

# Overview

The Rock County Deferred Prosecution Program may be available to those who are determined to be low to medium risk for committing new crimes, but do not meet criteria for Diversion, based on the results of one or more scientifically validated criminal re-offense risk assessments; and, whose current pending charges are not excluded based on certain criteria (this is determined by Program staff prior to the initial appearance).

Participants in the Deferred Prosecution Program may seek the assistance of an attorney by 1) hiring an attorney at their own expense; or 2) seeking services through the Public Defender's Office. Although it is recommended participants have legal representation, they may choose to waive that right.

Participants who meet criteria for Deferred Prosecution, and whose case is referred by the District Attorney, will sign a written Deferred Prosecution Agreement and enter a plea, but will have their judgment of conviction deferred. Participants who successfully complete their Deferred Prosecution requirements will earn a

dismissal of their case. Those who fail to complete requirements will be referred back to court to be sentenced on the offense(s) to which they were found guilty.

Individuals interested in the Deferred Prosecution Program are required to participate in a brief initial screen that involves answering eight questions. Completing this initial screen is voluntary; however, refusal to do so means the Deferred Prosecution Program is not an option for their case.

## Expectations

The Deferred Prosecution Program is focused on addressing criminogenic needs that will help a participant lead a pro-social life. Program staff will use a scientifically validated, criminal re-offense risk assessment to develop their Deferred Prosecution Agreement. Staff will then provide most case management "in house," only referring someone to community partners for services we can't provide- like mental health, substance use disorder, parenting, or any other need identified that staff cannot meet.

Deferred Prosecution Agreements will be approximately 6 – 12 months in

length; the length and conditions being individualized to each participant.

A set of standard requirements will be included on all Deferred Prosecution Agreements including, but not limited to:

- Entering a Guilty or No Contest plea to charge(s) in their complaint, entry of the judgment of conviction will be deferred;
- Remaining crime free during the deferral process;
- Participating in scheduled meetings with a case manager;
- Following all bond conditions;
- Paying restitution, if applicable;
- Completing any additional programming/requirements as determined by a risk assessment

Case managers will be looking for opportunities to acknowledge participants for complying with their Deferred Prosecution Agreement. If a participant violates any terms of their Deferred Prosecution Agreement, the case manager will determine the appropriate response or sanction to deal with the violation. Case managers will use a Behavior Matrix to determine responses to complying with, or violations of, their Agreement.

If, for some reason, a recommendation is made to terminate a participant's Deferred Prosecution Agreement, the decision will be made in accordance with best practice standards. Reasons for termination may include, but are not limited to:

- Absconding for a period of at least 30 days;
- Participant has on-going non-compliance with program requirements, making no effort to become compliant;
- Participant is arrested and charged with a new criminal offense

If the decision to terminate a participant's Deferred Prosecution Agreement is made, the participant will be notified by letter. Notice will also be sent to the District Attorney; if they agree termination is appropriate, the District Attorney will notify the assigned Court who will then determine whether a breach of the Agreement occurred and schedule the case for a Plea and Sentencing hearing as needed.

## **What charges are excluded?**

Excluded charges include but are not limited to:

- Operating While Intoxicated
- Traffic (TR) and Criminal Traffic (CT)
- Charges involving firearms
- History of firearm charges
- Domestic violence charges
- Certain drug offenses
- Certain felony offenses
- Charges attempting to defraud the State of Wisconsin
- Certain violent crimes, past or present

Certain charges may be considered on a case-by-case basis with the approval of the District Attorney.

**There are no program fees required to participate in the Deferred Prosecution Program. The only costs involved are any restitution owed on a participant's case; and/or if a participant is referred out to a community partner for required services.**



# **ROCK COUNTY DEFERRED PROSECUTION PROGRAM**

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