



MEMORANDUM

TO: WCA County Ambassador Program Team Members and Guests for the October 23, 2013 Meeting

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate

DATE: October 15, 2013

SUBJECT: October CAP Team Meeting

Thanks to everyone who has registered to participate in the October meeting of the WCA County Ambassador Program. Our meeting is scheduled for Wednesday, October 23, 2013, at the Madison Concourse Hotel and the State Capitol in Madison, Wisconsin. The program begins at 9:00 a.m. Registration begins at 8:30 a.m. Enclosed please find a final agenda for the day.

Also enclosed please find the issue papers that we ask you speak to your legislators about on October 23. The three issues we ask that you discuss with your legislative delegation are as follows:

- Transferring Jurisdiction Over 17-Year-Old Offenders Back to Juvenile Court
- Treatment Alternatives and Diversion Programs
- Designating “Razing” from a Special Tax to a Special Charge

At the meeting, we will provide you with formal copies of these papers to distribute to your legislators, as well as additional supporting documentation.

A briefing on these issues will be provided prior to your Capitol visits. Please review the papers prior to the meeting and if possible, know the particular impacts of these issues on your individual county.

If you have not already done so, please contact your legislators to schedule a meeting time on October 23. In addition, if you are a member of the CAP Team and have not yet registered for the event, please contact me at the WCA office ASAP.

If you have any questions, please do not hesitate to contact me at the WCA office.



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COUNTY AMBASSADOR PROGRAM CAP Team Meeting

Wednesday, October 23, 2013

Madison Concourse Hotel
1 West Dayton Street
Madison, Wisconsin

AGENDA

- 9:00 a.m. Welcome and Introductions
Marty Krueger, President, Wisconsin Counties Association
Sarah Diedrick-Kasdorf, Senior Legislative Associate, Wisconsin Counties Association
- Legislative Briefing
Sarah Diedrick-Kasdorf, Senior Legislative Associate
David Callender, Legislative Associate
Kyle Christianson, Research and Legislative Associate
- 10:00 a.m. Capitol Visit Instructions
- 10:30 a.m. Capitol Visits
- Noon Lunch
Members of the CAP Team should return to the Concourse for lunch.
- Speaker: State Representative John Nygren, Co-Chair, Joint Committee on Finance*
- 1:00 p.m. Capitol Visits Continue
- 3:00 p.m. Return to Concourse
Report out on Capitol visits and closing comments
- 3:30 p.m. Adjourn

Note: If all of your Capitol visits are completed prior to lunch, please feel free to head home after lunch (once you have completed your Legislative Visit form).



TRANSFERRING JURISDICTION OVER 17-YEAR-OLD OFFENDERS BACK TO JUVENILE COURT

Wisconsin state statutes require county governments to operate and fund the juvenile justice system. County boards are required to authorize human services departments to provide intake and dispositional services to juveniles who are accused of violating, or have violated, a state law.

Wisconsin law defines a juvenile as any person under the age of 18 years. Prior to January 1, 1996, 17-year-old offenders were treated as juveniles. Under 1995 Wisconsin Act 27, 17-year-old offenders began to be treated as adults.

Since that time, research has indicated that juveniles are best served and the interests of the community are best protected from juvenile criminal behavior when the presumptive age for circuit court jurisdiction is age 18 years. Research shows that providing developmentally appropriate treatment is the best way to reduce future crimes. Incarcerating youth with adults increases the likelihood they will re-offend more quickly and more seriously. Quantitative research studies have found that juveniles handled in juvenile courts that have similar offense records and offenses as comparable juveniles handled in criminal courts in other states, in fact reoffend less often, less speedily, and less severely.

Legislation has been introduced at the state level (Assembly Bill 387 / Senate Bill 308) that would place first-time, non-violent 17-year-old offenders back in the juvenile justice system. However, the legislation fails to address the added costs to counties for serving this population. The cost to counties has been estimated at \$8 million to \$10 million annually.

Both the Wisconsin Counties Association (WCA) and the Wisconsin County Human Services Association (WCHSA) oppose the legislation until county costs are fully funded.

CURRENT STATUS: The Assembly Committee on Corrections held a public hearing on Assembly Bill 387 on October 3. No action has been taken in the Senate.

