

WINNEBAGO COUNTY SAFE STREETS INITIATIVE

DATE: Friday, July 21, 2023

TIME: Noon

LOCATION: **BR III**

Voting Members PRESENT: Judge Bryan Keberlein, Judge Scott Woldt, Jen Delfosse, John Matz, Tara Berry, Jacob Floam, Brian Patzer, Eric Sparr, Chris Rose, Rep. Michael Schraa, Chris Susa, Amy Geffers

Also PRESENT: Judge Michael Gibbs, Tara Notzke, Amanda Tennysen, Maddie Breager, Amber Rozek, Amber Elvert

Attachments: Xylazine Brouchure, Roles and Responsibilities of the Judge, Recommendations Regarding Drug Court Judges, proposed Assignment of Judge, Clinical Diversion Team 2022 Final Report, Clinical Diversion Team Stats 2023

MINUTES

1. **Call to order: 12:05 pm**
2. **Approve agenda.** Motion to approve agenda- Floam; Second - Sparr, all in favor.
3. **Approve minutes from last meeting.** Motion to approve- Floam, Second- Matz, all in favor.
4. **Public comments** - None
5. **Updates and possible action on:**
 - a. Safe Streets:
 - i. **Drug Court** (Jennifer Delfosse),
Phase 1 – 7
Phase 2 – 3
Phase 3 – 11
Phase 4 – 2
Total active participants: 23
Total graduates: 163
Pending referrals: 3
Total CS hours as of 07/19: 43,474

Updates:

- We had another commencement ceremony since our last meeting, with 4 more people graduating the program. The next one should be in November.
- We spoke for two different summer school classes this summer and it went well. We had six participants at each session, so a lot of different stories were shared. We are also speaking at UWO next week to a counseling class regarding Drug Court and probation.

- We have been consistently holding quarterly team meetings as well to ensure we are operating within the best practices standards and update or revise our materials as needed.
- We are in the process of planning our annual alumni/mentor group picnic – once the date is chosen, we will get the invitations out to everyone.
- We are doing something different for our Drug Court session on 8/10 – we are doing a walk with all of the participants in order to stress the importance of physical activity in recovery. Shirt donations secured.

1. Discussion on Succession of Judges in the program- Recommendations Regarding Drug Court Judges and Roles and Responsibilities of the Judge distributed prior to meeting. Judge Woldt resigning after today's meeting.

Motion to adopt Assignment and Amend Bylaws– Woldt; Motion to stay Judge Woldt's motion until next meeting to allow time to review and form

subcommittee- Patzer; Second- Sparr

Subcommittee:

Judge Keberlein

Eric Sparr

Brianne Patzer

Amy Geffers

Cliff Cox

Chris Rose

- iii. **Jail Reintegration** (Amy Geffers),

Enrolled – 17

Group – 10

24/7 Alcohol: (Amy Geffers)

Enrolled - 92

Average - 91

Pending - 24

24/7 Drug (Amy Geffers),

Enrolled - 54

Average – 49

Pending - 36

Diversion (Amy Geffers),

Current Diversions enrollment – 48

Referrals Pending – 9

SOAR Phase 2 – 3

- vi. **SSTOP** (Tara Notzke)

OPEN SSTOP

	Totals	Percentage
Males	32	78.05%
Females	9	21.95%
Total	41	

TRTMT VS EDUCATION	Trtmt	Education	% Trtmt	% Education
Males	13	8	40.63	25.00
Females	3	3	33.33	33.33

Not all referred may have been assessed

	2nd	3rd
OWI	40	1

CLOSED SSTOP

	Total	Percentage
Males	1126	74.47%
Females	386	25.53%
Total	1512	

D/C Status	R	D	
Males	239	859	R=Revoked
Females	56	319	D=
Total	295	1178	Completion/discharge

Some are no longer counted due to being deceased, moved etc.

Total Community Service Completed- D status	42296
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Percent of Reoffenses R	Percent of Reoffenses D
37.97%	17.83%

- vii. **Teen Court** (Amy Geffer),
Enrolled – 15
Pending – 2

b. District Attorney Diversion Programs (Eric Sparr)

1	7/21/2023								
2		Active	Pending Offers	Extension Pending	Pending Offers- Warrant	Pending Dismissal	Pending Revo's	Pending Revo's Warrant	TOTALS
3	Pre-Charge Misdemeanor	48	8						56
4	Pre-Charge Felony	2	1						3
5	Pre-Charge Drug								0
6	Pre-Charge Worthless Check	4	2						6
7	Total Number of Precharge Agreements	54							
8	Post-Charge Misdemeanor	69	10				17	18	114
9	Post-Charge Felony	14	3					2	19
10	Child Support	2						3	5
11	SOAR Phase 2	2	1					1	4
12	Total Number of Post Charge Agreements	87							
13	GRAND TOTALS	141	25	0	0	0	17	24	207

c. Breakwater -formerly WCDAC (Maddie Breager for Ashlee Rahmlow)

Breakwater	<ul style="list-style-type: none"> - Is a Drug Free Communities Coalition, with a mission to Prevent and Reduce Youth and Adult Substance Use In Winnebago County, Wisconsin - Hired a new Breakwater project coordinator in May. - A year contract with Vive 18 to establish a youth prevention club and creating education - Teenacious Night: Youth group with Oshkosh North Communities came together and had some sober fun. The first substance-free event in Oshkosh. Juniors at Communities at Oshkosh North worked with Breakwater last semester to create a substance-free event for 9-12 grade students in Oshkosh. They became passionate about this effort after wanting a space where they could be themselves and have fun while not using substances in our community. It was held at the Oshkosh Downtown YMCA, and sponsored by local restaurants, and stores. - Student Panel: Community Asks, Teens Answer. Youth answered questions live on solutions to reduce and prevent substance use.
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d. Public Health (Amanda Tennysen)

