

## CRIMINAL JUSTICE COORDINATING COUNCIL

August 19, 2010

**Call to Order.** Chair Deupree called the meeting of the Criminal Justice Coordinating Council to order at 4:00 P.M. in the Courthouse Conference Center on the second floor of the Rock County Courthouse-East.

**Committee Members Present:** Neil Deupree, Supervisor Jason Heidenreich (for Supervisor Sandra Kraft), Supervisor Marv Wopat, Eric Nelson, Max Arriaga, Tom Gubbin (for Art Thurmer), George Smith, Jr., Captain Russ Steeber (for Sheriff Robert Spoden), Charmian Klyve, Chief David Moore, Rich Gruber.

**Committee Members Absent:** Judge James Daley, Ed Pearson, Regina Dunkin, Lorenzo Henderson, Patrick Cork, David O'Leary.

**Staff Members Present:** Elizabeth Pohlman McQuillen, Criminal Justice Planner/Analyst; Judge Richard Werner; Sergeant Brent DeRemer.

**Others Present:** Kay Deupree, League of Women Voters; Jule Cavanaugh, WI DOC; Kelly Mattingly, Office of the State Public Defender.

**Approval of Agenda.** Mr. Gruber moved approval of the agenda as presented, second by Captain Steeber. ADOPTED.

**Approval of Minutes of July 15, 2010.** Ms. Klyve moved approval of the minutes of July 15, 2010 as presented, second by Mr. Gubbin. ADOPTED.

**Report from Drug Court Team Regarding NADCP National Conference.** Judge Werner said they had a milestone at Drug Court earlier that day, they had their 100<sup>th</sup> graduate. There have only been eight graduates who have re-offended.

Judge Werner said he, Brent DeRemer, Kelly Mattingly, Kate Buker, Dr. Paul Gregory, and two ATTIC treatment staff members attended the NADCP annual drug court conference in Boston, MA. It was very well organized with about two thousand people in attendance. They each attended different topics and met in the evening to discuss what they had learned. Judge Werner said he came away with the feeling that, overall, we are doing pretty well in our program. We have good support in our community and a good rapport with each other.

Judge Werner said the problem areas he could see we have here are: confidentiality in how information is shared amongst the team; targeting people who should be included; how to deal with violations in the program; and we need to improve our testing—improve what we can test for.

Judge Werner said some of the discussions they had after hours while in Boston were: the need for a fund to help in getting GED testing cards; a fund for bus tokens or bus passes; a fund for people to get state ID's; and a fund for basics such as socks.

Judge Werner said he felt the conference was very beneficial and that Ms. Pohlman McQuillen should attend the next one.

Judge Werner said he spoke to a judge from Illinois and they have a \$15 fee on fines, which go to drug court.

Mr. Mattingly said he appreciated being able to attend the conference. He said he was amazed at what he learned at the conference and came away with the belief that, overall, our program is doing excellent work. He too felt we had a few tweaks we need to make, which for him is mostly the confidentiality.

Sergeant DeRemer said he came away with the feeling we are on the right track. He said he feels we could even present at the next conference. Listening to other officers at the conference he feels we are very lucky we have such a great team in place.

Judge Werner agreed and added the team has a great rapport with each other; we are all open-minded and willing to discuss and listen to each other.

Mrs. Deupree asked when the evaluation of the program would be, with Ms. Pohlman McQuillen replying that on September 2<sup>nd</sup> there will be a meeting with Dr. Gregory to set up an evaluation for this year and then there will be an annual evaluation thereafter.

Chair Deupree asked about the violations. Judge Werner said this is when the person falls back to using and then lies about it. The using is a violation but the lying is worse. If they are not honest with us they need to suffer the consequences. We would like more levels of testing to better know if they are doing better or not. Supervisor Wopat agreed testing is important to establish a baseline. Many times they can test positive for a while after they have stopped using and they need to make sure the numbers are dropping to show they are no longer using.

Sergeant DeRemer and Captain Steeber talked about a tabletop testing machine built by Siemens, which can be leased for around \$11,000, can test up to 12 panels and gives a number not just positive or negative. It was suggested that a number of departments could possibly share the cost of the lease. Mr. Gruber suggested checking into some of the grants Siemens gives annually.

