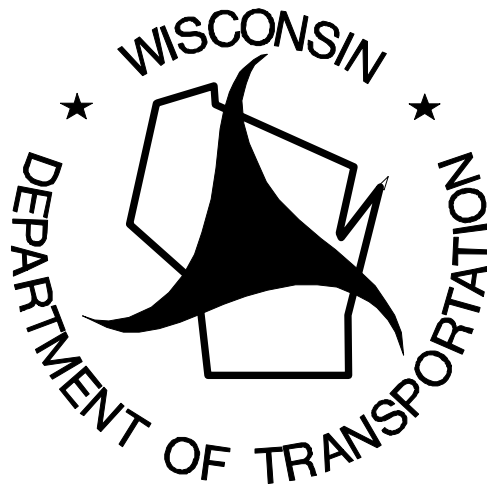


**Wisconsin's
Pretrial Intoxicated Driver Intervention Grant Program
Annual Report**

**2007 Federal Fiscal Year
October 1, 2006-September 30, 2007**



Prepared by: Wisconsin Department of Transportation, Division of State Patrol, Bureau of Transportation Safety

Background

Historically, Wisconsin has used fines, license sanctions and incarceration as consequences to drivers convicted of repeated Operating While Intoxicated (OWI) or a related offense. Experience suggests that incarceration alone does not alter the drinking and driving behavior of individuals with alcohol-related problems. In the last two decades, public policies have been designed that attempt to use education and rehabilitation to change the drinking and driving behavior of persons convicted of OWI. The more successful of these efforts build on the theory that intervention efficacy decreases as time passes between proscribed behavior and the resultant consequences. In other words, they emphasize intervention as early as possible in an individual's drinking and driving experience.

The pretrial intensive supervision program (ISP) concept was introduced to Wisconsin in 1993, with startup funding made available via a federal Section 410 Alcohol Incentive Grant. In response to the great promise shown in reducing OWI recidivism among drivers convicted of more than one OWI offense in the Milwaukee pilot ISP, the Wisconsin Legislature authorized state funding to support ISP efforts in the 1997-1999 budget. Continued federal Section 410 funding and state ISP grant funds administered by the Wisconsin Department of Transportation (WisDOT) Bureau of Transportation Safety (BOTS) may be used to initiate additional programs if State Appropriation 586 ISP matching funds are available.

Wisconsin State Statute Section 85.53 codifies the management of the formally named Pretrial Intoxicated Driver Intervention Grant Program and requires WisDOT to biennially submit reports on the program's effectiveness to the legislature. What follows is the *2007 Pretrial Intoxicated Driver Intervention Grant Program Annual Report*. It summarizes the 11 pretrial intoxicated driver intervention programs that were operating in Wisconsin between October 1, 2006 and September 30, 2007.

Introduction

Pretrial ISPs are court intervention programs that aim to connect the repeat OWI offender with assessment and treatment as soon as possible after arrest and before conviction. Offenders are monitored and allowed to live in the community while awaiting their court dates, as long as they comply with their court-ordered bond conditions.

Each Wisconsin Intensive Supervision Program includes three core elements, which are:

- Centralized supervision, structured participant program monitoring, uniform data collection, standardized review of program compliance, and professional evaluation of program progress in coordination with the criminal justice system.
- Provision for community supervision and monitoring of repeat OWI offenders from the time of arrest and formal charging through final adjudication.
- Development and coordination of an array of interventions for the offender while under community supervision which may include: referrals for substance abuse treatment; referrals to the county selected assessor to develop a Driver Safety Plan, including the completion of the state-required assessment; random alcohol tests and drug screens; and attendance at such relevant activities as victim impact panels.

Please note these core elements will be modified and expanded in the 2008 ISP report to reflect the following changes:

- Centralized supervision – all ISP participants will be supervised by one agency within a county or multi county area.
- Structured program participant monitoring will include –
 1. Intakes
 2. Regular office visits
 3. Monitoring of possible re-arrests
 4. Payment of program fees
 5. Any necessary referrals provided
 6. Monitoring of AODA treatment and follow through
 7. The definition of program rules and alcohol or drug testing.
- Uniform data collection – admissions to supervision, discharges from supervision, types of discharges, BAC at admission, gender, age, ethnicity, OWI offense at time of admission, number admitted to treatment, treatment status at time of adjudication, recidivism during supervision (charged with a new OWI offense), level of education.
- Monitoring program participants' follow through with treatment pretrial.
- Random preliminary breath tests and drug screening, as ordered by court
- Facilitating the completion of an assessment by ISP participants for the Driver Safety Plan Requirement
- Maintaining formal collaborative efforts, involving key stakeholders.
- Standard risk assessment tool approved by DOT.

While each ISP incorporates these operational processes into its program model, each county designs and implements a model that fits within its criminal justice system and can be supported through its community resources.

Funding

To qualify for state ISP funding county level supporters must be willing and able to underwrite a portion of the program's costs. Client fees, funding from county or municipal budgets, or funding from other local public or private sources are appropriate local revenue sources for ISPs. Local investment is augmented by the WisDOT BOTS.

The local share of ISP funding must be at least 50% of the total program costs. The remaining 50% non-local funding share is provided by Wisconsin ISP Grant Program funds. Federal seed monies funded ISP program start-ups during the first 5-years of the ISP Program existence, but presently no federal funding is involved. The local and State shares are split 50/50, with 100% of the non-local share coming from available Wisconsin Pre-Trial Intoxicated Driver Intervention Grant Program funds authorized in Wis. Stats. 85.53. Please note that State funds authorized in the statutes are not sufficient to cover program needs and do not allow for the replication of the ISP model in any new counties.

Wisconsin's Intensive Supervision Programs

The first ISP in Wisconsin, which grew out of the Milwaukee county pilot in 1993, continues to operate. In 1998, ISPs were established in Kenosha, Eau Claire and Marathon counties. Additional ISPs started in Waukesha County (1999), Chippewa, Forest, Vilas, Oneida, and Racine counties (2000), and Portage, Trempealeau and Sheboygan counties (2002). Private interests, whether non-profit social service agencies (9 total) or for-profit (2 total) consulting firms, operate all of the programs. One agency oversees four ISPs; two other agencies oversee two programs.

The following brief descriptions of each of Wisconsin's eleven existing ISPs illustrate similarities and differences between the programs. The ISPs are described in order of their origination dates.

Milwaukee County (1993)

Wisconsin Community Services Inc. (WCS), a private non-profit social service agency, has administered the Milwaukee County Pretrial Intoxicated Driver Intensive Supervision Program (ISP) since the program began in 1993. In 2004, administration of the funding for the ISP was transferred to the Milwaukee County Circuit Courts.

Participants enter the Milwaukee ISP program by court referral or court order. In the early years of program operation, all participant admissions were voluntary participants, but now the majority of participants are mandated by the courts to participate in the program as a condition of release from custody.

Participants who have committed a second or subsequent OWI offense, who have been released on bail or on personal recognizance are permitted in the program.

Participants remain in the program until final adjudication of their OWI case or the judge determines the participant has achieved the maximum benefit from the program. Program length is based on the time it takes for the case to reach final adjudication. The average length of stay in the program is currently 135 days, but may be shorter or longer depending on the circumstances of the case and the court calendar.

Once admitted to the ISP program, the ISP participants are referred for an alcohol and drug abuse (AODA) needs assessment conducted with the local state designated agency, IMPACT, to generate a Driver's Safety Plan. If the AODA assessor recommends treatment, the participants who are covered by private insurance are referred to their healthcare provider to access those services. If the person has no insurance and qualifies, treatment is provided through a county voucher.

Victim Impact Panels are co-sponsored by WCS and the Behavioral Health Division of Milwaukee County and are held every quarter. ISP participants are required to attend a Victim Impact Panel.

Participants are initially scheduled for two office visits per week with their case manager. They are subject to random drug/alcohol testing, and they receive referrals to community-based alcohol and drug related support groups and any other supportive services that will minimize behavior that could lead to re-arrest or failure to appear at a scheduled court hearing. If the participant is compliant, has paid their program fee, and has completed IMPACT, the required office visits are reduced to once a week.

Should program participants miss a scheduled office visit with their case manager, they are called to determine the reason the appointment was missed. If the phone call does not lead to contact, then participants are mailed a letter advising them to contact their caseworker immediately. If appointments are not kept or program conditions are not met, program staff may ask the court to admonish and warn the participant. Reports on program compliance are filed with the court of jurisdiction at every scheduled event. Missed appointments and positive drug tests are reported as they occur. Milwaukee County allows for the possibility of issuing a bench warrant if the participant fails to appear for a scheduled court hearing or for other violations of the conditions of release.

