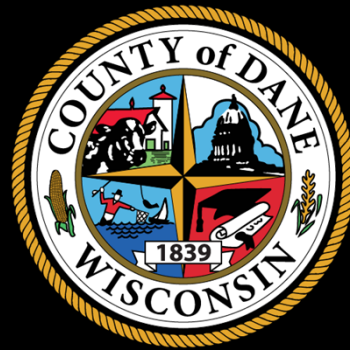


Dane County's District Attorney's Office

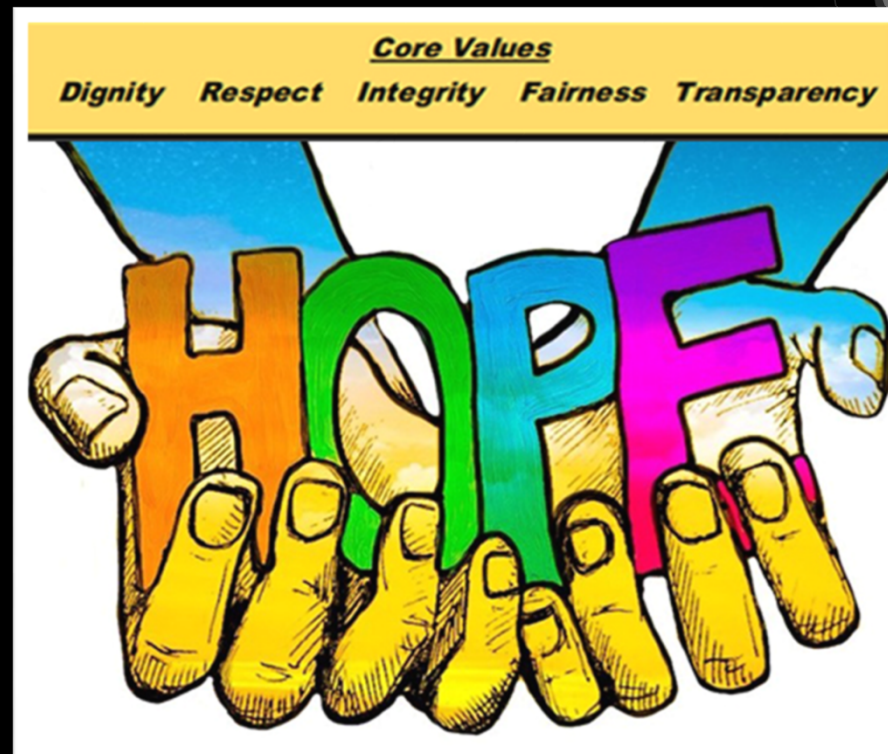
Deferred Prosecution Program (DPP)



Director Melvin Juetten

Philosophy & Principles

DPP is a unique program in the Dane County District Attorney's Office that offers restorative and balanced approaches to the criminal justice system as an alternative to prosecution and incarceration. DPP operates within the parameters of criminal justice reform by providing all eligible participants a diversion option to avoid a criminal conviction.



Philosophy & Principles

Mission Statement

- Deferred Prosecution Program success depends on our ability to engage, educate, enhance intrinsic motivation, and activate participants by targeting interventions appropriately.
- Ensure all participants leave DPP more competent to function effectively in the community by adequately assessing participants' risks and needs and targeting interventions appropriately
- Develop a higher degree of accountability for the behaviors, as well as their responsibility to repair the harm done, increase victim empathy and community engagement
- Improve connection and collaboration with participants and community resources to provide training and educational opportunities and access to healthcare and economic opportunities.

Our History

- The First Offenders Program (FOP) was started in the early 1970's. It began as a program primarily for Retail Theft cases.
- In the late 70's/early 80's, there was a "red light district" in the Main/King St area in downtown Madison. Women were being arrested for prostitution. Many were referred to FOP, as were some of the men involved.
- Over the next decade FOP grew and participants with varied offenses were referred.
- In the late 90's, FOP changed names to become the Deferred Prosecution Unit (DPU).
 - The program was no longer strictly for "first offenders." Participants were given the opportunity to be in the program even if they had a previous charge.

