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# Budget Briefs

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## COUNTY PROGRAM GRANTS FOR NONVIOLENT OFFENDERS

The biennial state budget act, 2005 Wisconsin Act 25, passed by the legislature and signed by Governor Jim Doyle on July 25, 2005, provides grant money for counties that institute programs that offer an alternative to prosecution and incarceration for nonviolent offenders who abuse alcohol or other drugs. Grants will be awarded beginning January 1, 2007, on a calendar year basis.

### BACKGROUND

Current law allows the Department of Health and Family Services to administer and fund the Treatment Alternative Program, which provides grants to nonprofit agencies for the assessment and treatment of alcohol and drug abuse as an alternative to incarceration. Participants must be under the jurisdiction of the criminal justice system and drug or alcohol dependent.

The new program, introduced as 2005 Senate Bill 142, was later added to Assembly Substitute Amendment 1 of the budget bill. It is designed for counties only, and must promote public safety, reduce prosecution and incarceration costs, reduce jail and prison populations, and improve the overall welfare of the participants' families. Counties that receive grant money for their programs are required to comply with state audits and submit an annual report to the Office of Justice Assistance and an oversight committee regarding the program's progress.

### ADMINISTRATION AND FUNDING

The Office of Justice Assistance (OJA), in conjunction with the Department of Health and Family Services (DHFS) and the Depart-

ment of Corrections (DOC), will administer the grant program. Generally, grants will be distributed either individually or jointly to counties that have established programs designed to meet the needs of an offender who abuses drugs or alcohol, is nonviolent, and has been or may be charged with or convicted of a crime in the county related to their alcohol or drug abuse. The OJA is required to notify the county of its decision and grant amount no later than September 1 of the year preceding the grant.

2005 Act 25 also provides funding for the grants. Section 973.043, Wisconsin Statutes, creates the drug offender diversion surcharge, which assesses a fee of \$10 for each conviction if a court sentences or places a person on probation for any crime against property. The crime must have been committed on or after October 1, 2005. All money collected for this surcharge will be used for funding the program grants to counties. Section 961.41 (5) (a) also increases the drug abuse program improvement surcharge by 50%, with the increase used to fund the new grant program.

### ELIGIBILITY

**Program Requirements for Counties.** To be considered for a grant, treatment must be provided to participants to reduce or eliminate their substance abuse; improve their mental health; facilitate employment, education, or training; provide housing; ensure child support payment; increase payments towards other court-ordered obligations; and assist in family reunification. All services provided must be consistent with proven methods of substance abuse and mental health treatment

as determined by DHFS. Intensive case management must also be provided.

County programs should provide substance abuse and mental health treatment services through providers certified by DHFS, while also integrating all mental health services offered to participants by state and local government agencies. Regular communication is required between substance abuse treatment providers, case managers, probation or parole agents, and any other person designated to monitor participants' progress.

Programs must also be developed with input from one or more circuit court judges, the district attorney, the state public defender, local law enforcement officials, DHFS, DOC, private social service agencies, and county social service agencies involved with alcohol and drug abuse, child welfare, mental health, and Wisconsin Works. Counties receiving grants must create an oversight committee to administer and evaluate the program. Oversight committees must consist of a circuit court judge, district attorney, and state public defender or their designees, a local law enforcement official, representatives from DHFS and DOC, representatives of the county and county social service agencies, and other members determined by the county.

**Offender Participation.** Programs must establish criteria for offender participation that specifically state that violent offenders are not eligible. Violent offenders are defined as

persons charged with or convicted of a crime that involved use of force against another person or the use of a dangerous weapon, or a crime in which a person suffered serious bodily harm or died. Offenders with one or more prior convictions involving the use or attempted use of force against another with the intent to cause serious bodily harm or death are also considered violent and therefore ineligible. Participants are required to pay towards their treatment, based on their income and assets, in addition using all resources available through federal, state, and local aid programs and insurance.

### **REPORTING REQUIREMENTS**

The OJA is required to inform any county applying for a grant whether or not all requirements were met, regardless of whether a grant is received. The OJA will also assist counties in securing other funding sources for its program. In collaboration with DHFS and DOC, the OJA will submit a report to the chief clerk of each house of the legislature by December 31, 2011, outlining the savings accrued due to the implementation of the program and including recommendations regarding future grant program structure.

### **FOR MORE INFORMATION**

For more information, contact the Office of Justice Assistance, 131 West Wilson Street, Suite 610, Madison, WI 53702, (608) 266-3323.