

State of Wisconsin

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 28, 2016

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

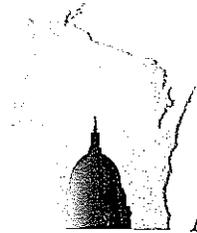
Attached is a copy of a request from the Department of Administration, received January 28, 2016, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Fond du Lac County District Attorney's office.

Please review the material and notify **Senator Darling** or **Representative Nygren** no later than **Tuesday, February 16, 2016**, 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

SCOTT A. NEITZEL
SECRETARY

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842

Date: January 28, 2016
To: The Honorable Alberta Darling, Co-Chair
Joint Committee on Finance
The Honorable John Nygren, Co-Chair
Joint Committee on Finance
From: Scott A. Neitzel, Secretary
Department of Administration
Subject: s. 16.515/16.505(2) Request(s)

RECEIVED
JAN 28 2016

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>2015-16</u>		<u>2016-17</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants		1.0*		1.0*

* Project position ending December 31, 2016.

As provided in s. 16.515, the request(s) will be approved on February 18, 2016, 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 Kirsten Grinde at 266-1353, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

Date: January 15, 2016
To: Michael Heifetz
From: Caitlin Morgan Frederick
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>2015-16</u>		<u>2016-17</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants		1.0*		1.0*

* Project position ending 12/31/16.

AGENCY REQUEST:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2015-16</u>		<u>2016-17</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants		1.0*		1.0*

* Project position ending 12/31/16.

MH APPROVAL MA 01-19-16 (FORWARD TO KIRSTEN GRINDE)



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

SCOTT A. NEITZEL
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: January 15, 2016

To: Scott A. Neitzel, Secretary
Department of Administration

From: Caitlin Morgan Frederick
Executive Policy and Budget Manager

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, 2016.

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 County funded by a Byrne/Justice Assistance Grant through the Office of Justice

Assistance. Funding terminated on December 31, 2015. This request reflects the final available extension of position authority under the grant.

The Fond du Lac District Attorney's Office has applied for a continuation of funding of \$80,000 through December 31, 2016, and it is anticipated that the Wisconsin Department of Justice will continue the award. Staff at Fond du Lac County have also indicated that \$100,000 in program fees is already available to fund the program in calendar year 2016 if necessary.

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, and is targeted to reach 200-250 participants.

Since the program's inception, several new resources have been utilized to improve outcomes, including using a new risk assessment tool (COMPAS), partnering with new treatment providers to address a broader range of concerns amongst offenders, and expanding relationships with domestic abuse prevention and treatment providers, as well as expanding the use of alcohol and drug dependency treatment.

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.

Current position authority expired 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, beginning in calendar year 2017. During calendar year 2016, Byrne Assistance money is expected to be used.

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 board anticipates that fee

Scott A. Neitzel, Secretary
Page 3
January 15, 2016

collection should be sufficient to support the position in an ongoing fashion beginning in 2017.

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.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

SCOTT A. NEITZEL
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 23, 2015

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 of 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, 2015, to December 31, 2016. Eventually the position will be funded from fees paid by participants in the Misdemeanor Diversion program; however, for calendar year 2016, 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. While the overall purpose and structure of the program remains the same, recently several changes have occurred including: training and commencing implementation of a new initial assessment tool (COMPAS) with potential participants, which has been helpful for determining needs that must be addressed; partnering with new education and treatment providers to address concerns in several new areas; and, strengthening connections with domestic/abusive patterns treatment providers, and others who provide comprehensive assessment and referral for areas including AODA, mental health, and one-on-one counseling for victimization.

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. Subsequently, DOJ awarded JAG Pre-Trial Diversion Program grant funds for a prosecutor's salary and fringe benefits through December 31, 2015. The Fond du Lac DA's office has applied for a continuation of funding of \$80,000 through December 31, 2016, and DOJ has indicated that it will approve that request. Looking years ahead to when the DOJ grant funding may cease, the Fond du Lac DA's office has stated that it has accrued revenue of over \$100,000 from program fees.

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, 2016. 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, 2016. 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 County DA Office since the position authority already was approved in February, 2015. The table uses the most current court data available (2011-2013) and the positions authorized as of February 13, 2015. 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, February 13, 2015

DA Office	2/13/15 Total FTE Positions *	FTE needed before positions approved	FTE needed after positions approved	DA Office	2/13/15 Total FTE Positions *	FTE needed before positions approved	FTE needed after positions approved
Adams	1.20	1.34	1.34	Marathon	11.00	3.27	3.27
Ashland	2.00	0.30	0.30	Marinette	2.60	0.40	0.40
Barron	3.00	2.67	2.67	Marquette	1.00	0.52	0.52
Bayfield	1.00	0.92	0.92	Milwaukee	120.50	-17.87	-17.87
Brown	13.00	11.62	11.62	Monroe	3.00	3.39	3.39
Buffalo	1.00	0.61	0.61	Oconto	2.00	0.93	0.93
Burnett	1.25	1.55	1.55	Oneida	2.50	1.66	1.66
Calumet	2.00	0.96	0.96	Outagamie	10.00	7.02	7.02
Chippewa	5.00	1.66	1.66	Ozaukee	3.00	1.53	1.53
Clark	2.00	0.37	0.37	Pepin	0.80	-0.26	-0.26
Columbia	4.75	3.01	3.01	Pierce	2.50	0.56	0.56
Crawford	1.00	-0.28	-0.28	Polk	3.00	2.48	2.48
Dane	27.85	6.45	6.45	Portage	4.00	3.90	3.90
Dodge	4.00	1.80	1.80	Price	1.00	0.10	0.10
Door	2.00	0.60	0.60	Racine	18.00	9.96	9.96
Douglas	3.50	2.24	2.24	Richland	1.80	-0.13	-0.13
Dunn	3.00	2.76	2.76	Rock	14.00	2.99	2.99
Eau Claire	8.00	4.75	4.75	Rusk	1.50	0.31	0.31
Florence	0.50	4.05	4.05	Saint Croix	6.00	0.71	0.71
Fond du Lac	8.00	3.30	3.30	Sauk	5.00	2.23	2.23
Forest	1.00	1.50	1.50	Sawyer	2.00	1.14	1.14
Grant	2.00	2.17	2.17	Shaw/Men	3.00	2.03	2.03
Green	2.00	0.87	0.87	Sheboygan	7.50	3.71	3.71
Green Lake	1.50	0.47	0.47	Taylor	1.00	0.45	0.45
Iowa	1.75	0.91	0.91	Trempealeau	2.00	0.07	0.07
Iron	1.00	-0.25	-0.25	Vernon	2.00	-0.04	-0.04
Jackson	2.00	1.74	1.74	Vilas	2.00	0.96	0.96
Jefferson	5.30	1.79	1.79	Walworth	5.00	3.10	3.10
Juneau	2.50	0.55	0.55	Washburn	1.25	0.73	0.73
Kenosha	16.00	6.05	6.05	Washington	5.00	3.86	3.86
Kewaunee	1.50	-0.13	-0.13	Waukesha	15.50	7.76	7.76
La Crosse	8.00	4.75	4.75	Waupaca	3.50	1.14	1.14
Lafayette	1.00	0.28	0.28	Waushara	2.00	1.13	1.13
Langlade	1.50	2.07	2.07	Winnebago	10.00	6.41	6.41
Lincoln	2.00	1.17	1.17	Wood	4.00	5.57	5.57
Manitowoc	5.00	2.41	2.41				