REQUESTED ACTION: Adopt the amendment (attached) to Assembly Bill 387 / Senate Bill 308 as proposed by WCA and WCHSA to fully fund county costs associated with this legislation.

TALKING POINTS:

- The costs associated with the implementation of Assembly Bill 387 / Senate Bill 308 are too great for counties to absorb within current resources.
- In 2010, counties reported spending over \$217.6 million on juvenile justice services. Of that amount, \$100.6 million was funded by youth aids and \$116.9 million came from other county funding sources, primarily property tax revenue. Since that time, state youth aids funding to counties was cut by 10 percent, or approximately \$10 million annually.
- While some proponents have argued that county costs will be minimal, there are numerous examples from counties across the state of 16-year-old first-time, non-violent offenders that have posed a significant cost to counties. Many AODA and mental health issues arise later in adolescence.
- If the primary purpose for bringing 17-year-olds back to the juvenile justice system is to provide them with the treatment and services they do not receive in the adult system, then it only makes sense for the state to provide the funding needed to offer such treatment and services.
- Failure to fund these costs places the whole juvenile system at risk, as the limited resources available to counties will have to be utilized on an increased number of juveniles.

Contact: Sarah Diedrick-Kasdorf, 608.663.7188

AB 387 / SB 308 Amendment Proposed by the Wisconsin Counties Association and Wisconsin County Human Services Association

- Change effective date of bill from January 1, 2015 to July 1, 2015.
- Create new sum sufficient state appropriation for the purpose of reimbursing counties for the costs associated with providing services to first-time, non-violent 17-year-old offenders.
- Counties to submit costs to the Department of Corrections for reimbursement of **all** expenses related to intake and disposition, including out of home placement and secure detention costs.

Notes:

Changing the effective date provides the state an opportunity to allocate funding in the 2015-17 state biennial budget for this purpose.

As all county costs must be covered for counties to support this legislative change, a sum sufficient appropriation is necessary.

The fiscal effect of this bill is unknown at this time; however, some have estimated the costs to be between \$8 million and \$10 million. The reason for recommending a reimbursement methodology versus placing the funding in youth aids is three-fold:

- A submission of actual costs of serving first-time, non-violent juvenile offenders will assist us in developing fiscal estimates down the road should the legislature wish to expand juvenile court jurisdiction to all 17-year-old offenders.
- If the cost estimates are exaggerated, then the state is only paying counties for the actual costs associated with this legislation.
- The funding will be directed to the counties that are incurring the expense of serving 17-year-old offenders.



TREATMENT ALTERNATIVES AND DIVERSION PROGRAMS

The Treatment Alternatives and Diversion (TAD) grant program enables counties to establish treatment programs that provide alternatives to prosecution and incarceration for offenders who abuse alcohol or other drugs. Current law prohibits individuals who have been previously charged with or convicted of a violent offense from participating in TAD projects.

Judges, prosecutors, human services professionals, law enforcement, corrections officials and others work together to develop and implement local TAD projects. Each county decides what type of project it will undertake and which offenders will be targeted. All TAD projects assess offenders' criminal risk, determine their treatment needs, and then continually measure the offenders' progress.

Nine counties around the state currently operate TAD projects in two major categories: drug treatment courts (Burnett, Washburn, Wood, and Rock Counties) and diversion/deferred prosecution projects (Ashland, Bayfield, Milwaukee, Washington, and Dane Counties).

TAD programs are proven to save money and reduce crime. An independent evaluation found that for every \$1 spent on TAD programs, taxpayers saved \$1.93 in future incarceration costs. The study also found that 76 percent of TAD participants had not been convicted of a new offense within one year of completing the program, and offenders who completed a TAD program were nine times less likely overall to go to prison than those who do not complete the program.

Based on these results, lawmakers increased funding in the 2013-15 state biennial budget by \$1 million annually for TAD projects and \$500,000 annually for treatment courts. More than 20 counties have submitted project proposals for the new funding, which begins next year. Additional funding for TAD may be included in the 2015-17 state biennial budget.

