

**OWI COURT SUB-COMMITTEE MEETING  
MINUTES OF NOVEMBER 12, 2024**

Committee Member

Present: Ms. Brenda Lee, Ms. Jodi Baker (Zoom), Ms. Annette Zortman (Zoom), Ms. Dawn Susa, Honorable Mary M. Sowinski (8:40 a.m.), Ms. Breanna Magallones (8:40 a.m.)

Other: Ms. Wendy Ness, Taylor County, Ms. Jeri Driscoll

**1. Call to Order; Approval of Agenda:**

The regular meeting of the OWI Court Sub-Committee was brought to order at 8:30 a.m. by Ms. Brenda Lee. Lee noted that the meeting had been properly posted and mailed in accordance with the Wisconsin Open Meeting Laws.

It was noted by Chairperson, Ms. Brenda Lee that at the start of the meeting the Sub-Committee did not have a quorum to vote on any of the agenda items. Ms. Lee requested that the Sub-Committee have Presenter Wendy Ness from Taylor County start her presentation, which is number 3 on the agenda. At approximately 8:40 a.m. during Ms. Ness' presentation Ms. Breanna Magallones as well as Honorable Mary M. Sowinski joined the Sub-Committee Meeting which resulted in the Sub-Committee having a quorum.

At approximately 8:55 a.m. Chairperson Lee stated that the Sub-Committee would resume the normal agenda items since there was now a quorum. Ms. Brenda Lee asked the Sub-Committee for approval of the agenda. Motion by Ms. Breanna Magallones, seconded by Ms. Brenda Lee to approve the agenda as posted. All ayes; motion carried.

**2. Review of Minutes from the September 24, 2024 OWI Court Sub-Committee Meeting:**

Motion by Honorable Mary M. Sowinski, seconded by Ms. Dawn Susa to approve the minutes of September 24, 2024 as presented. All ayes; motion carried.

**3. OWI Presentation from Wendy Ness, Taylor County Treatment Court:**

Ms. Wendy Ness gave an overview of the Program. In 2013 Taylor County had a Treatment Court program, initially providing a diversion court for OWI 2<sup>nd</sup> and 3<sup>rd</sup> through funding provided by the Wisconsin Department of Corrections/Act 100. A Criminal Justice Coordinating Council (CJCC) committee was formed, and in 2018 the county expanded and enhanced its existing program into a Hybrid Treatment Court following eligibility criteria as established by the Treatment Alternative and Diversion (TAD) Statute 165.95. The Hybrid Treatment court program serves persons charged with OWI 2-4 and felony drug related offenses, serving those assessed to have moderate to high risk/needs and moderate to severe substance use disorders. Funding from the TAD Grant and Department of Corrections allows the county to continue to meet the needs of this target population.

The Team Members consists of: Taylor County Circuit Court Judge Knox-Bauer, Department of Corrections Agent and Supervisor, District Attorney, Public Defender's Office Representative, AODA professional from the community, Taylor County Sheriff's Department Representative, Part-Time Case Manager/Male UA Technician, Treatment Court Coordinator as well as additional members specific to OWI cases, Taylor County Human Services Clinical Therapist and Taylor County Human Services Case Manager.

Ms. Ness explained the following:

Structure of the Program:

- Treatment Court is post-conviction and voluntary.
- Sentence structure include a minimum of two years on probation, with treatment court compliance/completion as a condition of supervision.
- Participation can result in avoided incarceration and successful completion may allow for some charges to be dismissed (Felony DEJ).
- The program takes a minimum of 14 months to complete. On average, participants complete in 17 months.
- Case Management/Supervision is provided by Coordinator, Human Services, and Department of Corrections Agents.
- Referrals can come from any source (DA, Defense Attorney, Family, Human Services, DOC, Self).

Eligibility Requirements:

- Must be 18 years of age or older.
- Must reside in Taylor County.
- Moderate to severe substance use disorder (Based on DSM Criteria) and have been assessed to meet the required target population risk/need levels (medium or high).
- Post adjudication for OWI 2/3, a felony drug motivated crime, or in formal ATR status with the Wisconsin Department of Corrections and met all other requirements. If the case does not originate in Taylor County, the sentencing court must be willing to transfer the case to Judge Knox-Bauer immediately after sentencing and accept return if participant is terminated from the program.
- No violent offenses.
- OWI 2 and 3 must have a BAC .15 and no injury or death of others as a result of the OWI.
- Applicant must pay a \$200.00 fee upon entry to the court. A participant who demonstrates financial hardship/indecency based on national poverty guidelines may be eligible for reduced fees and/or a monthly payment plan

and this will be reviewed on a case by case basis by the Treatment Court Team.