November 23, 2015
Fond du Lac County – Misdemeanor Diversion Program
s.16.505 Request
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*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 120.50 rather than 121.50 due to the following factor:
 - a) the 1.0 FTE DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
- 3) In Brown the total FTE used is 13.00 rather than 14.00 due to the following factor:
 - a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.
- 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 First Degree Reckless 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.

From: Luick, Ray J. <luickrj@doj.state.wi.us>
Sent: Monday, November 23, 2015 8:45 AM
To: Werner, Phil W - DOA
Subject: RE: Byrne JAG Funding - Fond du Lac County Diversion Program

Hi Phil – I have every expectation that the grant to Fond du Lac County will be continued. We are meeting to discuss the review process this morning at 9 and I should have a better idea on the timetable for final action at that time. Even if we are delayed, the effective date for the award will be January 1, 2016.

Happy Thanksgiving!

Ray

From: Werner, Phil W - DOA [<mailto:phil.werner@wisconsin.gov>]
Sent: Monday, November 23, 2015 7:54 AM
To: Luick, Ray J.
Subject: Byrne JAG Funding - Fond du Lac County Diversion Program

Hi Ray: The Fond du Lac County DA's office has applied for an extension of their diversion grant and are awaiting a decision by DOJ. Do you know if the grant will be continued for Fond du Lac?

Thanks. Phil.

Philip W. Werner
Director, State Prosecutors Office
WI Department of Administration
101 E. Wilson St., 9th Floor
P.O. Box 7869
Madison, WI 53707
Phone: (608) 267-2700
Fax: (608) 264-9500

From: Toney, Eric <Eric.Toney@da.wi.gov>
Sent: Friday, November 20, 2015 2:19 PM
To: Werner, Phil W - DOA
Subject: RE: Position Authority and Funding for Grant-Funded Position

Carryover revenue, cumulative from all prior program years, thru 12/31/14, \$73,473.75
2014 program revenue \$27,279.38

Thank you,

Eric Toney
District Attorney
Fond du Lac County
160 S. Macy Street
Fond du Lac, WI 54935
920-929-3048 (Office)
920-929-7134 (Fax)

2015-11-20 11:34 AM

From: Werner, Phil W - DOA
Sent: Friday, November 20, 2015 11:34 AM
To: Toney, Eric
Subject: RE: Position Authority and Funding for Grant-Funded Position

Eric: Thank you for your quick response. I will develop a request to extend position authority for the diversion grant. Could you please send via e-mail a copy of the grant application? In addition, could you let me know how much funding you have collected in fees?

Thanks much. Phil.

From: Toney, Eric [<mailto:Eric.Toney@da.wi.gov>]
Sent: Friday, November 20, 2015 11:31 AM
To: Werner, Phil W - DOA
Subject: RE: Position Authority and Funding for Grant-Funded Position

County board funded the DV/SA position through next year.

Diversion grant, we are waiting to hear if we get the grant again. If not received we have sufficient funds and anticipated collection of funds to continue the position through next year.

I would appreciate a request to joint finance to continue the positions through next year.

Thank you,

Eric Toney
District Attorney
Fond du Lac County
160 S. Macy Street
Fond du Lac, WI 54935
920-929-3048 (Office)
920-929-7134 (Fax)

From: Werner, Phil W - DOA
Sent: Friday, November 20, 2015 11:27 AM
To: Toney, Eric
Subject: Position Authority and Funding for Grant-Funded Position
Importance: High

Hi Eric: Two of your grant-funded positions are near the end of their position authority and/or their funding.

- The Misdemeanor Diversion program position (Laura Kohl) has position authority through December 31, 2015. To continue the position beyond that date, we need to secure approval from Joint Finance. Please let me know if funding will continue for the position, or if fees from the program are sufficient to continue the position, and how much funding there is. Also, would you like to extend the position for one year? Any background information you can provide will help me to develop a request for extension of position authority.
- The DV/SA position (Doug Edelstein) has been funded by the Fond du Lac County Board through December 31, 2015. Do you know if the Board will continue to fund the position into 2016? If so, for the entire year?

Thanks. Phil.

Philip W. Werner
Director, State Prosecutors Office
WI Department of Administration
101 E. Wilson St., 9th Floor
P.O. Box 7869
Madison, WI 53707
Phone: (608) 267-2700
Fax: (608) 264-9500

Werner, Phil W - DOA

From: Toney, Eric <Eric.Toney@da.wi.gov>
Sent: Friday, November 20, 2015 2:18 PM
To: Werner, Phil W - DOA
Subject: FW: Position Authority and Funding for Grant-Funded Position
Attachments: SKMBT_55215112014310.pdf

Grant application attached.