Our History

- In 2013, due to the growing number of opiate and child abuse referrals, there became a clear need to add counselors with specialized training to the Deferred Prosecution Unit. Two new specialized programs were established: The Deferred Prosecution Opiate program (DPP-O) and the Deferred Prosecution-Child Abuse Initiative (DPP-CAI).
- The program continued to expand and changed its name in 2014, to the Deferred Prosecution Program (DPP). DPP now currently has one director, six Case Managers, one LTE Case Manager, one Substance Abuse Counselor, one Child Abuse Specialist, one Office Manager, and one LTE Administrative Clerk on the team.
- The DPP has a five-decade history of supporting participants and providing necessary services that have benefited the Dane County Community. We will continue to do so for years to come.

DPP- General Programing

Eligibility

A DPP potential participant:

- Accepts accountability and responsibility for offense behavior, and if Post-charge, accepts responsibility for which guilty plea was entered.
- Agrees to participate voluntarily in the program and sign an individualized Deferred Prosecution Agreement (DPA) based on needs identified.
- Is 17 years of age or older at the time of the offense.
- Is charged or referred by the District Attorney's Office for a crime that occurred in Dane County, Wisconsin.
- Is willing to comply with DPP's rigorous programming as shown in program expectations.

A DPP potential participant does not have:

- Current supervisions in Dane County or any other State, County, or Ordinance.
- Pending or open criminal matters filed or under review.
- Criminal convictions within the past five years; however, this can be allowed under certain circumstances with the Director's review.
- Prior probation, parole, extended supervision or DPP participation within the past five years.

DPP- General Programing

Program Expectations:

- Check-ins weekly, bi-weekly or monthly with the DPP Case manager until further directed.
- If unemployed, obtaining employment or participate in employment programs as directed.
- Completing written and other assignments as assigned by the Case manager.
- Fully complying with counseling or treatment as determined necessary (mental health, psychiatric/psychological treatment, Certified Abuser Treatment/aggression, HSED/GED, OWI compliance, etc.) Treatment, counseling, and educational program expenses are the participant's responsibility if they are not covered by insurance.
- Volunteer Community service when required.
- Restitution if determined.
- Deferred Prosecution Agreement duration between 9-36 months.

Volunteer Community Service

- Deferred Prosecution Program participants have actively engaged in volunteer community service, making a significant positive impact on their community. Volunteer community service hours are not just about making amends for past actions, they are a gateway to personal growth and development for the program participants. By connecting with their community, making new friends, and expanding their network and social skills, participants are transforming their lives. This experience also provides valuable educational opportunities and skills development, particularly for those with limited work experience. The communities, in turn, benefit from their increased engagement and changed perspectives.
- The Deferred Prosecution Program has diligently matched program participants with 501 (c)(3) Nonprofit agencies. This process ensures that the participants fulfill their volunteer community service hours meaningfully and impactfully. In 2024, 81 program participants were required to complete volunteer community service as part of their deferred prosecution agreement contract. As a result, they collectively completed 4,166 hours of volunteer community service, playing critical roles within the Nonprofit agencies.

DPP-Child Abuse Initiative

- The Dane County DA's Office respects all individuals' rights to participate in diversion programming regardless of race, color, national origin, sex, religion, disability, or age. As the larger community explores non-violent parenting initiatives and the cultural context of corporal punishment, the Dane County DA's Office will launch a new diversion program designed to protect all children and strengthen families.
- Because a disproportionate number of minorities are referred to the DA's Office, it is expected that this initiative will impact short-term and long-term racial disparities in the criminal justice system. This initiative will provide timely and culturally responsive programming to all eligible defendants, filling a current service gap. Additionally, the DA's Office will support professional education opportunities for staff that teach culturally responsive service delivery.

