



## Legislative Fiscal Bureau

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March 27, 2017

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: January 2017 Special Session Assembly Bill 2: Treatment Alternatives and Diversion Program and a Diversion Pilot Program

Assembly Bill 2 and Senate Bill 2 (AB 2/SB 2) for the January, 2017, special session are companion bills. Assembly Bill 2 was introduced on February 17, 2017, and referred to the Committee on Criminal Justice and Public Safety. Senate Bill 2 was introduced on February 21, 2017, and referred to the Committee on Economic Development, Commerce and Local Government. The bills do the following: (a) provide DOJ \$2,000,000 GPR annually during the 2017-19 biennium to continue the one-time funding expansion for the treatment alternatives and diversion (TAD) program provided under 2015 Act 388; (b) provide DOJ \$150,000 GPR annually during the 2017-19 biennium to award TAD grants to additional counties; and (c) appropriate \$261,000 GPR annually during the 2017-19 to create diversion pilot program.

On March 9, 2017, AB 2 was unanimously recommended for passage by the Assembly Committee on Criminal Justice and Public Safety by a vote of 12-0. On March 16, 2017, AB 2 was referred to the Joint Committee on Finance. As of this writing, SB 2 has not been referred to the Committee.

### **BACKGROUND**

Initially created under 2005 Act 25 in the Department of Administration's Office of Justice Assistance (OJA), the TAD program provides grants to counties to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, which provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol and other drugs. Projects supported by the TAD program typically follow one of two models: pre-trial diversion or adult drug or treatment court. Grants under the TAD program are awarded as part of a five-year competitive cycle (grants are awarded on a competitive basis in the first year of the cycle, and then on a noncompetitive basis for the remaining four years).

Since its inception, funding for the TAD program has grown and statutory regulations associated with the program have been modified. Initially, the TAD programs supported six projects in Dane County, Milwaukee County, Rock County, Washington County, Wood County, and a joint project between Burnett and Washburn Counties and the St. Croix Tribe. The TAD program was supported by a continuing program revenue appropriation that received funds generated from the following sources: (a) a portion of the drug abuse program improvement surcharge (DAPIS), a 75% surcharge on the fine and penalty surcharge imposed for certain violations of the uniform controlled substances act (Chapter 961 of the statutes); and (b) a \$10 drug offender diversion surcharge (DODS) that is assessed for property crime convictions under Chapter 943 of the statutes. In addition, OJA utilized federal Byrne Justice Assistance Grant (JAG) funding to support the program.

Under 2009 Act 28, the Legislature reduced the annual expenditure authority of the TAD program's PR appropriation from \$755,000 to \$7,500 due to insufficient revenues from DAPIS and DODS. In its place, Act 28 specified that a portion of the \$21.50 justice information system (JIS) surcharge (imposed with a court fee for the commencement or filing of certain court proceedings) be allocated to a PR appropriation in OJA for the TAD program. As a result, under Act 28, annual amounts appropriated for the TAD program included \$705,000 PR from the JIS surcharge and \$7,500 PR from DAPIS and DODS. In addition to the PR funding, OJA utilized \$371,200 FED from the federal JAG program to support a grant for the Milwaukee County TAD project.

Due to declining JAG funding, under 2011 Act 32, the Legislature provided OJA an additional \$333,900 PR annually from the JIS surcharge to support the TAD grant to Milwaukee County. Act 32 also provided OJA \$39,500 PR from the JIS surcharge to support the administration of the TAD program. Finally, Act 32 required that any county receiving a TAD grant must provide matching funds equal to 25% of the amount of the grant. As a result of these changes, annual funding for the TAD program totaled \$1,078,400 PR from the JIS surcharge and \$7,500 PR from DAPIS and DODS during the 2011-13 biennium. Further, savings from the 25% match requirement were utilized to support a TAD grant for a joint project between Ashland and Bayfield Counties, beginning January 1, 2012.

Funding for the TAD program was significantly increased during the 2013-15 biennium. Under 2013 Act 20, OJA was dissolved and several of its responsibilities, including administration and funding for the TAD program, were transferred to DOJ. Act 20 also provided DOJ \$1,000,000 GPR annually to support grants under the TAD program. Subsequently, Under 2013 Act 197, the Legislature provided DOJ an additional \$1,500,000 GPR annually to support grants under the TAD program. Acts 20 and 197 also provided DOJ new evaluative responsibilities. Act 20 required that DOJ evaluate the TAD program every two years. Further, Act 197 required that the Department analyze monthly data received from the counties and prepare an annual progress report that evaluates the effectiveness of the TAD program. The annual report must be made available to the public. Moreover, every five years, DOJ must analyze both the data it receives from the counties and its own annual progress reports and prepare a comprehensive report on the TAD program that includes a cost-benefit analysis. The Department's five-year comprehensive report must be submitted to the Legislature.

In addition to expanding the TAD program, 2013 Act 20 provided DOJ \$500,000 GPR annually to establish a county drug court grant program. Even though the drug court grant program supports similar projects to that of the TAD program, the drug court grant program is statutorily separate from the TAD program. The county drug court grant program provides funding to counties to establish and operate drug courts. The Department may only provide this funding to counties that have not established drug courts.