The Milwaukee ISP program utilizes the Milwaukee County Pretrial Services database. The database is maintained by Milwaukee County through the pretrial services budget. WCS case managers record all participant related activity, cases, court appearances and arrests as they occur. Case dispositions are entered as well as referrals and treatment outcomes. The cases are closed shortly after sentencing. If a subsequent arrest for OWI occurs while the defendant is under supervision, the participant's new charge is added to his/her history in the database.

In April 2005, the ISP started a pilot project with SCRAM (Secure Continuous Remote Alcohol Monitor) bracelets. The bracelet fits around the ankle and provides 24/7 monitoring. The bracelet is tamper-resistant, water-resistant and wear-resistant. The bracelet automatically tests for alcohol through the participant's sweat at least once per hour. Data is stored and then transmitted at a pre-determined time through a modem to the reporting center. The reporting center then notifies the program when there is a confirmed drinking violation or tampering.

To date, 653 participants have completed SCRAM. The bracelets are for high-risk OWI pretrial participants. The criteria to be a candidate for a bracelet are:

- Any 4th or greater OWI
- An aggravated 3rd OWI (if Blood Alcohol Concentration (BAC) is .16 or higher; or other pending OWIs; or it is within 24 months of conviction for second offense)
- Any participant currently in the OWI program who is arrested for another OWI during pretrial supervision
- Current participant who has two or more consecutive positive preliminary breath tests (PBTs), missed office visits and not attending treatment

The criteria for bracelet removal after 40-45 days are:

- Compliant with office visits/supervision
- No violations (with bracelet)
- No re-arrest for ANY offense

The ISP handles the first violation internally. A second violation is reported to the court and the court decides what action may or may not be taken. There have been very few violations to date. Participants report that the bracelet serves as a constant reminder that relapse will be detected and the court will be notified. This assists them to avoid relapse.

The ISP continues to enjoy support from the Milwaukee Circuit Court judges who cite the program as one of the most important resources the courts have for dealing with repeat OWI participants.

For more information, contact Sara Carpenter, (262) 993-2581, sccarpenter@wisconsin.gov.

Kenosha County (1998)

Since April 1998, under the direction of the Kenosha County Sheriff Department, Wisconsin Community Services, Inc. (WCS) has administered the county's Pre-Trial Intensive Supervision Program (ISP).

Most, if not all repeat offenders are mandated to participate in the ISP. The pattern appears that except in special circumstances (such as being an Illinois resident) all defendants are ordered to participate. The current staffing structure is one full-time supervisor/caseworker, working in conjunction with a second full-time and one part-time caseworker.

At the intake interview, staff collects information regarding the defendant's employment background, use of alcohol and drugs, treatment history, and family information. Information is also gathered on the individual's past driving record and prior contacts with the criminal justice system. A supervisory plan is then developed based on the background and assessment information.

Defendants who participate in the ISP are strongly encouraged to complete a Driver Safety Plan assessment. All Program participants are expected to enroll in formal AODA treatment of some type (self-help programs, such as Alcoholics Anonymous (AA) and Self-Management and Recovery Training (SMART), generally do not qualify as treatment per se), regardless of whether or not they complete a Driver Safety Plan assessment. In nearly all cases where a defendant participates in and completes primary AODA treatment, the judge takes program participation into consideration at the time of sentencing, and will very often deviate significantly downward from the sentencing guidelines for the particular offense and blood alcohol concentration. Completion of a Driver Safety Plan assessment and entry into treatment prior to sentencing allows a defendant earlier insight into his or her alcohol use and whether they might have a problem.

In Kenosha County, the bond condition states that ISP participants must report to WCS and comply with supervision and program requirements. While in the program, participants are subject to random drug and alcohol tests and are encouraged to attend a Victim Impact Panel organized by Mothers Against Drunk Driving (MADD).

Each workday, ISP staff track repeat offenders with new offenses in Kenosha County. The program supervisor reviews the daily intake court calendar and the jail-booking list, which is then cross-referenced with Wisconsin's Consolidated Court Automation Program (CCAP). This allows the tracking of all repeat OWI arrests and determines whether offenders have been stipulated to participate in the ISP. This also allows for prompt identification of program participants who have re-offended.

The length of program participation is largely determined by the time it takes for an individual to be established in treatment. The judges typically keep the case open until the defendant has significantly completed the recommended treatment program. The average length of the program is approximately six months from entry into the program until final disposition.

The Kenosha ISP program, via the caseworkers, has daily interaction with the Kenosha County Circuit Court system. Caseworkers submit compliance and non-compliance reports to judges, assistant district attorneys, and defense attorneys. At the time of sentencing, everything that the offender has undergone, in terms of AODA treatment, is presented in a report to the Court. The same holds true when a defendant has refused to cooperate with the recommended treatment plan.

Defendants are given both the incentive and opportunity to alter their behavior while they are still in the community. Because the objective of the ISP is to produce lower rates of OWI recidivism and related traffic offenses, the community has a favorable opinion of the program. The daily interaction with the judicial system has given the courts greater assurance that any pretrial misconduct will be detected and that the individual's efforts to address his/her substance abuse problems will be documented. The alcohol-treatment community supports the program by providing timely AODA assessments and treatment services.

For more information, contact Sara Carpenter, (262) 993-2581, sccarpenter@wiscs.org.

Eau Claire County (1998)

Triniteam Inc. (Triniteam), a not-for-profit social services agency has administered Eau Claire County's Intensive Supervision Program (ISP), since the program's inception in June 1998. Known locally as the Intoxicated Driver Intervention Program (IDIP), this ISP is designed to serve those charged with a second, third, or fourth OWI offense. An individual meeting this criterion is asked to contact Triniteam to learn about IDIP, so he/she may make an informed choice regarding whether or not they will enroll in the program. Participation in the IDIP is voluntary.

Successful completion of IDIP results in a reduction in sentenced jail time for the participant – typically 50%. This reduces jail cost for the County, while giving individuals the opportunity to address issues that impact their drinking and driving behavior. In addition to helping repeat offenders “turn their lives around”, and creating significant savings in county expenditures toward jail costs, the IDIP increases overall community service (a requirement for all IDIP participants), and enhances public safety. In fact, if IDIP results in individuals stopping their otherwise continued pattern of drinking and driving, the program may actually help save lives.

Triniteam provides case management services for IDIP participants, verifying what pertinent services/requirements each participant has completed and reporting participant progress to the Court. Timeliness is established for each participant, to encourage timely completion of the required substance use assessment and Driver Safety Plan requirements, including any treatment recommendations. IDIP also provides monitoring via random breath analysis (BA) testing conducted six times per week. Occasional urinalysis is also conducted.

In addition, Triniteam coordinates the Victim Impact Panel (VIP), which all IDIP participants are required to attend. Panel members can include individuals who have had a family member killed by, or have themselves been permanently injured by someone driving under the influence of alcohol. Other panel members include individuals who have killed or injured someone as a result of his/her own driving under the influence of alcohol. The VIP helps IDIP participants better understand the possible tragic results of driving after drinking and what a great impact just on mistake can make.

In summary, in order to successfully complete IDIP a participant must (within appropriate time frames):

- Complete his/her substance use assessment and fulfill requirements of their Driver Safety Plan
- Plead “guilty” or “no contest” to their pending OWI charge
- Meet with their case manager as scheduled (typically once per week)
- Call in Monday through Saturday each week to determine if they have been selected for random breath analysis testing.
- Cooperate with and complete requested urinalysis and breath analysis testing
- Attend a Victim Impact Panel
- Complete assigned community service hours

Potential program participants are informed of Triniteam’s IDIP at their initial court appearance. Final sentencing of an IDIP participant is deferred until the participant completes or is otherwise discharged from the program. A participant who successfully completes IDIP is given a reduced sentence according to locally established judicial sentencing guidelines, which typically amounts to 50% less time in jail. If an IDIP participant does not successfully complete program requirements, they are not eligible for reduced sentencing.

The typical duration of IDIP services is three to six months. The 2007 IDIP fee for participants was \$200 for those charged with a second offense OWI, \$300 for those charged with a third OWI, and \$400 for those charged with a fourth OWI. A 10% fee reduction was granted for those paying the fee in full at the time of their enrollment into the program.

For more information contact Rob Peitzman, (715) 836-8106, triniteam@discover-net.net.

Marathon County (1998)

Since its inception in July 1998, the Marathon County Intensive Supervision Program (MCISP) has functioned within Marathon County's Community Corrections Project. ATTIC Correctional Services, Inc. is the service provider. The objectives of the Marathon County Community

Corrections Project are to reduce recidivism, alcohol-related motor vehicle crashes, and taxpayer costs associated with prosecution and incarceration.

