

State of Wisconsin  
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October 2014

Senator Robert Cowles, Co-Chair  
Joint Legislative Audit Committee  
Room 118 South, State Capitol  
Madison, WI 53702

Representative Samantha Kerkman, Co-Chair  
Joint Legislative Audit Committee  
Room 315 North, State Capitol  
Madison, WI 53702

Dear Senator Cowles and Representative Kerkman:

The Joint Legislative Council's Study Committee on Problem-Solving Courts, Alternatives, and Diversions was created by the Joint Legislative Council and has been meeting since June of 2014. The committee's charge is as follows:

The Study Committee is directed to review the 50+ courts currently in operation in Wisconsin that utilize nontraditional adjudication methods, the effect they have on recidivism, and the net fiscal impact of these courts. The committee shall examine courts, such as veterans courts, drug and alcohol courts, mental health courts, and drunk driving courts, in Wisconsin and nationally and consider: (a) effectiveness of existing problem-solving courts in Wisconsin in reducing recidivism, the costs to administer these courts, and the savings realized; (b) best practices of existing problem-solving courts, both in Wisconsin and elsewhere, and potential implementation of these practices at the state level; (c) efforts to establish problem-solving courts that serve multiple counties, impediments to these efforts, and potential changes to improve regionalization of such courts; and (d) appropriate role and structure of state-level training and coordination.

The committee is comprised of six legislators and 10 public members. The public members are professionals from across the state who are involved with various aspects of treatment courts, including judges, an assistant district attorney, the State Public Defender, law enforcement, treatment court professionals, alcohol and drug treatment

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service providers, and a domestic violence advocate. A membership list of committee members is enclosed with this letter.

At its October 29, 2014 meeting, the committee approved a motion that a request for an audit of treatment and diversion (TAD) projects to determine whether racial, demographic, or other disparities exist between treatment court participants and individuals who are denied participation and for the audit report to include recommendations on how to remediate such disparities. I am writing on behalf of the committee to request such an audit.

For background, at the September 17, 2014 meeting of the committee, the members discussed recent reports indicating that there is a racial disparity among defendants that participate in treatment courts. For example, the committee discussed a report that in 2012, African-Americans made up just 10% of those participating in the Dane County drug court for that year, even though about one-third of those arrested for drug crimes in Dane County were black, according to the Wisconsin Office of Justice Assistance. The report went on to state that as recently as May, 2014, "despite a concerted effort to increase minority participation, 84 percent of defendants in Dane County drug court were white and 14 percent were black." [Taylor Chase, *Wisconsin Drug Courts Grow, but Racial Disparities Persist*, "The Cap Times," Aug. 17, 2014.]

The committee appreciates your consideration of this audit request. Please contact me if you have any questions about these recommendations.

Sincerely,

Representative Garey Bies  
Chairperson, Study Committee on Problem  
Solving Courts, Alternatives, and Diversions

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Enclosure