Thank you,

Eric Toney
District Attorney
Fond du Lac County
160 S. Macy Street
Fond du Lac, WI 54935
920-929-3048 (Office)
920-929-7134 (Fax)

11/20/2015 13:00:09

From: Kohl, Laura
Sent: Friday, November 20, 2015 1:40 PM
To: Toney, Eric
Subject: RE: Position Authority and Funding for Grant-Funded Position

I don't have any info on the fees. That's a Julie or upstairs thing. Scanned the Grant Application and attached.

From: Toney, Eric
Sent: Friday, November 20, 2015 1:09 PM
To: Kohl, Laura
Subject: FW: Position Authority and Funding for Grant-Funded Position

Can you send me a copy of the grant application and the amount of fees collected.

Thank you,

Eric Toney
District Attorney
Fond du Lac County
160 S. Macy Street
Fond du Lac, WI 54935
920-929-3048 (Office)
920-929-7134 (Fax)

From: Werner, Phil W - DOA
Sent: Friday, November 20, 2015 11:34 AM
To: Toney, Eric
Subject: RE: Position Authority and Funding for Grant-Funded Position

Eric: Thank you for your quick response. I will develop a request to extend position authority for the diversion grant. Could you please send via e-mail a copy of the grant application? In addition, could you let me know how much funding you have collected in fees?

Thanks much. Phil.

From: Toney, Eric [mailto:Eric.Toney@da.wi.gov]
Sent: Friday, November 20, 2015 11:31 AM
To: Werner, Phil W - DOA
Subject: RE: Position Authority and Funding for Grant-Funded Position

County board funded the DV/SA position through next year.

Diversion grant, we are waiting to hear if we get the grant again. If not received we have sufficient funds and anticipated collection of funds to continue the position through next year.

I would appreciate a request to joint finance to continue the positions through next year.

Thank you,

Eric Toney
District Attorney
Fond du Lac County
160 S. Macy Street
Fond du Lac, WI 54935
920-929-3048 (Office)
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Sent: Friday, November 20, 2015 11:27 AM
To: Toney, Eric
Subject: Position Authority and Funding for Grant-Funded Position
Importance: High

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- The DV/SA position (Doug Edelstein) has been funded by the Fond du Lac County Board through December 31, 2015. Do you know if the Board will continue to fund the position into 2016? If so, for the entire year?

Thanks. Phil.

Philip W. Werner
Director, State Prosecutors Office
WI Department of Administration
101 E. Wilson St., 9th Floor
P.O. Box 7869
Madison, WI 53707
Phone: (608) 267-2700
Fax: (608) 264-9500

WISCONSIN DEPARTMENT OF JUSTICE

DOJ USE ONLY

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

Receipt Date	Award Date	Subgrant Number(s)
		- 11683

SUBGRANT #: 11683

SHORT TITLE: Fond du Lac County Diversion Program

1. Type of Funds for which you are applying.	() JAG Pre-Trial Diversion Program 2014		
2. Applicant	Name Of Applicant:		
	Fond du Lac County District Attorneys Office		County: Fond du Lac
	Street Address Line 1: 160 South Macy Street		
	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
5. Financial Officer	Name:		Title: Officer Manager/Financial Officer
	Ms. Julie K Grabl		Agency: Fond du Lac County District Attorneys Office
	Address Line 1: 160 South Macy Street		
	Address Line 2:		Addr Line 3:
	City: Fond du Lac	State: WI	Zip: 54935-4241
6. Project Director	Name:		Title: Project Director
	Ms. Laura Kohl		Agency: Fond du Lac County District Attorneys Office
	Address Line 1: 160 South Macy Street		
	Address Line 2:		Addr Line 3:
	City: Fond du Lac	State: WI	Zip: 54935-4241
7. Brief Summary of Project	Short Title (may not exceed 50 characters)		
	Fond du Lac County Diversion Program		
	(Do Not Exceed Space Provided)		
	The Fond du Lac County Diversion Program provides increased community safety through diversion and supervision of offenders with a limited prior criminal history. The program provides an opportunity for participants to prove through their conduct that they accept responsibility for their actions, are willing to make amends for the effects, and are not a continuing risk to reoffend in the community. The Diversion Program uses evidence-based practices to assess participants' risk and need factors in order to effectively and efficiently address the underlying issues that result in criminal behaviors, and provide participants with the tools, treatment, and supervision necessary to allow them to make amends, make improvements, and move forward as pro-social members of the community.		

RECORDED 11/18/2014 09:29

8. SubGrant Budget

Sources

Categories	Federal	Category Total
Personnel	59,000.00	59,000.00
Employee Benefits	19,000.00	19,000.00
Travel (Including Training)	0.00	0.00
Supplies & Operating Expenses	2,000.00	2,000.00
Consultants/Contractual	0.00	0.00
Source Total	80,000.00	80,000.00

9. Project Start Date: 1/1/2016 Project End Date: 12/31/2016

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	59,000.00	59,000.00
Employee Benefits	19,000.00	19,000.00
Supplies & Operating Expenses	2,000.00	2,000.00
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: The Assistant District Attorney acts as a Diversion Coordinator for the entire program based within the District Attorney's Office and handles, identification, screening, and assessment for participants, education regarding the program, court appearances for entry, referrals and communication with service providers, continued case monitoring with participants, and court appearances for successful completion or revocation of participants from the program. COST

Position Name	Diversion Coordinator		
	Description of your computation: 1.0 FTE Salary for Assistant District Attorney		
		Source: Federal	59,000.00
			Personnel Year 1 Total:
			59,000.00

EMPLOYEE BENEFITS

Justification: Benefit costs for the Diversion Coordinator position. COST

Position Name	Diversion Coordinator		
	Description of your computation: Employee Benefits for 1.0 FTE Assistant District Attorney		
		Source: Federal	19,000.00
			Employee Benefits Year 1 Total:
			19,000.00