This program provides services to a larger population than just OWI repeat offenders. ATTIC also provides the MCISP pretrial/post-adjudication supervision and services to repeat Operating After Revocation (OAR) offenders. The inclusion of OAR offenders makes the Marathon county program unique among ISP efforts in Wisconsin. The population in the MCISP consists of approximately 70% OWI offenders and 30% OAR offenders. Approximately 80% of all OAR offenders referred were also arrested for OWI.

The program recognizes that there is a group of drivers in the community who are not effectively deterred by public awareness messages and existing sanctions. These offenders continue to drive even after suspension or revocation of their licenses. MCISP is designed to intervene and monitor the offender's compliance with judicial orders and to connect the individual with appropriate program/treatment services.

The MCISP population consists of 82% pretrial and 18% post sentence offenders. Judges, the district attorney's office, the public defender's office, and the Department of Corrections refer offenders to MCISP. Repeat OWI and OAR offenders enter the program as a condition of bond, on a voluntary basis, as an alternative to revocation, as a deferred entry of judgment or as a post-sentence Electronic Monitoring Program (EMP) participant.

The program averages 47 referrals each month. In Marathon County, individuals must meet certain eligibility requirements to enter the program, including:

- Have one or more prior OWI convictions and/or have a prior OAR conviction
- Be charged in Marathon County
- Have no current pending charges for violent offenses
- Must be physically/mentally able and demonstrate a willingness to comply with expectations of the program.

After referral, ATTIC Correctional Services follows up with the potential participant at one of the following points:

- At court intake (approximately 78%)
- In conjunction with the EMP program (17%)
- At the pre-trial conference (4%)
- Voluntary (1%)

After the offender is referred, an initial screening interview is scheduled within seven days. At the interview, a need/risk screening is conducted. This may include the following screening tools: the Adult Substance Use Survey, the University of Rhode Island Change Assessment, the Level of Service Inventory-Revised (short version) and AODA pre-test.

Once the screening is completed, an individual case plan is designed based on the offender's needs and willingness to participate. Participants may be assigned to urinalysis and breathalyzer testing, relapse prevention and corrective thinking groups and referrals are made to local agencies to provide individual and group counseling as needed. ATTIC works in conjunction

with Marathon County Justice System, as well as with Mothers Against Drunk Driving for Victim Impact Panels. In September 2002, breath analysis and urinalysis tests went from scheduled to random in order to serve the increased population as well as hold the offenders more accountable.

MCISP provides continued case management services, such as employment assistance, financial budgeting, and court liaison services. On average, participating offenders are in the program for 127 days (pretrial), and then continue in the program as post-sentence offenders for two to nine months. The average length of stay in the program is 169 days. Program length varies based on individual factors of each case. Factors include identified needs, case status and length of EMP sentence. Post-tests are given at completion of the program to gauge changes in attitudes and beliefs, thinking patterns, and AODA knowledge.

Tracking repeat offenders in the MCISP is done through self-reporting of new offenses, coordination with the EMP case manager and Department of Corrections agent, Wisconsin Circuit Court Access Project, and WisDOT driver record checks.

ATTIC provides one-to-one case management, weekly/daily check-ins, coordination with intervention (outlined above), and progress reports to the Marathon County judicial system. Interaction with the judicial system is via regular written/verbal communication. The program coordinator attends and assists the district attorney's office with program referrals at initial traffic court appearances, which are held weekly.

Marathon County's ISP has received a positive response from the county judiciary and system stakeholders, based on the number of referrals received monthly.

For more information, contact Laura Yarie, (715) 261-1191, layarie@mail.co.marathon.wi.us.

Waukesha County (1999)

The Pre-Trial Intensive Supervision Program (ISP) in Waukesha County began in 1999, with administration and services provided by Wisconsin Community Services, Inc. (WCS). WCS also operates programs in Milwaukee, Kenosha, and Sheboygan counties. The program began with the mandatory participation of offenders charged with a third or greater Operating While Intoxicated (OWI) offense. In March of 2001, the program was expanded to include all repeat OWI offenders, second offense or greater, thus tripling the client caseload. The Waukesha ISP staffs four full-time and one part-time caseworkers, in addition to some prorated supervisor time. The program receives an average of 75 to 82 new clients each month and maintains an active caseload of 420-480 clients. Ongoing concerns with excessive caseloads in the last couple of years led WCS and key stakeholders within Waukesha County to establish new criteria for participation in the ISP. In 2007, the Waukesha ISP imposed new criteria to reduce caseloads to manageable levels to ensure continued quality supervision, thus no longer serving all repeat offenders. The criteria excludes specific second offense drunk drivers and all of those repeat offenders who reside outside of the nine surrounding counties from being referred to the ISP.

The Waukesha County District Attorney has implemented a fast track charging system, whereby all repeat offenders are charged and must appear in court within seven days of arrest. As a

condition of bail, all offenders (meeting criteria for participation in the program) are ordered to the ISP and must report to WCS within forty-eight hours of the initial court hearing or within twenty-four hours of release from custody if cash bail was ordered. The fast track charging system allows for community supervision and monitoring from time of arrest and formal charging through final adjudication.

A caseworker meets with the defendant, completes an intake interview, and orients the individual to the program. At this time, they explain bail conditions and discuss treatment options. The needs assessment consists of the defendant's present situation, past adult arrest record, education history, current employment information, family situation, as well as alcohol/substance abuse, mental health, and/or treatment history.

All defendants are informed that if convicted, an AODA Driver Safety Plan assessment (DSP) will be ordered, so they are encouraged to try to complete it prior to adjudication. All ISP clients are required to enroll in some type of AODA treatment or education program during supervision and are informed that completing an assessment will ensure a referral to the proper treatment level. All third and greater OWI offenders are ordered at sentencing to attend a Victim Impact Panel. ISP staff also strongly encourages those offenders to complete this obligation prior to conviction. Treatment is not the same for all participants and ranges from education classes to as much as residential or inpatient treatment based on the individual offender's needs.

Centralized supervision is conducted by requiring the defendant to report to the Waukesha office several times weekly. Most clients must report in two times per week; however, supervision can be individualized (based on clients' risks and needs). Levels of supervision are reduced to once weekly as clients are established in the program and meet all program requirements (consistent attendance, no positive alcohol/drug tests, involved in treatment, and program fee paid in full). Random breath tests and drug screens are conducted at office visits. Caseworkers also monitor clients' progress in treatment. Participants may also be referred to other community agencies to assist them in meeting their needs, further ensuring a successful pretrial. The average length of stay in the program is six months or until the case is adjudicated.

Interaction with the judicial system is done through progress reports filed with the Court at each court appearance, and if any non-compliance occurs the Court is notified immediately. Non-compliance is defined as continuously missing appointments, having a positive alcohol or drug screen, or not complying with treatment requirements. Offenders who are compliant and successfully complete the program receive consideration at sentencing, typically an average reduction of thirty days in their jail sentence. This is of particular interest on a local level due to the jail overcrowding issue in Waukesha County. By reducing the jail sentence of OWI offenders who comply with treatment at the pretrial stage, the program saves an estimated 16,000 to 18,000 jail days a year.

This program receives tremendous support from the judicial system and alcohol treatment community. The Courts review non-compliance reports submitted by the program and may review the bail situation if non-compliance continues. WCS has a collaborative working relationship with the Addiction Resource Council, Inc., for the Driver Safety Plan assessments, local treatment providers, and the Waukesha County Department of Human Services for

treatment of indigent clients. WCS is a member of the steering committee and plays an active roll in facilitating Victim Impact Panels in Waukesha County.

WCS also works closely with the Waukesha County Criminal Justice Collaborating Council (CJCC) to enhance and improve services in this area. The CJCC was established in October 2002 and is comprised of key stakeholders within Waukesha County's criminal justice system. The CJCC contributes to the program's funding and provides oversight of major program developments and concerns. The CJCC has implemented a special Alcohol Treatment Court to further address the serious issue of drunk driving in Waukesha County. This follows the Drug Treatment Court model, which utilizes a holistic approach to the offender, celebrating and rewarding successes and providing immediate judicial consequences for noncompliance. The current ISP works in collaboration with this special court.

For more information, contact Sara Carpenter, (262) 993-2581, sccarpenter@wiscs.org.

