



Waukesha County Criminal Justice Collaborating Council Alternative Interventions Committee Minutes Monday, February 11, 2019

Members Present

Sam Benedict

Tom LeBel

Marla Bell

Hon. Laura Lau

Joan Sternweis

Sue Opper

Hon. Maria Lazar

Duane Paulson

Shelby Maruszczak

Others Present

Rebecca Luczaj

Amber Rumpf

Janelle McClain

Rachel Vazquez

Mary Wittwer

Denise Rawski

Benedict called the meeting to order at 12:00 p.m.

Lau arrived at 12:05 p.m.

Approve Minutes from January 14, 2019 Meeting

Motion: Paulson moved, second by Bell, to approve the minutes of January 14, 2019. Motion carried unanimously.

Update on Waukesha County's Participation in March 12-13, 2019 OWI Court Operational Tune-Up Training

Luczaj distributed and reviewed a document titled "Application for the NHTSA/NCDC DWI Court 2 Day 'Operational Tune-Up' Training."

The training will take place in Wisconsin Dells on March 12 and 13. Waukesha County is sending: Luczaj, Lau, Bell, Anna Kees (State Public Defender), Brian Juech (Assistant District Attorney), Susan Andrews (HHS Senior Substance Abuse Counselor), Kristy Gusse (WCS Assistant Program Director), Haley Passey (WCS Case Manager), and Sarah Rogge (DOC probation agent).

Review and Discuss Diversion Grant Implementation Plan

Luczaj distributed and Maruszczak reviewed documents titled "Pre-Charge Diversion Flowchart," "Post-Charge DPA Flowchart," "Waukesha County Pre-Charge Diversion Program," "Waukesha County Deferred Prosecution Agreement Referral Form," and a form letter to the defendant for risk assessment.

The Diversion Grant Program will be implemented on March 4. Those defendants on a pre-charge diversion or DPA will be required to complete 25 hours of community service. There will be flexibility regarding Waukesha County residency requirements; however, preference will be given to Waukesha County residents due to the frequency of case management and drug testing reporting requirements, as well as funding for the program.

Lazar arrived at 12:14 p.m.

Sternweis stated that "AODA" should be replaced with "substance use" in all program materials.

In response to a question from Benedict, Opper responded that 17-year-olds would be considered for the diversion programs. Benedict requested that Opper reconsider the length of the DPA for moderate-risk misdemeanors versus felonies (with a 6-month DPA for misdemeanors and a 1-year DPA for felonies) to correspond with Act 33 cases. Opper stated she would consider this. Additionally, Opper will consider Benedict and Rumpf's request to remove "obtain possession of a controlled substance by fraud" as an exclusion, but indicated it is not likely she will remove this exclusion.

Lazar would like to see the offender at least once during their participation in the DPA to check on their progress. Opper indicated that the plan is to meet with the judges after the project is underway in order to promote consistency with judicial involvement in these cases.

Changes to the pre-charge diversion flowchart include:

- Add a box indicating a defendant may be deemed ineligible after the assessment results have been reported to the ADA and Diversion Coordinator
- Add a box indicating that the Diversion Coordinator may deem a case ineligible at the initial screening phase

Changes to the form letter include:

- Include a sentence about why this program is a beneficial opportunity
- Change “your risk needs level” to “you will be screened” in the second sentence of the first paragraph
- Highlight the first sentence in the last paragraph about the right to be represented by an attorney
- Include a sentence in the last paragraph about what may happen if they do not respond to the letter (may result in charges being filed)

Cases that have already been charged may be eligible for a DPA. It would be the responsibility of the attorney to complete the referral form and send it to Maruszczak for review. Lazar suggested having the DPA Referral Form available in the courtrooms.

Lazar recommended that an overview of the new diversion grant be added to the next Criminal/Traffic judges’ meeting agenda.

In response to a question by Benedict about how WCS will manage/supervise these diversion cases at the DRC, Rawski stated that WCS would be consistent in how they manage all cases at the DRC. Defendants will need to call WCS on a daily basis to find out if they are required to drug test, but the frequency of drug testing would be based on what program they are participating in and their risk level.

Luczaj commented that there will be consideration for offenders to have an early release from the diversion contract or DPA upon successful completion of all requirements, but it would be at the discretion of the DA’s Office, and may or may not be mentioned to the offender.

Luczaj stated that we have proposed to serve 40 offenders in Year 1, followed by 55 offenders each in Years 2 and 3 of the grant. As long as we serve 150 offenders by the end of the grant period on September 30, 2021, we will be in compliance with the overall project enrollment target.

Other Items for Discussion

None

Discuss Agenda Items for Next Meeting

- Luczaj has completed the Year 3 SAMHSA Continuation application for our federal drug court grant, which starts on October 1, 2019. The committee will need to begin discussing drug court sustainability at a future meeting.
- Benedict will be out on March 11. Rumpf will be his proxy, and Opper will chair the meeting

Adjourn

Motion: Lazar moved, second by Maruszczak, to adjourn the meeting at 1:01 p.m.