SUPPLIES & OPERATING EXPENSES

Justification: Supplies are needed to cover the cost of Urinalysis Cups for the Instant Screening Device previously purchased and being used to monitor participant drug use. Costs for the cups and confirmation testing for positive results are covered partially with grant funds and partially with participant fees in order to assure no drug use from participants with identified drug abuse risk/needs factors. COST

Supply Item	Urinalysis Screening Cups		
	Description of your computation: 12-Panel Cups \$4.54/test with onsite device, estimated monthly volume 50, plus confirmation testing exceeds remaining budget without fee supplement		
		Source: Federal	2,000.00
			Supplies & Operating Expenses Year 1 Total:
			2,000.00

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:

The primary items in the budget cover the Diversion Coordinator position's salary and benefits. The Coordinator is the primary driving force behind assessment, diversion planning, case monitoring, and handles all hearings and issues with program, and maintaining a coordinator in the District Attorney's office has yielded significant benefits with efficiency, resource savings, coordination, and maintaining support for the program. We are also increasing the Coordinator's capabilities. Participants are involved in initial screening processes that can be accomplished efficiently in-house at no cost to them. We are now trained and equipped to complete COMPAS assessments directly with the coordinator, and participants can be effectively presented with the requirements, and directed to the resources most appropriate for their treatment needs.

We continue to work for efficiency and maintaining a low program budget by working with partners in the Department of Community Programs, St. Agnes Hospital, the Fond du Lac jail, the Fond du Lac County Drug Court, and others. We are using treatment resources available in the community and we are sharing and improving system costs with other agencies.

The cost of drug testing and associated supplies makes up the remainder of the grant budget and includes our current anticipated costs for urinalysis screening cups. We intend to transition to a new call-in system and a new lab for confirmation testing later this month. With this transition, we continue to strive not only for the continued reduction in cost, but also an increase in efficiency of our testing regime at an evidence-based level. For example, we will now be able to increase the 'randomization' factor of our testing (including surprise tests, and individual adjustment of testing frequencies) at the level of the individual participant, which is an evidence-based practice shown by our new provider to increase the sense by participants that they are being tested more often even when actual testing frequency goes down, which leads to greater success.

BUDGET NARRATIVE - RELATED ATTACHMENTS:

File Name	File Description
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B PROJECT NARRATIVE

Provide an overall description of the project. This is your opportunity to highlight current program activities and enhancements since the last grant review. Explain any implementation issues or programmatic changes that have occurred during the most recent funding period. Be specific on why those changes occurred and how they continue to support or enhance the application of evidence-based practices.

In addition to the overall description, please address the following areas based on the type of program. For consistency across applications, The Bureau of Justice Information and Analysis (BJIA) at DOJ will provide a report of current data submitted by your program through the TAD database, which can be used to support this portion of the application.

Provide an overall description of the current operation of the diversion program. Programs must describe how they conform to the key components or evidence-based practices for diversion programs:

Performance Standards and Goals for Pretrial Diversion/Intervention

<<http://www.pretrial.org/download/diversion/Pretrial%20Diversion%20Intervention%20Standards%20-%20NAPSA%202008.pdf>>

Programs should also address the following specific items in table format, by completing and attaching the Pre-Trial Diversion Project Narrative Table

<<http://www.doj.state.wi.us/sites/default/files/dles/justice%20programs/JAG%20Pre-Trial%20Diversion%20Project%20Narrative%20Table%281%29.docx>>.

RESPONSE:

The Fond du Lac County Diversion Program provides increased community safety through diversion and supervision of offenders with a limited prior criminal history. The program provides an opportunity for participants to prove through their conduct that they accept responsibility for their actions, are willing to make amends for the effects, and are not a continuing risk to recidivate in the community. The Diversion Program uses evidence-based practices to assess participants' risk and need factors in order to effectively and efficiently address the underlying issues that result in criminal behaviors, and provide participants with the tools, treatment, and supervision necessary to allow them to make amends, make improvements, and move forward as pro-social members of the community.

Although the overall purpose and structure of the program remains the same, we have made several recent changes, including training and commencing implementation of a new initial assessment tool (COMPAS) with potential participants, which has been helpful for determining needs that must be addressed. Additionally, we have partnered with new education and treatment providers and expanded our ability to address concerns in several new areas, including for males involved in soliciting prostitution, new anger management groups, and working with child support in felony non-support cases. Additionally, we have strengthened our connections with domestic/abusive patterns treatment providers and other providers who are able to provide comprehensive assessment and referral for several areas including AODA, mental health, and one-on-one counseling for victimization, educational, and other needs.

We have been involved in continuous improvement of our drug testing system all year, and continue going forward. We are working to increase efficacy and efficiency, which is a beneficial area for our participants as we have found continuing AODA issues to be a factor for 64% of our revoked population. The impression for participants that if they use it will be discovered and they will be held accountable is important to incentivizing full engagement with the treatment process and each time we improve our system we are moving toward that goal. Most recently, we will be working with the Sentry system with NorChem Labs in an effort to improve accountability and responsiveness on an individual level.

We have started, and intend to improve, tracking of recidivism outcomes for defendants who were initially referred but did not enter the program, whether due to denial or refusal. It seems to be the closest possible comparison group, as they were initially identified by a system actor as a possibly appropriate candidate for the program. So far, we only have data from this year, and we hope to increase the sample size moving forward. However, participants who successfully completed diversion this year have new charges or convictions at a rate of approximately 4.7%, while those who were referred for diversion this year, but did not enter diversion have new charges or convictions at a rate of approximately 18.8%, or four times as high as those who completed diversion.

