



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #121

Treatment Alternatives and Diversion Grant to Milwaukee County (DOA -- Office of Justice Assistance)

[LFB 2009-11 Budget Summary: Page 32, #3, and Page 51, #2]

CURRENT LAW

Provisions of 2005 Wisconsin Act 25 created the treatment, alternatives, and diversion (TAD) program under the Department of Administration's Office of Justice Assistance (OJA). The program is intended to provide 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 or other drugs.

Act 25 created an annual GPR appropriation under OJA for making grants and evaluating the TAD program, but provided no funding. Act 25 also created a continuing PR appropriation under OJA for grant funding and program evaluation, but this appropriation has not supported the Milwaukee County TAD program and has always operated in deficit.

During the 2005-07 biennium, the Milwaukee County TAD program was supported with grant funding under the Byrne Justice Assistance Grant program. Under 2007 Wisconsin Act 20, Milwaukee County was provided \$375,000 GPR in 2007-08 only for its TAD program. On December 17, 2008, the Joint Committee on Finance approved a s. 13.10 request from OJA to release \$187,000 GPR in 2008-09 for Milwaukee County's TAD program from funding in the Committee's supplemental appropriation that was originally reserved for Milwaukee County's assess, inform, and measure grant. This funding is intended to extend the program through June 30, 2009.

GOVERNOR

Treatment, Alternatives, and Diversion Grant Funding for Milwaukee County. Provide \$375,000 GPR annually to Milwaukee County for calendar years 2010 and 2011 if the County submits to OJA by December 1 of the preceding year an application that demonstrates that the County would use the grant funds to implement a program that satisfies the conditions of the TAD program. [Based on funding needs in Milwaukee County (the County only has funding under s. 13.10 to support its program through June 30, 2009), the administration has subsequently expressed an intent to utilize this funding to extend the Milwaukee County TAD program through June 30, 2011.]

Across-the-Board 1% Funding Reduction. Reduce grant funding by \$3,800 GPR annually.

DISCUSSION POINTS

1. Under current law, Milwaukee County's TAD program must satisfy all of the following requirements:

a. Be designed to meet the needs of a person who abuses alcohol or other drugs and who may be, or has been, charged with, or who has been convicted of, a crime that relates to the person's use or abuse of alcohol or other drugs.

b. Be designed to promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, and improve the welfare of participants' families by meeting the comprehensive needs of participants.

c. Establish eligibility criteria for a person's participation. The criteria must specify that a violent offender is not eligible to participate in the program. A "violent offender" is one of the following: (1) a person who has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm; or (2) a person with one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

d. Services provided under the program must be consistent with evidence-based practices in substance abuse and mental health treatment, as determined by the Department of Health Services (DHS), and the program must have intensive case management.

e. Utilize graduated sanctions and incentives to promote successful substance abuse treatment.

f. Provide holistic treatment to its participants and provide them services that may be needed, as determined under the program, to eliminate or reduce their use of alcohol or other

drugs, improve their mental health, facilitate their gainful employment or enhanced education or training, provide them stable housing, facilitate family reunification, ensure payment of child support, and increase the payment of other court-ordered obligations.

g. Be designed to integrate all mental health services provided to program participants by state and local government agencies and other organizations. The program must require regular communication among a participant's substance abuse treatment providers, other service providers, the case manager, and any person designated under the program to monitor the person's compliance with his or her obligations under the program and any probation, extended supervision, and parole agent assigned to the participant.

h. Provide substance abuse and mental health treatment services through DHS-certified providers.

i. Require participants to pay a reasonable amount for their treatment, based on their income and available assets, and pursue and use all possible resources available through insurance and federal, state, and local aid programs, including cash, vouchers, and direct services.

j. Be developed with input from, and implemented in collaboration with, one or more circuit court judges, the district attorney, the state public defender, local law enforcement officials, county agencies responsible for providing social services, including services relating to alcohol and other drug addiction, child welfare, mental health, and the Wisconsin Works program, the Departments of Corrections and Health Services, private social services agencies, and substance abuse treatment providers.

k. Milwaukee County must also comply with other eligibility requirements established by OJA to promote the objectives listed under a. and b. above.

2. From March, 2007, through February, 2009, the Milwaukee County TAD program admitted 865 participants and graduated 457. Of the 457 graduates, OJA indicates that 18% were subsequently charged with a new offense. The two most common charges facing individuals admitted into Milwaukee County's TAD program were drug offenses (673 individuals) and burglary or theft (66 individuals). Milwaukee County court officials have expressed the belief that the TAD program has the potential to substantially reduce prison and jail costs.