Safe Streets Updates - Public Health

Group/Issue	Update
Overdose Fatality Review (Health Dept)	<ul style="list-style-type: none"> - As of June 2023, the We Heart You App has over 650 subscribers, and has received over 100 chats/calls from the app. The free app shares local resources around substance use that is available for people in Winnebago, Outagamie, and Calumet counties. To download or find out more information go to: www.weheartyou.org/app. We also have posters available if people want to post it within their organization, just contact Jennifer at jskolaski@winnebago-countywi.gov. - The Solutions Peer Response Team - From Oct 1, 2022 to June 6, 2023 there has been 2,751 contacts with the Solutions Peer Response Team. We're excited to continue supporting such a great program and thinking of expansion opportunities including having formal partnerships with Probation and Parole, Gold Cross Ambulance, UW Oshkosh Police Department, and Oshkosh Police Department has been working with the jail since September 6. - OFR has presented and will be presenting at many conferences over the next few months, including: <ul style="list-style-type: none"> - Wisconsin Working Together to Combat Drug Challenges (Opioids-Meth-Fentanyl-Cocaine)" Conference being put on by DOJ in Oshkosh on October 24 and 25. (The Sheriff's Office and Solutions Peer Response Team will be presenting) - OFR Annual Report 2022-2023 - 23-23 new priorities include: <ul style="list-style-type: none"> - Last year's priorities included: Mental Health, Child Trauma, Recovery Community, Social Connectedness, and Prevention. Based on cases reviewed and data trends, the OFR team has added the following for the next year: - Close gaps in communication between systems to strengthen continuum of care
	<ul style="list-style-type: none"> - Identify children falling between gaps and connect them to support - Focus on preventive efforts (i.e., trauma, early substance use) - https://static1.squarespace.com/static/637b92dbd2b49a79c0b8f44e/t/649f2113b4a4cb7d192ae208/1688150301549/2022-2023+-+Winnebago+OFR+Annual+Report+-+Final.pdf
Harm Reduction/ Health Dept	<ul style="list-style-type: none"> - XTS distribution started mid June- 16 report backs with 3 positives for meth and 3 positives for heroin. - Brochure was created to hand out to every client that comes in, to education on Xylazine followed by a conversation. - Working with Eric Sparr for any changes on the legal side - He will write a declaration if drug becomes scheduled in WI. - A lot of referrals to medical providers do to wounds from Xylazine. - Working on approval for first aid/wound care kits, to hand out to clients for a TEMPORARY band aid until they can seek medical treatment. - Starting discussions about street outreach - be able to reach an underserved population - meeting them where they are at. - Working with Fond Du Lac County/providing data so they can become a satellite site of Vivent Health - would reduce other counties coming to Oshkosh and have more life saving tools available between here and Milwaukee - Working on a flier to put in the jails to direct people to harm reduction/treatment services, if needed. - Working with Trevor at Solutions to get more NaloxBoxes in the community - Looking for funding to continue to hand out XTS-if anyone knows of any funding sources available, please reach out

- e. Step Up (Chee Vang) – Judge Keberlein contacted Det. Vang. Hope to have update at next agenda.
- 7. New Business: Next Agenda – Motion to Replace Judge Woldt with Judge Gibbs
- 8. Next Meeting- October 27, 2023 at noon – **Branch 3, 2nd floor, courtroom 240**
PIZZA- Jon Doemel
- 9. Meeting concluded at 12:39 pm.

****This meeting is
also being posted as a
committee meeting for:**

**Judiciary & Public Safety
Emergency Management
Facilities & Property Management**

Wounds and Wound Care Tips:

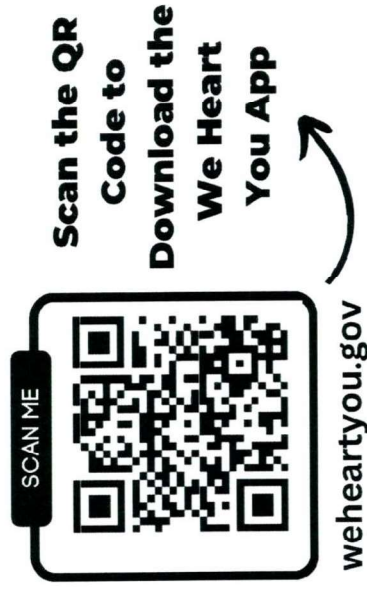


- If the wounds goes necrotic (dead black tissue), go to an emergency room ASAP
- Xylazine wounds can take months or years to heal and many need medical care
- Wounds can get very goopy/ yellow/red/swollen and tend to be most painful at this stage
- Keep all skin openings clean and covered - Wounds can appear anywhere there is an opening in the skin, **NOT** just the injection site.
- Avoid alcohol and hydrogen peroxide.
- Clean wounds with soap (if available) and bottled/tap water or saline.
- Cover with a non-adherent dressing (Xeroform gauze), covered by an absorbent one.
- Keep surrounding skin clear of drainage and keep moisturized (Vitamin A&D ointment - helps dead skin soften/fall on its own).



**Please know, you are
NOT alone.**

**We are here to help.
Please reach out.**



Public Health
Prevent. Promote. Protect.

**Winnebago County
Health Department**

Harm Reduction Program

Monday - Friday

8am - 4pm

Phone: 920-232-3000



PROTECT YOURSELF FROM XYLAZINE

(Zi-La-Zeen)

**NAMES: Tranq, AnaSed,
Horse tranquilizer**

**In a suspected
overdose, use
Narcan and CALL 911**

What is Xylazine?

- Xylazine is a non-opioid used as a sedative, anesthetic, muscle relaxant, and analgesic for animals but is NOT FDA approved for use in humans.
- Xylazine is a central nervous system (CNS) depressant (i.e. downer).

Xylazine Effects:

- Xylazine can cause drowsiness, amnesia, and slow breathing, heart rate, and blood pressure at dangerously low levels.
- At very high doses, or with other CNS depressants, Xylazine can cause:

- Loss of physical sensation
- Loss of consciousness
- Intensification of the effects of other drugs, which can complicate overdose presentation and treatment



**Never Use
Alone Hotline:
800-484-3731**

Overdose Signs and Management:

- There is no reversal agent for Xylazine BUT:
 - Use Narcan (substance could still have opioids)
 - Administer rescue breaths
 - Call 911
- People may breathe normally after receiving Narcan but still be unconscious from Xylazine.
- Xylazine overdose looks similar to "typical" opioid overdose.
- Xylazine can enhance the effect of other downers such as fentanyl and heroin.

Be Prepared. Stay Safe.



Always have Narcan.
Never use alone.

"Start Low, Go Slow"



Do a small amount of the substance, wait 20-30 min, then do more if needed.

Use Xylazine test strips.

Using Xylazine Test Strips

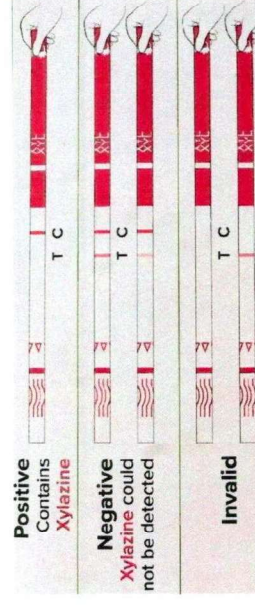
Test strips are used as a tool to detect the presence of Xylazine in substances. Test strips cannot guarantee accuracy. Use at your own risk.

