if required.
10. 11 participants required to do an Anger Management assessment with follow up as required.
11. 7 participants referred for continued education/school.
12. 5 participants referred to attend Narcotics Anonymous meetings.
13. 4 participants referred for mental health counseling.

Of the 65 people who successfully completed the program so far this year, 44 received AODA treatment, 13 were subject to random Urine Screens, 25 had community service hours, 6 took the NASP Shoplifter's course, 7 had requirements to get or maintain a valid driver's license, 5 made restitution payments, 36 wrote letters of apology, 40 had employment, 4 received domestic violence counseling, 5 received anger management counseling, 2 were going to school, 2 were required to participate in Narcotic's Anonymous, and 3 received money management and budgeting counseling.

Of the 31 people revoked, 5 were drug cases, 10 were thefts, 5 were domestic, 3 were traffic, and 8 were other various minor crimes.

PROJECT DEVELOPMENT & IMPACT TO DATE - RELATED ATTACHMENTS:

File Name

File Description

E GOALS AND OBJECTIVES

Please complete and attach the Goals and Objectives document.

RESPONSE:

See Attachment.

GOALS AND OBJECTIVES - RELATED ATTACHMENTS:

File Name	File Description
goals-objectives 2014 Grant Applicaiton.docx	Goals and Objectives

F DESIGN AND IMPLEMENTATION STRATEGY

Please describe the design and implementation strategy for your project, incorporating the specific activities outlined on page 4 of this grant announcement and identify the evidence-based principles that you have incorporated into this project design.

Please detail any changes that have been made to your design and implementation strategy since the initial application submitted for calendar year 2013 funding.

At a minimum, please incorporate the following elements in the description of your design and implementation strategy.

Eligibility:

1. Describe the referral process. At what point are clients referred to the program, and who is responsible for referring clients?
2. Who is eligible to participate? What are the criteria for program acceptance? What factors would cause a client who has been referred to be denied admission to the program? (Note: Include in this section a description of your project's eligibility criteria in relationship to the TAD language that specifies that "a violent offender is not eligible to participate in the program." See definitions on page 4 of this announcement.)
3. Who is responsible for making admission decisions? Is there a systematic review process in place? Are decisions made by a team or individual?
4. Is participation voluntary or mandatory? Are there consequences for not participating? Are there incentives to participate?
5. What is the maximum capacity of your program?

Assessment:

1. How are the criminogenic needs of clients assessed?
2. How is the criminogenic risk level of a client determined?
3. Please list all of the assessment and/or screening tools that are currently being used or that are going to be used.
4. Who administers client assessments? Who receives and/or uses the information from the assessments? Please list all who apply, including both within program/court and external service providers.

Service Provision:

1. Please list the services available for clients. For each please describe the nature of that service and how those services will be rendered.
2. How do the services being provided relate to the goals and objectives of the program/court?
 - 3a. What treatment services are or will be provided to clients? Please name all curriculums.
 - 3b. Are any treatment services required of participants? If so, what are the type, frequency, and duration of those treatment sessions?
4. What, if any, services are clients referred to that are administered by external service providers and/or community partners? Please list service and name of provider.

Monitoring:

1. What is the duration of the project? How long do/will clients typically stay?
2. Does your court program have phases? If yes, please list them and give the approximate length of each phase.
3. Is there a system of graduated sanctions and/or rewards? What sanctions are used for non-compliance? What rewards are used for compliance?
4. How is "successful completion" defined by your program?

RESPONSE:

Eligibility

1. The diversion coordinator is primarily responsible for screening diversion-appropriate cases, with the referrals for the screening commonly coming from district attorneys in the office. We would like to expand the referral process to include pre-charging decisions, however, with the increasing volume of criminal cases during the last 2 years in our county, the current option is the most efficient. Because the Diversion Coordinator is also an Assistant District Attorney, they have direct access to local and statewide records of

those referred to the program. They understand the court process from start to finish and have access to other prosecutors statewide, as well as local resources from the victim/witness program, and treatment providers.

2. Each referral is reviewed by the Diversion Coordinator and assessed on a case by case basis, but program requirements include:

a) The offender be referred to the adult criminal justice system for the following types of offenses:

- 1) Non-violent Fraud/Property/Theft offenses,
- 2) Non-violent drug possession/drug paraphernalia offenses,
- 3) Non-violent Driver's License offenses,
- 4) Non-violent Resisting/Obstructing offenses or with approval of the coordinator after risk assessment,
- 5) Non-violent Disorderly Conduct,
- 6) Misdemeanor Battery only with strict approval of coordinator,
- 7) Non-violent felony property offenses, and limited possession drug offenses with strict approval of the District Attorney.