Chippewa County (2000)

The Intoxicated Driver Intervention Program began in Chippewa County because there was a high percentage of OWI repeat offender in the community. Community Counseling Services has been the assessment agency for Chippewa County for 23 years and has hundreds of court orders for assessment on file where the OWI offenders had never made contact with the Community Counseling Services office to complete the assessment and driver safety plan as required to be licensed after an OWI arrest. Instead those offenders continue to drive without a license and more importantly, without addressing any problem they may have with alcohol or drug abuse. The objective is to give those OWI offenders some incentive to address their alcohol/drug use, which caused the OWI arrest, then help and encourage them to make changes to improve their lifestyle. The overall program is designed to reduce repeat OWI arrests and making the roadways safer.

The Chippewa County IDIP has been in operation since January 2000. Clients are referred to the program by local police and sheriff departments, attorneys, the district attorney's office and courts. Clients are contacted as soon as an arrest citation is received. It is important to have contact as soon as possible for the best outcome of behavior modification to occur. An intake is scheduled that focuses on treatment needs. Program requirements are explained and information is gathered about the client. Clients are referred to treatment or assessment. This is a voluntary program for second, third, and fourth OWI offenders and mandatory for fifth time offenders and above as a condition of bond.

Program elements are as follows:

- An extensive intake, which includes personal biography and alcohol/other drug history. Clients complete a goal sheet and sign an agreement to follow the components of the program. Releases of information are signed for all agencies that will assist in client's programs. All information at this agency is considered confidential.
- Total abstinence from alcohol/other drugs. If there is a relapse, the next level of care is required to remain in the program.
- Attend weekly meetings at the IDIP office to ensure that the client is following the program requirements and having no difficulty doing so.

- Be involved in AODA assessment and/or treatment programming.
- Attend monthly meetings that focus on the irreversible consequences of an OWI.
- Complete community service, if required.

The program is for all repeat OWI offenders arrested in Chippewa County. Participation in the program lasts between three and five months. There are times when the program is extended if it is determined that the client needs more time to have a successful outcome. Failure to remain abstinent will be viewed as loss of control. Clients may need more structured or intense treatment, attend additional sessions at our office and be tested daily for alcohol/other drugs. The extra office visits and testing are ways to give the client more accountability and support to remain sober.

If the client meets the requirements of the IDIP, the court will reduce jail time and substitute community service. By being involved in nonprofit organizations clients become part of the community. Many clients continue volunteering after the community service hours are complete. Clients are held responsible for the OWI offense by giving 25 and 300 hours back to the community in addition to jail time. Since beginning IDIP in 2000 these community service workers have invested over 52,000 hours. The estimated savings in jail costs to the community since the program began is over \$1,300,000, basing that number on \$40 per day, per inmate.

For more information, contact Arlene Eslinger, (715) 723-1221, arleneeslinger@sbcglobal.net.

Forest, Vilas and Oneida Counties (2000)

The Human Service Center in Rhinelander is the central location for the Intensive Supervision Program, which began in July 2000 for Forest, Oneida, and Vilas Counties. Initially there was one full time case manager and one half time case manager/coordinator for the program. Recently, staff levels have increased to include three full time case managers/OWI assessors. Program oversight now lies with The Human Service Center AODA Administrator. This change has allowed the program to expand over the three counties, have more frequent contact with the county court systems, and be more readily available to clients.

Due to the large area of these three counties, the ISP case managers travel to the clients. Many clients live in very rural areas, are without a driver's license, have limited resources for travel, and have little or no access to public transportation. These factors impede client compliance with the program and are the reasons it is important that the manager travel to meet the client. Local AODA providers willingly offer space for the case managers to meet with the participants.

The program initially served second and subsequent OWI offenders. The number of participants was too large for limited staff, so the program was scaled back to serve only third and subsequent OWI offenders. Currently the program serves second and subsequent offenders. Occasionally, the judicial systems will also refer first time offenders who have substantially high blood alcohol levels or were also involved in crashes. While many clients involved in the program have never received alcohol and drug treatment services, others have been involved in both alcohol and drug services, as well as mental health services, for long periods of time. The focus of the program remains on intervention no matter which type of client is participating.

Admissions procedures have remained unchanged since the inception of the program. Participants volunteer or are encouraged to participate by judges or attorneys. The goal is for the case manager to contact the client as soon after arrest as possible because this is when the client appears most willing to evaluate his or her situation. An individual session is scheduled and an evaluation is completed. The client could be referred to AODA outpatient or residential treatment or to mental health counseling. Unfortunately, there are lengthy waiting lists for treatment services. In response, the case managers developed support groups in Oneida and Vilas counties. These support groups have allowed clients to stay connected and focused until treatment services can begin.

Case managers follow clients until they are fully engaged in services and/or they have been convicted and sentenced; whichever comes last. The average length of involvement with the program is four months. This period may be extended depending on the court schedule and programming in which the client is engaged. The case manager works closely with service providers as well as other professionals or family members in the client's life. The program works with the county jails to allow clients to continue their involvement while incarcerated. The case manager also completes the court-ordered OWI assessment, when timing is appropriate. This encourages the client to continue analyzing personal use of chemicals and makes for a smooth transfer of services at the time of discharge from the program. The program does not include drug testing, as the focus remains on intervening on the abuse or dependency of the client. Initially the program did not charge a fee for this service; however, a client fee of \$150 is assessed to each participant.

Judges and district attorneys in Forest, Vilas and Oneida counties support the ISP. Prior to sentencing, the court reviews participation status, progress and treatment recommendations submitted by the ISP case manager. At the time of sentencing, the court may reduce the sentence or stay the sentence depending on the client's status in the ISP. When sentences are stayed, the client is required to follow through with all the recommendations; failure to do so results in the maximum sentence being imposed on the individual.

For more information, contact Tamara Feest at the Human Service Center, (715) 369-2215, tf@thehumanservicecenter.org.

Racine County (2000)

In August 2000, the Racine County Sheriff's Department received funding from WisDOT to begin operating a Pretrial Intensive Supervision Program. Zimmerman Consulting, Inc. administers the ISP on a daily basis.

The Racine County Court Commissioner orders all defendants charged with second or subsequent OWI to participate in the ISP. The conditions of bond may also include other requirements, such as curfews, community service, electronic monitoring, and alcohol/drug testing. After the initial bond hearing, the defendant and his or her attorney are given a brochure outlining the ISP.

Admission to the program begins with an interview with a case manager, who reviews the defendant's criminal history, current case status, and social and family history. The case manager reviews the requirements of the program with the participant and develops a plan of

intervention. A urine specimen is collected to test for use of controlled substances, and a breathalyzer test is given to determine breath alcohol concentration.

Participants are expected to comply with all program requirements and their plan of intervention until the final disposition of their case, which generally ranges between three and six months. Specifically, participants are required to comply with the following:

- Attend all scheduled court hearings and appointments.
- Cooperate with all program plans according to their plans of intervention, which includes attending AODA meetings or self-help groups.
- Abstain from the use of alcohol and illegal drugs.
- Be available for random drug and alcohol testing.
- Contribute \$150 to the cost of the program (program fee ordered as a condition of the bond).

Once enrolled in the ISP, an AODA assessment is completed so that a Driver Safety Plan can be developed. Participants are required to pay the vendor for this assessment. The case manager uses the assessment results to develop a plan of intervention. Program requirements include at least one weekly on-site visit in addition to other in-person, telephone, or collateral contacts. During the weekly on-site visits, the case manager reviews progress, compliance, and activity level. During these sessions, the case manager:

- Collects attendance slips to verify participant presence at self-help groups and other required meetings.
- Assesses overall progress.
- Updates address, employment status, and other information as necessary.
- Conducts alcohol and drug tests.

Participants who violate ISP rules are sanctioned. These sanctions range from increases in case management contacts to revocation of bail, depending on the rule violation. Case managers provide written reports to the court detailing program requirements that the defendant complied with and those that were violated.

Any program violation that includes a positive test for alcohol or illegal substances will cause a report to be written immediately by the ISP case manager and submitted to the appropriate court. A bond review hearing is scheduled within two to four days. The commissioner or judge determines the appropriate response.

For more information, contact Jerry Solem, (262) 632-1780, <mailto:ZC11@ameritech.net>.

Portage County (2002)

The Portage County Intensive Supervision Program (ISP) continues to function within the County's Community Justice Programs Project. Services are provided through a contract with Attic Correctional Services. Administration of the program is performed by the Justice Programs Director within the Department of Justice Programs that is now under the direct supervision of the Portage County Executive. The project continues to be guided by the Portage County Justice Coalition, which is a group of system stakeholders, county board members, service providers, and citizens.

Portage County has continued to examine the local criminal justice system needs for a new courthouse, jail and expanded intervention services. As those needs are detailed and costs are forecasted the community gives input. The local expectations for accountability and offender change are shaping the recommendations and resource allocations for the coming year (and years to come). There are no major changes in the Justice Programs Department until those plans are complete and the community has responded to the recommendations. Those should be developed and approved by summer of 2008.

