



## WISCONSIN LEGISLATIVE COUNCIL

### PROBLEM-SOLVING COURTS, ALTERNATIVES, AND DIVERSIONS

Room 411 South  
State Capitol

June 25, 2014  
10:00 a.m. – 3:00 p.m.

[The following is a summary of the June 25, 2014 meeting of the Study Committee on Problem-Solving Courts, Alternatives, and Diversions. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.wisconsin.gov/lc>.]

#### Call to Order and Roll Call

Chair Bies called the meeting to order. The roll was called and a quorum was present.

- COMMITTEE MEMBERS PRESENT:** Rep. Garey Bies, Chair; Rep. Evan Goyke, Vice Chair; Reps. Warren Petryk and Chris Taylor; and Public Members Carol Carlson, Tony Gibart, Matthew Joski, Jane Klekamp, Elliott Levine, Joann Stephens, Kelli Thompson, and Michael Waupoose.
- COMMITTEE MEMBERS EXCUSED:** Rep. Dale Kooyenga; Sen. Robert Wirth; and Public Members Troy Cross and Mary Triggiano.
- COUNCIL STAFF PRESENT:** Chad Brown, Staff Attorney; and Laura Rose, Deputy Director.
- APPEARANCES:** Senator Luther Olsen, Co-Chair, Joint Legislative Council; Terry C. Anderson, Director, Legislative Council; Carson Fox, Chief Operating Officer and Chief Counsel, National Association of Drug Court Professionals, Alexandria, Virginia; Judge Juan Colas, Dane County Circuit Court, Branch 10; James Pearson and Lucy Milani, Journey Mental Health Center; and Todd Campbell, Dane County Department of Human Services, Madison; Ray Luick, Director, Justice Improvement Programs Specialist, Wisconsin Department of Justice; Katie Behl, Treatment Court Coordinator, and Judge David Reddy, Walworth County, Elkhorn, Wisconsin.

## **Opening Remarks by the Joint Legislative Council**

Senator Olsen, Co-Chair of the Joint Legislative Council, welcomed committee members and thanked them for serving. Senator Olsen provided background on the selection process for this interim's study committees and committee members. He also discussed the important role of the committee in developing legislation on topics of interest to the Legislature and the tradition of successful passage of Legislative Council committee legislation.

Terry Anderson, Director of the Legislative Council staff, also welcomed committee members. Immediately preceding the meeting, he had provided background information on the history of the Legislative Council committee process and logistical information for public members at their orientation.

## **Introduction of Committee Members**

Chair Bies asked the members to introduce themselves and provide some background on their interest in the topic to be studied by the study committee.

## **Presentation by Legislative Council Committee Staff**

Laura Rose, Deputy Director, Legislative Council staff, directed the committee's attention to Staff Brief 2014-01, "Problem-Solving Courts, Alternatives, and Diversions." She stated that she would not review the contents, since the presentations scheduled for the day's meeting would cover most of the information in the Staff Brief.

## **Presentations by Invited Speakers**

Links to the PowerPoint presentations of the speakers may be found on the committee's website [<http://docs.legis.wisconsin.gov/misc/lc/study/2014/1190/>].

### **Carson Fox, Chief Operating Officer and Chief Counsel, National Association of Drug Court Professionals**

Carson Fox, Chief Operating Officer and Chief Counsel, National Association of Drug Court Professionals (NADCP), presented information on the operation and prevalence of drug courts throughout the United States. He also discussed evaluation results on drug court effectiveness. Mr. Fox responded to questions from committee members following his presentation. Representative Taylor asked about the effect of peer groups on drug use. Mr. Fox stated that there has not been a lot of research on peer group impact. He added that judicial involvement makes a big difference in drug court successes.

Mr. Waupoose asked for information on how courts deal with co-occurring alcohol and other drug abuse (AODA) and mental health conditions, as well as how courts address racial and ethnic disparities. Mr. Fox stated that many drug court participants have both mental illness and AODA issues. He noted that NADCP is preparing a special curriculum for African-American men that is being implemented in Kentucky.

Representative Petryk asked whether the mentoring component in veterans' courts is transferable to other types of problem-solving courts. Mr. Fox stated that the mentoring component's impact has not been evaluated, but it seems to have a positive effect on participant success.

Ms. Thompson asked whether drug courts are becoming more accepting of treating violent offenders. Mr. Fox stated that federal drug court grant programs exclude violent offenders from eligibility, but noted that some courts are accepting violent offenders, and they are succeeding in these programs.