At the inception of the TAD program, OJA, in collaboration with the Department of Corrections and the Department of Health Services, entered into a contract with the University of Wisconsin (UW) Population Health Institute under which the Institute would evaluate the TAD program and assist the participating counties and tribes in the implementation and operation of TAD projects. This contract existed from 2006 through 2014. On November 12, 2014, the Joint Committee on Finance granted DOJ 5.0 GPR positions (2.0 research analysts, 2.0 program and policy analysts, and 1.0 grants specialist) so that DOJ could terminate the contract with the Institute and assume the responsibilities of evaluating the TAD program and providing the participating counties and tribes with technical assistance. The Committee did not provide DOJ additional funding to support the 5.0 GPR positions. Rather, the Committee directed the Department to eliminate 5.0 GPR position vacancies within DOJ and utilize the cost savings to support the 5.0 TAD positions.

Finally, under 2015 Act 388, in addition to providing programmatic changes to the TAD program, Act 388 provided DOJ \$2,000,000 PR on a one-time basis for the TAD program in 2016-17. As passed by the Legislature, Assembly Bill 657 (Act 388), provided one-time funding totaling \$2,000,000 PR for the TAD program from a transfer of unencumbered funds from the Department of Health Services' institutional operations and charges PR appropriation to DOJ. In addition, in order to maintain the \$2,000,000 increase for TAD grants after 2016-17, Assembly Bill 657 provided that, for the purposes of the 2017-19 biennial budget bill, the Department of Administration must submit information concerning the TAD program's GPR appropriation as though the amounts in the schedule of the statutes for the appropriation were \$2,000,000 GPR higher in each fiscal year of the 2017-19 biennium as compared to the amounts identified in the schedule of the statutes for the appropriation in 2016-17. In signing Assembly Bill 657 into law as Act 388, however, the Governor vetoed the provision of the bill which would have provided for an ongoing increase of \$2,000,000 GPR for the TAD program after 2016-17. As a result, Act 388 only provided a one-time increase of \$2,000,000 PR for the TAD program in 2016-17.

In vetoing the ongoing funding provision for the TAD program under Assembly Bill 657, the Governor stated the following: "While I support the Treatment Alternatives and Diversion program, I object to this provision, as it mandates a biennial budget component, thereby contravening the statutory role of the executive in presenting budget recommendations to the Legislature. Additionally, it should also be noted that the Department of Justice, has, in recent years, lapsed unspent Treatment Alternatives and Diversion program funds."

In summary, current funding appropriated for the TAD program totals \$5,584,100 in 2016-17, comprised of \$2,500,000 GPR and \$3,084,100 PR. In addition, \$500,000 GPR is appropriated for the county drug court grant program. Of the amounts appropriated for the TAD program in

2016-17, \$2,000,000 PR is derived from a one-time transfer of funds from the Department of Health Services' to DOJ for the TAD program in 2016-17. Due to the one-time nature of the transfer of funds, this \$2,000,000 is not included in DOJ's base funding for the TAD program in establishing the 2017-19 biennial budget. The table below identifies funding appropriated for the TAD program and the county drug court grant program from 2006-07 through 2016-17. In reviewing the table, note that federal dollars from Byrne JAG program have been utilized to support a TAD grant to Milwaukee County. However, since the Milwaukee County TAD grant was supported by an existing federal grant program and was not directly appropriated by the Legislature, these amounts are not included in the table.

**Appropriated Funding for the TAD Program and County Drug Court Grant Program  
2005-06 Thru 2016-17**

| <u>Fiscal Year</u>                     | <u>GPR</u> | <u>PR</u> | <u>Total</u> | <u>PR Funding Sources</u>                                                                                                                                                                |
|----------------------------------------|------------|-----------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TAD Program</b>                     |            |           |              |                                                                                                                                                                                          |
| 2006-07                                | 0          | 755,000   | 755,000      | DAPIS and DODS (\$755,000).                                                                                                                                                              |
| 2007-08                                | 0          | 755,000   | 755,000      | DAPIS and DODS (\$755,000).                                                                                                                                                              |
| 2008-09                                | 0          | 755,000   | 755,000      | DAPIS and DODS (\$755,000).                                                                                                                                                              |
| 2009-10                                | 0          | 712,500   | 712,500      | JIS surcharge (\$705,000); and DAPIS and DODS (\$7,500).                                                                                                                                 |
| 2010-11                                | 0          | 712,500   | 712,500      | JIS surcharge (\$705,000); and DAPIS and DODS (\$7,500).                                                                                                                                 |
| 2011-12                                | 0          | 1,085,900 | 1,085,900    | JIS surcharge (\$1,078,400); and DAPIS and DODS (\$7,500).                                                                                                                               |
| 2012-13                                | 0          | 1,085,900 | 1,085,900    | JIS surcharge (\$1,078,400); and DAPIS and DODS (\$7,500).                                                                                                                               |
| 2013-14                                | 2,500,000  | 1,085,900 | 3,585,900    | JIS surcharge (\$1,078,400); and DAPIS and DODS (\$7,500).                                                                                                                               |
| 2014-15                                | 2,500,000  | 1,085,900 | 3,585,900    | JIS surcharge (\$1,078,400); and DAPIS and DODS (\$7,500).                                                                                                                               |
| 2015-16                                | 2,500,000  | 1,084,000 | 3,584,000    | JIS surcharge (\$1,078,400); and DAPIS and DODS (\$5,600).                                                                                                                               |
| 2016-17                                | 2,500,000  | 3,084,100 | 5,584,100    | JIS surcharge (\$1,078,400); one-time transfer from the Department of Health Services institutional operations and charges PR appropriation (\$2,000,000); and DAPIS and DODS (\$5,700). |
| <b>County Drug Court Grant Program</b> |            |           |              |                                                                                                                                                                                          |
| 2013-14                                | \$500,000  | \$0       | \$500,000    |                                                                                                                                                                                          |
| 2014-15                                | 500,000    | 0         | 500,000      |                                                                                                                                                                                          |
| 2015-16                                | 500,000    | 0         | 500,000      |                                                                                                                                                                                          |
| 2016-17                                | 500,000    | 0         | 500,000      |                                                                                                                                                                                          |

