



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529

January 15, 2019

SENT VIA USPS MAIL

Patrick E. Fuller
Assembly Chief Clerk
17 W. Main, Suite 401
Madison, WI 53703

Jeff Renk
Senate Chief Clerk
P.O. Box 7882
Madison, WI 53707-7882

Re: Annual Report (FSTP Program)

Dear Assembly Chief Clerk Fuller and Senate Chief Clerk Renk:

The attached report is submitted to the Legislature pursuant to Wis. Stat. § 165.957(7b), which requires the Department of Justice to submit an annual report on the status of the *frequent testing for use of alcohol or a controlled substance pilot program* or Frequent Sobriety Testing Pilot Program (FSTP Program).

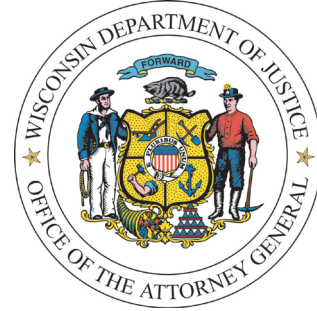
The attached report provides an overview the current status of the FSTP Program, the status of the data system to support the pilot, publication of the rules governing the program, and related planning and implementation activities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric J. Wilson".

Eric J. Wilson
Wisconsin Deputy Attorney General

JLK:CAK:alm
Enclosure



Wisconsin Frequent Sobriety Testing Pilot Program (FSTPP)

Annual Report

Bureau of Justice Information and Analysis
Wisconsin Department of Justice
January 2019



Purpose of Report

The purpose of this report is to provide the annual update on the status of the Frequent Sobriety Testing Pilot Program as designated by Wisc. Stat. 165.957, which states the Wisconsin Department of Justice (DOJ) will analyze the information it receives as part of the project and report to the legislature annually. This is the third annual report produced by DOJ.

Composition of the Pilot Project

Initially five counties were randomly selected for participation in the program, based on a stratified sample as described in the 2017 report. It is important to note that participation in the program is voluntary for counties. Currently, the counties agreeing to participate in the pilot project are Green Lake, Manitowoc, and Oneida. DOJ is connecting with these counties and is also in the process of surveying and selecting additional counties to invite additional participation.

Progress to Date

A number of key issues were addressed in 2018 as part of program planning and implementation after legislative and Department of Administration approval was received. Most of 2018 was spent working on the finalization of the data collection software, which is critical as a mechanism to develop consistency in the data necessary to track and evaluate program outputs and outcomes. DOJ has been working with Intoximeters to complete customizations to the software so it fits the specific needs of Wisconsin, which included testing the software after various development sprints and numerous meetings with the developer. While the work took longer than expected, the system changes were completed in December 2018 and the software is now ready for county use.

In addition, the emergency rules governing the program were published and the process was undertaken for the development and submission of the permanent rule, Jus 19. The permanent rule draft was signed by the governor on December 14, 2018 and submitted to the chief clerks of each house of the legislature on December 18, 2018. Given the timing of both the rule publication and finalization of the software, the project is now set to move forward with implementation during the first quarter of 2019. DOJ will be working with the participating counties to finalize contracts and the design of their individual programs, while meeting minimum requirements to ensure program consistency and alignment with the statute and emergency rules. Due to the current status of program implementation, there is no specific data to report under Wisc. Stat. 165.957(7)(b) yet, but this information will be included in future annual reports as the program is fully implemented.