


MEMORANDUM

TO: Honorable Members of the Assembly Committee on Criminal Justice

FROM: David Callender, Legislative Associate 

DATE: October 24, 2013

SUBJECT: Support for Assembly Bill 457, Relating to Grants to Counties That Offer Treatment and Diversion Programs to People with Mental Illnesses

The Wisconsin Counties Association (WCA) supports Assembly Bill 457 (AB 457).

The Treatment Alternatives and Diversion grant program was created in 2005 to encourage counties to develop comprehensive, evidence-based approaches to preventing crime, reducing recidivism, and reducing incarceration costs by offering deferred prosecution and alternatives to incarceration programs for offenders with alcohol or other drug abuse problems. Under current law, counties may also receive TAD grants to develop programs for offenders who have co-occurring mental health issues as well as alcohol and other drug abuse issues, but the projects may not deal with individuals who solely require mental health treatment.

Nine counties currently operate TAD projects in two major categories: drug treatment courts (Burnett, Washburn, Wood, and Rock Counties) and diversion/deferred prosecution projects (Ashland, Bayfield, Milwaukee, Washington, and Dane Counties).

TAD projects are proven to save money and reduce crime. An independent evaluation of TAD projects statewide found that every \$1 spent on TAD saved taxpayers \$1.93 in future incarceration costs. The study also found that 76 percent of TAD participants had not been convicted of a new offense within one year of completing the program, and offenders who completed a TAD program were nine times less likely overall to go to prison than those who did not complete the program.

AB 457 expands the eligibility for TAD grants to include projects aimed at offenders with only mental health treatment needs and provides an additional \$750,000 annually to fund these projects. WCA supports this increased funding for TAD as well as the additional flexibility AB 457 provides for developing projects to meet the needs of Wisconsin residents with mental illnesses.

WCA respectfully requests the Committee support AB 457.



PAUL TITTL

STATE REPRESENTATIVE • 25TH ASSEMBLY DISTRICT

Assembly Committee on Criminal Justice
Assembly Bill 457 Testimony
October 24, 2013

Thank you, Chairman Kleefisch and members of the committee, for the opportunity to speak in support of Assembly Bill 457.

This bill has been created to implement one of the recommendations in the final report of the Speaker's Task Force on Mental Health:

Provide funding to expand the TAD program to include offenders with mental health and co-occurring disorders. The funding should be used to support the development of new county or regional TAD diversion and treatment court programs designed to work with this population.

Treatment and Diversion (TAD) programs are designed to promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, and improve the welfare of participants' families by meeting the comprehensive needs of participants.

Under current law, the Department of Justice administers a grant program which provides funds to counties to establish and operate TAD programs, providing alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or drugs. [s. 165.95 (2), Stats.]

AB 457 expands the Department of Justice grant program to include grants made to county programs to meet needs of people with mental health disorders. The bill provides funding in the amount of \$750,000 over the biennium.

This bill makes sense for several reasons:

1. Treatment and Diversion programs provide services so people can get the help they need to recover. In order to receive funding, counties must provide:
 - a. services that are consistent with evidence-based practices in mental health treatment;
 - b. intensive case management;
 - c. holistic treatment; and
 - d. treatment through providers certified by DHS. [s. 165.95 (3)(d), (f), and (h), Stats.]
2. To qualify for funding a county program must be developed and implemented in collaboration with a wide range of community agencies and officials, including: one or more circuit court judges, the district attorney, the state public defender, local law enforcement officials, county agencies responsible for providing social services, including services relating to alcohol and other drug addiction, child welfare, mental health, and the Wisconsin Works program, the Department of Corrections, the Department of Children and Families, the Department of Health Services, private social services agencies, and substance abuse treatment providers. [s. 165.95 (5), Stats.]

3. Treatment and Diversion programs work. A high percentage of people who go through TAD programs do not return to the criminal justice system. Offenders who complete TAD are nine times less likely to be admitted to state prison after program participation than those who do not complete TAD projects.¹ In Wood County alone, recidivism rates dropped from 81% to 18% over a two year period in connection with the TAD program.
4. Treatment and Diversion programs save taxpayers money. In December of 2011, the Office of Justice Assistance, in collaboration with the Department of Corrections and the Department of Health Services, submitted a report to the Legislature identifying savings generated through implementation of the TAD program. That report concluded that based on five years of program data, the seven funded TAD projects generated \$1.93 of savings in the form of reduced incarceration and reduced future crime for every \$1.00 spent. TAD treatment courts yielded benefits of \$1.35 for every \$1.00 invested, and TAD diversion projects resulted in benefits of \$2.08 for every \$1.00 invested²
5. These programs have accountability measures. The mental health program established by AB 457 would fall within Wisconsin Statute 165.95 which already contains important accountability provisions:
 - a. A county receiving a grant under 165.95 must create an oversight committee to advise the county in administering and evaluating its program.³ That oversight committee must be comprised of officials similar to the list I mentioned in my second point, so I'll not read the list. However, the point is that this broad group of community experts and practitioners will provide oversight.
 - b. A county that receives a grant under this program shall comply with state audits and shall submit an annual report to the department of justice and to the oversight committee regarding the impact of the program on jail and prison populations and its progress in attaining program goals. [s. 165.95 (5)(b), Stats.]
 - c. Finally, in order to obtain this funding, counties must provide matching funds equal to 25 percent of the amount of the grant. That requirement also creates some accountability on the county level. [s. 165.95 (2r), Stats.]

Thank you for considering this important mental health bill. I urge you to vote in favor of it. I will be pleased to answer any questions you might have.

¹ Treatment Alternatives and Diversion (TAD) Program: Advancing Effective Diversion in Wisconsin. Wisconsin Office of Justice Assistance, Wisconsin Department of Corrections and Wisconsin Department of Health Services, December 2011, p. 70. Retrieved from <http://uwphi.pophealth.wisc.edu/about/staff/van-stelle-kit.htm>.

² Ibid, p. 39. Retrieved from <http://uwphi.pophealth.wisc.edu/about/staff/van-stelle-kit.htm>.

³ A county that receives a grant under this section shall create an oversight committee to advise the county in administering and evaluating its program. Each committee shall consist of a circuit court judge, the district attorney or his or her designee, the state public defender or his or her designee, a local law enforcement official, a representative of the county, a representative of each other county agency responsible for providing social services, including services relating to child welfare, mental health, and the Wisconsin Works program, representatives of the departments of corrections and health and family services, a representative from private social services agencies, a representative of substance abuse treatment providers, and other members to be determined by the county. [s. 165.95 (5)(a), Stats.]