

MINUTES
Treatment Court Oversight Committee
November 1, 2021

Members Present In-Person: Judge Patricia Baker, Gurdon Hamilton, David Ray, Zach Bishop, Josh Ostrowski, Louis Molepske, and Kasie Borchardt

Members Present Virtually: Kay Jewell and Rob Golla

Others Present Virtually: Jamie Kiener, JusticePoint

Staff Present: Andrea Behnke (in-person) and Paula Cummings (virtually), Justice Programs Department

Behnke called the meeting to order at 2:30 pm in Branch III Courtroom.

1. Approval of the Minutes from the September 13, 2021 Meeting

Behnke asked for comments or edits related to the September 13, 2021 minutes and hearing none, declared the minutes approved by consensus.

2. Treatment Court Stats for 2021

Behnke provided the following Treatment Court (TC) stats for 2021:

- 8 participants
- 2 individuals referred and under review
- 6 individuals found ineligible (4 due to violent offenses / 2 due to delivery and/or manufacturing charges)
- 4 individuals terminated from the program
- 1 individual currently in week one of the termination phase
- 5 individuals graduated from the program
- 1 individual had an administrative discharge

3. TAD Grant (handouts in meeting file);

4. Operational Tune-Up Time Task Plan; and

5. Eligibility Criteria

Behnke noted the Tune-Up Time Task Plan was included in today's agenda packet as a reminder of what had been discussed at the Committee's September meeting.

Behnke referenced the National Drug Court Institute training attended in July, where we were advised to update eligibility requirements to make them more clear and objective. She referred to the Adult Drug Court Best Practice Standards handout and noted the focus is on standards A-E as listed. Behnke further noted the requirement that TC participants be assessed high risk/high need did not appear in the current TC Policy/Procedures Manual but has now been updated to include that information.

Behnke noted a suggested change to TC eligibility in that the individual must be on probation a minimum of 18 months because it was found that participants may not complete TC within 14 months; therefore, they would be off papers prior to completing the program.

Molepske referred to the low number of referrals to TC and asked if the criteria could be changed from high risk/high need to medium risk to allow more referrals. Behnke replied you cannot mix high and medium populations and noted when close, an individual assessed medium-high may be allowed to participate by exception. Baker added that individuals with violent offenses in their background cannot join TC. The question was asked as to what the cutoff or definition of violent offense was. Behnke stated if the County were to decide on a program that included those with a violent offense, it would have to be County funded because the TAD Grant does not allow them to participate. In addition, those with manufacturing/distribution charges are not allowed in TC. She also noted that the County Diversity Affairs and Inclusiveness Committee would like to have the County address the possibility of a program that would include violent offenders.

Molepske questioned why a program would want someone to obtain additional charges (become high risk/high need) and then possibly be sent to prison versus being allowed to join TC while still a medium risk offender. He noted that was a question posed in the District Attorney's Office and suggested pushing the State to address changing the criteria similar to how they did with the Diversion Program. He asked if there is a medium risk court and Behnke replied she is not aware of one, but it would require less dosage hours of treatment and a completely separate Court.

Behnke then referenced an unwritten rule that no individual is allowed to be assessed for TC without both attorneys (District Attorney and Public Defender) agreeing on a referral. She suggested a conversation be held between representatives of those offices regarding this rule.

Behnke asked whether members had any objection to the suggested eligibility criteria (found in red on the handout), and hearing none, found consensus by members.

6. Exit Survey (handout in meeting file)

Behnke explained that during training, it was also recommended an exit survey be offered to participants being terminated, as well as graduates. This would eliminate the current participant graduation survey with the new exit survey taking its place. This survey would be distributed to participants possibly by their Probation Agent or another designated individual. Behnke asked members if they had any objections to the exit survey provided and hearing none, found consensus by members.

7. 2022 Oversight Committee Meeting Schedule

The Committee meeting schedule was listed on the agenda and Behnke noted she would soon send members an invite for each of the meetings and then follow up with agendas when prepared. She noted a decision had not been made whether the meetings would include a virtual attendance option.

8. Next Meeting Date is Scheduled for February 7, 2022

Behnke asked if members had agenda item suggestions for the February 7, 2022 meeting. Molepske asked due to TC participant numbers being down, is there extra money within the program's budget. Behnke felt residential treatment use would result in no extra money in the program. Behnke noted, regarding TC eligibility, agencies have been asked not to pre-determine eligibility, but rather refer individuals and let TC make the decision on eligibility. She provided Child Protective Services referrals as an example. She also noted there have been no Law Enforcement participant denials this year.

Molepske asked what a court with lower risk individuals may look like and Behnke replied she does not have information available to answer that question. Molepske felt possibly lower risk individuals may not want to participate in a TC program. Molepske then noted a determination may be necessary as to whether the individual was selling drugs for profit or selling to support their own habit when looking at manufacturing/delivery charges. He then asked about an Alcohol Court and thought this had previously been discussed when the County was deciding to pursue a TC. Cummings noted an Alcohol Court was discussed, but it was felt the County's Day Report Pre- and Post-Trial Programs were addressing those needs; whereas, the County had nothing in place relative to drug treatment at that time. Behnke felt if that were to be explored, it could be a discussion item at the next Justice Coalition Executive Committee meeting. She noted Marathon County has separate Drug and Alcohol Courts.

9. Adjourn

Meeting adjourned at 2:55 pm.

Respectfully submitted
Paula Cummings
Recording Secretary