



John Nygren

WISCONSIN STATE REPRESENTATIVE ★ 89TH ASSEMBLY DISTRICT
Co-Chair, Joint Committee on Finance

Senate Committee on Economic Development, Commerce and Local Government
Chair, Senator Dan Feyen
Testimony by Representative John Nygren
March 14, 2017

Thank you Chair Feyen and members of the Committee on Economic Development, Commerce and Local Government for holding a public hearing on Special Session Senate Bill 2, regarding treatment and diversion programs and making appropriations.

For the past two sessions, we have worked together as legislative colleagues to pass a package of 17 bills aimed at combating our state's opioid and heroin epidemic. We call this package the Heroin, Opioid Prevention and Education – or HOPE – Agenda. With unanimous bipartisan support and Governor Walker's signature, we successfully laid a foundation to combat heroin and opioid addiction in Wisconsin. That said, there is still more work to be done.

This session, I was appointed Co-Chair of the Governor's Task Force on Opioid Abuse with Lt. Governor Kleefisch. Following three task force meetings throughout the state, involving testimony from dozens of citizens, advocates, and stakeholders, the Lt. Governor and I released a report of recommendations to Governor Walker. The governor took immediate action and called for a Special Session on Opioid Abuse.

Special Session Senate Bill 2 provides \$2 million annually to treatment and diversion programs (TAD), allowing for the continuation of these programs throughout Wisconsin. Furthermore, this bill provides \$150,000 annually to expand TAD to more counties and provides \$261,000 annually to create a pilot program for expanded diversion efforts.

There are currently 45 TAD grants involving 46 counties and two tribes. Three grants involve multiple counties (Ashland/Bayfield, Burnett/Washburn, and Buffalo/Pepin). TAD grants now help to support over 50 treatment courts and diversion programs in Wisconsin, with some counties or tribes operating multiple programs.

As a result of the 2017 competitive grant process, 14 new counties are receiving TAD funding. Four counties and one tribe applied for TAD funding during the most recent competitive process. This bill will help provide access to additional counties in need of TAD services.

While these programs are created and operated at the county level, state grants to implement and support these programs have been available for a few years. These programs have proven to be an effective and efficient means of combatting drug and alcohol abuse in our state, making our communities safer.

I appreciate the opportunity to submit testimony to your committee on these important pieces of legislation. Please don't hesitate to contact my office with any questions or concerns.

Rep. John Nygren
Assembly District 89



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PREPARED TESTIMONY OF ATTORNEY GENERAL BRAD D. SCHIMEL
Support for January 2017 Special Session Senate Bill 2
Senate Committee on Economic Development, Commerce and Local Government
Tuesday, March 14, 2017

Thank you, Chairman Feyen and members of the Senate Committee on Economic Development, Commerce and Local Government, for allowing me the opportunity to submit written testimony in support of January 2017 Special Session Senate Bill 2.

Special Session Senate Bill 2

Last year, I stopped by the Waukesha County Drug Treatment Court because my friend's son was graduating after completing over a year and a half of hard work in the program. It was a happy day, for sure, but it was also an emotional event that caused some flashbacks to less optimistic times. I knew quite a bit of my friend's son's history, because my friend contacted me for advice when things were looking very grim. My friend was not sure his son would survive the disease of addiction. At one point, as the Waukesha District Attorney at the time, I had to make the difficult decision to issue a felony criminal complaint against the young man. We had tried the other options provided by the criminal justice system, as is still the routine for people who are struggling with addiction. However, but as is so often, if the person is ultimately going to survive their disease, they need to face reality and accept help. That reality check is typically a result of being locked in our jail.

As I said, the graduation was emotional for me. I knew the young man had setbacks in the program. There were times that he almost got himself kicked out of Drug Treatment Court. We knew to expect relapses and other setbacks, because those scenarios are predictable when a person is battling the powerful disease of opiate addiction. Those situations made life a roller coaster ride for sure, but that was not what made the graduation ceremony emotional.

Rather, the emotions were due to the fact that I, and everyone else in that room, knew two daunting things about the graduate. First, before he decided to enroll in Drug Treatment Court, he had a choice between only two potential futures: prison or death by drug overdose. This is not easy for me to say, and if my friend sees this it might

be hard for him to read, but back then it was clear just how bleak the future was. In a way my friend had been visited by the “ghosts of Christmas Present and Future.” He had witnessed his son in an overdose, and had to call 911 to get help to save him. In Wisconsin, there are many family members and friends of people struggling with opiate addiction that are forced to face those ghosts every day. I have heard many of them describe it and still cannot fathom how frightening that must be for them. The reality is that my friend’s son is part of a small minority of people who ever get substantial, and lasting, help with their addiction.

The second thing that made this ceremony emotional was the knowledge that the graduate was by no means out of the woods. Drug Treatment Court graduation is an event that brings pride in accomplishment and some degree of relief, but it is only the first step on a journey that requires commitment, courage, strength and a lot of support for the rest of this young man’s life. People in recovery often say “it is one day at a time.” Truer words were never spoken. That young man and his family will never be completely off the hook of this disease. While recovery is something worthy of great celebration, there is no cure. There is just remission. One day at a time. Forever.