3. the Diversion Coordinator makes the final determination of participant eligibility. Considerations include:

- a) the risks/needs assessment
- b) prior adult and juvenile criminal history
- c) prior adult and juvenile non-criminal history
- d) gravity of the current offense,
- e) the input and requests of any victims,
- f) input and information from defense counsel,
- g) input of police agencies involved,
- h) any other relevant input.

The Coordinator then determines what assessments are required and what conditions are appropriate. Any counseling recommendations made by assessors should be followed as conditions of the program. The Court retains ultimate oversight to agree to, or decline, an offender's admission to the program.

4. Participation in the Diversion program is voluntary. Any offender may choose to reject a Diversion Agreement and have a trial, or proceed to conviction and sentencing. The primary incentives to program participation are:

- a) the opportunity to avoid a criminal conviction,
- b) the opportunity to avoid being sentenced and subject to criminal penalties or probation.

5. Our program should be able to accommodate a range of approximately 200 participants before requiring additional staff to maintain sufficient oversight and record-keeping. Much of the assessment for counseling, follow up counseling, and treatment is done by independent agencies. The primary limitation on the number of participants is dependent on the number of offenders and the number of program participants who can be managed effectively by the Coordinator.

Assessment

1. The Criminogenic needs of the participants are assessed using the Risk Proxy Assessment at the outset of the program, along with a criminal history check both locally and statewide. The items considered include:

- a) the risks/needs assessment: current age, age of first arrest, and adult priors
- b) prior adult and juvenile criminal history
- c) prior adult and juvenile non-criminal history
- d) gravity of the current offense,
- e) the input and requests of any victims,
- f) input and information from defense counsel,
- g) input of police agencies involved,
- h) any other relevant input.

Service Provision

1. External treatment providers will do assessments for:

- a) Alcohol and other drug addiction
- b) Mental Health

- c) Anger management
- d) Domestic Violence
- e) Parenting Courses
- f) Budget and money management
- g) Anti-Shoplifting program
- h) Job search
- i) Traffic Safety School
- j) Family counseling

2. Each program participant is evaluated based on the nature of the charges, the prior history of law enforcement contact, and the types of law enforcement contact, along with the evidence gathered in police reports, to identify what issues may be present, and what solutions are appropriate to address those concerns. As the correct balance of supervision and counseling is put in place from the options listed above, the risks of recidivism are reduced by giving program participants the tools they need to become more pro-social and better able to identify and address problems in their lives and correct them before law enforcement needs to be called.

3a. Treatment begins with assessments from a qualified counselor/assessor. These assessments are typically performed by local professionals at:

- 1) St. Agnes Hospital Work and Wellness (AODA, Mental Health, Anger Management, Domestic Violence)
- 2) The Fond du Lac County Department of Community Programs (AODA, Mental Health, Anger Management)
- 3) Fond du Lac County Department of Social Services (Parenting Classes)
- 4) Consumer Credit Counseling Services (Budgeting and Money Management)
- 5) Family Resource Center (Parenting Classes)
- 6) Moraine Park Technical College for Traffic Safety School

7) Other Local Counselors (AODA, Anger Management, Mental Health, Family, Parenting, Individual)
 Releases will be signed by program participants so treatment providers can communicate status and results of participants to the District Attorney's office. Communication can be via telephone, fax, letter, or e-mail.

*Note the NASP shoplifters Course is self administered with the participant required to submit to a test afterwards and return that test for grading, along with a questionnaire, to the District Attorney's office.

3b. Treatment services are made a condition of the program, as dictated by the results of any professional counseling assessments, the facts of the underlying case, the individual history of the participant (number and reason for contacts with law enforcement), feedback from the victim, with scheduling for the services varying according to the assessment results and particular provider's assessment of the participant's needs. The duration of services also is determined by individual need as assessed by the treatment providers.

