



EFFECTIVE JUSTICE STRATEGIES IN WISCONSIN

A REPORT OF FINDINGS AND RECOMMENDATIONS

***A Report to the Director of State Courts and the Wisconsin Supreme
Court, Planning and Policy Advisory Committee, Effective Justice
Strategies Subcommittee***

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Of course, this project was made possible by the State Justice Institute, whose board saw the utility of this important project and provided substantial funding to support our work. We would also like to thank the Director of State Courts, John Voelker, for his support of this project.

---Suzanne Tallarico, Fred Cheesman, Matt Kleiman, and Mary Beth Kirven

GLOSSARY OF TERMS

Actuarial Risk Assessment Tools – Instruments that are designed to rate an offender's static (unchangeable) and dynamic (changeable) characteristics which predict the individual's likely behavior from the behavior of others in similar circumstances or with similar profiles. Actuarial risk tools are based on thousands of cases in which researchers were able to define what characteristics are associated with re-offending behavior; levels of risk are based on groups that offended at higher rates. For example, if a certain characteristic common to those who recidivate is found in a potential parolee, that person's risk is determined greater than one who does not display that trait. Similarly, individuals who display characteristics common to non-recidivists will be considered low risk. Actuarial risk assessment instruments combine these individual traits and produce a mathematical score that categorizes individuals into groups (such as low risk, medium risk, and high risk) based on their likelihood to recidivate.

Assess, Inform and Measure (AIM) Pilot Project – The Assess, Inform and Measure (AIM) pilot project is an initiative of the Wisconsin Court System's Effective Justice Strategies Subcommittee (EJSS). The AIM project, which began in the fall of 2006, is intended to provide judges with valid and reliable information to help inform sentencing decisions. The AIM process is based upon principles of risk, needs, and responsivity (RNR) that are systematically developed and focus judicial attention on evidence-based factors known to be linked with recidivism.

Community-Based Treatment Programs -- Programs and interventions that address needs and reduce an offender's risk to the community.

The Correctional Offender Management Profiles for Alternative Sanctions (COMPAS) – is a 98-item, interview-driven actuarial risk assessment tool. Information obtained for the COMPAS is verified either through official records or by collateral interviews with family members, employers or criminal justice professionals. The COMPAS is a third generation instrument, meaning that the scored items are theoretically based and that it incorporates both risk and needs information. Third generation instruments are also sensitive to changes in an offender's circumstances and include dynamic risk factors which allow correctional staff to be guided in their intervention (factors such as increased reliance on drugs/alcohol, employment changes, companions, or family status). COMPAS relies on both static and dynamic data to generate its risk and needs results. The use of dynamic measures allows for measures to change over time as behavior changes. These changes are included in the measures of risk and need. The dynamic factors also allows for the “overlay” of previous assessments on the latest assessment to visual see any change in risk and need scores. The COMPAS tool produces an offender's overall risk classification and highlights target treatment areas to assist in making community placement decisions and assists supervision officers on how to align offenders' risks and need levels with programming and supervision. The COMPAS measures risk and protective factors in the areas of violence, general recidivism, failure to appear, community placement, non-compliance and provides information on criminal history, offender needs assessment, and the offender's social environment.

Criminal Justice Coordinating Committee (CJCC) – A term applied to informal and formal committees that provide a forum where many key justice system agency officials and other government officials and/or community members may discuss justice system issues and develop justice system-related policies.

Criminogenic Needs – Those disturbances in biopsychosocial functioning that impinge on an individual's ability to function stably in society.

Criminogenic Risk Factors – Those factors that predispose an offender to re-offend.

Justice Reinvestment – A *Council of State Governments Justice Center* project that worked with fifteen states, including Wisconsin, to implement strategies designed to manage the growth of the corrections system, improve the accountability and integration of resources concentrated in particular communities, and reinvest a portion of the savings generated from these efforts to make communities receiving the majority of people released from prison safer, stronger, and healthier.

(see <http://justicereinvestment.org/> for more information).

Evidence-Based Practices (EBP) – In corrections, Evidence-based Practice is the breadth of research and knowledge around processes and tools which can improve correctional outcomes such as reduced recidivism. Historically the term "evidence-based practice comes from the medical field as a method to utilize clinical research findings to improve medical decision making and lower risk.