Instructions

1. Mix one tsp of clean water and one 5mg scoop of substance into the tin.
2. Remove test strip from pouch and use immediately, Holding the **RED** side.
3. Place wavy end of strip into the liquid for 10-15 seconds, making sure liquid stays under the solid (maximum) line.
4. After 10-15 seconds, remove strip and place on a flat surface.
5. Set timer for 5 minutes. Color bands will appear in the middle of the strip.
6. Read the test result at 5 minutes. Do not interpret the result after 10 minutes.

To watch instructions, go to YouTube:

<https://youtu.be/ngEFt1QjipE>



There is a possibility that technical or procedural errors as well as other substance and factors may interfere with the test strips and cause false results.

- A positive result indicates the presence of xylazine only and does not indicate quantity
- A negative result does not at any time rule out the presence of xylazine, as they may be present below the minimum detection level of the test

III. ROLES AND RESPONSIBILITIES OF THE JUDGE

The Drug Court judge stays abreast of current law and research on best practices in Drug Courts, participates regularly in team meetings, interacts frequently and respectfully with participants, and gives due consideration to the input of other team members.⁹

- A. Professional Training
- B. Length of Term
- C. Consistent Docket
- D. Participation in Pre-Court Staff Meetings
- E. Frequency of Status Hearings
- F. Length of Court Interactions
- G. Judicial Demeanor
- H. Judicial Decision Making

A. Professional Training

The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance use disorder and mental health treatment, behavior modification, and community supervision. Attendance at annual training conferences and workshops ensures contemporary knowledge about advances in the Drug Court field.

B. Length of Term

The judge presides over the Drug Court for no less than two consecutive years to maintain the continuity of the program and ensure the judge is knowledgeable about Drug Court policies and procedures.

C. Consistent Docket

Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.

⁹ Studies in Drug Courts have not compared outcomes between judges and other judicial officers such as magistrates or commissioners. Barring evidence to the contrary, the standards contained herein are assumed to apply to all judicial officers working in Drug Courts.

D. Participation in Pre-Court Staff Meetings

The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team.

E. Frequency of Status Hearings

Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program.¹⁰ The frequency of status hearings may be reduced gradually after participants have initiated abstinence from alcohol and illicit drugs¹¹ and are regularly engaged in treatment. Status hearings are scheduled no less frequently than every four weeks until participants are in the last phase of the program.

F. Length of Court Interactions

The judge spends sufficient time during status hearings to review each participant's progress in the program. Evidence suggests judges should spend a minimum of approximately three minutes interacting with each participant in court.

G. Judicial Demeanor

The judge offers supportive comments to participants, stresses the importance of their commitment to treatment and other program requirements, and expresses optimism about their abilities to improve their health and behavior. The judge does not humiliate participants or subject them to foul or abusive language. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments [see also Standard IV].

H. Judicial Decision Making

The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.

¹⁰ This assumes the Drug Court is treating the appropriate target population of high-risk and high-need participants [see Standard I, Target Population].

¹¹ Illicit drugs include addictive or intoxicating prescription medications taken for a nonprescribed or nonmedically indicated purpose.

COMMENTARY

A. Professional Training

All team members in Drug Courts should attend annual training workshops on best practices in Drug Courts. The importance of training is emphasized specifically for judges because research indicates the judge exerts a unique and substantial impact on outcomes in Drug Courts (Carey et al., 2012; Jones, 2013; Jones & Kemp, 2013; Marlowe et al., 2006; Zweig et al., 2012).

Judges in Drug Courts have a professional obligation to remain abreast of legal, ethical and constitutional requirements related to Drug Court practices (Meyer, 2011; Meyer & Tauber, 2011). In addition, outcomes are significantly better when the Drug Court judge attends annual training conferences on evidence-based practices in substance use disorder and mental health treatment and community supervision (Carey et al., 2008, 2012; Shaffer, 2010). A national study of twenty-three adult Drug Courts, called the Multisite Adult Drug Court Evaluation (MADCE), found that Drug Courts produced significantly greater reductions in crime and substance use when the judges were rated by independent observers as being knowledgeable about substance use disorder treatment (Zweig et al., 2012). Similarly, a statewide study in New York reported significantly better outcomes when Drug Court judges were perceived by the participants as being open to learning about the disease of addiction (Farole & Cissner, 2007).

The increasing availability of webinars and other distance-learning programs has made it considerably more affordable and feasible for judges to stay abreast of evidence-based practices. Organizations including the NDCI, Center for Court Innovation, National Center for State Courts, and American University offer, free of charge, live and videotaped webinars on various topics related to best practices in Drug Courts. Appendix B provides further information about these webinars.

B. Length of Term

A study of approximately seventy Drug Courts found nearly three times greater cost savings and significantly lower recidivism when the judges presided over the Drug Courts for at least two consecutive years (Carey et al., 2008, 2012). Significantly greater reductions in crime were also found when the judges were assigned to the Drug Courts on a voluntary basis and their term on the Drug Court bench was indefinite in duration (Carey et al., 2012). Evidence suggests many Drug Court judges are significantly less effective at reducing crime during their first year on the Drug Court bench than during ensuing years (Finigan et al., 2007). Presumably, this is because judges, like most professionals, require time and experience to learn how to perform their jobs effectively. For this reason, annually rotating assignments appear to be contraindicated for judges in Drug Courts.

C. Consistent Docket

Drug Courts that rotated their judicial assignments or required participants to appear before alternating judges had the poorest outcomes in several research studies (Finigan et al., 2007; National Institute of Justice, 2006). Participants in Drug Courts commonly lead chaotic lives, and they often require substantial structure and consistency in order to change their maladaptive behaviors. Unstable staffing patterns, especially when they involve the central figure of the judge, are apt to exacerbate rather than ameliorate the disorganization in participants' lives.

D. Participation in Pre-Court Staff Meetings

Studies have found that outcomes were significantly better in Drug Courts where the judges regularly attended pre-court staff meetings (Carey et al., 2008, 2012). Pre-court staff meetings are where team members share their observations and impressions about each participant's performance in the program and propose consequences for the judge to consider (McPherson & Sauder, 2013). The judge's presence at the staff meetings ensures that each team member's perspective is taken into consideration when important decisions are made in the case. Observational studies suggest that when judges do not attend pre-court staff meetings,

they are less likely to be adequately informed or prepared when they interact with the participants during court hearings (Baker, 2012; Portillo et al., 2013).