**Dane County Drug Court: Judge Juan Colas, Dane County Circuit Court, Branch 10; James Pearson, Journey Mental Health Center; and Todd Campbell, Dane County Department of Human Services**

Judge Juan Colas, James Pearson, and Todd Campbell of the Dane County Drug Court provided information on the history of the Dane County Drug Court and structure of the court in dealing with different risk levels of offenders. They also presented recidivism data on drug court participants.

Following their presentation, the Dane County Drug Court personnel responded to questions.

In response to a question from Representative Taylor regarding drug court funding and best practices, Mr. Campbell said that half of the court's funding is from a Treatment and Diversion (TAD) grant from the state Department of Justice (DOJ), and half is from Dane County Human Services, funded by local property tax levy. Judge Colas stated that the court adheres to the 17 best practices adopted by the Wisconsin Association of Treatment Court Professionals (WATCP), as noted in the Staff Brief. Other special initiatives in Dane County include development of a veterans' court; case management specific to African Americans; and a Mothers with Infants Program.

In response to a question from Sheriff Joski regarding drug use trends, Mr. Pearson said they are seeing increased heroin use. He noted that heroin users are appropriate candidates for drug court participation, although a recent news article suggested otherwise.

Representative Petryk asked Judge Colas what primary challenges are confronted by the drug court. Judge Colas responded that it can be challenging to maintain focus with each participant during a court session that might see 27 individual appearances. In addition, the district attorney and public defender offices are understaffed, which causes scheduling issues with drug court participants.

Ms. Klekamp asked about incorporating the Affordable Care Act (ACA) into treatment, and how cognitive-behavioral therapy (CBT) has been encouraged. Mr. Pearson said during the ACA open enrollment period, many drug court participants were referred to the ACA enrollment website. He added that Madison has many providers who are proficient in the use of CBT.

In response to a question from Mr. Gibart, Judge Colas said that the court utilizes the Department of Corrections (DOC) Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessment tool to place participants into certain treatment categories.

Judge Levine asked Judge Colas to identify the biggest gap he has experienced since becoming a drug court judge one year ago. Judge Colas responded that he would have liked to have better knowledge of treatment program options. He also said that having a statewide treatment court coordinator would be helpful to judges, as well as a consistent means of evaluating program outcomes.

**Ray Luick, Justice Improvement Programs Specialist, Wisconsin Department of Justice (DOJ)**

Ray Luick, Justice Improvement Programs Specialist, Wisconsin DOJ, presented information on Wisconsin's TAD program, including required components; funding history; admission and completion rates; and evaluation data.

Following his presentation, Mr. Luick responded to questions from the committee.

Representative Taylor asked about the amount of funding for TAD programs that would be required to produce a reduction in the prison population. Mr. Luick speculated that with 35 counties participating in TAD, at the end of five years there should be a measureable impact somewhere in the correctional system. He said that to reduce prison populations, it would be necessary to make changes in determining what offenses qualify for jail and prison sentences.

Mr. Waupoose asked whether a definition of evidence-based practices has been developed for use by TAD. In addition, he asked about evaluation protocols that would ensure both accurate results and fidelity to evidence-based practices. A committee discussion followed about the grants that require exclusion of "violent" offenders from problem solving court programs. Judge Levine commented that this requirement originated in federal law and was copied by Wisconsin when establishing TAD, and that this requirement is not evidence-based.

**Katie Behl, Treatment Court Coordinator, and Judge David Reddy, Walworth County**

Judge David Reddy, Katie Behl, and Carlo Nevicosi of the Walworth County Operating While Intoxicated (OWI) Court Team provided information on population served by the OWI court; guiding principles; program components; and evaluation data.

Following their presentation, the Walworth County OWI Court team responded to committee questions about training of OWI court personnel and cross-county collaboration. Judge Reddy responded that if an OWI offense is committed in another county, the offender might possibly be offered a spot in the Walworth County OWI court.

Ms. Stephens asked about eligibility based on psychotic disorders and use of psychotropic medications. Mr. Nevicosi said that Walworth County will not exclude these individuals from drug court.

**Discussion of Committee Assignment**

Committee members asked for additional information on drug courts from the Director of State Courts and DOC; comparison of Wisconsin and Minnesota programs and approaches; success stories from other states; and testimony from graduates of problem-solving court programs.

**Other Business**

Chairperson Bies said that members would be receiving an online scheduling poll within the next few days to establish the date for the July committee meeting.

## **Adjournment**

The meeting was adjourned at 3:00 p.m.

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