

# State of Wisconsin

SENATE CHAIR  
**Alberta Darling**

317 East, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882  
Phone: (608) 266-5830



ASSEMBLY CHAIR  
**John Nygren**

309 East, State Capitol  
P.O. Box 8593  
Madison, WI 53708-8953  
Phone: (608) 266-2343

## Joint Committee on Finance

### MEMORANDUM

To: Members  
Joint Committee on Finance

From: Senator Alberta Darling  
Representative John Nygren

Date: January 18, 2018

Re: 14-Day Passive Review Approval – DOJ

Pursuant to 2017 Wisconsin Act 32, attached is a 14-day passive review request from the Department of Justice, received on January 18, 2018.

Please review the material and notify **Senator Darling** or **Representative Nygren** no later than **Tuesday, February 6, 2018**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AD:JN:jm



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

BRAD D. SCHIMEL  
ATTORNEY GENERAL

Paul W. Connell  
Deputy Attorney General

Delanie M. Breuer  
Chief of Staff

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

January 12, 2018

JAN 18 2018

*S. FINANCE*

HAND-DELIVERED

The Honorable Alberta Darling  
Co-Chair Joint Committee on Finance  
Room 317 East, State Capitol

✓ The Honorable John Nygren  
Co-Chair Joint Committee on Finance  
Room 309 East, State Capitol

Re: Request to release funds: Pre-Booking Diversion Pilot Program

Dear Senator Darling and Representative Nygren:

2017 Wisconsin Act 32 established a pre-booking pilot program to divert nonviolent offenders to treatment programs, as recommended by the co-chairs of the Governor's Task Force on Opiate Abuse, Lt. Governor Rebecca Kleefisch and Representative Nygren. As required under Act 32, the Department of Justice is requesting to release funding under the bill to implement the pilot program by supplementing the diversion pilot program appropriation under Wis. Stats. §20.455 (2)(en) by \$261,000 annually in fiscal years 2018 and 2019 with funds held in the Joint Committee on Finance supplemental appropriation under §20.865 (4)(a).

**Diversion Pilot Program Plan Proposal**

As part of their efforts to address the opioid epidemic in Wisconsin, the Governor's Task Force on Opioid Abuse (<https://hope.wi.gov/Documents/ReportOnCombatingOpioidAbuse.pdf>) recommended funding the development of a pre-booking diversion pilot program that allows non-violent offenders to seek treatment within the community. The goals of a pre-booking diversion program are to address the underlying substance use needs of non-violent offenders and to reduce unnecessary exposure to the justice system. In order to achieve these goals, there needs to be a collaborative effort from community partners,

Senator Darling and Representative Nygren

January 12, 2018

Page 2

including local law enforcement, the District Attorney's office, and local treatment providers. These partners are essential for the success of a pre-booking diversion program and they must commit to working together towards these common goals.

There are been several pre-booking diversion programs implemented throughout the country that can be utilized to guide the creation of this new pilot program, including the Law Enforcement Assisted Diversion (LEAD) program in Seattle, Washington, and the Madison Addiction Recovery Initiative (MARI) program in Madison, Wisconsin. These programs serve as examples of a program model that can be used by for local agencies to develop models in local jurisdictions that can be tested and evaluated to determine effectiveness, and potentially lead to replication in additional jurisdictions.

In addition to its role in working with local law enforcement and in administering the state Treatment Alternatives and Diversion (TAD) program, the Department of Justice has considerable experience in piloting local programs and evaluating their effectiveness. In addition to TAD, the department has recently implemented federal grant-funded pilots such as an Overdose Fatality Review Pilot as well as a pilot program designed to improve the functioning of local Sexual Assault Response Teams . In implementing this pre-booking diversion pilot program, the department will utilize and build upon established processes developed through these prior and current implementations.

Details of the program design, implementation strategy, and site selection process for this pre-booking diversion pilot program are as follows:

#### Overall Program Design and Implementation

The pilot program will provide funding to local jurisdictions to implement programs developed based on the established diversion models. The overall program design and structure of the pilot program will include the following elements:

- \$261,000 in state funding is available annually over a two-year project period. Based on available funding, and through a competitive selection process, it is anticipated that one to three sites will be selected to participate in this pilot program.
- Similar to the TAD program, these state funds will be allocated to local jurisdictions on a calendar year basis, in order to better coordinate with local budget cycles. Year 1 will be from 1/1/2018 to 12/31/2018, and Year 2 will be from 1/1/2019 to 12/31/2019. Selected sites will be required to re-apply for funding in Year 2.

Senator Darling and Representative Nygren

January 12, 2018

Page 3

- Eligibility will be open to counties, tribes, or municipalities (local law enforcement with an emphasis placed on collaborative proposals).
- Due to limited state resources, local pilot sites may be asked to dedicate a portion of their allocations (up to 15%) to establish a contractual relationship with a local research partner in order to evaluate program effectiveness. These local research partners will be required to collaborate with the department's Bureau of Justice Information and Analysis on an overall evaluation of the pilot program.
- Pilot sites will be asked to collect specific data to assist in the overall tracking and reporting of data regarding the pilot site implementation and associated outcomes.
- The department will provide the selected local pilot sites with technical assistance and program monitoring and oversight over the two-year project period.

#### Site Selection Process

In determining sites for this pilot program, the department will rely on processes and standards that are used and have proven successful in the establishment of other pilot programs. Specifically, DOJ will distribute a survey designed to gauge the interest, readiness, and capacity of local jurisdictions to implement this project. Eligibility will be open to counties, tribes, or municipalities (local law enforcement) with an emphasis placed on collaborative proposals.

Survey results will be rated through a competitive process, using objective criteria and an established scoring process. Site selection criteria will be based on information collected during the survey:

- Evidence of Need: Evidence of need will be based on supporting data/evidence of issues related to general substance abuse and, more specifically, opiate abuse and the impact on the local jurisdiction, and the current gap in addressing these issues including the target population this pilot project is designed to address.
- Partnerships: In order to achieve the goals of this pilot, there needs to be a collaborative effort from community partners, including local law enforcement, the District Attorney's office, and local treatment providers. Letters of support from these partners will be required and preference will be given to sites that are supported by the local Criminal Justice Coordinating Council.

Senator Darling and Representative Nygren

January 12, 2018

Page 4

- Treatment Capacity: Treatment capacity includes descriptions of current treatment resources and TAD and other evidence-based treatment programming in the local jurisdiction that can be that can be utilized to support this program.
- Implementation Capacity: Implementation capacity includes descriptions of current programs designed to address opiate and substance use issues, other organizations or arrangements that will assist with implementation, and overall capacity to implement this pilot program.
- Local Evaluation Plan: The local evaluation plan describes established partnerships with researchers or local research capacity that can be utilized to evaluate program performance.
- Consideration may also be given to additional factors including underserved populations, strategic priorities, past performance, underserved geographic areas, potential to replicate a project and available funding.

Thank you for your strong and continuing commitment to addressing this critical public health epidemic and your consideration of the department's proposal. If you have any questions or require additional information related to this request, please contact Lane Ruhland, Director of Government Affairs at (608) 640-7203 or [ruhlandle@doj.state.wi.us](mailto:ruhlandle@doj.state.wi.us) .

Very truly yours,



Paul W. Connell  
Deputy Attorney General

PWC:mcg:alm

C: Lane Ruhland, Gov't Affairs Director [ruhlandle@doj.state.wi.us](mailto:ruhlandle@doj.state.wi.us)  
Michelle Gauger, Bureau of Budget and Finance Director [gaugermc@doj.state.wi.us](mailto:gaugermc@doj.state.wi.us)