As funding for the TAD program has grown, so have the number of grants under the program. After its inception under 2005 Act 25, the TAD program supported six TAD projects operated by seven counties and one tribe (there was one joint project operated by two counties and one tribe). A new five-year competitive grant cycle began on January 1, 2017. With the increased funding for the TAD program in recent years, DOJ awarded 41 TAD grants totaling \$5,538,900 to projects operated by 41 counties and two tribes in 2017. [Note that of the \$5,584,100 appropriated for the TAD program, \$45,200 is utilized for the administration of the program.] In addition, DOJ utilized \$500,000 from the county drug court grant program to provide grants to five counties to establish a drug court. Attachment I identifies the TAD projects which received a grant award in 2017. Attachment II identifies the counties which received a grant under the county drug court grant award in 2017.

As noted above, funding utilized to award grants in 2017 included a one-time transfer of \$2,000,000 PR from the Department of Health Services to the Department of Justice in 2016-17 under 2015 Act 388. The Department of Justice indicates that, if this funding expansion is not maintained during the 2017-19 biennium, the Department would likely have to evaluate across the board reductions to TAD grantees. The extent of such funding reductions is currently undetermined.

In preparation for the competitive grant cycle beginning January, 2017, the Department of Justice received and evaluated grant applications from counties seeking a grant award. According to DOJ, four counties and one tribe applied for TAD funding during the most recent competitive grant application review but were denied due to lack of funding, including: Douglas County; Price County; and a joint project between Jackson County, Monroe County, and the Ho-Chunk Tribe.

On September 22, 2016, the Governor issued Executive Order #214, which established the Governor's Task Force on Opioid Abuse, a nonstatutory committee under s. 14.019 of the statutes. The Task Force was created, "for the purpose of advising and assisting the Governor in a coordinated effort to combat the opioid crisis facing the State of Wisconsin." Subsequently in 2016, the Task Force submitted a report entitled *Combatting Opioid Abuse*. Included in the Task Force's report was the following recommendation:

"Treatment and Diversion (TAD) alternatives within the criminal justice system are an importance tool. We recommend increasing funding for drug courts and other alternatives to incarceration for minor, drug-only offenses because social science and personal experience convince us that they work. TAD programs have a proven track record of better outcomes and lower recidivism. The program was previously funded at \$2 million per year in a one-time biennial transfer; we recommend continuing that funding and adding \$150,000 to expand the program to more counties. We recommend an additional \$261,000 to launch a pre-booking diversion pilot program to allow non-violent arrestees a treatment option that diverts them away from the criminal justice system and into support and healing in the community."

The Governor's 2017-19 budget recommendations (SB 30/AB 64) includes a provision to provide DOJ \$2,000,000 GPR annually to maintain the funding expansion for the TAD program under 2015 Act 388 during the 2017-19 biennium. In addition, the Governor recommends providing \$150,000 GPR annually to the county drug court grant program. Additional funding recommended by the Governor in the budget bill for both the TAD program and the drug court grant program is provided on a one-time basis, and therefore would not continue after the 2017-19 biennium.

## **SUMMARY OF BILLS**

The bills provide DOJ \$2,150,000 GPR annually during the 2017-19 biennium to make grants under the TAD program. Of this amount, \$2,000,000 is intended to maintain the one-time funding expansion provided for the TAD program under 2015 Act 388 and the remaining \$150,000 is intended to support TAD grants to additional counties. Funding is provided to an existing annual GPR appropriation within DOJ for the TAD program.

The bills also authorize DOJ to create a diversion pilot program for nonviolent offenders to be diverted to a treatment option. The bills create a new annual GPR appropriation within DOJ for the purposes of the diversion pilot program, but does not appropriate funding to this appropriation. The bills contain a sunset provision that would repeal the appropriation for the diversion pilot program on July 1, 2019.

Finally, the bills increase funding in the Finance Committee's supplemental GPR appropriation by \$261,000 annually during the 2017-19 biennium. The bills create a 14-day passive review process for the transfer of this funding from the Committee's GPR appropriation to DOJ. Under the 14-day passive review process, DOJ must submit to the Committee a request to supplement the newly created diversion pilot program appropriation from funds held in the Committee's supplemental GPR appropriation along with a proposed plan for the expenditure of the requested funds. If the Co-chairs of the Committee do not notify DOJ within 14 working days after the Department's submittal that the Committee has scheduled a meeting for the purpose of reviewing the proposed plan, the funding must be released from the Committee's supplemental appropriation to DOJ and DOJ may expend the funds to implement the proposed plan. If the Committee notifies DOJ that the Committee has scheduled a meeting to review the proposed plan, DOJ may expend the requested funds only if the Committee approves the release of the funds and only to implement the plan as approved by the Committee.