Chair Deupree asked about the funds for the incidentals, if the team had come up with an amount yet. Ms. Pohlman McQuillen said they have an emergency fund for some of the smaller things.

Chair Deupree asked if our drug court compares favorably to others. Judge Werner said this team works together very well. Mr. Mattingly said the ripple effect shows we have also reached out to the family members and others whose lives are being affected. Sergeant DeRemer said it is a collaborative effort and each member comes to the table with what they needed to bring; all the entities work together. Chair Deupree said they also catch people doing something good and reward them for this, he feels this is very important.

**Report on DOC Committee Addressing OWI Legislation.** Ms. Cavanaugh said she is the Assistant Chief and Co-Chair for the ACT Committee. When they established the committee, which is for second and third offenders, they discussed how they would do supervision and what they would do for treatment. They now have two people on supervision as a result of the new OWI legislation and intend to do a 60-day assessment. Their goal is to connect with those around them to get a better picture of each individual's situation.

Mr. Nelson asked if they are on monitors the whole time. Ms. Cavanaugh said they are on monitors for the 60-day assessment period and then for the next 90-days to 6 months.

Ms. Cavanaugh said they have treatment programs at the day reporting center, but they are not certified for IDP so they do not count. They have had conversations with DHS and are talking to others to see what they have and what works. They are looking into partnering with counties because they (DOC) do have the funds.

Ms. Cavanaugh said assessment fees for IDP are another roadblock. Not all offenders have these fees up-front. They do have funds in the program they may be able to use, but they are working with the DHS to make sure.

Ms. Pohlman McQuillen said we, Rock County, are also looking at an OWI Court. Ms. Cavanaugh said maybe they could partner with Rock County on this. Ms. Pohlman McQuillen and Ms. Cavanaugh said they would get together to discuss this.

**Update on Process & Opportunities Subcommittee Regarding OWI.** Ms. Pohlman McQuillen handed out *OWI Proposed Options* (attached) and outlined the three options and said the consensus was for an OWI Court. She said the Committee has expressed an interest in using the current Drug Court model and add a few more counselors to the current Drug Court structure for the OWI Court.

Captain Steeber said, regardless of which option, the ultimate outcome is to get them into the appropriate program, headed in the right direction and reduce their time in a facility.

Mr. Gubbin said he feels the State should give the counties money.

Supervisor Wopat said dual addictions are more common now. When they receive a second offense they are pretty much chronic already and by a third offense they are already an alcoholic.

Chair Deupree said this is a preliminary discussion but hopes something can happen next year.

**Discussion Regarding Treatment Options.** Ms. Pohlman McQuillen handed out *Rock County Human Services Department Alcohol and Other Drug Abuse Funding Sources* (attached).

Ms. Klyve explained that this handout is a synopsis of what Human Services currently has and went over the sheet. Ms. Klyve said it looks, at this time, that in 2011 there will be about \$100,000 less in AODA Block Grant funds; IDP gets smaller each year and we don't know if we will get anything in 2011; TAP is what is predominately used for the groups we have talked

about today; and SBIRT is the smallest amount and is used for those who cannot afford treatment. She added that insurance is another option for some people.

**Federal Grants Update.** Ms. Pohlman McQuillen said that everything is moving along.

**Future Meeting Dates and Locations.** The next regular CJCC meeting will be held on Thursday, September 16<sup>th</sup> at 4:00 p.m. in this room.

**Citizen Participation and Announcements.** Captain Steeber passed on Sheriff Spoden's thanks to the Committee for their support during the illness and then loss of his mother.

Captain Steeber informed the Committee of Sheriff Spoden's appointment to the State's mental health committee, which may have a pilot program for mental health and inmates in the jail.

Captain Steeber informed the Committee that the Rock County Sheriff's Office will be presenting at the WCA Annual Conference on September 27<sup>th</sup> regarding alternatives to incarceration.

Mr. Gruber said he is chairing the heart walk on August 29<sup>th</sup> at Palmer Park from 8:00 a.m. – 10:30 a.m. He said the prior year they raised approximately \$275,000, with 90% spent in Wisconsin on research.