DPP-Child Abuse Initiative

Goals of the Project

- Provide an opportunity for eligible caregivers to participate in an alternative to the formal criminal justice response following an incident of physical abuse of a child as the result of excessive corporal punishment.
- Integrate parenting programs that strive to reduce the number of children who are abused by the excessive use of corporal punishment by replacing current discipline practices with positive parenting methods.
- Strive to provide services to all child victims that promote healing.
- Offer parents/defendants and children services in a timely, culturally responsive, and systems-coordinated manner.
- Strive to offer all participants services that will promote positive change appropriate to their needs, abilities, goals, history, and offense.
- Eliminate the use of corporal punishment/physical discipline by all participants.
- Provide professional training opportunities regarding strategies to end violent parenting and efforts to improve cultural competency.
- Engage the community in a discussion that explores non-violent parenting practices.



DPP-Child Abuse Initiative

Eligibility

- Any caregiver who has committed an act of intentional physical abuse to a child within the context of excessive physical punishment, including caregivers who perceive corporal punishment as an acceptable form of discipline within their culture.
- Any caregiver who demonstrates willingness to participate in recommended services - which may include parenting, mental health treatment, and AODA treatment if there is a history of substance abuse issues.
- Any caregiver who verbalizes recognition/admission that they utilized corporal punishment, which resulted in physical abuse, and verbalizes willingness to address the contributing factors and the effects of their actions.
- Any caregiver working cooperatively with law enforcement and the Department of Human Services.
- Any caregiver who lacks recent criminal behavior (within 1-5 years).
- Any caregiver who is not under the jurisdiction of another agency.

DPP-Opiate

DPP-O Mission Statement

It is the fundamental goal of the Opioid Diversion Program to reduce recidivism, address treatment and responsivity needs, and reduce the use of incarceration for substance use-motivated offenses. The Deferred Prosecution Opioid Diversion Program (DPP-O), as all of DPP, is committed to the protection and safety of the public, while motivating each participant to change destructive behaviors that led to their original offense(s). We do this by connecting individuals to the best wraparound services that focuses on mental and physical health in support of each participant in achieving recovery from substance use. DPP-O fully utilizes a wide spectrum of community resources to facilitate the completion of participant contracts that are uniquely tailored to each individual.



DPP-Opiate

Equity and Inclusion Plan

As part of the Dane County District Attorney's [Equity and Inclusion Plan](#), DPP-O operates in the parameters of criminal justice reform by offering all eligible participants this diversion option to avoid adjudication or a criminal conviction.

The mission incorporates these values:

- Each participant will be treated with respect.
- Services provided are ethical, efficient, and culturally sensitive.
- Each participant is viewed as having worth, value, and potential.
- Each participant's recovery is of the highest priority.
- Participant responsibility and accountability is emphasized.

DPP-Opiate

Eligibility:

A DPP-O potential participant:

- Accepts meaningful responsibility - admittance for offense behavior, and if Post-charge, accepts responsibility for which guilty plea was entered.
- Agrees to participate voluntarily in the program and sign an individualized Deferred Prosecution Agreement (DPA) based on needs identified.
- Is 17 years of age or older at the time of the offense.
- Has an opioid or methamphetamine use disorder or related criminal behaviors.
- Is charged or referred by the District Attorney's Office for a crime that occurred in Dane County, Wisconsin.
- Is willing to comply with DPP-O's rigorous programming as shown in program expectations below.
- Fits the target population - screened at low criminal risk and high need on a validated criminal risk assessment. Though this is not required.

A DPP-O potential participant does not have:

- Current supervisions in Dane County or any other State, County, or Ordinance.
- Pending or open criminal matters filed or under review.
- Criminal convictions within the past five years, however, this can be allowed under certain circumstances with Director's review.
- Prior probation, parole, extended supervision or DPP participation within the past five years.
- A violent crime associated with DPP-O eligible charge.