Through 2007, the impact of the program on key objectives was monitored. These objectives are to reduce non-compliant behaviors, repeat offenses and taxpayer costs related to criminal prosecution and incarceration. This is accomplished through offender screening, supervision, case management, programming and referrals to community agencies. The outcomes of these strategies are monitored and consultants profile the impact in terms of recidivist behaviors and offender progress. Several trends need additional in depth examination. Including:

- A similar number of referrals for new multiple OWI offenses in 2007 (132 in 2006 and 130 in 2007).
- An increase in the number of detected major program violations (16 in 2006 and 21 in 2007).
- An increase in the number of Driver Safety Plans completed (29 in 2006 and 31 in 2007). The majority (29) of these were completed pre-conviction in 2007 instead of post conviction (2).
- A decrease in the number of OWI related offenses in Portage County beginning in 2004 (525 in 2004, 463 in 2005, and 417 in 2006). This data with law enforcement's arrest records and DOT arrest/conviction records for the same years has not been confirmed.
- There are only two active warrants for failure to pay fines for any successful program participant from 2002 to date.

System stakeholders continue to order the Intensive Supervision Program for all OWI third and above offenders as a bond condition. The increasing number of second OWI and OAR (OWI related) for referrals is discussed. There are some exceptions for defendants who do not live near Portage County or in proximity to another OWI Intensive Supervision Program. In these cases, efforts are made to increase structure and accountability through local services. Defendants are aware that program involvement is a key consideration in the options available at the time of sentencing. In 2007, the goal is to increase the number of repeat Operating After Revocations, which are OWI related as we consider this population to be at high risk for repeat drinking/driving behaviors. There are increasing requests for courtesy supervision of multiple OWI involved offenders from other counties.

For more information, contact Kathy King, (715) 346-1342, kingk@co.portage.wi.us.

Sheboygan County (2002)

The Sheboygan County Pre-Trial Intoxicated Driver Intervention Program also known as the Intensive Supervision Program, was initiated in June of 2002, and became fully operational in

September 2002. The Sheboygan County Sheriff's Department is the grant recipient, and services are delivered through Wisconsin Community Services, Inc (WCS), which also operates the ISP programs in Milwaukee, Kenosha and Waukesha Counties.

At the direction of the Sheboygan county judges, most defendants are court ordered with mandatory participation for most second or more repeat offenders. Approximately 250 to 300 offenders are admitted to the program annually. Since most repeat offenders are mandated to the program, recidivism for these repeat offenders will be tracked if an offender gets rearrested in Sheboygan County.

At the initial appearance, the Judge or Court Commissioner orders offenders to the program as a condition of bail. They must report to WCS within one week of the initial court appearance, or at their release from custody if cash bail was ordered.

A caseworker meets with defendants to complete an intake interview and an orientation to the program. At this time, they explain bail conditions and discuss treatment options. The intake evaluation consists of the defendants' present situation, past criminal history, family situation, alcohol/substance abuse history and treatment history.

All defendants are informed that upon conviction a Driver's Safety Plan assessment will be ordered; however, they are encouraged to complete this prior to conviction. If offenders do not complete a Driver's Safety Plan assessment at this point, they are still required to receive an AODA assessment to ensure a referral to the proper treatment level. Treatment is not the same for all defendants. Options for treatment include AODA education classes, individual/group treatment sessions, or as much as residential or inpatient treatment. All defendants are treated on an individual basis based on needs.

Supervision is conducted by requiring defendants to come into the office a minimum of twice a week. These contacts allow for random breath tests to monitor compliance with the absolute sobriety stipulation as a part of the signature bond. Supervision for high-risk defendants may include home visits, as well as scheduled alcohol testing on the weekends, administered by the Sheriff's Department. All caseworkers are certified on the use of law enforcement Intoximeters, in the event that defendants test positive for alcohol consumption at a supervision appointment. Once defendants are established in the program, have begun AODA treatment, and the program fee is paid, their weekly contacts may be reduced to once a week.

Interaction with the judicial system is done through written reports regarding program compliance and treatment progress. A copy of this report is given to the judge, the district attorney and the defendant / defense attorney at each court appearance. Non-compliance is defined as any missed appointment, having a positive breath test or failure to comply with treatment requirements. In the case of positive breath test, a report is immediately given to all respective parties. Defendants who are compliant and successfully complete the program receive consideration at sentencing, typically a reduced jail sentence.

WCS has a collaborative working relationship with Sheboygan County Health and Human Services for the Driver's Safety Plan assessments, as well as with the local treatment providers.

As of January 2005, Sheboygan County has been participating in a Tri-County Victim Impact Panel with Manitowoc and Calumet counties. All second offenders are ordered to attend as part of their Driver Safety Plan. The Sheboygan ISP staff has been actively involved with this implementation and will continue to track ISP participants to insure attendance at the panel as part of pretrial supervision.

For more information, contact Sara Carpenter, (262) 993-2581, sccarpenter@wisconsin.gov

Trempealeau County (2002)

The Trempealeau County Unified Board (TCUB) began its Intensive Supervision Program (ISP) in July 2002. The ISP is now managed through the Department of Human Services as a result of consolidation. The Department of Human Services contracts with West Central Wisconsin Behavioral Health (WCWBH), a not-for-profit social services agency to provide services to the ISP, which is known as the Intoxicated Driver's Intervention Program (IDIP). Trempealeau County's IDIP is designed to serve those charged with a second, third, or fourth OWI offense. An individual meeting this criteria is required, as a condition of bond, to have an initial meeting with WCWBH to learn about the IDIP so he/she may make an informed choice regarding whether or not he/she will enroll in the program. Participation in IDIP is voluntary and individuals have to enter a "guilty" or "no contest" plea.

A central component of IDIP is case management services for the participants. The IDIP case manager verifies what pertinent services/requirements each participant has completed and reports participant progress to the Court. The case manager helps assure each participant completes his/her required substance use assessment and follows through on his/her Driver Safety Plan requirements including any treatment recommendations.

IDIP also provides monitoring of each participant's alcohol consumption via random breath analysis (BA) testing twice per week. Occasional urinalysis is also conducted. In addition, appearance before a Victim Impact Panel is required for all IDIP participants.

In summary, to successfully complete IDIP, a participant must (within the appropriate time frames):

- Complete his/her substance use assessment and fulfill requirements of his/her Driver's Safety Plan.
- Plead "guilty" or "no contest" to his/her pending OWI charge.
- Meet with his/her case manager as scheduled (typically once per week).
- Call in as scheduled, two times per week to determine if he/she has been selected for random urinalysis/breath analysis.
- Cooperate with and complete requested urinalysis/breath analysis.
- Appear before a Victim Impact Panel.
- Complete assigned community service hours.

Potential program participants are informed of IDIP at their initial court appearance. A WCWBH case manager is present to answer questions. An individual opting to enroll in the program begins IDIP services before his/her pre-trial conference.

Final sentencing of an IDIP participant is deferred until the participant completes or is otherwise discharged from the program. A participant who successfully completes IDIP is given a reduced sentence according to locally established judicial sentencing guidelines, which typically includes a reduced fine and fewer days in jail. If an IDIP participant does not successfully complete program requirements, he/she is not eligible for reduced sentencing.

The typical duration of IDIP services is six to nine months. The 2008 IDIP fees for participants are paid as they start a particular phase of a three-phase program.

For more information, contact Jeffry McIntyre, Director of Human services, (715) 538-2311, ext. 302, mcintyrej@trempeleau.com.

Data Point Comparisons

In order to garner a better understanding of the diverse counties in which Wisconsin's 11 ISPs operate, this section compares and contrasts the 13 ISP counties with each other and with the state as a whole. Data are presented, in Table 2, for the most recent calendar year available. For each county with an active ISP, this section summarizes the square miles encompassed, resident population, number of licensed drivers, vehicle miles of travel, alcohol availability, alcohol-related crashes, OWI arrests, OWI citations, and adjudicated outcomes for OWI citations. As in the previous section, the ISPs are displayed in order of inception date. Residents of Forest, Vilas and Oneida Counties are served by one program, so data for these three counties are shown as a single entry. Also, part of the data for Trempealeau County is unavailable. If a particular data item for Trempealeau County is unavailable, it will be conveyed by stating, "data is unavailable" in the cell, and will not be counted in the totals or percentages for that table.

Licensed Drivers The number of persons and licensed drivers residing in a county may be correlated to the number of alcohol-related traffic crashes and OWI caseload. Wisconsin has more than 5.6 million residents and over 4 million licensed drivers. Approximately 38% of the state's licensed drivers reside in counties served by ISPs.