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PROJECT NARRATIVE - RELATED ATTACHMENTS:

File Name	File Description
JAG Pre-Trial Diversion Project Narrative Table.docx	Project Narrative Table

JAG Pre-Trial Diversion Project Narrative Table

Topic	Description	Response/Explanation
Structure of the program	Describe the type and structure of the pre-trial diversion program. Also, provide a list of the titles or roles of the diversion program team (e.g. judge, coordinator, district attorney, etc.).	The Fond du Lac Diversion Program is a pre-trial option that allows defendants in appropriate cases who have been charged with a crime to avoid conviction through voluntary agreement to complete various conditions identified by risk/needs assessment, case circumstances, and victim considerations such as restitution. The primary responsibility for the program's day-to-day functioning rests with the Diversion Coordinator with assistance from support staff in the District Attorney's Office, but the Judges, Prosecutors, Defense Attorneys, Treatment Providers particularly at the Department of Community Programs and St. Agnes Hospital, Jail staff, and Drug Court Coordinator are all key partners who stay in regular contact and stay educated in the program to ensure smooth functioning.
Referral process	Explain the referral process including at what point potential participants are referred to the program and who is allowed to make a referral.	Anyone can make a referral, including the defendant, defense attorney, prosecutor, or victim. The process is simple and only involves requesting that a case be reviewed by the Diversion Coordinator. Since the coordinator is based in the District Attorney's office, all members of the office are regularly reminded to consider cases for Diversion and know to forward files where an interest is expressed or where they feel the case may be appropriate for diversion.
Screening and	Explain the process, including what	The Diversion Coordinator

assessment process	tools are currently utilized for screening and assessment and who administers those tools. How are both the criminogenic risk and needs of clients assessed? All tools utilized must be validated.	administers the initial assessments, currently using COMPAS core and pre-trial as well as thorough review of the case file. Further referrals are made as identified, particularly for AODA-specific and Domestic Violence-specific assessments which must be completed with validated assessment and follow-up counseling at DCP, St. Agnes, or a pre-approved alternative provider.
Eligibility requirements	Provide specifics on the program eligibility requirements and how eligibility is determined.	After the potential participant is referred to the coordinator, the coordinator ensures that the case meets eligibility requirements including the nature of the offense being non-violent and no greater than an F Felony, no more than one prior felony which must be more than 10 years old, no more than three prior misdemeanors unless all are more than 7 years old, no more than 2 pending cases and no other pending felony cases, and is appropriate for and cooperative with assessment. After the assessment is completed with the potential participant, the coordinator drafts a proposed Deferred Judgment Agreement which is distributed to the defendant/defense attorney for review. The majority of cases involve participants who have either no or minimal prior criminal record or no prior felony record and the diversion program would allow them to maintain that status.
Admission process	Describe the program admission process including who makes the final admission decision. Explain whether program participation is mandatory or voluntary. Provide any specifics on	The defendant and the prosecutor must both agree, and the Judge makes the final decision to approve the Deferred Judgment

	factors that can lead to a denial of admission.	Agreement and allow the defendant into the program. Participation is voluntary. Refusal by the participant, the State, or the Court will prevent admission, as well as failure to meet eligibility criteria.
Target population	Describe the characteristics of the target population, as well as whether program participants over the most recent year fit the target population.	<p>The target population is primarily either youthful offenders with little to no prior record or older offenders with risk/need factors that have placed in jeopardy their ability to continue to lead a previously pro-social crime-free lifestyle. Often these are crimes that arise due to financial troubles, shoplifting habits, or alcohol and drug-motivated stressors. Currently, approximately 55% of participants are 25 or under, 25% are 26-35, 14% are 36-45, and 6% are over 45. In the current year, approximately 46% of those who successfully completed the program were 25 or under, and 26% were 26-35, 13% were 36-45, and 15% were over 45. Crimes of offense for those who completed were over 28% theft/property, and 18% drug offenses.</p> <p>Unsurprisingly a higher number of participants reflect AODA needs, currently at 40% of participants, with over 20% participating in urinalysis testing. 13 % are completing shoplifters alternatives education and counseling, and 14% are also completing free money management counseling. We have a higher number than initially expected who are involved in abusive patterns/domestic, anger management, and mental health counseling, at over</p>

		40%, reflecting a high number of referrals for first time offenders with low-level domestic incidents, disorderly conduct, criminal damage to property, and resisting behaviors. Our strong partnership with St. Agnes hospital is serving us well with addressing these needs.
Current capacity	Explain the current program capacity, including both how many participants the program can support at any given time, as well as maximum annual capacity. Also provide specifics on how many participants are in the program at the current time and how program participation has compared to program capacity. In other words, is there more demand for the program than available capacity (resulting in waitlists), is the program operating at or near capacity or is it functioning significantly below capacity? Incorporate local program data.	The program generally currently supports approximately 130 participants at any one time. Annual capacity is not bounded beyond the ability to effectively assess and monitor participants in the program at any one time. We believe we could accommodate more participants with current resources, although comfortable capacity is likely approximately 150. A moderate increase in numbers would be acceptable, but we would likely start to face delays with assessment and additional staffing needs for case management with much higher numbers.
Length and progression of the program	Describe how participants progress through the program. What is the average length of the program for those who successfully complete the program? Incorporate local program data.	The average length of the diversion term at one year, with some participants completing between 6 months and 2 years. Most Deferred Judgments are set at a one-year term, with participants able to request early termination or extension based upon their progress. Case management meetings occur on at least a monthly basis where the participant and coordinator discuss progress, and the coordinator makes contact with treatment providers throughout. Approximately 17% finished in less than a year, 62% at a year, and 21% at more than a

		year.
Diversion plan	Explain how the diversion plan is developed to meet individual participant needs and circumstances, as well as the needs of the community. Include how the diversion plan is developed, who oversees the diversion plan, and how participants are matched with services based on their risk/needs.	After the Diversion Coordinator receives the referral and determines if the individual meets eligibility criteria, the coordinator assesses the participant's risk/need level and reviews the case file, including any victim impact statement or restitution request, the coordinator discusses potential areas to address with the participant/defense attorney and any other identified sources and drafts a proposed Deferred Judgment Agreement which contains a written explanation of the plan and requirements. If risk/needs areas are identified requiring further assessment and follow-up, that is indicated in the DJA. The parties then have the opportunity to review and further discuss, before presentation to the Judge for approval. The coordinator oversees the plan, with continuing input from the participant and treatment providers.
Completion requirements	Describe the requirements for "successful program completion." What percent of participants have successfully completed the program over the past year? Incorporate local program data.	Successful program completion means that the participant has completed or made good faith efforts to complete the conditions in their Deferred Judgment Agreement, including not obtaining new criminal charges, paying restitution, and participating in education, treatment, and requirements as set forth in their plan, resulting in their charges being amended or most frequently dismissed. This year, 73.7% of participants have successfully completed.
Termination	Explain the criteria utilized for	The Diversion Coordinator is

