



## **EBDM CHARGING PROGRAM**

### **PURPOSE**

- To achieve 20% reduced recidivism for low-risk individuals.
- Preserve limited resources which can be re-directed to matters involving medium and high-risk individuals.

### **RATIONALE**

- Low-risk individuals tend to be self-correcting.
- Formal intervention may interfere with internal controls or positive family and social settings which result in self-correction. Additionally, intervention may result in inappropriate mix of low-risk offenders with medium/high-risk offenders.

### **DIVERSION DESCRIPTION**

- Participants attend orientation session and one to two-hour education session regarding ramifications of citation/criminal law violations and thought process leading to violations.
- Participants remain offense-free during duration of program.
- Participants pay \$200.00 fee for program.
- Successful participants avoid citation/criminal charges (dismissal of citation charges for City cases).

### **ELIGIBLE INDIVIDUALS FOR DIVERSION PROGRAM**

- Individuals who commit University of Wisconsin – Eau Claire citation violations for matters which could otherwise be criminal.
- Individuals who are charged with City of Eau Claire retail theft ordinance violations involving less than \$100.00 of merchandise.
- Individuals who are charged with other City of Eau Claire ordinance violations which could otherwise be criminal, at the discretion of the City Attorney's Office.

- Low-risk and first offenders who commit misdemeanor and low-level felony offenses, at the discretion of the District Attorney's Office.
- Above individuals only eligible if no prior Diversion Program participation.

#### **ELIGIBLE CRIMINAL OFFENSES FOR DIVERSION PROGRAM**

- Misdemeanor cases with certain exceptions.
  - Cases in which restitution not likely to be paid in short time period, typically in amounts in excess of \$500.00.
  - Cases involving infliction of more than minor physical injuries.
  - Cases involving apparent counseling needs, such as in some domestic abuse cases.
  - Cases involving criminal traffic charges.
  - Cases involving similar factors mitigating against program participation.
- Low-level felonies, subject to above factors.
- Other felonies if consideration of Diversion Program rationale and public safety factors leads to conclusion that Diversion Program participation appropriate.

#### **UNIVERSITY OF WISCONSIN – EAU CLAIRE AND EAU CLAIRE COUNTY DIVERSION PROGRAM PROCEDURE**

- Citation issued.
- Proxy completed by law enforcement.
- Law enforcement completes Diversion Program sign-up form with offender, instead of issuing citation.
- Diversion Program coordinator obtains copy of form and Proxy and confirms eligibility.
- Diversion Program coordinator conducts orientation session at for eligible individuals and completes education session sign-up document.
- If program completed, no formal action filed.
- If program not completed, participants receive mailed citation for original offense.

**CITY OF EAU CLAIRE DIVERSION PROGRAM PROCEDURE (RETAIL THEFT CITATIONS UNDER \$100.00)**

- Retail theft citation issued.
- Proxy completed by law enforcement.
- Law enforcement provides offender with Diversion Program information sheet.
- Diversion Program coordinator obtains copy of citation and Proxy and confirms eligibility.
- Diversion Program coordinator conducts orientation session at scheduled initial appearance for eligible individuals and completes education session sign-up document.
- Some referrals for diversion may come directly from City Attorney's Office following pre-trial conference, with sign-up document completed during pre-trial conference.
- If program completed, citation dismissed.
- If program not completed, participant defaulted on original citation based upon sign-up form agreement.

**CRIMINAL CASE DIVERSION PROGRAM PROCEDURE (FOR ORDER IN AND JAIL CASES)**

- Prosecutor reviews police report, Proxy and Diversion Program participant list to determine eligibility.
- No criminal complaint drafted for eligible individuals.
- Diversion Program coordinator conducts orientation session and program sign-up with eligible and interested individuals prior to 11:00 intake session.
- No criminal complaint filed if eligible individual successfully completes program.
- Summons and complaint issued to any individuals not successfully completing program.

**CRIMINAL CASE DIVERSION PROGRAM PROCEDURE FOR INVESTIGATIVE FILES**

- Prosecutor reviews police report, Proxy and Diversion Program participant list to determine eligibility.
- Pre-charging letter sent to eligible individuals scheduling orientation session for possible Diversion Program participation.
- Individuals who appear at orientation session and sign up for Diversion Program given date for education session.

- Individuals who do not appear at orientation session, or who decline to participate in program, charged through summons and complaint with appropriate criminal offenses.
- No criminal complaint filed if eligible individuals successfully complete the program.
- Summons and complaint issued to any individuals not successfully completing the program.

#### **OTHER ALTERNATIVES FOR LOW-RISK OFFENDERS**

- Deferred Acceptance of Guilty Plea Agreements (DAGP).
- Community Service rather than jail.
- Segregated Community Service.
- When probation supervision warranted, minimal conditions so as not to interfere with positive influences.