3. If the Committee approves of providing state funding to continue these efforts in Milwaukee County, the Committee could consider approving the Governor's recommendations to provide net funding of \$371,200 GPR annually. [Alternative 1]

4. During Committee hearings around the state, concerns were raised that funding for TAD programs should be increased substantially, by as much as \$22 million annually. While the state's current fiscal condition limits the ability of the state to provide additional funding for TAD programming, the Committee could consider providing an additional \$500,000 GPR annually to Milwaukee County (the state's largest urban center). [Alternative 2]

5. To the extent that the TAD program generates criminal justice system savings, these savings would arguably accrue to both the county and the state, as the program targets both misdemeanor offenders (who are typically incarcerated in county jail) and felony offenders (who are typically incarcerated in state prisons). The Committee could also consider maintaining the TAD program funding at \$371,200 annually, but require Milwaukee County to provide a 25% match for state funding, or \$92,800 annually in county funds. If the county provided the required match, the state would provide the remaining funding of \$278,400 GPR annually. This alternative would reduce funding under the bill by \$92,800 GPR annually. [Alternative 3]

6. The Committee could also consider directing OJA to utilize federal Byrne Justice Assistance Grant funds received under the federal American Recovery and Reinvestment Act (ARRA) to provide Milwaukee County a TAD grant award of \$375,000 FED annually during each year of the 2009-11 biennium. This alternative would provide the Milwaukee County TAD program the recommended funding level of AB 75, but due to the difficult fiscal conditions facing the state, would permit the Legislature to reduce GPR funding under the bill. [Alternative 4]

7. The State of Wisconsin will be provided a one-time Byrne award under ARRA of \$18,843,600 FED. The administration indicates that these funds should be available to the state by July, 2009. Federal Byrne funds may be utilized for training, personnel, equipment, supplies, contractual support, and information systems for criminal justice. In fact, under the plan developed by the administration \$1.3 million in ARRA Byrne funding would be utilized for competitive TAD programming grants. The following table identifies the administration's plan for ARRA Byrne funding.

Administration Plan for Utilization of Federal ARRA Byrne Funding

<u>Program</u>	<u>Amount</u>
Programs Targeting Youthful Offenders (Age 14-25)	\$3,850,000
Multijurisdictional Crime Enforcement Task Forces	3,000,000
Department of Corrections Programming	2,700,000
Treatment, Alternatives, and Diversion (TAD) Grants	1,300,000
First Offender/Non-Violent Diversion Grants	1,300,000
Communications Interoperability	1,000,000
Assess, Inform, and Measure (AIM) Grant	834,200
Local Law Enforcement Programs	500,000
State Crime Laboratories--Digital Image Equipment	500,000
Wisconsin Justice Information Sharing Program	450,000
Felmers/Chaney Community Based Offender Reintegration	350,000
Small Police Agency Technology Improvement Grants	309,400
Racial Disparity--Data Collection Software/Traffic Stops	300,000
DOJ--Live Scan Fingerprint Workstations	250,000
Racial Disparity--Minority Law Student Internships	200,000
Subtotal	<u>\$16,843,600</u>
OJA--Administration	\$1,200,000
OJA--Program Performance Evaluation	<u>800,000</u>
Subtotal	<u>\$2,000,000</u>
Total State ARRA Byrne Award	\$18,843,600

ALTERNATIVES

1. Approve the Governor's recommendation to: (a) provide \$375,000 GPR annually to Milwaukee County for a treatment, alternatives, and diversion (TAD) grant; and (b) reduce the grant award by \$3,800 GPR annually as part of an across-the-board 1% reduction to most non-federal appropriations.

2. Increase the TAD grant to Milwaukee County by an additional \$500,000 GPR annually.

ALT 2	Change to Bill Funding
GPR	\$1,000,000

3. Reduce TAD grant funding to Milwaukee County by \$92,800 GPR annually. Under this alternative, total funding for Milwaukee County's TAD program would remain at \$371,200 annually, but Milwaukee County would be required to provide a 25% match (\$92,800 annually). The remaining \$278,400 GPR annually to fund the program would be provided through the state's TAD grant to the County.

ALT 3	Change to Bill Funding
GPR	- \$185,600

4. Delete provisions. Instead, direct the Department of Administration's Office of Justice Assistance to provide Milwaukee County \$375,000 FED annually during each year of the 2009-11 biennium in federal Byrne Justice Assistance Grant funds received under the federal American Recovery and Reinvestment Act for the County's TAD program.

ALT 4	Change to Bill Funding
GPR	- \$742,400

5. Delete provisions.

ALT 5	Change to Bill Funding
GPR	- \$742,400

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