Vehicle Miles of Travel The travel volume is a measure of exposure that may help explain the total number of alcohol-related traffic crashes and OWI caseload. Wisconsin public roadways carried more than 59 billion vehicle miles of travel (VMT) in 2006. Over 35% of the state's total VMT occurred in the ISP counties.

Alcohol Availability The availability of alcohol may be a contributing factor to a county's total number of alcohol-related traffic crashes and OWI caseload. Seven of the ISP counties (Chippewa, Forest/Vilas/Oneida, Portage, Sheboygan, and Trempealeau) had fewer residents per liquor license than the 2006 state average of 320. Slightly less than one-third of all liquor licenses issued in Wisconsin were held in the ISP counties.

Alcohol-Related Traffic Crashes Some repeat OWI offenders are arrested as a result of their involvement in traffic crashes. On the whole, the counties served by ISPs have a ratio of alcohol-related crashes that is below the state average. Six of the ISP counties have ratios that are the same or below the state average; seven have ratios that are above the state average, including one county with a ratio that is second highest in the state.

Drinking Drivers Involved in Crashes Of the more than 194,607 drivers involved in crashes during 2006, over 4.3% had been drinking. The rate of crashed drivers who had been drinking in the counties served by ISPs is lower, at 3.3%. However, the average hides the great range among the individual counties. The rates range from 2.3% in Milwaukee County to 11.8% in Trempealeau County.

OWI Arrests Most OWI arrests do not result from traffic crashes. Most of them result from a motorist being stopped by a law enforcement officer who has reasonable suspicion that a traffic offense has been committed. Markedly different patterns of OWI arrests are demonstrated among the ISP counties.

Table 2: Descriptive data for ISP counties and state

	Square Miles ¹	2006 Population Estimate ²	2006 Population per Square Mile	2006 Licensed Drivers ³	2006 Vehicle Miles of Travel ⁴	2006 Population Per Liquor License ⁵	2006 Liquor License Per Square Mile	2006 Alcohol Related Crashes as a Portion of Total Reported	2006 Drinking Drivers Involved in Crashes ⁶	2006 OWI Arrests ⁷
Milwaukee	242	936,892	3,871	576,532	7,352	464	8.3	4.6%	999	3,635
Kenosha	273	159,638	585	115,681	1,523	436	1.3	9.2%	323	900
Eau Claire	638	97,760	153	67,705	1,062	416	0.4	6.3%	145	710
Marathon	1,559	132,697	85	98,315	1,585	332	0.3	5.9%	181	951
Waukesha	556	379,577	683	299,600	4,222	521	1.3	5.6%	396	2,821
Chippewa Forest/Vilas/Oneida	1,017 3,012	60,893 71,001	60 24	44,534 57,420	821 875	283 121	0.2 0.2	7.9% 8.7%	89 154	450 733
Racine	333	194,580	584	138,798	1,595	403	1.5	7.5%	303	1,034
Portage	806	69,591	86	48,924	806	296	0.3	6.4%	102	438
Sheboygan	514	116,348	226	85,145	1,031	314	0.7	6.5%	160	1,354
Trempealeau	734	28,126	38	21,519	374	213	0.2	16.9%	75	200
ISP Counties	9,684	2,218,977	229	1,554,173	21,246	385	0.6	5.8%	2,927	13,226
Wisconsin	54,310	5,617,744	103	4,066,273	59,401	320	0.3	7.1%	8,379	40,148

Adjudicated OWI Cases⁸ OWI arrests lead to formal action by a prosecuting attorney and a judge. Thirty-four percent of OWI cases adjudicated during 2006 were in counties served by ISPs.

¹ Square miles reported by the U.S. Census Bureau.

² Population estimates from the Wisconsin Department of Administration's Demographic Services Center.

³ Licensed drivers as counted by the Wisconsin Department of Transportation's Division of Motor Vehicles.

⁴ Million vehicle miles of travel as estimated by the Wisconsin Department of Transportation's Bureau of Transportation Modeling and Information Unit.

⁵ The Wisconsin Department of Revenue assembles counts of liquor licenses issued by municipalities.

⁶ The Wisconsin Department of Transportation's Division of Motor Vehicles maintains motor vehicle crash information.

⁷ Arrest data as collected by the Office of Justice Assistance for the Federal Bureau of Investigation.

OWI Case Outcomes Ninety-two percent of the 38,214 OWI cases adjudicated statewide in 2002 resulted in a guilty plea or verdict. Four of the ISP counties exceeded the statewide OWI conviction rate.

OWI Convictions by Repeat Offender Status Two out of five (40.9%) of the 2006 OWI convictions in Wisconsin were by repeat offenders. The statewide repeat offender rate was exceeded in seven of the ISP counties.

Resident Drivers by Repeat OWI Offender Status As of January 2003, 335,850 Wisconsin drivers had at least one prior OWI conviction on their driving record (dating from January 1, 1990 for persons with one or two prior OWI convictions and from January 1, 1989 for drivers with three or more prior convictions)⁹. Most of these drivers (269,439) had only one prior OWI conviction and would become repeat offenders on their next conviction. The remaining drivers (66,411) were already repeat offenders. The resident driver population with one or more prior OWI convictions on record in eight of the ISP counties exceeded the statewide repeat OWI offender rate.

Table 3: OWI citations and convictions

Counties	2002 Adjudicated OWI Citations ¹⁰	2002 Portion of Adjudicated OWI Citations Found Guilty	2002 Resident Drivers with One or More Prior OWI Convictions	2006 Portion of Convictions to Repeat Offenders
Milwaukee	3,240	95.5%	16.9%	33.3%
Kenosha	941	91.6%	18.5%	33.9%
Eau Claire	715	90.6%	23.9%	38.9%
Marathon	837	89.4%	21.3%	42.5%
Waukesha	2,867	92.7%	18.6%	36.3%
Chippewa	464	83.4%	22.7%	44.3%
Forest /Vilas /Oneida	796	86.4%	25.1%	45.2%
Racine	1,069	93.8%	17.8%	39.3%
Portage	506	92.3%	23.4%	43.0%
Sheboygan	847	90.2%	20.7%	41.9%
Trempealeau	216	89.4%	19.8%	38.1%
ISP Counties	12,498	95.7%	20.8%	37.6%
Wisconsin	38,214	92.0%	19.8%	40.9%

Demographic Profile of Intensive Supervision Program Participants

For a better understanding of the populations served by Wisconsin’s 11 ISPs, this section compares and contrasts the ISP counties with each other. For each county with an active ISP, this section describes the most recent fiscal year’s program participants by age, gender, education, and marital status. The administrators of the separate ISPs have supplied the data counts in this section for FY06-07. As in the previous section, the ISPs are displayed in order of inception date. Residents of Forest, Vilas and Oneida Counties are served by one program, so data for these three counties are shown as a single entry.

⁸ Information about adjudicated OWI cases, OWI case outcomes, OWI convictions by repeat offender status, and resident drivers with prior OWI convictions comes from the Wisconsin Department of Transportation’s Bureau of Transportation Safety’s *Wisconsin Alcohol Traffic Facts* book.

⁹ Wisconsin Department of Transportation driver history records on prior OWI convictions only go back to January 1, 1989, for purposes of “lifetime” record keeping.

¹⁰ Wisconsin Department of Transportation’s 2002 *Wisconsin Alcohol Traffic Facts* book.

Age These counts are of OWI defendants who participated in ISPs by age at the time that the offender made his or her initial court appearance. Sixty-one (60.6%) percent of ISP participants are between the ages of 25 and 44.

Table 4: ISP participants by age

	< 20	21-24	25-29	30-34	35-44	45-54	>55
Milwaukee	1.2%	7.8%	12.8%	14.8%	31.4%	23.7%	8.3%
Kenosha	1.3%	12.3%	16.5%	16.9%	24.6%	20.8%	7.7%
Eau Claire	1.9%	15.7%	24.1%	10.2%	19.0%	23.1%	6.0%
Marathon	3.3%	13.1%	22.3%	14.3%	26.5%	14.6%	6.0%
Waukesha	1.6%	11.8%	23.9%	13.8%	22.9%	19.5%	6.5%
Chippewa	0.6%	10.1%	26.4%	17.6%	26.4%	17.6%	1.3%
Forest /Vilas /Oneida	0.2%	6.3%	15.3%	11.7%	27.9%	28.8%	9.9%
Racine	1.8%	11.1%	17.9%	12.8%	29.1%	19.3%	8.1%
Portage	0.8%	10.0%	13.8%	16.9%	31.5%	19.2%	7.7%
Sheboygan	1.0%	9.0%	22.3%	14.4%	29.6%	16.7%	6.9%
Trempealeau	1.4%	16.2%	18.9%	18.9%	24.3%	18.9%	1.4%
All ISP Participants	1.5%	10.9%	19.9%	14.3%	26.4%	20.0%	6.9%

Gender Over eighty percent of all drivers convicted of OWI in 2002 were male. This pattern is repeated in the ISP client population.