## **FISCAL EFFECT**

The bills appropriate \$2,411,000 GPR annually during the 2017-19 biennium (\$4,822,000 GPR over the entire biennium). The bills would not have a fiscal effect for the 2015-17 biennium.

Funding under the bills include \$2,000,000 GPR annually to maintain the funding expansion for the TAD program under 2015 Act 388 as well as \$150,000 GPR annually to support additional TAD grants. According to DOJ, \$150,000 would typically support one project, however it could potentially fund two smaller projects. Funding under the bills for the TAD program would be base building, and therefore would continue after the 2017-19 biennium barring an enactment of future legislation.

The remaining funding appropriated under the bills totaling \$261,000 GPR annually would be placed in the Committee's GPR appropriation, for the purpose of transferring funding to DOJ to support a pilot program for nonviolent offenders to be diverted to a treatment option, pending a 14-day passive review request. The bills create an annual GPR appropriation within DOJ to support the diversion pilot program, and does not appropriate any funding to the new appropriation. However, if DOJ's 14-day passive review request for the release of funding for the diversion pilot program from the Committee's appropriation is approved, funding would be transferred to DOJ for the pilot program during the 2017-19 biennium. The bills include a sunset provision that would repeal the appropriation for the diversion pilot program on July 1, 2019. Therefore, DOJ could not spend amounts on the diversion pilot program after July 1, 2019, barring an enactment of future legislation.

On March 2, 2017, the Department prepared a fiscal estimate for the bills. In its fiscal

estimate, DOJ estimates that it would require an additional \$211,200 annually and 3.0 positions to administer the additional TAD funding provided under the bills. These 3.0 positions include 1.0 grants specialist-advanced, 1.0 research analyst advanced, and 1.0 program and policy analyst-advanced, each at a cost of \$70,400 annually. According to DOJ, the three positions would be utilized to provide technical assistance to counties in planning and implementing TAD projects, monitor program effectiveness, collect statistical information, publish analytical findings, ensure compliance with program requirements, and assist counties to establish and operate local oversight committees.

As noted above, on November 12, 2014, the Joint Committee on Finance provided DOJ 5.0 GPR positions (2.0 research analysts, 2.0 program and policy analysts, and 1.0 grants specialist) to administer the TAD program (in addition, the Committee directed DOJ to eliminate 5.0 GPR vacancies). In addition, DOJ utilizes other existing resources to administer the TAD program. The bills currently do not provide DOJ any additional funding to administer the TAD program, or the new diversion pilot program created under the bills.