Mrs. Deupree invited everyone to the Fourth Ward Historic Home Tour on August 29<sup>th</sup> and mentioned their home is on the tour.

**Adjournment.** The meeting adjourned at 5:32 p.m.

Respectfully submitted,

Marilyn Bondehagen  
Secretary II

**NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.**

# OWI PROPOSED OPTIONS

## Option #1: SAFE STREETS

**Resources Required:** Case Manager, UA/BA testing, treatment/education, site

**Cost Estimate:** \$75,000-\$85,000 (salary and benefits) (based on HSD AODA counselor position) + equipment (ie. computer) + potential costs to house case manager (charge back for HSD space?)

**Source of Funds:** Tax levy—Rock County Human Services Department, participant fees

**Target Population:** 2<sup>nd</sup> and 3<sup>rd</sup> OWIs (voluntary participation)

**Point of Intervention:** Post-Adjudication

**Incentive:** Less jail time

**ALOS:** 12 months

**The Plan:** Case manager would be an employee of the Human Services Department under the Intoxicated Driver Program. This individual would manage a separate caseload of offenders and report directly to the Court regarding case violations and discharges. It would need to be determined whether there would be a fee to participate in the program, on top of the regular IDP fees and OWI fines/fees. (Winnebago County does not charge anything additional) The program, should it stay in-house would tie in with IDP so there is no duplication of resources and participants can fulfill the requirements of both programs simultaneously. With a Safe Streets type program, offenders can only participate once in the program over a lifetime. Subsequent offenses after participating in this program could not qualify for Safe Streets.

The cost for treatment would be picked up by an individual's insurance, out of pocket, or for those deemed indigent, through the county's AODA/IDP treatment funding. Not all offenders will require AODA treatment (will not be assessed dependant) and may fulfill an educational component at Blackhawk Technical College for approximately \$300.

### **Steps for implementation (once funding for position is obtained):**

1. Designate a working group
2. Establish policies and procedures for program
3. Develop job description for case manager
4. Go through County hiring process
5. Specify program process and contract for participation
6. Educate legal community about OWI program
7. Track data and perform ongoing analysis/evaluation

**Tie-in to eventual OWI Court:** If the County and the criminal justice system players intend on eventually adding an OWI treatment court, there may not necessarily be much of an overlap between an OWI court and a Safe Streets Program as long as the target populations are different. For instance, an OWI Court may only deal with 4<sup>th</sup> and above OWI offenses while the Safe Streets is an option for 2<sup>nd</sup> and 3<sup>rd</sup> OWIs. Or it may be tied to a certain BAC. A safe streets program could also tie-in with a pre-trial IDIP in that people could start in an IDIP and once there is adjudication on their case and if their requirements have not been fulfilled, they would move to a supervised Safe Streets type program.

## **Option #2: Intoxicated Driver Intervention Program (Pre-Trial)**

**Resources Required:** Case Managers, equipment, treatment/education, alcohol monitoring, site, UA/BA testing

**Cost Estimate:** Marathon County (peer county) funds program with 2 case managers (they do not provide the treatment) for a cost of \$108K. Could add onto Drug Court program at approximately \$50K per case manager—a determination would need to be made as to where/how treatment is provided.

**Source of Funds:** Tax levy, participant fees, possible WI DOT funding in 2011—grant application Spring 2011

**Target Population:** 2<sup>nd</sup> and Greater OWI (2<sup>nd</sup> and 3<sup>rd</sup> for pilot program?) (voluntary?)

**Point of Intervention:** Pre-Adjudication

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**The Plan:** If Rock County is interested in the WI DOT funding of this type of program, it would be advantageous to structure Rock County's program using the core elements of DOT's ISP which include the following (from the 2008-2009 Annual Report):

