

Treatment Alternatives and Diversion Subcommittee | MINUTES

Meeting date | Time 2/23/2023 12:00 PM | WI Dept of Justice – Virtual via Zoom

Co-Chairs Kelli Thompson, State Public Defender;
Sara Benedict, Dunn County Criminal Justice Coordinator

Staff Steve Wagner
Lara Kenny
Ryan Anderson
Mike Derr
Brad Kelly
Marsha Schiszik
Kaley Horvath
Sabrina Gentile
Ashley Billig
Caitlyn Snyder

Members Present

Kelli Thompson, Sara Benedict, Adam Plotkin, J.C. Moore, Heather Kierzek, Beth Robinson, Lisa Yeates, Kit Kerschensteiner, Lance Wiersma, Patti Jo Severson, Tamra Oman, Megan Jones, Nick Sayner, Mark Abeles-Allison

Members Absent

Judge Elliott Levine, Holly Audley, Robert Mann, Judge Jo Deen Lowe, Colleen Clark-Bernhardt, Melvin Juette, Kristy Gusse, Jessica Skemp

Guests

Sarah Wynn, Linda Palmer, Mark Wadium, S. Huberty

AGENDA TOPICS

Welcome and Opening Comments

The meeting was called to order at 12:04 p.m. Co-Chair Kelli Thompson gave the welcome and opening comments, thanked everyone for logging in, and noted that a meeting quorum was met.

Approval of 11/17/22 Meeting Minutes

Mike Derr indicated an error in the draft minutes on the top of page 4, noting it should have stated the TAD Subcommittee could serve as the advisory group for the new federal SCIP grant. A motion was made by Heather Kierzek and seconded by J.C. Moore to approve the 11/17/2022 minutes with that correction. The minutes were approved unanimously.

Committee Member Updates

WATCP Updates

Commissioner J.C. Moore spoke on the 2023 WATCP annual conference. He indicated that registration is now open with the conference starting on 4/25/23 through 4/28/23. Moore spoke about topic areas for each day, including a ½ day Standards training, a live performance called *Life Behind Bars*, sessions related to case management best practices, multi-track programs, HEAT and MRT programming, *the Art of Having Difficult Conversations*, and Friday breakout sessions by team roles. He indicated that the WATCP website has the agenda and a link to register.

Other Updates:

Per Kelli Thompson's request for an update, Mike Derr indicated that Columbia County was awarded a 2023 TAD grant for their two treatment court programs for 2023 and have the support of the county board.

Legislative Updates

Governor's Budget Proposal: TAD item

Adam Plotkin spoke about the Governor's proposed 2023-25 budget that was released on 2/15/23, highlighting the following:

- 1.) TAD would receive an additional \$12.5 million for 2025. In response to Mike Derr's question, Plotkin indicated that it's a \$12.5 million increase to the current baseline of nearly \$9.8 million. Sarah Wynn indicated this is her understanding as well. Mike Derr stated that with an additional \$12.5 million increase there will be major concern with staffing levels to handle that increase. DOJ staff hope that any additional staff approved for DOJ under the proposed budget would include the TAD program.
 - 2.) While funds are included for six new staff, it is not readily identifiable for which programs they can be placed in.
 - 3.) The State Courts would receive \$1 million for its Pre-trial Risk Assessments initiative.
-

Plotkin also spoke about a bill (AB-17/SB-11) that would expand TAD funding to cover mental health services. Plotkin clarified to Kit Kerschensteiner indicated that AB-17 is a stand-alone bill. He is unsure whether it will make it out of the legislature.

He also referenced the now mandatory minimums law for OWI 5ths and 6th offenses. The 2nd District Court of Appeals recently ruled that some "work-arounds" OWI Courts were using to admit such offenders into treatment courts are in violation of that law. (A copy of this decision ([Wisconsin vs Shirikian](#)) detailing this ruling will be shared with meeting attendees.)

Lance Wiersma indicated that he just received the budget summary for DOC, and he is satisfied with the Governor's budget on behalf of his agency.

2023 Subcommittee Goals and Outcomes Discussion

Mike Derr presented slides highlighting the TAD Team Activities for the last three months and planned tasks over the next three months. He spoke about completed site visits with multiple treatment courts and several upcoming treatment court sites visits and highlighted several TAD trainings facilitated by TAD staff in conjunction with Heather Kierzek from State Courts. There are multiple trainings scheduled in the coming months. Derr also shared focus areas of the TAD Team including SMART goals and objectives for all 2023 TAD grant applications, letters of support that included stakeholder information, importance of CORE data entry, a new gift card policy for TAD grantees, training activities for new staff at the local level, and technical assistance offered to locals via email, phone, and virtual meetings.