Table 5: ISP participants by gender

	Male	Female	% Male
Milwaukee	647	111	85.4%
Kenosha	391	89	81.5%
Eau Claire	158	58	73.1%
Marathon	275	61	81.8%
Waukesha	1,178	225	84.0%
Chippewa	121	38	76.1%
Forest /Vilas /Oneida	80	31	72.1%
Racine	494	76	86.7%
Portage	108	22	83.1%
Sheboygan	391	88	81.6%
Trempealeau	56	18	75.7%
All ISP Participants	3,899	817	82.7%

Education Of the ISP clients for whom highest education level was known, most had a minimum of a high school diploma. Only one-quarter had pursued a course of study after high school, and approximately 20% lacked a high school diploma or its equivalent.

Table 6: ISP participants by highest educational achievement

	Less than High School	High School Graduate	General Equivalency Degree	Some College or Tech School	College Graduate	Unknown
Milwaukee	23.5%	34.8%	9.2%	32.3%	-	0.1%
Kenosha	15.6%	32.9%	11.9%	36.7%	-	2.9%
Eau Claire	8.8%	31.9%	5.1%	37.0%	6.0%	11.1%
Marathon	16.1%	48.2%	2.4%	29.8%	3.6%	-
Waukesha	14.9%	47.5%	8.4%	26.8%	-	2.4%
Chippewa	11.3%	52.2%	5.7%	26.4%	4.4%	-
Forest /Vilas /Oneida	18.0%	67.6%	-	7.2%	5.4%	1.8%
Racine	21.1%	44.6%	4.0%	20.7%	8.8%	0.9%
Portage	20.8%	35.4%	1.5%	22.3%	5.4%	14.6%
Sheboygan	18.2%	51.6%	10.9%	19.0%	-	0.4%

	Less than High School	High School Graduate	General Equivalency Degree	Some College or Tech School	College Graduate	Unknown
Trempealeau	13.5%	28.4%	5.4%	14.9%	6.8%	31.1%
All ISP Participants	17.3%	43.4%	7.5%	27.1%	2.1%	2.6%

Marital Status More than 80% of the ISP clients for whom marital status is known, were not currently married.

Table 7: ISP participants by marital status

	Divorced	Never Married	Married	Widowed	Separated	Unknown
Milwaukee	28.8%	49.6%	21.6%	0.0%	0.0%	0.0%
Kenosha	22.7%	48.3%	18.8%	1.5%	6.0%	2.7%
Eau Claire	26.9%	44.0%	17.1%	3.2%	1.9%	6.9%
Marathon	18.8%	58.6%	13.7%	1.5%	7.4%	0.0%
Waukesha	21.7%	56.0%	16.4%	0.6%	3.1%	2.2%
Chippewa	22.0%	52.2%	23.3%	0.0%	2.5%	0.0%
F/V/O	37.8%	42.3%	13.5%	0.0%	5.4%	0.9%
Racine	16.5%	53.2%	25.6%	0.7%	3.0%	1.1%
Portage	35.4%	28.5%	17.7%	0.8%	3.1%	14.6%
Sheboygan	23.6%	50.5%	19.8%	0.4%	5.0%	0.6%
Trempealeau	10.8%	43.2%	14.9%	1.4%	2.7%	27.0%
All ISP Participants	23.1%	51.5%	19.0%	0.7%	3.4%	2.3%

Recidivism by Intensive Supervision Program Participants

Under Wisconsin Statutes 85.53(4)(a), the Wisconsin Department of Transportation is required to provide information to the legislature that addresses five questions, as follows:

Question #1: How many individuals were arrested for a second or subsequent offense of operating while intoxicated?

Currently there is no statewide data source that tabulates arrests for second and subsequent OWI offenses. The OWI arrest data available for analysis is limited to:

- Office of Justice Assistance arrest data, provides the number of OWI arrests reported to the agency by local law enforcement agencies, but does not indicate whether the person arrested, if convicted, would be a repeat offender. Counts for ISP-served counties are displayed in Table 2.
- WisDOT Driver Record File information, provides the number of OWI convictions on record since January 1, 1989 for each driver, but does not record prior OWI arrests that resulted in a dismissal, amendment, or finding of not guilty.

Question #2: How many individuals completed a local pretrial intoxicated driver intervention program?

Question #3: What percent of individuals who commenced a program successfully completed their program?

Table 8 summarizes the status of ISP participants and the program completion rates for the 11 ISPs in October 2007 (end of FY06-07) as reported to the Wisconsin Department of Transportation. Several programs showed improved success rates this year, compared to prior years, including Kenosha and Chippewa counties. Forest/Vilas/Oneida ISPs also improved their success rate, by streamlining recordkeeping procedures, which have improved the integrity of available data.

Table 8: ISP participation status, October 2007 (end of FY06-07)

	Participants	Participant Status			Completion %	
		Dropped Out or Non-Compliant	In Progress	Completed	Successful	Unsuccessful
*Milwaukee	758	117	204	437	78.9%	21.1%
**Kenosha	336	32	52	252	88.7%	11.3%
Eau Claire	216	47	79	90	65.7%	34.3%
Marathon (a) ¹¹	282	43	79	160	78.8%	21.2%
Marathon (b)	54	2	7	45	95.7%	4.3%
***Waukesha	1,391	191	366	834	81.4%	18.6%
Chippewa	159	16	37	106	86.9%	13.1%
****Forest/Vilas/Oneida	111	17	38	56	76.7%	23.3%
Racine	570	90	196	284	75.9%	24.1%
Portage	130	16	43	71	81.6%	18.4%
*****Sheboygan	479	122	112	245	66.8%	33.2%
Trempealeau	74	10	18	46	82.1%	17.9%
All ISP-Served Counties	4,560	703	1,231	2,626	78.9%	21.1%

* Added Conditions Removed (20), FTA (21), No Possible Release of (54), with Non-Compliant 22, giving 117 Total for Dropped Out or Non-Compliant; Added Currently Enrolled (144) with Total Clients (758) minus (Completion Status (554) + Completion Status Continued (144)) totaling 60, giving 204 for “In Progress”

** Added Case Adjudicated-NC (24), Non-Compliant (5), with Rearrested (3), giving 32 for Dropped Out or Non-Compliant; Added Case Dismissed (8), Conditions Removed (1), Convert Civil Commit (1), with FTA (42), giving 52 for “In Progress”

*** Added Other (Acquitted, Case Dismissed, Death) (28) in with In-Progress of 338, giving 366 Total for “In Progress”

**** Added Non-Compliance (14) with Other (3), giving 17 for “Dropped Out or Non-Compliant”

***** Added Case Adjudicated Non-Compliant (116) with FTA - Non-Compliant (6), giving 122 for “Dropped Out or Non-Compliant”; Added Case Dismissed (19), Conditions Removed (4), Death (2), and No possible Release (1) in with In-Progress of 86, giving 112 Total for “In Progress”

Question #4: How many individuals who, after completing a program, are re-arrested for a third or subsequent offense of operating while intoxicated?

For long-term analysis of OWI recidivism rates, Wisconsin Department of Transportation staff identified 199 drivers who successfully completed an ISP after being arrested for a second or subsequent OWI offense in July-December 1998 in the four counties that had active ISPs at that time.

Table 9a summarizes the OWI re-arrest experience of these drivers. The definition of *re-arrested* in this context simply means the cohort has been again convicted of OWI or a related offense after being in the ISP, since they already have had multiple OWI arrests to qualify for ISP admission. As of December 1, 2007, 40% had been re-arrested (and convicted) of OWI; 12% had been re-arrested (and convicted) twice. Six individuals had been re-arrested (and convicted) three times.

¹¹ Marathon county serves repeat OWI, OAR and OAS offenders. (a) = OWI clients; (b) = OAR/OAS clients.

Table 9a: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 1998 Who Completed an ISP¹²

	Number in Cohort	Re-arrested Once for OWI			Re-arrested Twice for OWI		
		Number	Percent	Average Days to First Re-arrest	Number	Percent	Average Days to Second Re-arrest
Milwaukee	128	47	37%	1,416	10	8%	1,007
Kenosha	39	16	41%	1,200	5	13%	1,371
Eau Claire	18	7	39%	915	4	22%	1,048
Marathon ¹³	14	9	64%	1,134	4	29%	1,278
Four Program Total	199	79	40%	1,296	23	12%	1,140

Table 9b summarizes the OWI re-arrest experience of drivers who successfully completed an ISP after being arrested for a second or subsequent OWI offense in April-December 1999 in Waukesha County. [It is necessary to have separate tables due to the different time frames referenced.] As of December 1, 2007, 42% had been re-arrested (and convicted) of OWI, and 8% had been re-arrested (and convicted) more than once.