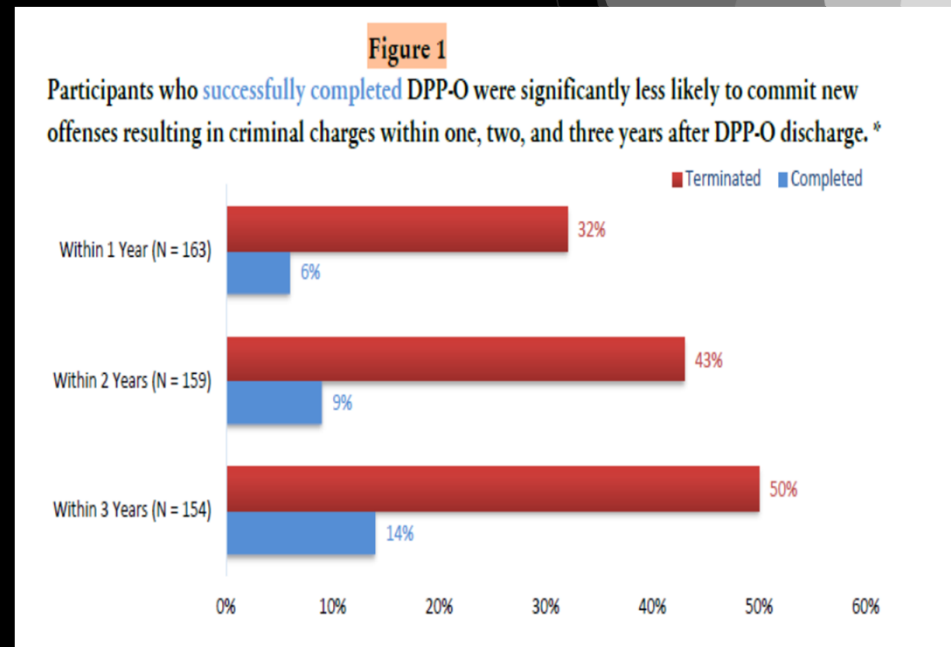
DPP-Opiate

Program Expectations:

- Meeting weekly with the DPP-O Substance Abuse Counselor until further directed.
- Compliance with rigorous drug testing that includes submitting saliva and/or urinalysis as directed by the DPP-O Substance Abuse Counselor.
- If unemployed, obtaining employment or participate in employment or educational programs as directed.
- Completing written and other assignments as assigned by the DPP-O Substance Abuse Counselor.
- Fully complying with Substance Abuse Counseling/Treatment as directed.
- Complying with other programming when need indicated (mental health, psychiatric/psychological treatment, HSED/GED, OWI compliance, etc.).
- Community service when required.
- Restitution if so ordered via the plea agreement.
- Deferred Prosecution Agreement duration between 9-15 months.

DPP-Opiate

Overall, 16% of DPP-O discharges committed a new offense that resulted in charges being filed within one year after their program discharge, 22% within two years, and 27% within three years. These numbers are lower than the recidivism numbers for the Dane County Drug Court Treatment Program (30-48% at two years post-discharge) and the Dane County Drug Court Diversion Program (33-55% at two years post-discharge) reported in the 2019 Recidivism Summary. These numbers are also lower than the overall numbers for diversion program participants (30.7% at three years post-discharge) reported in the TAD 2020 Program Report.



Deferred Prosecution Agreements (DPA)

- Upon entering the program, a participant is required to sign a DPA. The nature and seriousness of the offense, participant risks and needs, as well as availability of community resources, are all factors considered when determining the length, intensity and requirements of their diversion agreement.
- DPA terms range in length from 9-36 months.
- The DPP Director has discretion to shorten the length of a participant's agreement if they have made significant progress towards goals or extend the length of an agreement if significant barriers to completion are identified.
- If a participant fails to fulfill the terms of their DPA, the agreement will be terminated, and the case will be returned to court for further action, which may result in a criminal conviction.

Grievance Procedure

All participants are allowed due process and given an opportunity to go through the Grievance Procedure before being terminated from the program.