E. Frequency of Status Hearings

A substantial body of experimental and quasi-experimental research establishes the importance of scheduling status hearings no less frequently than every two weeks (biweekly) during the first phase of a Drug Court. In a series of experiments, researchers randomly assigned Drug Court participants to either appear before the judge every two weeks for status hearings or to be supervised by their clinical case managers and brought into court only in response to repetitive rule violations. The results revealed that high-risk participants¹² had significantly better counseling attendance, drug abstinence, and graduation rates when they were required to appear before the judge every two weeks (Festinger et al., 2002). This finding was replicated in misdemeanor and felony Drug Courts serving urban and rural communities (Jones, 2013; Marlowe et al., 2004a, 2004b). It was subsequently confirmed in prospective matching studies in which the participants were assigned at entry to biweekly hearings if they were determined to be high risk (Marlowe et al., 2006, 2007, 2008, 2009, 2012).

Similarly, a meta-analysis involving ninety-two adult Drug Courts (Mitchell et al., 2012) and another study of nearly seventy Drug Courts (Carey et al., 2012) found significantly better outcomes for Drug Courts that scheduled status hearings every two weeks during the first phase of the program. Scheduling status hearings at least once per month until the last phase of the program was also associated with significantly better outcomes and nearly three times greater cost savings (Carey et al., 2008, 2012).

F. Length of Court Interactions

In a study of nearly seventy adult Drug Courts, outcomes were significantly better when the judges spent an average of at least three minutes, and as much as seven minutes, interacting with the participants during court sessions (Carey et al., 2008, 2012). Shorter interactions may not allow the judge sufficient time to gauge each participant's performance in the program, intervene on the participant's behalf, impress upon the participant the importance of compliance with treatment, or communicate that the participant's efforts are recognized and valued by staff.

G. Judicial Demeanor

Studies have consistently found that Drug Court participants perceived the quality of their interactions with the judge to be among the most influential factors for success in the program (Farole & Cissner, 2007; Goldkamp et al., 2002; Jones & Kemp, 2013; National Institute of Justice, 2006; Satel, 1998; Saum et al., 2002; Turner et al., 1999). The MADCE study found that significantly greater reductions in crime and substance use were produced by judges who were rated by independent observers as being more respectful, fair, attentive, enthusiastic, consistent and caring in their interactions with the participants in court (Zweig et al., 2012). Similarly, a statewide study in New York reported significantly better outcomes for judges who were perceived by the participants as being fair, sympathetic, caring, concerned, understanding and open to learning about the disease of addiction (Farole & Cissner, 2007). In contrast, outcomes were significantly poorer for judges who were perceived as being arbitrary, jumping to conclusions, or not giving participants an opportunity to explain their sides of the controversies (Farole & Cissner, 2007; Zweig et al., 2012). Program evaluations have similarly reported that supportive comments from the judge were associated with significantly better outcomes in Drug Courts (Senjo & Leip, 2001) whereas stigmatizing, hostile, or shaming comments from the judge were associated with significantly poorer outcomes (Miethe et al., 2000).

These findings are consistent with a body of research on procedural fairness or procedural justice. The results of those studies indicated that criminal defendants and other litigants were more likely to have successful outcomes and favorable attitudes towards the court system when they were treated with respect by the judge, given an opportunity to explain their sides of the controversies, and perceived the judge as being unbiased and benevolent in intent (Burke, 2010; Burke & Leben, 2007; Frazer, 2006). This in no way prevents judges from holding participants accountable for their actions, or from issuing stern warnings or punitive sanctions

¹² See Standard I indicating that high-risk offenders are the appropriate target population for a Drug Court.

ROLES AND RESPONSIBILITIES OF THE JUDGE

when they are called for. The dispositive issue is not the outcome of the judge's decision, but rather how the decision was reached and how the participant was treated during the interaction.

H. Judicial Decision Making

Due process and judicial ethics require judges to exercise independent discretion when resolving factual controversies, administering sanctions or incentives that affect a participant's fundamental liberty interests, or ordering the conditions of supervision (Meyer, 2011). A Drug Court judge may not delegate these responsibilities to other members of the Drug Court team. For example, it is not permissible for a Drug Court team to vote on what consequences to impose on a participant unless the judge considers the results of the vote to be merely advisory. Judges are, however, required to consider probative evidence or relevant information when making these determinations. Because judges are not trained to make clinical diagnoses or select treatment interventions, they ordinarily require expert input from treatment professionals to make treatment-related decisions. The collaborative nature of the Drug Court model brings together experts from several professional disciplines, including substance use disorder treatment, to share their knowledge and observations with the judge, thus enabling the judge to make rational and informed decisions (Hora & Stalcup, 2008).

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TO: Winnebago County Safe Streets Committee

FROM: Drug Court Team

RE: Recommendations Regarding Drug Court Judges

DATE: June 29, 2023

I. SELECTION OF THE DRUG COURT JUDGE

HISTORY

In the almost 18 year existence of the Winnebago County Drug Court, this is only the second anticipated transition of a drug court judge. Judge Woldt and Judge Key were the first drug court judges. After approximately 10 years, they ended their judicial assignment and it transferred to Judge Seifert and Judge Jorgensen in 2016. In January 2021, Judge Seifert retired and Judge Jorgensen remained as the sole drug court judge.

The procedure for selection of the next judges was informal. The drug court judges found their replacement. The Safe Streets Committee has asked for a recommendation for a more formal process in selection of the next drug court judge.

PROCESS TO REPLACE OTHER TEAM MEMBERS

The Winnebago County Drug Court team consists of a judge, prosecutor, public defender, treatment representative (counselor), case manager and 3 probation agents. Throughout the years, there has been numerous changes to personnel from each areas. Each respective agencies selected their representative to the team. For example, the district attorney appointed the prosecutor, the supervising public defender appointed the public defender, and the Department of Corrections appointed the probation agents. The counselor was recommended by DHS representative and informally interviewed by the judges.

JUDICIAL ASSIGNMENTS

Supreme Court Rule (SCR) 70.19(1) states that "(t)he chief judge is the administrative chief of the judicial administrative district. The chief judge is responsible for the administration of judicial business in circuit courts within the district, including personnel and fiscal management. The general responsibility of the chief judge is to supervise and direct the administration of the district, including the judicial business of elected, appointed and assigned circuit judges."

SCR 70.23(3) appoints the Chief Judge of the District to assign circuit court judges to "...assignments in multijudge circuits within the district."

Winnebago County belongs to Judicial District 4. Presently, the Wisconsin Supreme Court appointed Judge Guy Dutcher from Waushara County as the Chief Judge of this district.

SEPARATION OF POWERS

The Wisconsin and Federal Constitution recognizes the separation of powers between the branches of government: executive, legislative and judicial. Each branch protects its authority and can not be beholden to the other as to its duties. This system provides checks on the powers of the other branches.

One option is that the drug court team or the Safe Streets Committee appoints the next drug court judge. However, if a non-judicial committee can appoint the judge, then it stands to reason that the committee can remove the judge.