Beyond those two reasons, there is more that made this young man’s graduation significant: my friend is a veteran police officer. I am talking about a true veteran with decades of law enforcement experience in urban, suburban and rural areas. He has seen it all. He knows exactly what to do to protect his family, but he found out firsthand that opiate drug abuse is a danger that tries to make all of us powerless. How can a parent, especially one whose job is protecting others every day, face that reality?

You had better believe it, my friend’s challenges with his son made me consider my own vulnerability as a parent of teenage daughters. There were a couple of young women, kids really, who had their cases reviewed by the judge about the time of the graduation ceremony. They looked an awful like my daughters and their friends. If it can happen to a veteran police officer and his wife, who are both loving, devoted and attentive parents, it can happen to any of us.

I want to say thank you to the judges, prosecutors, public defenders, case managers, social workers, counselors, sponsors, probation agents and police officers who all work hand in hand to make the Drug Treatment Courts across our state succeed. It is “collaboration” at its best. Operating a Drug Treatment Court is a lot more like parenting than traditional criminal justice, and it often turns the roles of the professionals upside down. The prosecutor will often be advocating for another chance while the public defender is arguing to kick the participant out of the program. You have to see it to believe it!

After 26 years as a prosecutor I can say, without reservation, that Treatment Courts are the best thing the criminal justice system has ever done. It is not only me that believes that. The fact is, the DAs, police, social workers, public defenders and everyone else in between—we all agree. We are finally recognizing that we cannot “incarcerate our way out of problems” related to addiction. Yes, jail and prison are sometimes necessary parts of our approach to punish the crime that is driven by addiction, but we were mistaken to think that confinement alone was going to change a person’s disease or their behavior. Treatment Courts combine accountability and an opportunity to earn a second chance by demonstrating commitment and hard work. This approach ultimately makes our communities safer and healthier.

On top of all of that, Drug Treatment Courts are a great bargain. They are cheaper than even a relatively short stint in jail; and are far more affordable than prison. They reduce recidivism dramatically, so they are good for the taxpayers that way, too. They are also less expensive than a combination police, EMT and medical examiner response to an overdose. Treatment Courts are a true win-win situation.

More than 30 counties in Wisconsin have Drug Treatment Courts up and running. We hope, one day soon, this type of resource will be available everywhere in the state. We believe the passage of SSSB 2 brings us closer to reaching that goal and changing the lives of our friends, neighbors and family members for good. Thank you for acting with a sense of urgency to make this bill law and your commitment to making Wisconsin a safer and stronger place to live.

MEMORANDUM

TO: Honorable Members of the Senate Committee on Economic Development,
Commerce and Local Government

FROM: Marcie Rainbolt, Government Affairs Associate

DATE: March 14, 2017

SUBJECT: Support for January 2017 Special Session Senate Bill 2 – TAD Programs

Chair Feyen and members of the committee, thank you for the opportunity to speak with you today regarding Special Session Senate Bill 2 which provides more than \$4.8 million over the biennium for Treatment Alternatives and Diversion (TAD) program grants, TAD program expansion to additional counties, and the creation of a diversion pilot program for nonviolent offenders. The Wisconsin Counties Association (WCA) supports this legislation, as TAD is an essential tool in county efforts to combat drug and alcohol abuse. Wisconsin is currently in the midst of an opioid and heroin epidemic and we commend the Legislature and Governor for their work to address this problem. Special Session Senate Bill 2 will assist counties with the challenges of working with offenders who suffer from addiction issues.

TAD was created in 2005 to provide grants to counties for the creation of programs such as deferred prosecution and suspended prosecution, which offer alternatives to incarceration for those offenders who have addiction issues with alcohol or drugs. TAD funding supports both pretrial diversion and adult treatment courts, which allows offenders the opportunity to stay out of county jails and state prisons through successful completion of the TAD program. Not only do these offenders stay out of the correctional system and save taxpayer dollars but they also receive the services they need to manage their addictions. Services through TAD include drug or alcohol treatment, case management and risk reduction services.

Since 2005, the TAD program has changed significantly, including several modifications to how the state funds the program, as well as the amount of funding and the number of projects supported. In the beginning, TAD funds supported six projects in the following counties: Rock, Dane, Milwaukee, Wood, and Washington and a joint project between Burnett and Washburn. TAD funds also supported one project with the St. Croix Tribe. Today, TAD supports 45 projects that involve 46 counties and 2 tribes. These funds

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support more than 50 treatment courts and diversion programs.

In 2017, 14 new counties received TAD grant funds. Four counties and one tribe, however, applied but were denied because of insufficient funds. Due to the success of these programs and state support, TAD is not only helping individual offenders but also effectively combating the addiction epidemic in Wisconsin. This is why continued support from the state is essential and I urge your support for Special Session Senate Bill 2.