	<p>termination decisions and how termination decisions are processed. What percent of participants were terminated from the program over the past year? Incorporate local program data.</p>	<p>responsible for monitoring program progress and case management, including regular contact with participants. When participants obtain new criminal charges or fail to complete or make good faith efforts toward completion of their conditions or by absconding and failing to respond to calls or letters, the Diversion Coordinator drafts a motion to revoke the Deferred Judgment Agreement. The Judge provides notice for a hearing and if it is determined that the participant has violated the agreement, the agreement is revoked. This year, 26.2% of participants were terminated.</p>
<p>Evaluation</p>	<p>Explain whether the program has ever, or plans to have, an external evaluation completed. If so, explain who will conduct the evaluation and what the evaluation will address.</p>	<p>We have not had an external evaluation, and although we are not opposed to it, do not currently have plans for an external evaluation.</p>

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:

Fond du Lac County's justice system continues to experience a high caseload with significantly fewer resources than assessed need, including no additional prosecution resources to handle the 5 judicial branches or address the 2009 assessed needed 11.49 prosecutors (versus 5 State funded, and two other grant or county funded positions), which need has only increased.

Without these resources, the Fond du Lac office would have the interest but not the time or resources to look for creative solutions or to monitor defendants who may be appropriate for diversion from the traditional criminal justice system. Attempts to do so prior to the program failed with unmonitored participants whose cases were not managed or reviewed for a year or sometimes more, and eroded confidence in system actors in the idea of diversion.

We are on track and improving in our ability to create successful outcomes, with 87 successful participants so far this year. Participants have a variety of education and treatment needs. Currently participants are involved in intervention regarding AODA issues in 40% of cases, Domestic and Abusive Patterns in 25% of cases, Anger Management in 13% of cases, Mental Health in 3.5% of cases, Money Management in 14% of cases, Shoplifting Education and Cognitive Intervention in 13% of cases. Additionally, participants are given the opportunity to make amends and demonstrate acceptance of responsibility, as currently 25% of cases involve payment of restitution, and in 56% of cases offenders write a sincere letter of apology detailing what they have learned in the process and expressing remorse. Participants also give back to the community with community service work for nonprofit organizations they choose, and receive assistance with AODA monitoring and support services including urinalysis screens and support group meetings (i.e. AA/NA).

We continue to target those offenders for whom avoiding the consequences of a criminal conviction or a felony conviction is most important for their future success, including youthful offenders with little to no criminal history or older offenders who have treatment needs that are keeping them from resuming a previously pro-social lifestyle or that have interrupted a significant period of crime-free behavior.

We have found that AODA issues continue to be the most pernicious in causing re-offenses or revocations, with almost 65% of unsuccessful participants with continuing drug and alcohol issues. We continue to refine our monitoring and treatment services to try to more effectively address these needs, and are working on this most recently with a brand new partner in NorChem Labs and their Sentry system.

PROBLEM DESCRIPTION - RELATED ATTACHMENTS:

File Name

File Description

D GOALS AND OBJECTIVES

Using the Goals and Objectives <<http://www.doj.state.wi.us/sites/default/files/dles/TAD%20Goals%20and%20Objectives.docx>> document, identify the goals and objectives of this proposed project. Be sure to **include the following as two primary goals**: 1) Reduce recidivism rates for nonviolent offenders in the program and increase public safety and 2) Reduce prison and jail populations by diverting nonviolent offenders to community-based interventions. Indicate whether the goals or objectives have changed since the most recent funding period and if so, why they have changed. Keep in mind that goals and objectives should be SMART (specific, measurable, attainable, realistic, and time-bound). Please attach the completed Goals and Objectives document in this section.

RESPONSE:

The Goals and Objectives, although overall similar, have changed somewhat, particularly in our long-term thinking about how we will be measuring and supporting success. For example, we have improved tracking of potential participants who do not enter diversion, which provides what we believe to be the most accurate and fair comparison population in order to evaluate success with our goal for reduction of recidivism. Additionally, this year we have started a concerted effort to enter into the eValuate system estimated jail bed days saved, which we intend to continue to do either in the new system when it is implemented or on our own if it is unavailable in the new program database. This will help us better quantify resource savings and participant benefits.

GOALS AND OBJECTIVES - RELATED ATTACHMENTS:

File Name	File Description
Goals and Objectives Chart.docx	Goals and Objectives

**Treatment Alternatives and Diversion
Goals and Objectives**

Goals	Objectives	Activities	Outcome/Measures
<i>What are the overall goals of the court/program?</i>	<i>What is the court/program specifically trying to address or achieve? Objectives should be derived from the goals.</i>	<i>Describe the specific program activities that will support the goal and objectives.</i>	<i>What measures will you track to determine whether you have met the goals and objectives?</i>
1. Reduce recidivism rates for nonviolent offenders in the program and increase public safety	a. 65% of participants should successfully complete the program	Regular contact with participants to ensure understanding of program requirements and referrals. Provide positive feedback as well as regular guidance at case management sessions. Encourage buy-in with early involvement of participants in case plan and early assessment and treatment.	Number of participants who successfully discharge. Number of participants who are revoked.
	b. 75% of participants who complete the program should not be charged with a new crime within 1 year of discharge/graduation.	Monthly checks on whether new charges have been filed, statewide, are run. Participants are given positive feedback based on their good conduct in meeting this condition and reminded that following the law results in positive things happening in their lives.	Number of program participants who were successfully discharged, checked against WCCA 1 year after discharge.
	c. Successful participants should have 50% or less likelihood of re-offense compared to closest identifiable control population.	Encourage successful completion of participants and continue to work with system actors	Compare to rate of new offenses in closest control population, currently identified as defendants who were initially referred but did not enter diversion.