The drug court judge is then beholden to this non-judicial committee. The judge's duties and obligation, if the judge does not want to be removed, would be to make decisions that are in-line with the legislative and the executive branch (the members of Safe Streets Committee or the team). This is problematic as a judge needs to be independent.

PROPOSAL

The proposal of the Winnebago County Drug Court Team to the Safe Streets Committee is that the Chief Judge of the Judicial District makes the assignment of the drug court judge. The Chief Judge has the authority to establish the procedure to be used in selection of the next Winnebago County Drug Court Judge.

II. DURATION OF THE ASSIGNMENT AND NUMBER OF JUDGES

BEST PRACTICES

The National Association of Drug Court Professionals, in their publication *Adult Drug Court Best Practice Standards, Volume I* (December 2018) on page 22 states the following:

“Length of Term: A study of approximately seventy Drug Courts found nearly three times greater cost savings and significantly lower recidivism when the judges presided over the Drug Courts for at least two consecutive years (Carey et al., 2008, 2012). Significantly greater reductions in crime were also found when the judges were assigned to the Drug Courts on a voluntary basis and their term on the Drug Court bench was indefinite in duration (Carey et al., 2012). Evidence suggests many Drug Court judges are significantly less effective at reducing crime during their first year on the Drug Court bench than during ensuing years (Finigan et al., 2007). Presumably, this is because judges, like most professionals, require time and experience to learn how to perform their jobs effectively. For this reason, annually rotating assignments appear to be contraindicated for judges in Drug Courts.

Consistent Docket: Drug Courts that rotated their judicial assignments or required participants to appear before alternating judges had the poorest outcomes in several research studies (Finigan et al., 2007; National Institute of Justice, 2006). Participants in Drug Courts commonly lead chaotic lives, and they often require substantial structure and consistency in order to change their maladaptive behaviors. Unstable staffing patterns, especially when they involve the central figure of the judge, are apt to exacerbate rather than ameliorate the disorganization in participants’ lives.”

In regards to best practice, the team has had experience with two judges assigned to drug court and with one judge. The team found more consistency, understanding, and efficiency with one judge assigned. The sole drug court judge was able to better know the participants, remember what was said to them the previous weeks and follow-through. With alternating weeks for two judges and with the participants in different phases, there were times the participant wouldn’t appear in front of one judge for months. The team’s experience with one judge is consistent with the best practice standards mentioned above.

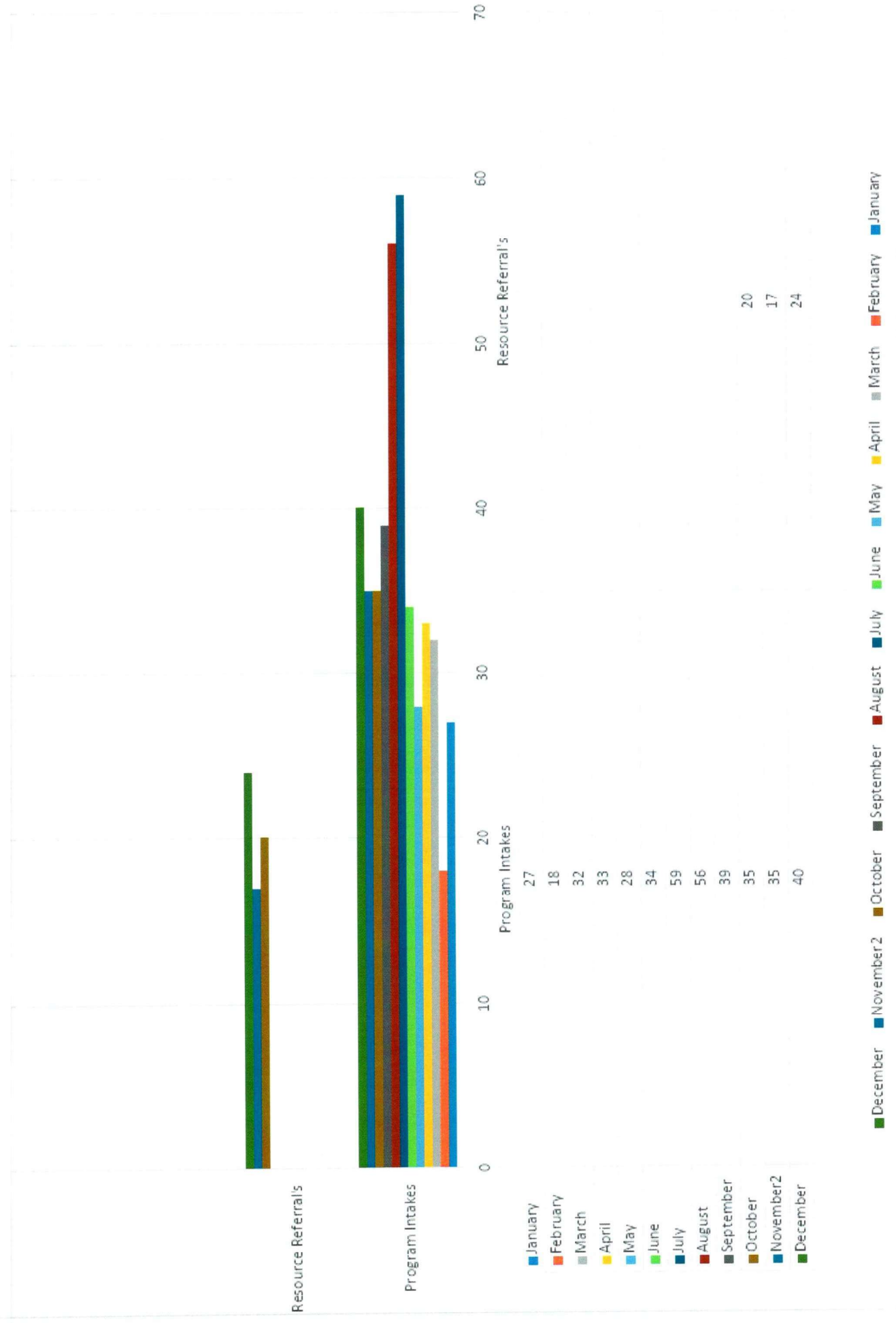
PROPOSAL

The Drug Court Team recommends that one judge be assigned to drug court for a minimum of a 5-year term. The appointment shall be reviewed by the chief judge after the initial five years and every two years thereafter.