Prepared by: Michael Steinschneider  
Attachments

## ATTACHMENT I

### Treatment Alternatives and Diversion Grant Projects, 2017

| County/<br>Tribe     | Initial Funding | Grant<br>Award | Project Type                        | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------|-----------------|----------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Adams*               | January, 2017   | \$47,966       | Hybrid court                        | The grant will be utilized to establish a hybrid treatment court targeting individuals whose criminal justice involvement is driven by alcohol or other substance abuse needs. The first six months of the grant period will focus on the development of implementation strategies and the creation of a collaborative team. These efforts will be led by a technical assistance provider and include various criminal justice agencies within Adams County. After completion of the planning period, the hybrid court is scheduled to be launched on July 1, 2017.                                                                                                                                                                                  |
| Ashland,<br>Bayfield | January, 2012   | 222,993        | Treatment court                     | The grant will continue support a joint project between Ashland and Bayfield Counties. Grant funding will be utilized to implement a TAD program focused on individuals who utilize methamphetamines and other illicit drugs, such as heroine. The purpose of the program is to provide treatment, divert non-violent participants out of jail and prison, and improve public safety. Grant funding will also support enhancement of the Bayfield County Risk Reduction Treatment Court and implement a culturally competent community treatment alternative that reflects the traditions of the Red Cliff Band of the Lake Superior Chippewa Tribe. Ashland County will continue to partner with Bayfield County in operating this treatment court. |
| Barron               | January, 2017   | 26,962         | Hybrid court                        | Grant funding will be utilized to enhance the Barron County drug and alcohol court (BCDAC) program. These enhancements will include, but are not limited to: expanding the current BCDAC coordinator role to make it more consistent with a case manager role; funding additional faith-based support groups; mentoring participants; supporting a mother of addicts support group; and developing a goal-based strategic plan.                                                                                                                                                                                                                                                                                                                      |
| Brown                | June, 2014      | 159,712        | Drug court;<br>diversion<br>program | Grant funds will be utilized by the Brown County treatment alternatives and diversion program in coordination with the Criminal Justice Coordinating Board to maintain and enhance established treatment courts and diversion programs. These programs seek to individually meet the specific treatment needs of non-violent offenders in Brown County who are charged with criminal actions related to their drug and alcohol abuse. The funds will be primarily utilized to support staff needed to operate the programs and to assist with monitoring alcohol and drug abuse.                                                                                                                                                                     |
| Buffalo,<br>Pepin    | January, 2017   | 111,964        | Diversion<br>program                | Grant funds will be utilized to support a joint project between Buffalo and Pepin Counties that would establish a dedicated Community Justice Services (CJS) program. The program                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| <b>County/<br/>Tribe</b> | <b>Initial Funding</b> | <b>Grant<br/>Award</b> | <b>Project Type</b>              | <b>Project Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                          |                        |                        |                                  | will conduct universal assessment of all nonviolent adult offenders using risk assessment instruments and provide treatment alternative and diversion programming. Individual assessments will be used to recommend risk-based conditions of pre-trial release, recommend eligibility for pre-charging and post-charging diversion, and provide risk-based alternatives to incarceration at sentencing which address substance abuse risks and needs. The CJS will verify interview information, monitor compliance, review release and detention eligibility, provide proactive court reminders, provide graduated sanctions and incentives to promote successful substance abuse and mental health treatment, and measure performance.                                                                                                                                                                                 |
| Burnett,<br>Washburn     | January, 2007          | 125,000                | Hybrid court                     | Grant funding will be utilized to sustain the drug and alcohol courts that serve both counties and other areas in northwestern Wisconsin. The counties' TAD program utilizes a matrix model. A matrix program is a multi-service package of therapeutic strategies that combine to produce an integrated out-patient experience. Funding will be utilized to support wraparound services that include frequent drug and alcohol testing, intensive case management, immediate incentives and sanctions, and consistent community programming. The TAD program will focus on providing treatment for individuals struggling with methamphetamine addiction and other drug and alcohol abuse.                                                                                                                                                                                                                              |
| Chippewa                 | June, 2014             | 115,327                | Diversion program                | Grant funds will be utilized by the Chippewa County criminal justice system to continue implementation of its TAD program and First Time Offender program. More specifically, the funds will be utilized to support a diversion specialist position and part-time assessor and programmer positions. The diversion specialist position provides case management services, completes COMPAS assessments, monitors drug testing compliance, provides cognitive behavioral programming for participants, and manages the First Time Offender program. The assessor and programmer positions will complete pre-trial and full COMPAS assessments, and offer evidence based programs to TAD and drug court participants. Chippewa County's TAD program focuses on diverting offenders with an identified risk level and high criminogenic needs, for which substance abuse is a motivating factor in their criminal activity. |
| Columbia**               | January, 2014          | 204,124                | OWI court;<br>drug court         | Grant funds will be utilized to: (a) implement an OWI treatment court that focuses on 3 <sup>rd</sup> and 4 <sup>th</sup> offense OWI offenders with a blood alcohol content of 0.15 or more; and (b) plan and implement an adult drug treatment court that provides community-based services to nonviolent substance abusing offenders. Funds will be utilized by the Columbia County Health and Human Services, working in partnership with the court system, the Columbia County Criminal Justice Coordinating Council, and a variety of other relevant organizations.                                                                                                                                                                                                                                                                                                                                                |
| Dane                     | January, 2007          | 214,931                | Drug court;<br>diversion program | Grant funding will be utilized to enhance the drug court diversion program and the opiate diversion project in Dane County. Funding will allow the Dane County drug court diversion program, a problem solving court for individuals at moderate risk to re-offend, to utilize a cognitive-behavioral approach more specific to the population being served. Funding will                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| <b>County/<br/>Tribe</b> | <b>Initial Funding</b> | <b>Grant<br/>Award</b> | <b>Project Type</b>          | <b>Project Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------|------------------------|------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                          |                        |                        |                              | also allow the opiate diversion project, a pretrial diversion program for opiate offenders, to evaluate program outcomes and utilize an assessment instrument that has been developed specifically for the program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Dodge                    | January, 2014          | 209,620                | OWI court;<br>drug court     | Grant funds will be used by the Dodge County treatment alternatives and diversion program for the purposes of continuing and enhancing existing TAD projects that focus on providing treatment-focused diversion services to individuals with antisocial actions that stem from untreated or undertreated addiction or mental health conditions. Dodge County intends to continue its efforts to evolve its existing program from a diversion structure to a problem solving court. In addition, funds will be utilized to provide cognitive behavioral interventions, medication assisted treatment, and residential treatment to directly address criminogenic need areas of moderate to high risk TAD participants. |
| Dunn                     | January, 2017          | 99,566                 | Diversion<br>program         | Funds will be utilized to implement a pre-trial diversion program to divert nonviolent offenders facing criminal charges related to the use or abuse of drugs or alcohol from the criminal justice system into treatment. Funds will be used to hire a full time assessor position that would assess offenders' risk, need, and responsivity factors, as well as screen and refer potential TAD participants. The TAD program will integrate with existing county resources to provide intensive case management, monitoring of treatment services, and drug and alcohol testing.                                                                                                                                      |
| Eau Claire               | January, 2014          | 137,213                | Multiple<br>treatment courts | Grant funds will be used by the Eau Claire County Department of Human Services to support a program supervisor to provide centralized oversight of the county's four treatment courts. Funds will also support treatment and other services for the participants of the veteran's treatment court.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Grant                    | June, 2014             | 119,572                | Drug court                   | Grant funds will be utilized by the Grant County to enhance its drug court by offering increased residential treatment and to create a formal criminal justice coordinating council within Grant County. The funds will also support the continuation of the treatment court coordinator position.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Iowa                     | June, 2014             | 65,046                 | Drug court                   | Grant funds will be utilized to continue to develop Iowa County's drug treatment court. Iowa County anticipates that most participants will be heroine, opiate, and methamphetamine users. Admission to the drug court program will be based on criminogenic risks and needs presented by each individual, with the primary target population consisting of individuals with high to medium criminogenic risk and high substance abuse needs. The program provides supervision and drug testing, counseling and treatment, incentives and sanctions, and assistance with education, employment, and housing where possible.                                                                                            |
| Jefferson**              | January, 2014          | 174,020                | Drug court;<br>OWI court     | Funds will be utilized by the Jefferson County Criminal Justice Coordinating Council (CJCC) to sustain an OWI treatment court, develop a drug treatment court, and assist in hiring a CJCC and treatment court coordinator position. In addition to serving individuals in                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| <b>County/<br/>Tribe</b> | <b>Initial Funding</b> | <b>Grant<br/>Award</b> | <b>Project Type</b>              | <b>Project Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------|------------------------|------------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                          |                        |                        |                                  | Jefferson County, these programs serve individuals in adjoining counties on a case by case basis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Kenosha                  | January, 2014          | 124,500                | Co-occurring disorders court     | Funds will be used by the Kenosha County treatment court to expand the target population served to include individuals with diagnosed co-occurring disorders. In addition, funds will be utilized to expand the number of random drug and alcohol tests, provide customized staff development training for team members, and shorten the time between case filing and entry into treatment court. The treatment court will serve nonviolent offenders with high criminogenic needs and risks as well as co-occurring disorders.                                                                                                                                                                                                                 |
| La Crosse                | June, 2014             | 156,885                | Diversion program                | The La Crosse pre-trial services program encompasses a broad range of screenings and services, including pre-trial diversion and pre-trial supervision, and feeds into other alternatives to incarceration, including treatment courts. In 2017, La Crosse County intends to utilize funding to enhance its evidence based services, improve its diversion eligibility determinations and processes, continue to divert low risk offenders from the criminal justice system, validate pre-trial risk grids, and improve timeliness in referrals to treatment alternatives.                                                                                                                                                                      |
| Lac du Flambeau Tribe**  | January, 2014          | 113,294                | Tribal healing to wellness court | Funds will be used to enhance current Zaagiibagaa Healing to Wellness Court program services. The funds will support sober housing, and the implementation of Correctional Counseling, Inc.'s evidence-based and trauma-focused curriculum. The Tribe will develop a standardized curriculum for the wellness court. The curriculum will address life skills, 12-step programming for alcohol and other drug abuse, anger management, parenting, health-risk prevention, overdose prevention and reversal, vocational/educational advancement, and other topics. Grant funds will also be utilized to support a full-time cultural leader positions who will facilitate cultural-based events to keep participants engaged in sober activities. |
| Manitowoc                | January, 2017          | 142,396                | Drug court; diversion program    | Grant funds will be managed by Manitowoc County Human Services and guided by the Manitowoc County Criminal Justice Coordinating Counsel for the planning and implementation of a pre-trial diversion program and a treatment court. Funds will be used to hire staff, develop policies and procedures for both programs, provide training, and assist with treatment and supportive services. It is anticipated that the two programs will be implemented by July, 2017.                                                                                                                                                                                                                                                                        |
| Marinette                | January, 2014          | 125,557                | Drug court                       | Grant funds will be utilized by the Marinette County Health and Human Services, in conjunction with the District Attorney's office, the Clerk of Court, circuit court judges, law enforcement, Marinette County administration, and the criminal justice coordinating council to enhance Marinette County's current drug treatment court. Grant funds will be utilized to implement recommendations made by the federal Bureau of Justice Assistance in January, 2016. The drug court focuses on treating individuals with moderate to high risk of reoffending with an alcohol or drug abuse diagnosis.                                                                                                                                        |