Grievance Procedure Steps:

- Warning letter: Participants will be sent a warning letter by the assigned DPP Case Manager, outlining their non-compliance.
- Case Review: A formal meeting between participant and case manager to discuss the reasons for their non-compliance and create an action plan to fulfill their DPA requirements.
- Pending Termination Case Review (PTCR): A meeting with the participant and DPP Director, or Director designee, to review the history of their case, the ramifications of not completing their DPA requirements, specific areas of non-compliance, their explanation for non-compliance, their desire and proposed plan to comply, and the resources needed to return to good standing and complete the DPA requirements.

After exhausting the entire Grievance Procedure, any further non-compliance will result in the case being terminated and sent back to court.

Grievance Procedure

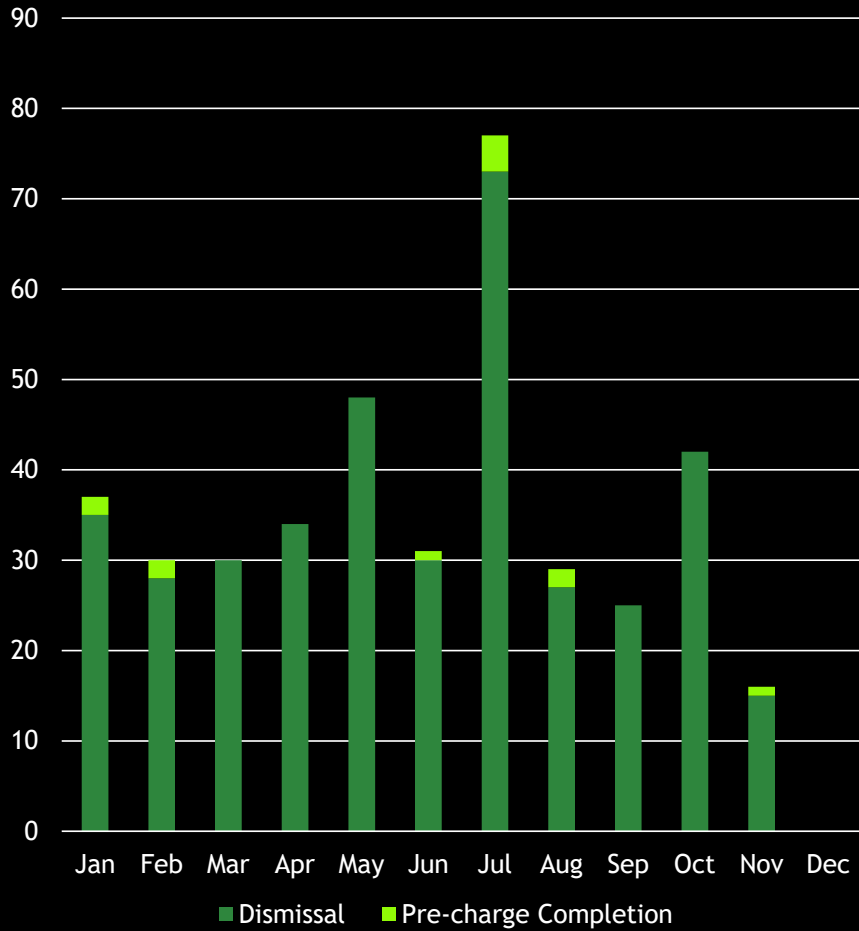
EXCEPTIONS TO THE GRIEVANCE PROCEDURE AND GROUNDS FOR IMMEDIATE TERMINATION FROM DPP:

- If you fail to sign a Deferred Prosecution Agreement (DPA) by the agreed-upon date.
- If you engage in conduct that creates probable cause to believe you have committed a crime.
- If you are currently on supervision for criminal charges.
- If you are terminated from treatment for non-compliance. Termination from treatment is at the discretion of the treatment provider(s).
- If you fail to enroll in the required treatment programming by the agreed-upon date in your DPA.

Who Benefits from Deferred Prosecution?