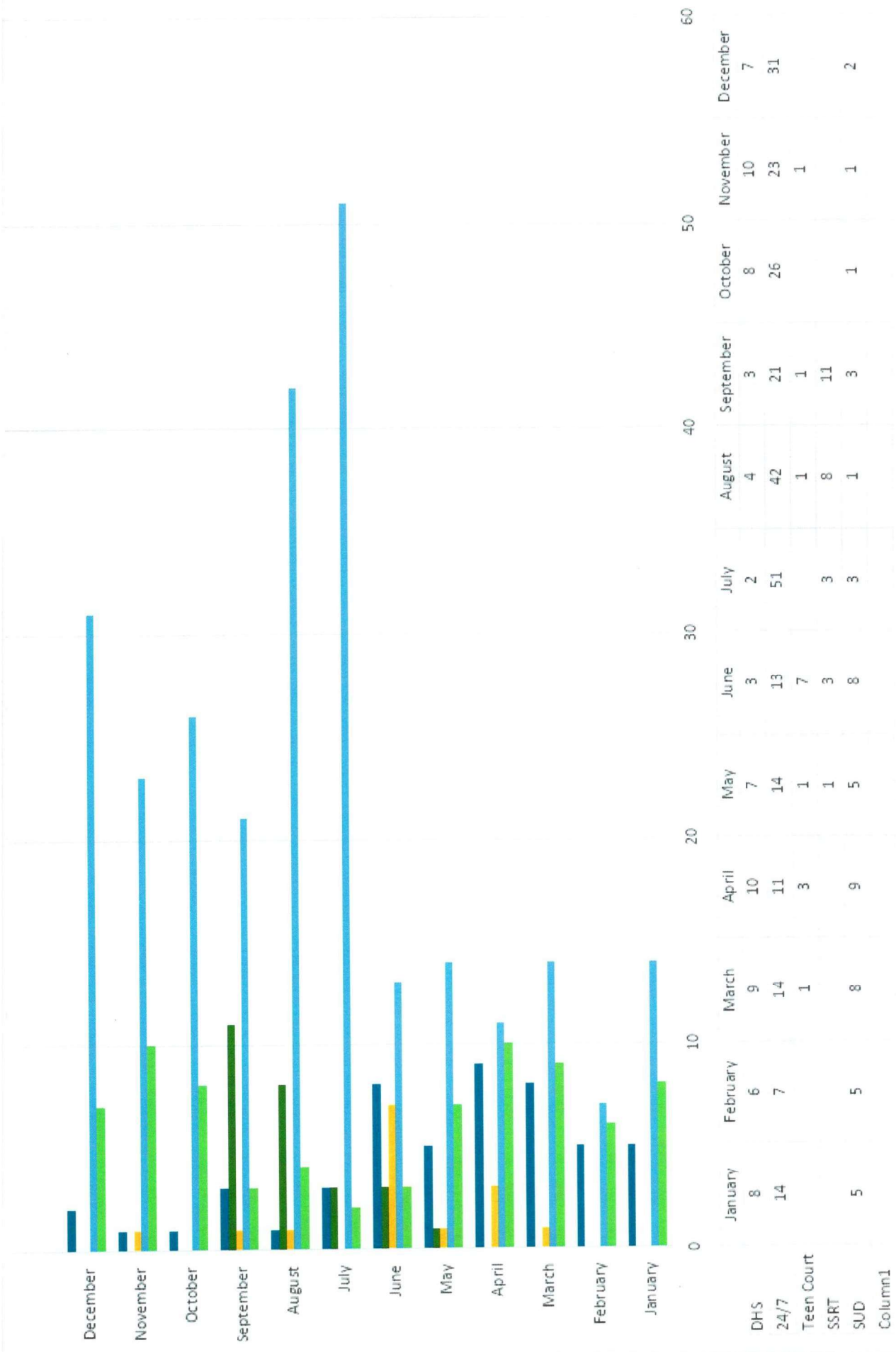
ASSIGNMENT OF JUDGE TO DRUG COURT

One judge shall be assigned to preside over the Drug Court. Upon request of the *Safe Streets Committee*, the Drug Court Team shall make a recommendation to said *Committee* for assignment of a Judge of the Drug Court. The *Committee* shall choose the Drug Court Judge whom will serve for a minimum of 4-years. The assignment shall be reviewed by the *Committee* after the initial four years and every two years thereafter.