		to identify and track an appropriate comparable cohort.	
2. Reduce prison and jail populations by diverting nonviolent offenders to community-based interventions	a. Court, probation, treatment, and jail costs for diversion participants are reduced approximately 25% for program participants.	Program will be a post-plea diversion, saving court time and reducing trials. Only if an offender is revoked will there be the need for a sentencing hearing.	Number of program participants who graduate compared to the number of participants who are revoked.
	b. Time spent by non-diversion prosecution staff will be reduced by approximately 80%.	Screen potential program participants early to minimize non-diversion resources.	Number of criminal misdemeanors and felonies charged compared to number of cases diverted.
	c. Save at least 350 jail bed days per year from program participants.	Educate system actors regarding appropriateness of mid-level risk and need offenders for the program, and support successful completion of participants.	Estimated number of jail bed days saved by case assessment of successful participants.
3. Improve self-sufficiency, stability, and welfare of participants with treatment needs.	a. Alcohol/drug, domestic, mental health, and shoplifting assessments, with follow up counseling as required by the assessor, will be program conditions where appropriate.	Identify offenders by review of prior ordinance, driver's license, and criminal history checks, along with police incident reports and input from victims, attorneys, or family, and have them assessed early and directed into appropriate counseling.	Number of program participants referred for Counseling assessments. Number of participants completing the assessments. Number of participants completing follow up counseling.
	b. 50% of participants with AODA issues will complete the program.	Random Urine screens, maintaining regular contact with offenders and any treatment providers.	Number of participants with AODA conditions who complete the program compared to the number who are revoked.

4. Obtain restitution for crime victims along with offender recognition of personal effects of the crime.	a. Restitution will be ordered in all program cases.	Provide incentive for prepayment, options on payment plans, and refer for money management counseling and job seeking resources.	Number of program graduates with restitution requirements who paid restitution in full compared to the number who did not complete.
	b. Letters of Apology will be required when appropriate.	Require particularized letters of apology, encouraging participants to think about the impact of their crime and complete after relevant counseling or education resources have been provided.	Number of program graduates who provided appropriate letter(s) of apology compared to the number who did not.

E DESIGN AND IMPLEMENTATION STRATEGY

Describe any proposed or planned changes to the design or implementation of the program during the upcoming funding cycle. Be specific on the reason for the proposed changes and how they continue to support or enhance the application of evidence-based practices.

RESPONSE:

We are currently in the process of changing our drug testing system to be more efficient and effective, capturing more information about compliance, providing more flexibility to change frequency of testing at the participant-level, and comporting with evidence-based practices in order to make testing more random and giving participants the impression of full-coverage testing even with less frequent testing.

We are improving tracking of the closest identifiable cohort of those who did not enter the program for comparison purposes to allow us to better measure success in a meaningful fashion. We are also improving capture of statistics regarding estimated jail bed days saved for successful participants.

We have fairly recently started using the COMPAS assessment tool and intend to review how well it is helping to identify participant risk/need levels and we intend to do more work to ensure that the identification of potential participants and their assessment occurs as soon as possible in the process. It is too soon to tell how well the new tool is meeting our needs, but with continued success we note that system actors become more comfortable with placing participants, including those with higher levels of risk and greater needs, in the program. We plan to continue to develop resources to meet those increasing needs with partnerships with treatment providers.

DESIGN AND IMPLEMENTATION STRATEGY - RELATED ATTACHMENTS:

File Name	File Description
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F 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:

Please see attached.

LETTERS OF SUPPORT - RELATED ATTACHMENTS:

File Name	File Description
Diversion Letter of Support - Eric Toney.docx	Letter of Support - DA Eric Toney
Diversion Letter of Support- County Exec.pdf	Letter of Support - County Exec
Diversion Letter of Support- DCP.pdf	Letter of Support- Department of Community Programs
Diversion Letter of Support- Judge Nuss.pdf	Letter of Support - Judge Nuss

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? (federal BEOP required response)
- 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, Attn: BEOP, 17 West Main Street, PO Box 7857, Madison, WI 53707-7857 (federal BEOP required response)
- Yes
 No
 N/A
- C. Have you utilized the DOJ Administrative Guide located on the DOJ website? (grants-admin-guide-2012.pdf)
- Yes
 No
- D. Would you like someone from DOJ to contact you?
- Yes
 No
- E. 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 (EEOP) or Certification form (if applicable). A copy of your BEOP 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>) (federal BEOP required response)
- Yes
 No
 N/A
- F. 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? (required by The Federal Funding Accountability and Transparency Act)
- Yes
 No
 N/A
- G. 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.
- 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 and Objectives Chart.docx	Goals and Objectives

Section: Letters of Support

<u>File Name</u>	<u>File Description</u>
Diversion Letter of Support - Eric Toney.docx	Letter of Support - DA Eric Toney
Diversion Letter of Support- County Exec.pdf	Letter of Support - County Exec
Diversion Letter of Support- DCP.pdf	Letter of Support- Department of Community Programs
Diversion Letter of Support- Judge Nuss.pdf	Letter of Support - Judge Nuss

Section: Project Narrative

<u>File Name</u>	<u>File Description</u>
JAG Pre-Trial Diversion Project Narrative Table.docx	Project Narrative Table