- **Victims** who suffer personal property and monetary loss are compensated by the participant through restitution.
- **Communities** avoid spending tax dollars and resources on court hearings, trials and incarceration for eligible individuals while benefiting from the decrease in recidivism, collection of restitution and community service work completed.
- **Courts, prosecutors and police** benefit from diverting eligible individuals out of the formal criminal justice process to focus limited resources and prioritize cases that require traditional prosecution.
- **Participants** benefit from the opportunity to avoid a criminal conviction and gain access to a range of community resources and services, as well as the education, guidance and support received through case management.

DPP Completions 2024



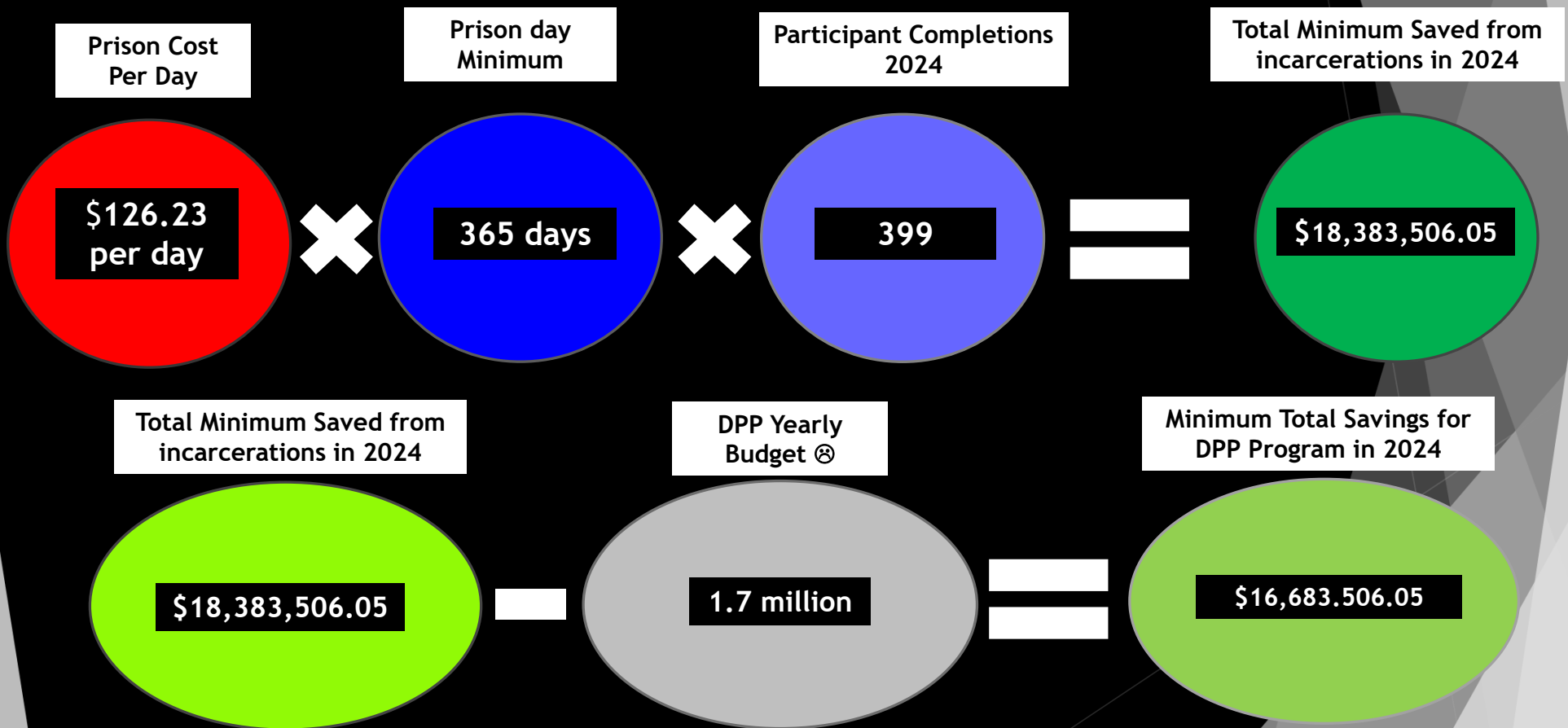
DPP Completions in 2024			
Month	Dismissal	Pre-charge Completion	Grand Total
Jan	35	2	37
Feb	28	2	30
Mar	30	0	30
Apr	34	0	34
May	48	0	48
Jun	30	1	31
Jul	73	4	77
Aug	27	2	29
Sep	25	0	25
Oct	42	0	42
Nov	15	1	16
Dec	-	-	-
Grand Total	387	12	399