2022 Intakes vs. Referrals Monthly

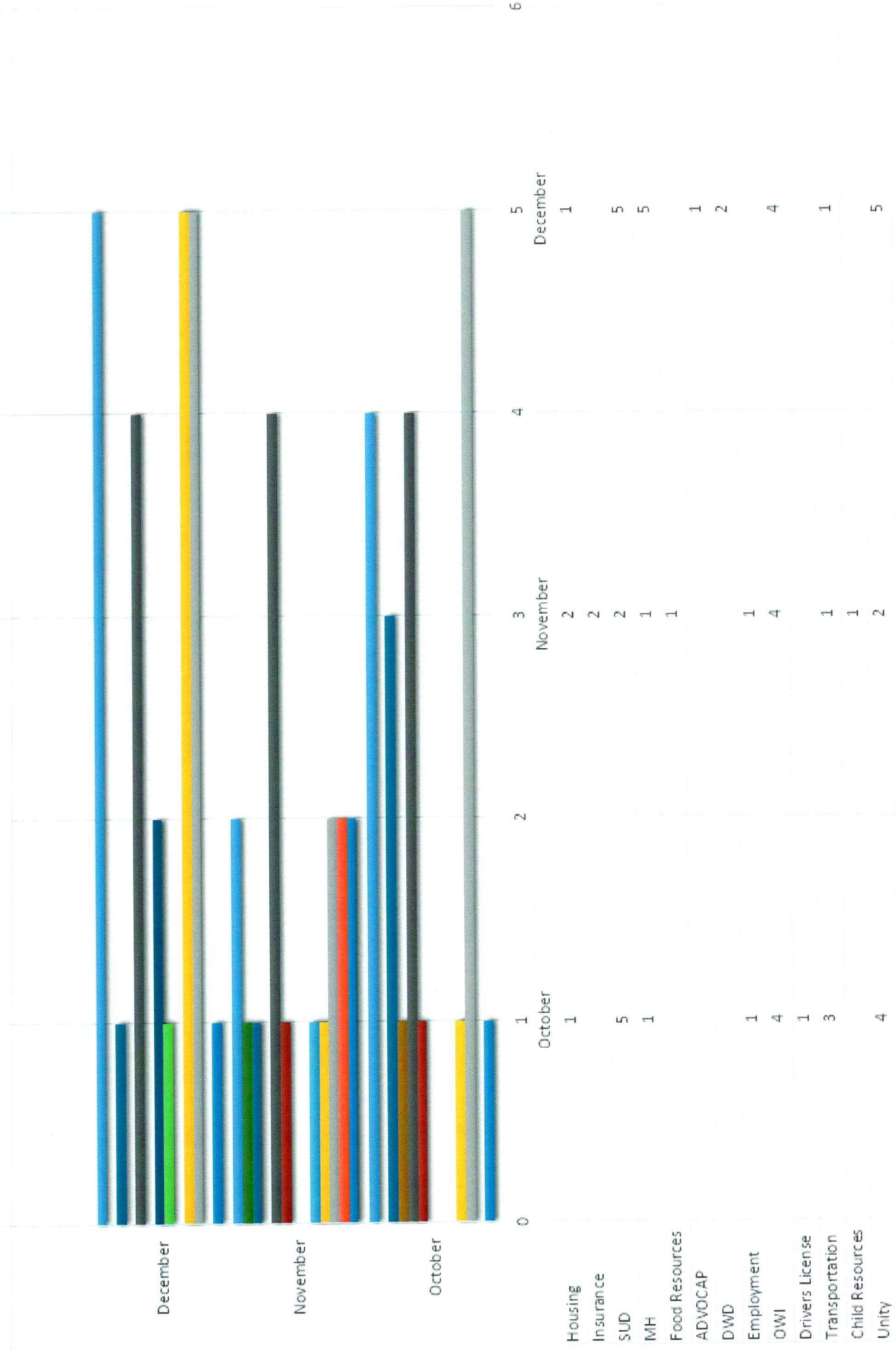


2022 Monthly Program Intakes

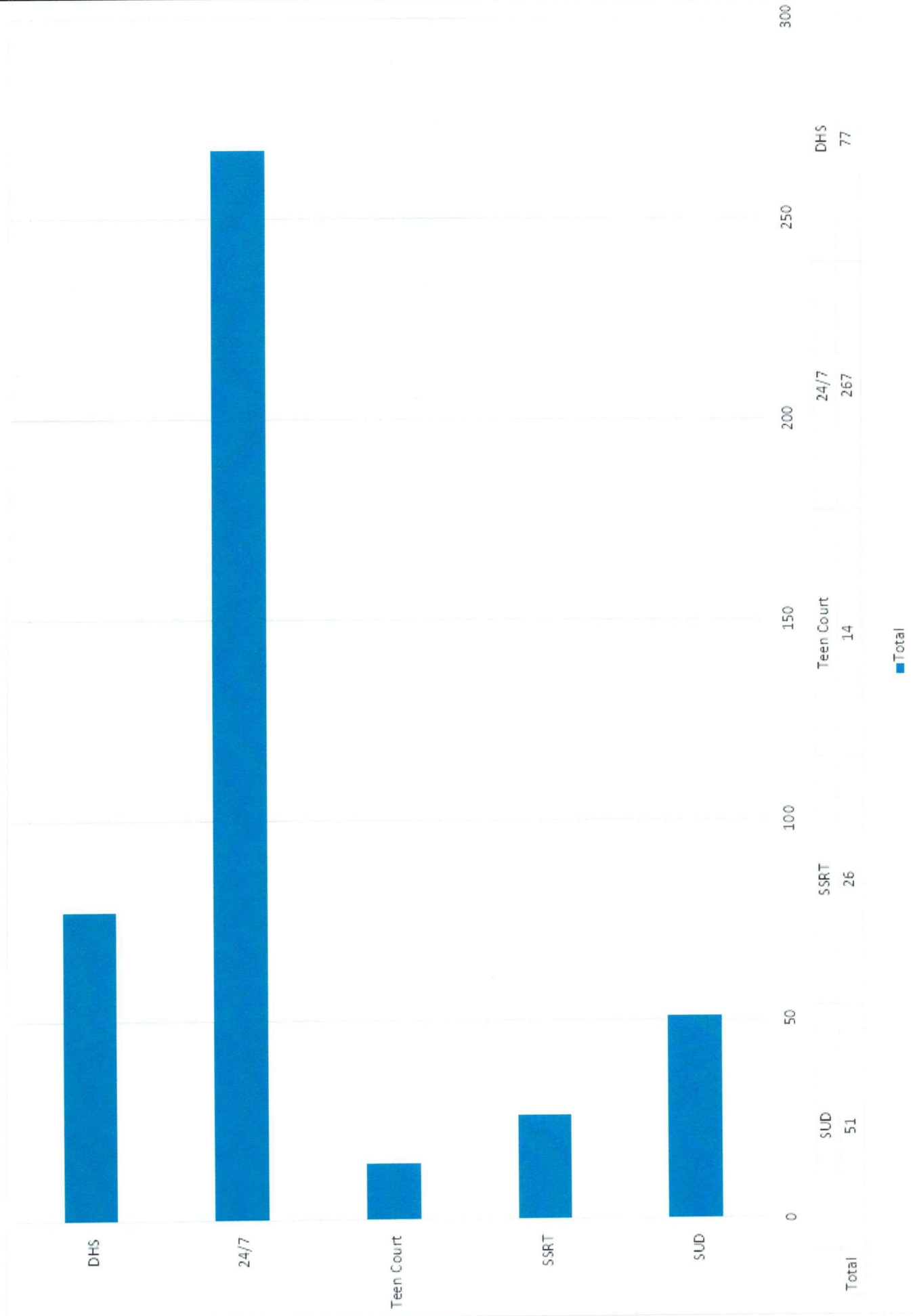


■ SUD ■ SSRT ■ Teen Court ■ 24/7 ■ DHS

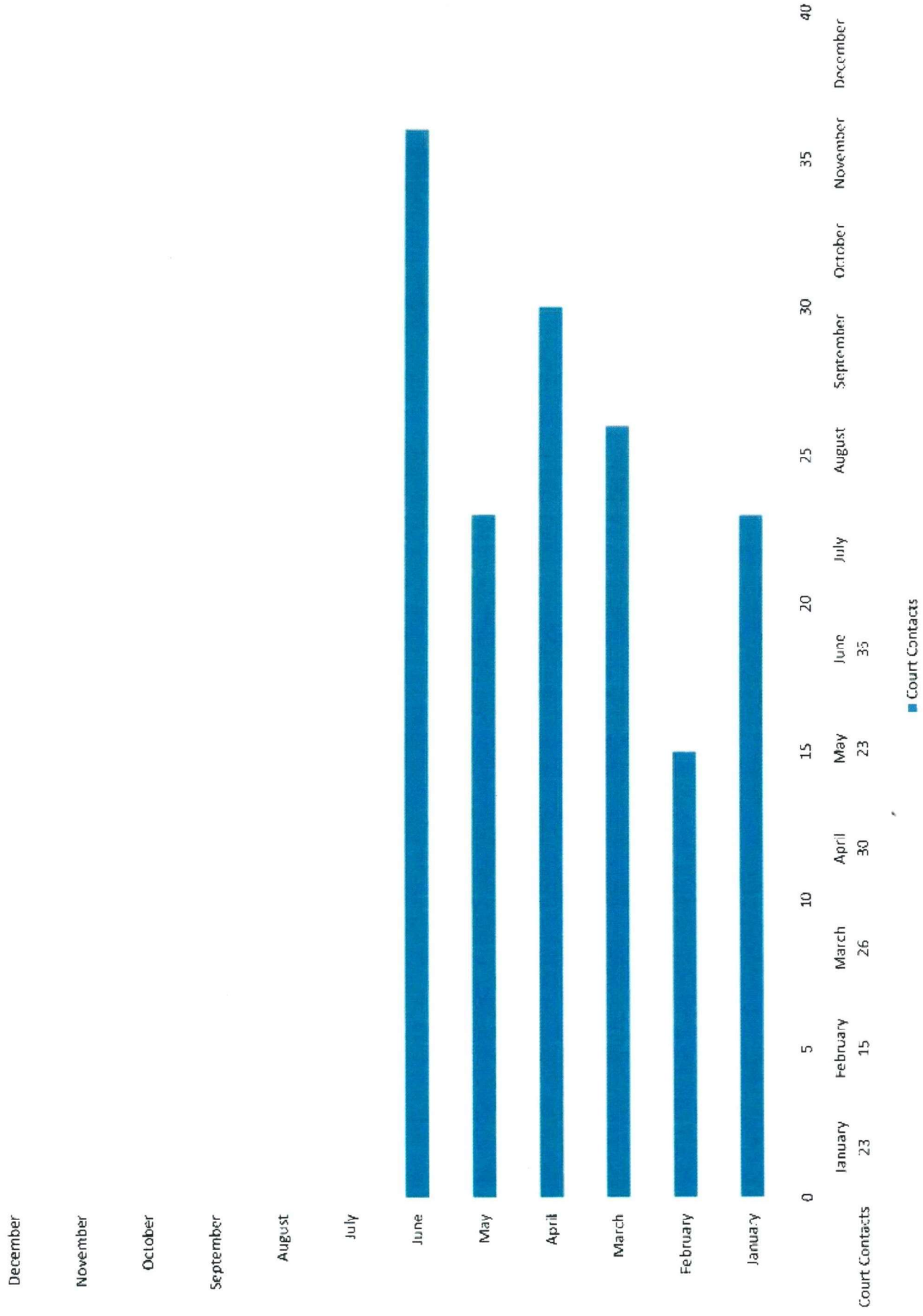
Resource Referral 2022



2022 Program Intake Totals



Court Contacts



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Resource Referral 2023

Dec.

Nov

October

Sept.

August

July

June

May

April

March