CURRENT STATUS: WCA is working with Rep. Garey Bies, the state Department of Justice, the Department of Corrections, the Department of Health Services, the State Public Defender's Office, and the Director of State Courts on legislation to give counties more flexibility in establishing TAD grant-funded programs. The bill, which is still being drafted:

- Allows TAD grants to fund projects throughout the entire criminal justice system, from post-arrest intervention to re-entry following incarceration and alternatives to revocation.
- Allows a wider range of individuals to participate in TAD projects. Currently, only non-violent offenders with substance abuse problems may participate in TAD projects. Under the bill, counties will determine which offenders will benefit most from TAD projects. The bill still prohibits those currently charged with violent offenses from participating in TAD, but lets counties assess whether individuals with **previous** charges or convictions may participate.
- Increases program accountability by giving oversight of the state TAD program to the Criminal Justice Coordinating Council, requiring evaluation reports to the Legislature every two years, and expanding reporting requirements to include a cost-benefit analysis.
- Increases the potential for more counties to participate by eliminating the current requirement for a 25 percent county match.

REQUESTED ACTION: Sign on as a co-sponsor of the bill when the final draft is completed and support the bill once it is introduced.

TALKING POINTS:

- TAD projects are voluntary, and each county determines the type of program it needs.
- TAD projects take a comprehensive approach to reducing crime and changing the lives of offenders by bringing together all elements of the local criminal justice system.
- TAD is a proven success. For every \$1 spent on TAD, counties and the state save \$1.93 on future incarceration costs. These results come from large and small, urban and rural counties.
- TAD expansion offers a smart-on-crime approach to dealing with many of the criminal justice system's most difficult problems, such as individuals with mental health needs, repeat offenders, and the transition from incarceration to the community.
- TAD expansion increases accountability for program success by requiring regular reports to the Legislature and regular review by the Department of Justice and the Criminal Justice Coordinating Council.

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DESIGNATING “RAZING” FROM A SPECIAL TAX TO A SPECIAL CHARGE

As Wisconsin recovers from one of the most severe housing market declines in history, the razing/demolishing of structures has become common throughout the state. Although demolition costs are expected to be paid by the property owner, current law specifies counties as the entity to bear unpaid costs.

Under current law, municipalities may place a raze (demolition) order on any building or structure for reasons stated in Wisconsin State Statute 66.0413(1). These reasons include if a building is old, dilapidated, out of repair, etc. The cost of razing the structure may be charged as a special tax against the real estate upon which the structure is located.

Unlike special assessments or special charges, counties are required to remit all special taxes in full to the municipality by August 20 of each year—regardless of whether the owner of the real estate paid the tax. There is little incentive for the property owner to pay taxes after the razing, forcing the county to pay the razing costs as a result of the municipality’s decision to demolish the structure.

According to county treasurers, razing costs can range from hundreds to tens of thousands of dollars. The county is not involved in the decision-making process to raze a structure, nor does the municipality seek the assistance of the county for razing services. Under current law, there is no requirement for the municipality to provide documentation to the county for their costs.

It is also common for the remaining vacant lot to be foreclosed on for delinquent taxes as a result of the large special tax for razing. This means the property becomes county-owned, but because the sale price of the vacant lot is typically less than the accumulated taxes and razing costs, the county is not able to recoup its costs once the tax lien has been foreclosed.

Representative John Nygren and Senator Luther Olsen have introduced Assembly Bill 415 and Senate Bill 328. The bills specify that razing costs may be assessed and collected as a special charge, but may not be assessed and collected as a special tax.

CURRENT STATUS: Assembly Bill 415 had a public hearing before the Assembly Committee on Urban and Local Affairs on October 15, 2013.

REQUESTED ACTION: Support passage of Assembly Bill 415 and Senate Bill 328.

TALKING POINTS:

- Municipalities make the decision to raze a structure and typically do not involve counties in the decision-making process. Counties should not be responsible for paying the costs.
- By designating razing costs as a special charge, as opposed to a special tax, counties will have the option, as with all special charges, of reimbursing the municipality for razing costs.
- Municipalities are responsible for inspecting properties and maintaining the safety of structures. Counties should not be responsible for razing costs when structures become unsafe or dilapidated.

Contact: Kyle Christianson, 608.663.7188