DPP Saves Money

According to 2023 DOC Division of Adult Institutions reports, Wisconsin spends \$46,074.50 a year on a single prisoner. Approximately \$126.23 per day.

<u>Charge</u>	<u>Prison/ Jail Days saved with DPP</u>	<u>Cost Savings</u>
Possession of Narcotic Drugs, Felony I	1,277 Prison days saved	\$138,618.35
Criminal Damage to Property, Misdemeanor A	270 Jail days saved	\$29,308.50
Disorderly Conduct, Misdemeanor B	90 Jail days saved	\$9,769.50
Misdemeanor Battery, Misdemeanor A;	270 Jail days saved	\$29,308.50
Misdemeanor Theft, Misdemeanor A;	270 Jail days saved	\$29,308.50
Uttering a Forgery, Felony H	2,190 Prison days saved	\$237,724.50
Neglecting a Child-Specified Harm not occur, Felony I	1,277 Prison days saved	\$138,618.35

DPP Cost Savings



Savings Conclusion

Possible Range of Savings:

- Minimum savings using 90-day jail days for all charges: **\$3,169,271.50**
- Possible savings using 1,277 prison days: **\$60,576,218.95**
- Pre-charge referrals will not utilize court resources, saving a unknown amount of money with these types of referrals. The cost savings is not included in the DPP savings projections.

Since 2018, DPP collected **\$881,332.07** in restitution directly from participants paid to victims

Which leads us to believe there is the possibility that DPP could be saving upwards of 100 million dollars a year!



Ongoing Growth & Development

- Since 2017, Deferred Prosecution has experienced a remarkable surge in its operations. This growth, which has increased the number of DPP staff members and significantly amplified the complexity of the cases referred to deferred prosecution. These cases demand substantially higher supervision and case management, resulting in a notable workload increase. Many of the cases referred involve substantial trauma, substance use disorders, and other mental health issues that directly impact their deferred prosecution agreement. Our dedicated case managers have devoted considerable time to providing direct service to participants, coordinating with treatment providers, and accessing health care and other services for participants.
- DPP is looking to expand all our programs and add more staff in the future: a Deputy Director, Substance Use Case Manager, and a Mental Health Case Manager.
- These positions are essential and crucial for deferred prosecution's continued success and growth. These positions will play a pivotal role in strengthening our service delivery, staff management, and overall operational efficiency. Their addition will not only alleviate the current workload but also equip us to handle the anticipated future growth of the program, thereby relieving the team of the current burden.

Reference our website for additional information and documents for download:

<https://da.countyofdane.com/DA-Units/Deferred-Prosecution-Program>

Looking to the Future

It is our highest priority for Deferred Prosecution to take on a critical role in criminal justice reform, ensuring that everyone who is eligible to participate in Deferred Prosecution is given an opportunity to rectify their offense without the shadow of a criminal conviction. With this, we are evaluating important expansion in our program:

- DPP is looking to expand all our programs and add more staff in the future: a Deputy Director, Substance Use Case Manager, and a Mental Health Case Manager.
- Gaining more autonomy with referrals and eligibility. DPP is investigating new ways in accepting referrals and would ideally like to look at pre-arrest and community referrals outside the District Attorney's Office
- Deferred Prosecution's restorative and balanced approaches to the criminal justice system as an alternative to prosecution, incarceration, and criminal justice reform is ongoing and growing since 2020.



Questions?