**CIRCUIT COURT
BRANCH 3**

Judge Richard J. Nuss

HOLLY J. FORD
KAREN S. FREDRICK
Court Reporters

CITY-COUNTY GOVERNMENT CENTER
160 SOUTH MACY STREET
FOND DU LAC, WI 54935
PHONE 920-929-3188
FAX 920-929-7507

SARA SCHMIDT
Trial Clerk

November 6, 2015

RE: Fond du Lac County Diversion Grant Program

To Whom It May Concern:

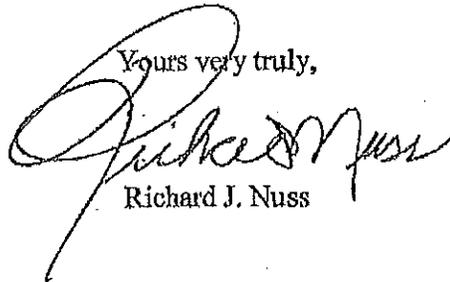
Fond du Lac County District Attorney Eric Toney has advised that they are applying to maintain their diversion grant and requested a letter of support. I welcome the opportunity to enthusiastically recommend that their application be given favorable consideration.

As a Circuit Judge for 14 years I have seen the many attributes of our diversion program. It provides a tremendous benefit to the litigants while at the same time insuring both accountability and acceptance of responsibility. Promoting public safety, addressing behavioral causes, facilitating counseling and treatment, sensitivity for victim rights, restitution repayment, letters of apology, community service, employment obligations, residential stability and other directive serve to enhance compliance and reduce recidivism. In addition, costs associated with the court process are significantly reduced.

The program serves as a viable resource in complimenting the criminal justice system and should be continued.

Thank you in advance for your courtesies in accepting this Letter of Support. In the event that you have any questions or I can be of further assistance please do not hesitate to contact me.

Yours very truly,



Richard J. Nuss

Cc: DA Toney



Fond du Lac County

OFFICE OF THE COUNTY EXECUTIVE

160 S Macy Street
Fond du Lac WI 54935

Phone (920) 929-3155
Fax (920) 929-3016

November 9, 2015

RE: Diversion Program Grant Funding

To Whom It May Concern:

It has come to my attention that the Fond du Lac County District Attorney's Office is submitting an application for a diversion grant for funding to allow the continuation and expansion of the program. I am writing to express my support for continued grant funding.

The diversion program provides benefits to the victims and community by requiring restitution payments, letters of apology, acknowledgement of the crime and harm caused, and community service to give back to those who have been harmed and promote more pro-social behaviors. With diversion grant funding, Fond du Lac County would be able to continue promoting public safety by addressing underlying causes of criminal behavior and requiring appropriate counseling and treatment to reduce future recidivism. Improvement in the well-being of participants and their families are supported by encouraging employment, education and treatment, and allowing for opportunities for offenders to avoid the collateral consequences of a criminal conviction while taking responsibility for their actions and demonstrating a pattern of law-abiding behavior. The program also reduces costs associated with court processes, and saving jail and probation resources while providing for supervision and accountability.

Therefore, I do strongly support the grant application and believe that the Diversion Program represents a wise use of resources and a great benefit to Fond du Lac County.

Sincerely,

A handwritten signature in cursive script that reads "Allen J. Buechel".

Allen J. Buechel
County Executive



Fond du Lac County

DEPARTMENT OF COMMUNITY PROGRAMS
459 East First Street
Fond du Lac, WI 54935

For General Information & Services for
Mental Health, Alcohol & Drug Abuse (920) 929-3500
For Developmental Disabilities &
Board Administrative Offices (920) 929-3571
Fax (920) 929-3129

November 10, 2015

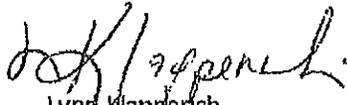
Eric Toney and Laura Kohl
District Attorney's Office

Dear Eric and Laura,

This letter serves as support for the DA Diversion Program in Fond du Lac County. This program not only benefits clients of the Fond du Lac County Department of Community Programs; it benefits the community at large. One of the huge benefits for clients is an opportunity to receive necessary treatment for AODA and mental health issues versus being criminalized for their actions. It is because of this program that clients have maintained sobriety, developed a program of recovery, managed their medications, and began the process to rebuild their lives. This program in essence promotes accountability for the client by way of requiring restitution, writing letters of apology, and acknowledging how their behavior adversely affected someone's life. The Diversion Program is a tremendous resource and addition to our existing services such as outpatient mental health/AODA, drug court, and residential treatment. We have had the privilege of treating multiple clients referred through the Diversion Program and have witnessed its success.

I am hoping that this letter addresses the importance and need to continue this program in Fond du Lac County and wish you well in receiving additional monies.

Sincerely,


Lynn Klapperich
AODA Coordinator


Becky Bell
Deputy Program Director

November 17, 2015

Re: Diversion Program Letter of Support

To Whom It May Concern:

I am writing to express my wholehearted support for the Diversion Program and request that you continue to provide grant support for funding the program for next year. The Diversion Program is housed in our office, and has been a valuable tool for us, as well as for our justice system and treatment partners.

We have seen significant improvement in case monitoring and management. Our office no longer has to worry about offering the opportunity to divert defendants from the traditional justice system, as we know they will be monitored and held accountable. The program saves considerable prosecutorial resources and we continue to believe in the benefit of having an Assistant District Attorney as a dedicated Diversion Coordinator, who can handle the process of assessing referrals, educating the defense bar, the judges, and the participants, compiling appropriate conditions and drafting the agreements, presenting the proposal to the court, and reporting the progress directly, as well as monitoring participants and handling the cases through completion or revocation.

At the same time, we see benefits from the program for defendants who participate in terms of addressing the underlying factors that cause them to offend. We also see benefits for their victims who are receiving restitution, and often in these cases are family members or friends of the defendants and are requesting counseling, accountability, and improved pro-social behavior rather than convictions or jail terms.

I ask that you continue funding for this valuable resource, and allow the Diversion Program to expand upon the great work that we have already seen.

Sincerely,

Eric Toney
Fond du Lac County District Attorney