February

January

Housing

Insurance

SUD

MH

Food Resources

ADVOCAP

DWD

Employment

OWI

Drivers License

Transportation

Child Resources

SSRT

Medical

HELP

ADRC

Education

Leaven

211

FSET

Treatment

Unity

SSI

Sober Living

MAT

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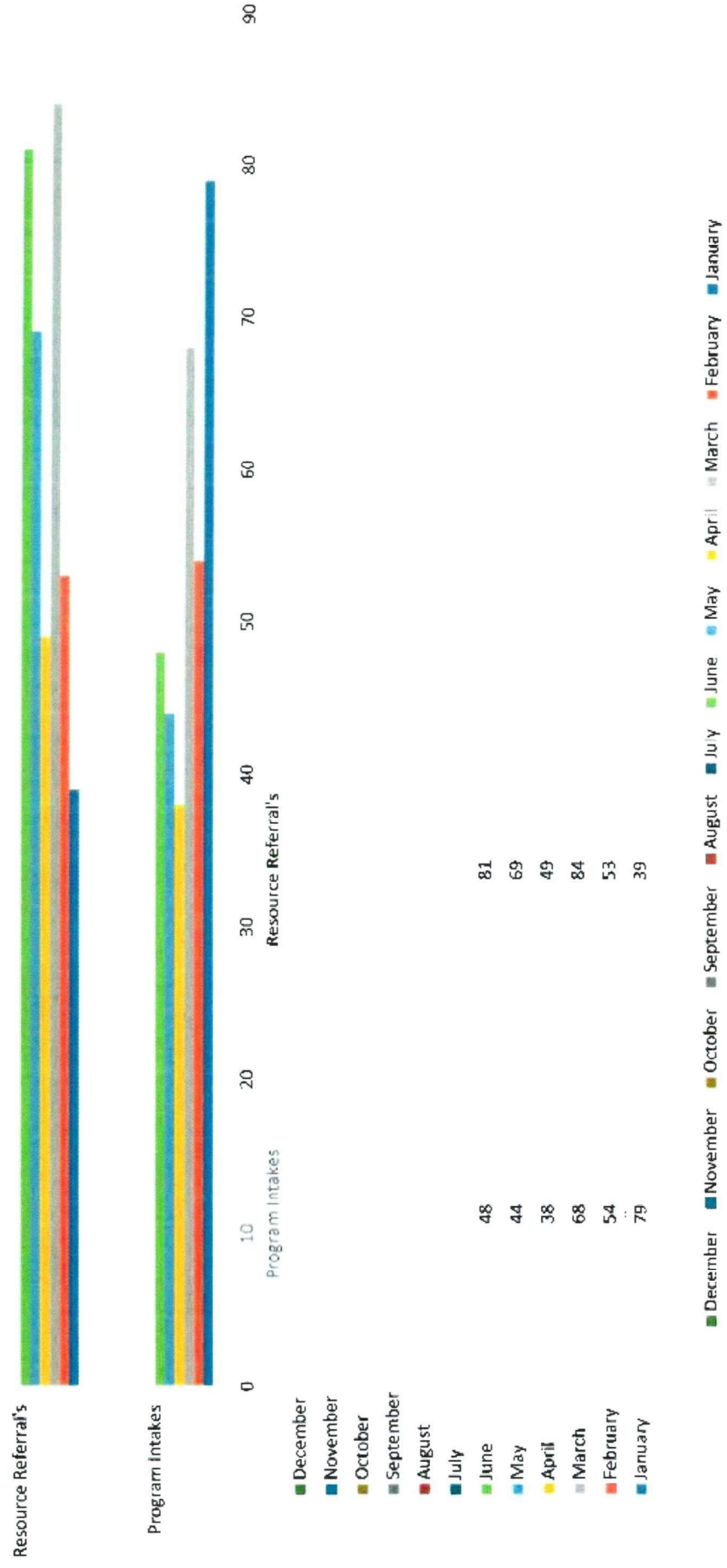
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2023 Intakes vs. Referrals Monthly



2023 Monthly Program Intakes