Table 9b: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in April-December 1999 Who Completed an ISP

	Number in Cohort	Re-arrested Once for OWI			Re-arrested Twice for OWI		
		Number	Percent	Average Days to First Re-arrest	Number	Percent	Average Days to Second Re-arrest
Waukesha	211	88	42%	1,361	16	8%	1,103

Table 9c summarizes the OWI re-arrest experience of drivers who successfully completed an ISP after being arrested for a second or subsequent OWI offense in July-December 2000 in Chippewa, Forest/Vilas/Oneida counties. As of December 1, 2007, 44% had been re-arrested (and convicted) of OWI, and 4% had been re-arrested (and convicted) more than once.

Table 9c: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 2000 Who Completed an ISP

	Number in Cohort	Re-arrested Once for OWI			Re-arrested Twice for OWI		
		Number	Percent	Average Days to First Re-arrest	Number	Percent	Average Days to Second Re-arrest
Chippewa	14	7	50%	994	1	7%	592
Forest / Vilas / Oneida	11	4	36%	931	0	0%	0
Two Program Total	25	11	44%	971	1	4%	592

Table 9d summarizes the OWI re-arrest experience of drivers who successfully completed an ISP after being arrested for a second or subsequent OWI offense in August-December 2000 in Racine County. As of December 1, 2007, 30% had been re-arrested (and convicted) of OWI, and 10% had been re-arrested (and convicted) more than once.

Table 9d: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in August-December 2000 Who Completed an ISP¹²

¹² Recidivism for this analysis means re-arrested and convicted of a third or subsequent OWI or related offense by December 1, 2005.

¹³ Marathon county served repeat OWI, OAR and OAS offenders. Only OWI offenders were included in this group.

	Number in Cohort	Re-arrested Once for OWI			Re-arrested Twice for OWI		
		Number	Percent	Average Days to First Re-arrest	Number	Percent	Average Days to Second Re-arrest
Racine	73	22	30%	948	7	10%	848

Table 9e summarizes the OWI re-arrest experience of drivers who successfully completed an ISP after being arrested for a second or subsequent OWI offense in July-December 2002 in Portage, Sheboygan and Trempealeau counties. As of December 1, 2007, 21% had been re-arrested (and convicted) of OWI, and 6% had been re-arrested (and convicted) more than once.

Table 9e: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 2002 Who Completed an ISP¹²

	Number in Cohort	Re-arrested Once for OWI			Re-arrested Twice for OWI		
		Number	Percent	Average Days to First Re-arrest	Number	Percent	Average Days to Second Re-arrest
Portage	19	5	26%	1,384	0	0%	0
Sheboygan	28	9	32%	238	4	14%	275
Trempealeau	23	5	22%	1,190	0	0%	0
Three Program Total	70	15	21%	1,000	4	6%	275

Question #5: How many individuals eligible to participate in a program, who did not complete a program and who, after becoming eligible to participate in the program, are arrested for a 3rd or subsequent offense of operating while intoxicated?

Wisconsin Department of Transportation staff identified a group of 219 drivers who were arrested for a second or subsequent OWI offense in July-December 1998 in the four counties that had active ISPs at that time, but who did NOT participate in an ISP. Their reasons for non-participation are unknown, but most likely these individuals simply did not meet the eligibility criteria defined by each county's ISP providers.

Table 10a summarizes the OWI re-arrest experience of these drivers. The definition of *re-arrested* in this context simply means the cohort has been arrested again after being in the ISP since they already have had multiple OWI arrests to qualify for ISP admission. As of December 1, 2007, forty-six percent had been re-arrested (and convicted) of OWI, and 16% had more than one OWI re-arrest (and conviction).

Table 10a: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 1998 Who Did NOT Participate in an ISP¹²

	Number in Cohort	Re-arrested Once for OWI			Re-arrested Twice for OWI		
		Number	Percent	Average Days to First Re-arrest	Number	Percent	Average Days to Second Re-arrest
Milwaukee	120	50	42%	756	14	12%	919
Kenosha	24	11	46%	1,486	5	21%	547
Eau Claire	38	19	50%	1,079	9	24%	663
Marathon	36	20	56%	1,343	6	17%	1,010
Four County Total	218	100	46%	1,284	34	16%	1,201

Waukesha county’s ISP is mandatory for repeat OWI offenders, so there is no control group to compare the April-December cohort shown in Table 9b.

Table 10c summarizes the OWI re-arrest experience of 11 drivers who were arrested for a second or subsequent OWI offense in July-December 2000 in Forest, Vilas and Oneida counties, but who did NOT participate in an ISP. As of December 1, 2007, 64% had been re-arrested (and convicted) of OWI, and three persons, constituting 27% had more than one OWI re-arrest (and conviction). Chippewa County did not have an adequate sample group to form a comparison group.

Table 10c: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 2000 Who Did NOT Participate in an ISP¹²

	Number in Cohort	Re-arrested Once for OWI			Re-arrested Twice for OWI		
		Number	Percent	Average Days to First Re-arrest	Number	Percent	Average Days to Second Re-arrest
Forest / Vilas / Oneida	11	7	64%	470	3	27%	393

Racine County’s ISP is mandatory for repeat OWI offenders, so there is no control group to compare the August-December 2000 cohort shown in Table 9d.

Table 10e summarizes the OWI re-arrest experience of 15 drivers who were arrested for a second or subsequent OWI offense in July-December 2002 in Trempealeau County who did NOT participate in an ISP. As of December 1, 2007, 27% had been re-arrested (and convicted) of OWI, and no one had more than one OWI re-arrest (and conviction). Portage and Sheboygan Counties did not have control groups for inclusion in Table 10e.

Table 10e: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 2002 Who Did NOT Participate in an ISP¹²

	Number in Cohort	Re-arrested Once for OWI			Re-arrested Twice for OWI		
		Number	Percent	Average Days to First Re-arrest	Number	Percent	Average Days to Second Re-arrest
Trempealeau	15	4	27%	552	0	0%	0

A comparison of the recidivism data in Tables 9a, 9c, 9e, 10a, 10c and 10e reveals the following:

- Repeat OWI offenders who successfully completed an ISP were less likely to be re-arrested for OWI than repeat offenders who did not participate in an ISP.
- Repeat OWI offenders who successfully completed an ISP and were re-arrested once for OWI had a longer average elapsed time (from their previous OWI arrest) than repeat offenders who did not participate in an ISP.
- Repeat OWI offenders who successfully completed an ISP were less likely to be re-arrested more than once for OWI than repeat offenders who did not participate.

Other Community Benefits of Intensive Supervision Programs

ISPs could alleviate pressure on county jails. In most counties with ISPs, those arrested for OWI can reduce their jail sentences by successfully completing the program. This reduces overcrowding among the jail population at the county level. Tables 9a through 9e, shows drivers arrested for multiple OWI offenses who complete ISPs tend to not re-offend. When the behavior can be changed to keep the person from re-offending, the number of repeat offenders (at fifth offense or greater) serving time in a state prison could be reduced.

Such scenarios are multi-factorial and systems to track and count the jail days saved are not universally in place. Most ISPs are not able to reliably estimate jail days saved by the operation of their program. Two of the providers, Wisconsin Community Services and Chippewa Counseling Services do estimate jail days saved, as shown in Table 11.

Table 11: Jail days saved

	Jail Days Saved in Fiscal Year 2007
Waukesha	16,000-18,000
Chippewa	8,880

Conclusion

Penalties such as fines, license sanctions and incarceration have been used to deter persons from repeatedly drinking and operating motor vehicles while intoxicated. These punishments have had some success but, as demonstrated by the periodic presence of some of the same impaired drivers on our roadways, have not been completely effective. Public programs that incorporate education and rehabilitation components may improve the situation.

Wisconsin's Intensive Supervision Program for offenders who have been arrested for their second or subsequent OWI is one such program. Thirteen Wisconsin counties have individualized this program's broad supervisory and educational approach.

No community that has conceived a program has abandoned it. Communities have strengthened their internal operations and raised their client completion rates each year, as their programs have matured and as program administrators have benefited from consultation with peers.

Overall, OWI offenders who have successfully completed an ISP have been less likely than non-participants to be re-arrested for subsequent OWI violations. Those who have been re-arrested went significantly longer between arrests than non-participants.