Screening Process:

- Sign Release of information at first meeting for Team, Treatment Providers, Compas, Core.
- Waiver of Confidentiality and Exparte Communication.
- Eligible Screening Policy Agreement and Consent Form.
- Screenings completed – Risk/Needs: Impaired Driving Assessment (IDA) for OWI Cases. OWI Risk Assessment Screening (ORAS) or Correctional Offender Management Profiling for Alternative Sanctions (COMPAS). Alcohol and Drug/Mental Health Screenings: Drug Abuse Screening Test (DAST-20), Short Michigan Alcohol Screening Test (SMAST), DSM 5 Screening Tool for Substance Use Disorder and Patient Health Questionnaire (PHQ-9).

Ms. Wendy Ness also went over the phase requirements as well as the minimum number of days in each phases:

- Phase 1 being a minimum of 30 days.
- Phase 2 being a minimum of 60 days.
- Phase 3 being a minimum of 90 days.
- Phase 4 being a minimum of 90 days.
- Phase 5 being a minimum of 120 days.

Graduation:

- The participant graduates from the program upon successful completion of all five (5) Phases, meets graduation requirements, and receives approval of the Treatment Court Team.
- Requirements for graduation for the last four (4) months of involvement in the treatment court program:
  - Participant must have all negative drug test results.
  - Successfully completed all treatment court goals and establish an approved relapse prevention plan.
  - Be employed or involved in a productive daily activity.
  - Reside at an approved residence that is not likely to promote relapse.
  - The participant will have paid, or have a payment plan in place, for all program fees, supervision fees, restitution and medical costs.
  - Complete all conditions of supervision and the treatment court program.
  - No new arrests, criminal charges, or convictions.

**Program Outcomes:**

- To date, the program has served 62 participants, of those:
  - 7 are active.
  - 48 have successfully graduated after an average of 17 months in the program having employment, stable housing, and leading sober lives.
  - 1 is in Absconder status.
  - 2 have been administratively discharged due to reaching maximum benefit/unavailable to continue with the program.
  - 12 have been terminated.
  - 2 gave birth to healthy, non-drug affected babies during their participation in the program.
  - Since 2013, 11 of the 48 graduates have been convicted of a new crime.

**Questions:**

- How many participants in the program at one time: Taylor County allows 12 in the program at one time.
- Do you still receive funding from the DOC and TAD Grant? The DOC funds the OWI and the TAD Grant funds the drug offenses.
- There was a question regarding Restorative Justice which is a separate non-profit in Taylor County. This is a condition of court. They do approximately 5-6 sessions per year and required to go and listen to victims and how the offenses affected them.
- The question was asked if you were just getting started now what would you do differently. Ms. Ness explained that looking at the Phase Structure since evidence based changes so rapidly. Would change taking away time frames of things and talking more with the team, build in how often, policy procedure, as well as the phase structure, what outcome and what time frames. Need to determine what capital recovery is for each person and what your team wants for a recovery plan for each individual.
- The question was also asked what Taylor County does with the \$200 that is paid. Ms. Ness stated that it goes back into the system for incentives.

**4. DOC Contract:**

Ms. Brenda Lee reported that she reached out to the state and they stated that they are working on it. Ms. Lee stated that she has not gotten the contract back from Ms. Stephany Nault but wonders if it was moved on to the next level. Ms. Lee will reach out again. The concern is that we may lose the treatment provider while we are waiting since they are not receiving enough referrals. The Department of Corrections stated that they have also been referring people to

Transitions as well and will share with all Agents. This group would also like to have a list of all AODA providers which will be emailed to this group.

**5. Suggested Phase Plan with New Guidelines. What do we want to do?**

The group discussed that they like some of the things that Taylor County has as well as some of the new guidelines. The group decided to keep things as they are for now since the contract is still in the approval process.

**6. Court Calendar Update:**

Honorable Mary M. Sowinski reported that she does not have an update as of yet.

**7. Future Meeting Dates:**

We have scheduled every other Tuesday mornings.

**8. Public Comment:**

None

**9. Agenda Items for future Meetings:**

- Prevention (PSA)

**10. Adjourn:**

There being no further business to be brought before the Committee, it was moved to adjourn the meeting at 9:22 a.m. The next meeting of the OWI Court Sub-Committee will be established based on Judge Sowinski's Calendar. A Calendar Invite will be sent out to the group.



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Ms. Brenda Lee

Date: November 12, 2024