| <b>County/<br/>Tribe</b>           | <b>Initial Funding</b> | <b>Grant<br/>Award</b> | <b>Project Type</b>                 | <b>Project Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------|------------------------|------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Marquette                          | June, 2014             | 100,082                | Hybrid court                        | Grant funds will be utilized to implement Marquette County's treatment court which focuses on individuals charged with nonviolent crimes related to substance use disorders. The treatment court will utilize evidence-based treatment approaches to follow best practices standards in support of participants addressing substance use disorders.                                                                                                                                                                                                                                                                                                                      |
| Menominee<br>Tribe of<br>Wisconsin | June, 2014             | 98,148                 | Diversion<br>program                | Funds will be used by the Maehnowesekiyah Wellness Center to implement a project for pre- or post-charged, low risk defendants who qualify and are referred into the TAD program. The program will provide collaboration, treatment and supportive services for defendants who are in need of alcohol and substance abuse treatment, wraparound recovery planning, and batterer's intervention treatment.                                                                                                                                                                                                                                                                |
| Milwaukee                          | January, 2007          | 380,981                | Diversion<br>program                | Funds will be used to support Milwaukee County's existing deferred prosecution program. The program is administered by the Office of the Chief Judge, while the services are provided by JusticePoint, Inc. The district attorney office and the local public defender offices also provide support to the deferred prosecution program. Grant funds will be used to provide additional cognitive behavioral programming options for participants. In addition, funds will be used to support peer support specialist positions.                                                                                                                                         |
| Outagamie                          | June, 2014             | 178,343                | Drug court;<br>diversion<br>program | Grant funds will be utilized by the Outagamie County Criminal Justice Treatment Services to enhance the efficiency and efficacy of its coordinated system response that manages early screening, identification, placement, expedited referral, and triage of potential candidates. The candidates are referred to various risk-based interventions, including treatment courts and other alternative and diversion programs. Funds will primarily support staff, the development of a more efficient process for triaging cases in the district attorney's office, and the improvement of outcome measures.                                                             |
| Ozaukee                            | June, 2014             | 125,930                | Diversion<br>program                | Funds will be utilized by the Ozaukee County Criminal Justice Collaborating Council to enhance an existing pre-trial diversion program, as well as implement an alternative to revocation case management project and a sobriety-based transitional housing project. All of Ozaukee County's TAD projects share the goal of providing assessment for low to mid-risk level offenders who meet initial criminal history, age, residency, and charge requirements.                                                                                                                                                                                                         |
| Pierce                             | January, 2014          | 205,777                | OWI court;<br>diversion<br>program  | Grant funds will be utilized to continue to support a diversion program and an intoxicated driver improvement program in Pierce County. Pierce County intends to enhance these two programs by adding a pre-trial risk assessment component in the district attorney's office and by increasing public relations between these two programs and the community. Grant funds will also be utilized to implement an OWI treatment court. Grant funds will support training selected team members, program supplies, transportation, evidence-based OWI treatment curriculum, alcohol testing equipment, and graduated sanctions and incentives for the OWI treatment court. |

