



## WISCONSIN LEGISLATIVE COUNCIL

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

Room 411 South  
State Capitol

August 20, 2014  
10:00 a.m. – 2:30 p.m.

[The following is a summary of the August 20, 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; Sen. Robert Wirth; Rep. Dale Kooyenga; and Public Members Carol Carlson, Troy Cross, Tony Gibart, Jane Klekamp, Joann Stephens, Kelli Thompson, and Michael Waupoose.
- COMMITTEE MEMBERS EXCUSED: Reps. Warren Petryk and Chris Taylor; and Public Members Matthew Joski, Elliott Levine, and Mary Triggiano.
- COUNCIL STAFF PRESENT: Laura Rose, Deputy Director; and Melissa Schmidt, Senior Staff Attorney.
- APPEARANCES: Judge Amanda WhiteEagle, Ho-Chunk Nation Trial Court.

#### Approval of the Minutes of the Special Committee's July 22, 2014 Meeting

*Public Member Kelli Thompson moved, seconded by Public Member Michael Waupoose, to approve the minutes of the July 22, 2014 meeting. The motion passed on a unanimous voice vote.*

#### Presentation by Invited Speaker

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>].

### **Judge Amanda WhiteEagle, Ho-Chunk Nation Trial Court**

Judge Amanda WhiteEagle provided information about the Ho-Chunk Nation's Healing to Wellness Court (tribal wellness court), which is located in Jackson County and has been in existence for two years. Judge WhiteEagle explained that, under the 1953 federal law, Public Law 280, the State of Wisconsin has extensive civil and criminal jurisdiction over tribal lands. She said that as a result, the Ho-Chunk's Tribal Wellness Court works in collaboration with the Jackson County Treatment Court (county treatment court). She explained that the county treatment court determines who may participate in the program and have his or her case monitored by the tribal wellness court. She said that the tribal wellness court exercises independent discretion when monitoring the assigned cases.

Judge WhiteEagle explained the tribal wellness court's four phases, each having a variety of conditions, incentives, and punishments. She said that following arrest or other court action, intervention with treatment is provided as quickly as possible to increase success. She discussed the various tribal court team members and stated that each member attends national training so that they stay on top of the best practices. She also provided information about the tribal wellness court's rules and sanctions, which includes various activities by which a participant may interact with a tribal community.

In response to questions, Judge WhiteEagle explained that in the program's two year existence, it has graduated one participant, with three or four ready to graduate and another four or five that have been released and remain sober. She said that the program is a minimum of 18 months long and that she struggles with not wanting to graduate participants if they are still in need of treatment. In response to other questions, she stated that the prohibition on violent offender participants is a roadblock to how many people the program can help. She said that the program has had to turn away between seven and 11 participants because of the prohibition. In response to other questions, she stated that providing treatment in rural Wisconsin presents a lot challenges, including the lack of mental health treatment services or employment opportunity for program participants.

### **Description of Materials Distributed**

Laura Rose, Deputy Director, Legislative Council provided an overview of Memo No. 1, *Options for Committee Discussion* (August 13, 2014). In her discussion, Ms. Rose explained that each option listed in the Memo was suggested by one or more committee members, or by speakers who had made presentations to the committee. She explained that if there was consensus among committee members related to an option, Legislative Council staff would prepare a bill draft for the committee to review at its next meeting.

Melissa Schmidt, Senior Staff Attorney, Legislative Council, described Memo No. 2, *Mental Health Court Evaluations* (August 13, 2014). She noted that the Memo was prepared in response to requests for more information about evaluations of mental health courts. She explained that most of the mental health court evaluations conducted to date have been limited to evaluations of individual courts, but that the Memo included a report that compiled analyses from these evaluations as a way to help summarize the findings.

### **Discussion of Committee Assignment**

The committee discussed options listed in Memo No. 1. Chair Bies asked if there was consensus on the various items. Based upon consensus of the committee, Chair Bies directed Legislative Council

staff to prepare bill drafts or provide additional information for further consideration and discussion at future committee meetings on the following options:

- Providing permanent state funding for the statewide treatment court coordinator position and provide state funding for local treatment court coordinators.
- Codifying the State Criminal Justice Coordinating Council into state statute.
- Maintaining the special projects manager position in the Director of State Courts office to support training efforts for county treatment court personnel.
- Continuing state funding for Treatment Alternatives and Diversions (TAD) grant program evaluations.
- Providing state funding for evaluations of treatment courts that are not receiving TAD grant funding.
- Allowing operating while intoxicated (OWI) treatment court participants, who might not otherwise be eligible, to acquire an occupational license upon entry into a treatment court.
- Authorizing a court to order a defendant to serve time on electronic monitoring, rather than confinement, as a condition of probation.
- Allowing treatment courts to receive ignition interlock device violation information from service providers.
- Supporting the Director of State Courts and the Department of Justice in developing an integrated web-based data system for the collection of participant-level data from Wisconsin projects focusing on diversion and alternatives to incarceration.
- Continuing the TAD Advisory Committee, and ensuring continued collaboration among local, county, state, and national partners.
- Analyzing the availability of resources available to both treatment court programs and participants, and recommending resource improvements.
- Recommend revisions to the TAD program as drafted in LRB-2614/P1 and LRB-2614/P4, with modifications, including modifications to the provisions related to limitations for participants with alcohol or drug abuse problems.

Chair Bies noted that other options in Memo No. 1 not discussed at the meeting will be discussed and reviewed at the committee's September meeting.

### **Other Business**

There was no other business before the committee.

### **Plans for Future Meetings**

Chair Bies reminded committee members that the date for the next committee meeting will be September 17th.

### **Adjournment**

The meeting was adjourned at 2:30 p.m.

MS:ty