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*Testimony before the Senate Committee on Judiciary and Public Safety*

Senator André Jacque

January 30, 2024

Chairman Wanggaard and Colleagues:

Thank you for the opportunity to testify in support of Senate Bill 11. This bipartisan bill, similar to legislation passed by this Committee unanimously (and the full Senate by voice vote) last session as 2021 Senate Bill 791, would expand the scope of available funding for Treatment Alternative and Diversion (TAD) programs to include mental health treatment.

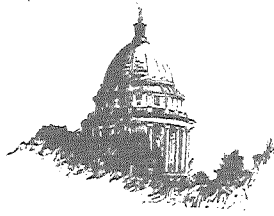
Since its creation in 2005 Act 25, Wisconsin's Treatment Alternatives and Diversion Grant Program has proven to be effective in providing alternatives to incarceration to non-violent offenders who need treatment for substance abuse and addiction. The TAD program currently operates in approximately 50 counties and in 2 tribes. SB 11 extends that program to include those who have a mental health diagnosis. These important evidence-based programs help reduce recidivism, while maintaining public safety.

Prior to being elected to the Wisconsin legislature, my work with Brown County Human Services included interaction with the Federal Substance Abuse and Mental Health Services Administration and incorporation of best practices related to addressing co-occurring disorders. TAD maximizes the use of limited criminal justice resources by establishing a state and local partnership to implement a continuum of community-based services and intermediate sanctions that will increase efficiencies and result in decreased costs associated with the state and county criminal justice systems. According to the Wisconsin Department of Justice, 97% of TAD graduates stayed out of state prison after completing their TAD program.

I am pleased to have supported previous TAD funding expansion initiatives both in the state budget and in standalone legislation offered by my colleagues in both parties. Having witnessed proceedings and spoken with graduates from a host of TAD courts in my district, including those who received treatment for their mental health needs, I believe TAD courts are a good fit for many offenders and offer a critical intervention point of the sort that we are always pursuing as policymakers. I appreciate the broad coalition of more than a dozen organizations in support of this legislation, including Disability Rights Wisconsin, the Wisconsin Counties Association, Wisconsin Medical Society, National Alliance of Mental Illness Wisconsin, the Wisconsin Chapter of the National Association of Social Workers, Wisconsin Nurses Association, Wisconsin League of Women Voters, Wisconsin Association of Family and Children's Agencies, Wisconsin Public Health Association, Wisconsin Association of Local Health Departments and Boards, the Ho-Chunk Nation, and ACLU.

The Legislature has worked together across the aisle in both chambers to make this program successful. Let's continue together in making this important investment in our state and the future of the program's participants.

Thank you for your consideration of Senate Bill 11. I'm happy to answer any questions.



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# PAUL TITTL

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STATE REPRESENTATIVE • 25<sup>TH</sup> ASSEMBLY DISTRICT

Senate Committee on Judiciary and Public Safety

Senate Bill 11

January 30, 2024

First of all, thank you Chairman Wanggaard and members of the committee for allowing me to testify before you today concerning Senate Bill 11.

Treatment and Diversion (TAD) programs are 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.

Under current law, the Department of Justice administers a grant program which provides funds to counties to establish and operate TAD programs, providing alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or drugs.

Senate Bill 11 adds mental illness to those two conditions for which the TAD program applies. That change makes sense, because drug abuse, alcohol abuse and mental illness issues are all behavioral health matters. The change gives the justice system an additional option when assessing a particular situation and how to respond most effectively.

In addition, diverting some individuals to a TAD program rather than a correctional institution can help alleviate some of the overcrowding in our prison system.

The Department of Corrections dashboard states that 36.6% of inmates have a mental illness. An additional 8.4% have a serious mental illness. Those numbers could be significantly higher, because 54.9% are reported as *No Mental Illness/Unknown*.

Including mental illness as a category within the TAD program provides offenders who have mental illness the opportunity to receive treatment and case management services as an alternative to prison confinement. It provides them needed help to return to a healthy life and avoid further criminal activity.

Thank you for hearing this bill today. I hope you will support it going forward.

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To: Senate Committee on Judiciary and Public Safety  
From: Disability Rights Wisconsin (Contact: Lisa Hassenstab, Public Policy Manager,  
[lisah@drwi.org](mailto:lisah@drwi.org))  
Date: January 30, 2024  
Re: SB11 - relating to: expanding the treatment alternatives and diversion programs

Disability Rights Wisconsin (DRW) is a private non-profit organization that protects the rights of people with disabilities statewide, with a mission to advance the dignity, equality, and self-determination of people with disabilities. DRW serves as the federally mandated Protection and Advocacy system for the State of Wisconsin, charged with protecting the rights of children and adults with disabilities and keeping them free from abuse and neglect. With this mission and charge, DRW supports SB11.

DRW has long advocated for expansion of Treatment Alternatives and Diversion (TAD) programs to include treatment for mental illness. One of DRW's principles for policy related to mental and behavioral health is: "People with mental illness are both over-represented and under-served in the criminal justice system. Most people with mental illnesses are not violent, and most violent crimes are not committed by people with mental illnesses. Finding their way to treatment services can be difficult for any individual, but it is especially difficult for those arrested and entering the criminal justice system. DRW promotes early intervention and treatment as better alternatives to detaining people with behavioral health conditions in the justice system. Diversion into treatment alternatives to incarceration and post-release support services have been proven to improve the lives of offenders with mental illness and reduce recidivism."

SB11's expansion of TAD programs to include treatment programs for people with mental illness is a needed and welcome step to addressing the mental health needs of the approximately 40 percent of incarcerated individuals with mental illness. This expansion, along with funding to support it, is long overdue and would have a strong, positive impact on Wisconsin's mental health and justice systems.

Thank you for consideration of this legislation and DRW's perspective on it. Please don't hesitate to reach out with any questions.