| <b>County/<br/>Tribe</b> | <b>Initial Funding</b> | <b>Grant<br/>Award</b> | <b>Project Type</b>           | <b>Project Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------|------------------------|------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Polk                     | January, 2017          | 66,300                 | Co-occurring disorders court  | Grant funds will be utilized to support a Polk County treatment court for individuals with co-occurring disorders. Funds will be utilized to increase the responsiveness of the treatment court in ensuring that all participants receive individualized, targeted, evidence-based services, as well as increasing the governance of the treatment court.                                                                                                                                                                                                                                     |
| Racine                   | June, 2014             | 124,975                | Hybrid court                  | Funds will be used by the Racine County alcohol and drug treatment court to expand drug and alcohol testing, provide comprehensive mental health screenings, provide staff development training for treatment court team members, and maintain internal evaluation functions.                                                                                                                                                                                                                                                                                                                 |
| Rock                     | January, 2007          | 125,000                | Drug court                    | Funds will be utilized to support case management and treatment services for the Racine County drug court. The drug court is a collaborative justice system diversion opportunity for medium and high-risk nonviolent offenders with an underlying substance use disorder. Successful participants are diverted from incarceration and see their charges reduced or dismissed upon completion.                                                                                                                                                                                                |
| Rusk                     | June, 2014             | 123,144                | Drug court                    | Funds will be used by Rusk County to provide intensive treatment, monitoring, and supervision for alcohol and other drug abuse addicts. Program participants will be involved in an outpatient treatment program provided primarily by Aurora Community Counseling. Funds will also support outpatient programs, group sessions, drug courts, drug testing, in-home sobriety devices, and home visits.                                                                                                                                                                                        |
| Sauk                     | January, 2017          | 116,733                | Drug court                    | Funds will be used by Sauk County to increase services to participants of its adult drug court, which currently focuses on individuals with substance abuse issues. In addition, the funds will be used to expand programming to individuals whose crimes are related to the abuse of alcohol, including OWI charges.                                                                                                                                                                                                                                                                         |
| Sheboygan                | January, 2017          | 93,079                 | Hybrid court                  | Grant funds will be utilized to implement a treatment court that provides intensive treatment and other services to individuals with substance abuse issues. The funds will also be utilized to support a comprehensive diversion program comprised of supervision, treatment, and rehabilitation.                                                                                                                                                                                                                                                                                            |
| St. Croix                | January, 2014          | 146,517                | Drug court; diversion program | Grants funds will be utilized to support the St. Croix County drug court and the St. Croix County diversion program. The drug court focuses on early identification and intervention for high-risk individuals, while the diversion program focuses on providing these services for low-risk individuals. Funds will be utilized to expand the use of COMPAS assessments in a timely manner for both of these programs. In addition, project funds will support a support specialist position for the drug court program and a case management specialist position for the diversion program. |
| Taylor                   | June, 2014             | 100,000                | OWI court; drug court         | Grants funds will be utilized to expand an existing OWI treatment court such that the OWI court will be able to provide services to 2 <sup>nd</sup> through 6 <sup>th</sup> offense OWI offenders (the OWI                                                                                                                                                                                                                                                                                                                                                                                    |