4. See listing in paragraph 3(a) above.

Monitoring

- 1. The length of Diversion can vary from 6 months to 2 years, with the most common duration being 1 year.
- 2. The program does not have phases.
- 3. The program does have warnings issued for violations of conditions, but if there is a major violation, such as committing a new crime that is charged, a participant is usually revoked at that time. Random Urine Screens, if required, may result in a warning or a revocation proceeding, depending on the number of positive tests and the substance detected. Participants are required to have at least monthly contact with the Program Coordinator or a member of the District Attorney's office staff. During this contact, contact information is confirmed, updates are expected on the participant's progress, and any difficulties being encountered with program conditions are discussed and resolved. The Coordinator will distribute praise for good conduct and decision making, and point out the flaws of poor decisions, while trying to provide reasonable alternative solutions for any problems that arise. Restitution payments are encouraged over and above any other costs or fees. Early discharge has been granted in cases where all conditions have been met early and there has been a long enough time period to demonstrate trustworthy/pro-social conduct on behalf of the program participant.
- 4. Successful completion means: no new crimes have been charged, all restitution has been paid, counseling has been completed, participant has made a good faith effort to comply with all other conditions imposed

(recognizing in drug cases that relapse is part of recovery).

DESIGN AND IMPLEMENTATION STRATEGY - RELATED ATTACHMENTS:

File Name	File Description
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G OTHER FUNDING

Describe any other grants your county has received related to pre-trial diversion projects. Also include a description of the resources that are contributed by member agencies. Include any funds related to planning or needs assessments for your county's criminal justice system that led to the development of your pre-trial diversion project.

RESPONSE:

This is the only pre-trial diversion grant Fond du Lac County has received.

OTHER FUNDING - RELATED ATTACHMENTS:

File Name	File Description
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H LETTERS OF SUPPORT

Please attach a letter of support from each member of your county's Criminal Justice Coordinating Council (CJCC). One letter may be submitted with signatures from each member of the council. If you do not have an established CJCC, please submit a letter of support from each member of the pre-trial diversion project team.

RESPONSE:

See attached letters from the Fond du Lac County Executive, Diversion Director, and Diversion Financial Officer. The Diversion Director is the person in charge of the pre-trial Diversion program.

LETTERS OF SUPPORT - RELATED ATTACHMENTS:

File Name	File Description
SKMBT_55214101514070.pdf	County Executive Letter of Support
SKMBT_55214102210040.pdf	Diversion Director Letter
SKMBT_55214102214040.pdf	Diversion Financial Officer Letter

14. Approval Checklist:

- A. Have you, the grant recipient, had any discrimination findings after a due process hearing on the basis of race, color, religion, national origin or sex within the last 5 years?
- Yes
 No
- B. If yes, have the discrimination findings been reported to the Office of Civil Rights as required for all recipients of Federal funds? (see <http://www.ojp.usdoj.gov/ocr/>). If no, a copy should be forwarded to: Wisconsin Department of Justice Assistance, Attn: BBOP, 17 West Main Street, PO Box 7857, Madison, WI 53707-7857
- Yes
 No
 N/A
- C. Do you have technical assistance needs regarding the financial process at DOJ that you would like contacted about?
- Yes
 No
- D. Have you utilized the DOJ Administrative Guide located on the DOJ website? (<http://www.doj.state.wi.us>)
- Yes
 No
- E. Would you like someone from DOJ to contact you?
- Yes
 No
- F. Are you a state or local government agency; AND have 50 or more employees; AND applying for \$25,000 or more? If yes, you are required to prepare and implement an Equal Employment Opportunity Plan (EEO) or Certification form (if applicable). A copy of your EEO federal approval letter must be submitted to DOJ. (More information may be found at <http://www.doj.state.wi.us>, Grants, Grantee Civil Rights Information)
- Yes
 No
 N/A
- G. If this application is \$25,000 or more, did your business or organization (including parent organization, all branches, and all affiliates worldwide) receive in the previous fiscal year (1) 80% or more of your annual gross revenues in US federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?; AND (2) \$25,000,000 or more in annual gross revenues from US federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?
- Yes
 No
 N/A
- H. If you answered yes to the previous question, does the public have access to information about the compensation of the senior executives in your business or organization (including parent organization, all branches, and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986? If you answered no to the first part of this question; you must attach to this application the full names and compensation of the top 5 highly compensated individuals of your organization as required by The Federal Funding Accountability and Transparency Act (FFATA or Transparency Act).
- Yes
 No
 N/A

15. **Attachments:**

List of Attachments required for submission of this Application for funding:

Section: Goals and Objectives

<u>File Name</u>	<u>File Description</u>
goals-objectives 2014 Grant Application.docx	Goals and Objectives

Section: Letters of Support

<u>File Name</u>	<u>File Description</u>
SKMBT_55214101514070.pdf	County Executive Letter of Support
SKMBT_55214102210040.pdf	Diversion Director Letter
SKMBT_55214102214040.pdf	Diversion Financial Officer Letter