- Centralized supervision – all ISP participants will be supervised by one agency within a county or multi-county area.
- Structured program participant monitoring – intake, regular office visits, monitoring re-arrests, program fee based on state statute 85.53, referral and monitoring of AODA treatment and follow through, define program rules and alcohol or drug testing.
- Uniform data collection – admissions to supervision, discharges from supervision, types of discharges, BAC at admission, gender, age, ethnicity, OWI offense at time of admission, number admitted to treatment, treatment status at time of adjudication, recidivism during supervision (charged with a new OWI offense), level of education.
- Monitoring program participants' follow through with treatment pretrial.
- Random preliminary breath tests and drug screening, as ordered by court.
- Facilitating completion of assessment by ISP participants for Driver Safety Plan Requirement.
- Maintaining formal collaborative efforts, involving key stakeholders.
- Standardized risk assessment tool approved by DOT

Most likely, should a pre-trial program be established, it should tie in with IDP so there is no duplication of resources and participants can fulfill the requirements of both programs simultaneously.

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**Tie-in to eventual OWI Court:** A pre-adjudication IDIP could be used in conjunction with an OWI Court. Different target populations could be established such as using IDIP for lesser offenses and OWI Court for more serious OWI offenses.

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## Rock County Human Services Department Alcohol and Other Drug Abuse Funding Sources

### Substance Abuse Prevention and Treatment Block Grant (SAPTBG more commonly referred to as AODA BG)

#### What is it?

The AODA BG is used as a payment of last resort for residents of Rock County who are in need of alcohol or other drug treatment and are incapable of paying for the needed treatment.

The Rock County AODA BG is funded through the Federal SAPTBG.

#### Who qualifies for the funds?

Clients referred for AODA screenings are individuals who are chemically dependent or abusing substances. To access AODA BG funds, the client must be a resident of Rock County and potentially appropriate for treatment as determined by state approved placement criteria as identified in HFS 75.

#### 2010 Treatment Funds Budget

\$231,720

### Intravenous Drug Abuse Treatment Grant (IV-G)

#### What is it?

The IV-G is used as a payment of last resort for residents of Rock County who are in need of alcohol or other drug treatment who have used drugs intravenously at some point in their lives. These clients must also be incapable of paying for the needed treatment.

The Rock County IV-G is funded through the Federal SAPTBG.

#### Who qualifies for the funds?

Clients referred for AODA screenings are individuals who are chemically dependent or abusing substances. To access IV-G funds, the client must be a resident of Rock County and potentially appropriate for treatment as determined by state approved placement criteria as identified in HFS 75. The client must have a history of using drugs intravenously at some point in their lives.

#### 2010 Treatment Funds Budget

\$62,215

### Intoxicated Driver Program (IDP)

#### What is it?

IDP treatment funds are used as a payment of last resort for residents of Rock County who are in need of alcohol or other drug treatment and have been convicted of driving while intoxicated. These clients must also be incapable of paying for the needed treatment.

IDP treatment funds are funded through the collection of Rock County court surcharges and client fees.

Who qualifies for the funds?

Clients that have driver safety plans requiring them to go through treatment and have no other means to pay for treatment may qualify for funding.

2010 Treatment Funds Budget

\$144,995

## Treatment Alternative Program (TAP)

What is it?

TAP serves as an alternative to incarceration for residents of Rock County who are involved in the criminal justice. TAP is administered through Rock Valley Community Programs, Inc. for outpatient services.

The Rock County TAP is a pass through grant, which is 79% funded through the Federal SAPTBG and 21% State GPR.

Who qualifies for the funds?

TAP is for persons abusing or addicted to drugs and alcohol under the jurisdiction of an adult court and often under supervision of a probation or parole agent. The Department of Corrections, Probation and Parole, IDP, Deferred Prosecution, and at times Child Protective Services (CPS) refer clients to TAP.

2010 Treatment Funds Budget

\$306,435

## Screening, Brief Intervention and Referral to Treatment (SBIRT)

What is it?

The SBIRT is used as a payment of last resort for residents of Rock County who are in need of alcohol or other drug treatment and are incapable of paying for the needed treatment.

Rock County SBIRT is Federally funded.

Who qualifies for the funds?

Clients referred for AODA screenings are individuals who are suspected to be chemically dependent or abusing substances. Only patients, who have been screened by SBIRT Grant Services and referred by the Wisconsin Initiative to Improve Healthy Lifestyles (WIPHL) SBIRT Treatment Liaison, may use this funding.

2010 Treatment Funds Budget

\$5,000