| <b>County/<br/>Tribe</b> | <b>Initial Funding</b> | <b>Grant<br/>Award</b> | <b>Project Type</b>                 | <b>Project Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------|------------------------|------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                          |                        |                        |                                     | court used to provide services to only 2 <sup>nd</sup> and 3 <sup>rd</sup> offense OWI offenders). In addition, funds will be utilized to implement a new drug treatment court. Funds will be utilized to support staff costs, operational expenses and supplies, training and travel expenses, contractual services for counseling and AODA services, and drug testing.                                                                                                                                                                                                                        |
| Trempealeau              | January, 2014          | 110,000                | Hybrid court                        | Trempealeau County will utilize the funds to expand its existing recovery court by adding an addiction treatment/case management program for new participants. The addiction treatment/case management program will create sober events, obtain trauma informed care for the participants, and train a new judge.                                                                                                                                                                                                                                                                               |
| Walworth                 | January, 2014          | 215,000                | Drug court;<br>diversion<br>program | Grant funds will be utilized to continue support for Walworth County's pre-trial services program and the Walworth County drug court. Walworth County utilizes these two programs to divert low-risk offenders into pre-trial programming and rehabilitate substance dependent offenders.                                                                                                                                                                                                                                                                                                       |
| Washington               | January, 2007          | 96,720                 | Diversion<br>program                | Funds will be utilized by the Washington County Human Services Department and Elevate, Inc. (which is under contract with Washington County) to plan and implement an opiate treatment alternatives diversion program. The program will divert nonviolent opiate offenders to a community based treatment and monitoring program.                                                                                                                                                                                                                                                               |
| Waukesha                 | January, 2014          | 139,680                | Drug court                          | Grant funds will be used by the Waukesha County Criminal Justice Collaborating Council to maintain one full-time case manager position for the Waukesha County drug court program. Funds from the TAD program, in conjunction with additional federal funds, will allow the drug court in increase its capacity to 50 participants. The drug court provides frequent drug testing and transportation for participants. Program participants also receive recovery coaching and medication assisted treatment to increase the likelihood of adherence to treatment and improve program outcomes. |
| Waushara**               | January, 2014          | 89,782                 | Drug court                          | The Waushara County Department of Human Services will use the grant funds to implement a two-tiered treatment court for nonviolent offenders confronting alcohol and substance abuse issues. The program is a collaboration between the Department of Human Services, the Sheriff's Department, the Circuit Court, the District Attorney's office, alcohol and other drug abuse treatment providers, and the state Department of Corrections and Office of the Public Defender.                                                                                                                 |
| Winnebago                | January, 2017          | 66,061                 | Diversion<br>program                | The Winnebago County District Attorney office will utilize the funds to employ a risk assessment specialist to enhance Winnebago County's pre-trial diversion programs. The risk assessment specialist will administer COMPAS assessments to individuals wishing to be considered for a diversion program. The diversion programs target low risk offenders and identify and treat underlying issues.                                                                                                                                                                                           |
| Wood                     | January, 2007          | 140,000                | Drug court                          | Grant funds will be used by the Wood County drug court program and Wood County Human                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| County/<br>Tribe | Initial Funding | Grant<br>Award | Project Type | Project Description                                                                                                                                                                                                                                                                                         |
|------------------|-----------------|----------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  |                 |                |              | Services to provide treatment and supervision services to high risk/high need drug addicted individuals in Wood County. The funds will be used for court staff, treatment court training, drug testing, outpatient treatment, risk/need assessments, inpatient services, and medication assisted treatment. |
| Total            |                 | \$5,538,900    |              |                                                                                                                                                                                                                                                                                                             |

\*Adams County will receive a total of \$76,436 from both the TAD program and the drug court grant program (see Attachment II). Funding will be split as follows: \$47,966 from the TAD program and \$28,470 from the drug court grant program.

\*\*This project was initially funded through the drug court grant program.

## ATTACHMENT II

### Drug Court Grant Awards, Calendar Year 2017

| County/<br>Tribe | Initial<br>Funding Date | Grant<br>Award | Project Type | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------|-------------------------|----------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Adams*           | January, 2017           | \$28,470       | Hybrid court | The grant will be utilized to establish a hybrid treatment court targeting individuals whose criminal justice involvement is driven by alcohol or other substance abuse needs. The first six months of the grant period will focus on the development of implementation strategies and the creation of a collaborative team. These efforts will be led by a technical assistance provider and include various criminal justice agencies within Adams County. After completion of the planning period, the hybrid court is scheduled to be launched on July 1, 2017. |
| Green            | January, 2017           | 122,900        | Drug court   | Green County Human Services will use the TAD funds to create a drug court program in Green County. The initial six months of the grant period will be focused on formalizing a criminal justice coordinating council, as well as establishing protocols, policies, and procedures for implementing the drug court. Grant funds will be utilized to support a drug court coordinator position and an alcohol and other drug abuse counselor position, as well as the training of staff and CJCC members and assessment and drug testing materials.                   |
| Green Lake       | January, 2017           | 101,130        | Drug court   | Funds will be used to create a drug treatment court which would expand on increasing treatment alternatives to jail for individuals within Green Lake County who are identified as having substance abuse disorders.                                                                                                                                                                                                                                                                                                                                                |
| Portage          | January, 2017           | 125,000        | Drug court   | Funds will be used to establish the Portage County adult drug court. The drug court will divert nonviolent offenders with a serious drug addiction and a felony drug or felony drug related crime into the drug court for intensive treatment and supervision.                                                                                                                                                                                                                                                                                                      |
| Richland         | January, 2017           | 122,500        | OWI court    | Funds will be utilized to establish and operate a drug court that would focus on individuals convicted of 3 <sup>rd</sup> to 6 <sup>th</sup> OWI offenses and defendants being revoked from probation. All participants will be on probation. The program will last for 14 to 24 months, include three phases, and successful participants would not have to serve imposed or stayed jail time.                                                                                                                                                                     |
| Total            |                         | \$500,000      |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

\*Adams County will receive a total of \$76,436 from both the TAD program and the drug court grant program (see Attachment I). Funding will be split as follows: \$47,966 from the TAD program and \$28,470 from the drug court grant program.