



Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Case Processing Workgroup
Thursday, August 4, 2016

Team Members Present:

District Attorney Sue Oppen
Judge Ralph Ramirez
Clerk of Circuit Court Kathy Madden

District Court Administrator Michael Neimon
Commissioner Robert Dehring

Team Members Absent:

Attorney Katie Bricco

Attorney Dan Fay

Others Present:

CJCC Coordinator Rebecca Luczaj
Janelle McClain

Attorney Sam Benedict

Oppen called the meeting to order at 7:31 a.m.

Approve Minutes from July 21, 2016

Motion: Madden moved, Neimon second, to approve the minutes of July 21, 2016. Motion carried unanimously.

Conference Call with Eau Claire County Regarding Pre-Charge Diversion Program

Luczaj distributed a summary of the Eau Claire Pre-Charge Diversion Program prior to contacting Angie Braaten and Tiana Glenna from Eau Claire County via conference call.

The Eau Claire Pre-Charge Diversion Program began 2 years ago, and is operated through the District Attorney's (DA) office.

After reviewing the DA's data, Eau Claire County determined they needed some form of diversion. They developed a pre-charge diversion program. The program helps low-risk offenders stay off CCAP, which could affect their lives later for employment, school, etc. They acknowledge that 10-15% of the offenders do reoffend.

Pre-charge referrals come from the University police (50%), City police and Sheriff's Department (30%), as well as from the DA's office (20%). When a defendant is a potential candidate, they are given a form to fill out instead of getting a citation. Angie, the program coordinator, then contacts them. Potential offenses eligible for the program include first-time disorderly conducts, theft, and possession. If there is a prior theft ticket or multiple prior arrests, they will not be accepted into the program.

In Waukesha County, a low-risk offender would receive a municipal ticket for the same offenses; however, Eau Claire County does not have municipal courts. Municipal tickets do not go on CCAP. Eau Claire's ordinance violations go on CCAP.

The program requirements include a \$250 fee, which goes to fund the Coordinator position; attend a one-time education session, which if not attended, the original charges proceed; and remain offense-free while in the

program. The educational component is not geared to specific offenses. Restitution is collected up front. On average, participants are in the program for 60 days. There is no sliding scale for the fee; however, Angie will occasionally push the period beyond 60 days to allow more time to pay, if needed.

Eau Claire law enforcement uses a 3-question proxy tool (Hawaiian Proxy) that identifies a defendant's risk level. The tool looks at current age, age of first arrest, and number of prior arrests. They found that the proxy tool was 96% correlative to the DOC COMPAS assessment.

Opper and Ramirez left at 7:56 a.m.

In Eau Claire County, misdemeanor and felony defendants can also be referred to the Deferred Acceptance of a Guilty Plea (DAGP) program, which has been around for about 15 years and targets more chronic offenders. Participants are chosen by the DA's Office (any case type is considered, but most are drug cases). The defendant pleads guilty and the case is held open for 1-2 years for the defendant to complete their court-ordered requirements. If successful, the charge is either reduced or expunged.

Eau Claire's drug court is limited to high risk, high need defendants.

Dehring left at 8:15 a.m.

Discuss Progress of Public Defender Screening Pilot

There was an e-mail about an issue encountered by Commissioner Lau when three individuals did not go to the State Public Defender's Office. Madden is concerned about what will happen when the cases reach the judge level. She and her staff will track those specific cases to determine the impact.

The workgroup would like to have the commissioner's speech changed so defendants understand they are being charged with a crime – not just a ticket to be paid.

Discuss Next Steps & Set Date for Next Meeting

The next meeting will be Thursday, August 25, 2016 at 7:30 a.m.

The meeting adjourned at 8:33 a.m.