Kelli Thompson highlighted slides depicting the proposed 2023 TAD Subcommittee goals and outcomes. Goals included the following:

- 1.) Review/analyze proposed legislation & '23-'25 budget provisions impacting TAD-funded treatment court and diversion programming.
- 2.) TAD Subcommittee members will assist DOJ with identifying grant funding opportunities and sources of funding to help cover cost of local site's treatment, recovery support and related services.
- 3.) TAD Subcommittee members will assist DOJ with providing and facilitating training/TA to TAD grantee staff and agencies, especially newly funding programs.

4.) TAD Subcommittee will serve as federally required advisory body to guide BJP's administration of the new federal SCIP (State Crisis Intervention Program) grant initiative.

5.) TAD Subcommittee will promote use of data-based decision-making models by BJP and others in establishing policies & procedures for: (a) awarding and administration of TAD grant funds; and (b) monitoring impact of effectiveness of TAD-funded programs

Regarding goal #3, Mike Derr indicated that three new counties were funded, along with several new programs with existing grantee sites in 2023. He explained TAD is funding approximately 90 programs in 2023, including programs with three tribes. He further explained that there were two tribes that submitted pre-applications in 2022 but didn't submit a full application. Thompson suggested increasing efforts and providing assistance earlier in the process to help tribal agencies apply in future years. Derr also explained that a survey will be sent to committee members to ask about training and expertise that subcommittee members have so they can provide to help technical assistance in the future. Beth Robinson indicated that in previous years local staff were asked to help with training and she found it was a fantastic opportunity to help train other sites.

Lara Kenny explained that for Goal #4, this subcommittee will serve as the advisory board for the SCIP grant though new members will need to be added to align with SCIP grant requirements. Further discussion will be included later in this meeting.

Kelli Thompson asked for any further discussion regarding the 2023 TAD Subcommittee goals and outcomes, and no comments were offered. She stated that for now, these are great goals and outcomes to go with for 2023.

BJIA Updates

Follow-up look at '19-'21 CORE Admission Data

Kaley Horvath from BJIA presented on Admissions Data broken down by various Racial/Ethnic Groups, including White, African American, and Alaskan Native/American Indian. She discussed there were 5 main reasons referrals were deemed ineligible. She provided ineligibility reasons for the groups listed above. The overall general findings were that "risk level too low" remains the most cited reason for ineligibility for White and African American/Black referrals, with "prior violent/weapon offense" being the most cited for American Indian/Alaskan Native. Horvath explained this admissions data covered both treatment court and diversion programs. Sara Benedict, Tamra Oman and Kelli Thompson expressed concern about the disparities and would like this Subcommittee to look at next steps to work towards addressing these disparities.

The other most cited reason for ineligibility beyond the top 5 was "failure to meet residency requirements" among all 3 race groups examined.

TAD Procedural Fairness Survey

Horvath also presented on the results from the 2022 TAD Procedural Fairness Survey. The main highlights included: (1) there was a greater response rate than last year likely because paper surveys were included initially; (2) participant satisfaction levels were on trend or higher from previous years; (3) there is no statistically significant disparity in satisfaction levels based on race or sex; and (4) there were generally positive comments offered from participants. She indicated that next steps are to distribute individualized reports to sites on their data.

BJP Updates

Update on '23 TAD Grant Awards

Mike Derr explained the number of grants awarded and program numbers in 2023. Most new programs are diversion, so BJP staff is currently working on getting standards trainings developed and scheduled. Staff will send out the 2023 grant awards list to subcommittee members.

New Byrne SCIP (State Crisis Intervention Program) Grant

Ryan Anderson presented a high-level review of the State Crisis Intervention Program (SCIP) Grant. Anderson explained that some members will need to be added to the Subcommittee to meet grant advisory committee requirements. Lara Kenny explained that this grant is a five-year federal grant and will be running for eight calendar years, so a significant amount of funding will be provided. She further explained this group will need to look at Wisconsin gun violence data and establish priorities. She indicated that the TAD Subcommittee was chosen as the advisory committee because it's functioning very well. She further explained that Wisconsin has a leg up on several other states because of the existing TAD Subcommittee.

Kelli Thompson asked who needs to be added and Ryan indicated that he would contact Kelli and Sara to schedule a meeting to discuss the membership needs. JC Moore asked if there were any services available for juveniles with SCIP and Ryan explained that this grant program targets adults.

Upcoming Meetings

- State Criminal Justice Coordinating Council (3/8/23, 1:00-3:00pm)
- Race Equity, Inclusion, and Access (4/6/2023, 12:15-1:15pm)
- Data Sharing/OTIs Subcommittee (4/18/2023, 2:30pm-4:30pm)
- EBDM Subcommittee (4/27/23, 9:00-11:00am)

Next Subcommittee Meeting Date

- May 25, 2023, 12:00-2:00pm

Public Comment

No public comment

A motion was made by Mark Abeles-Allison seconded by Beth Robinson to adjourn the meeting. Meeting adjourned at 1:30pm.