Effective Justice Strategies Subcommittee (EJSS) – In 2004, the Planning and Policy Advisory Committee (PPAC) of the Wisconsin Supreme Court identified alternatives to incarceration as a critical issue to be addressed. In response, PPAC formed a subcommittee on Alternatives to Incarceration with a mission to explore and assess the effectiveness of policies and programs, including drug and other specialty courts, designed to improve public safety and reduce incarceration. Chaired by Judge Carl Ashley of Milwaukee County, this subcommittee, now re-named the Effective Justice Strategies Subcommittee (EJSS), consists of justice system professionals both inside and outside of the court system. To date, the EJSS has focused its efforts on

studying, developing resources, and making recommendations in regard to collaborative problem-solving approaches to criminal justice with a commitment to evidence-based research.

Needs Assessment – Measurement of needs that are directly related to the individual's criminal behavior.

Operating While Intoxicated/ Driving While Intoxicated (OWI/DWI) – These criminal infractions refer to the operation of vehicles while under the influence.

Planning and Policy Advisory Committee (PPAC) – The Planning and Policy Advisory Committee (PPAC) advises the Supreme Court and the director of state courts on planning initiatives, the administrative structure of the court system and the expeditious handling of judicial matters. The committee functions as the court system's long-range planning committee.

PPAC consists of the Chief Justice of the Supreme Court, one judge of the Court of Appeals (selected by the Court of Appeals), 13 circuit court judges (elected in the judicial administrative districts), one municipal judge (elected by the Wisconsin Municipal Judges' Association), two persons selected by the Board of Governors of the State Bar of Wisconsin, and the following persons appointed by the Chief Justice: three non-lawyers (one of whom shall be an elected county official), one public defender, one court administrator, one prosecutor, one clerk of circuit court, and one court commissioner (selected alternately for one term by the Wisconsin Family Court Commissioners Association and Wisconsin Association of Judicial Court Commissioners).

Problem-Solving Courts – Problem-solving courts began in the 1990s to "hold offenders accountable" and to provide them with services and treatment to address specific needs and problems that were not or could not be adequately addressed in traditional courts. Problem-

solving courts seek to promote outcomes that will benefit not only the offender, but the victim and society as well. Problem-solving courts were developed as an innovative response to deal with offenders' problems including drug abuse, mental illness, and domestic violence. Although most problem-solving court models are relatively new, early results from studies show that these types of courts are having a positive impact on the lives of offenders and victims and in some instances are saving jail and prison costs.

In general, problem-solving courts share some common elements:

- *Focus on Outcomes.* Problem-solving courts are designed to provide positive case outcomes for victims, society and the offender (e.g., reducing recidivism or creating safer communities).
- *System Change.* Problem-solving courts promote reform in how the government responds to problems such as drug addiction and mental illness.
- *Judicial Involvement.* Judges take a more hands-on approach to addressing problems and changing behaviors of defendants.
- *Collaboration.* Problem-solving courts work with external parties to achieve certain goals (e.g., developing partnerships with mental health providers).
- *Non-traditional Roles.* These courts and their personnel take on roles or processes not common in traditional courts. For example, some problem-solving courts are less adversarial than traditional criminal justice processing.
- *Screening and Assessment.* Use of screening and assessment tools to identify appropriate individuals for the court is common.
- *Early Identification of Potential Candidates.* Use of screening and assessment tools to determine a defendant's eligibility for the problem-solving court usually occurs early in a defendant's involvement with criminal justice processing.

Reliability – Identifies one of the standards (another being validity) against which the tools used to measure concepts are judged. Reliability refers to consistency of results over time. If a bathroom scale is used to measure the concept of weight, one must ask: Is this tool (the bathroom scale) reliable? Does it provide consistent results? To check this, get back on the scale a second time to see if it produces the same results. Notice that the bathroom scale may be reliable and yet be inaccurate. Are I.Q. tests a reliable measure of “intelligence”? Are official suicide statistics reliable measures of the “suicide” rate? Are questions about which political party a person would vote for a reliable measure of “political preference”? Since in many of these examples it is difficult to assume, like weight, that the results would remain the same over time, it may be more correct to think of reliability as indicating consistency of results among users of the tool or measurement.

Responsivity Assessment – Evaluation of an individual's unique characteristics that relate to how they will respond to criminal justice interventions and programming designed to elicit behavioral change, such as motivation to change, learning style, gender, and cultural needs.

Risk Assessment – Determination of an individual's risk level to commit crime in the community.

Risk-Needs-Responsivity (RNR) Theory – Developed by James Bonta and Donald Andrews, the Risk-Needs-Responsivity (RNR) theory specifies how an offender's criminogenic characteristics should drive the selection and implementation of correctional services by focusing on the three factors of criminogenic risk, criminogenic needs, and assessed responsivity factors. Specifically, the *Risk Principle* requires that the level of service provided to an offender matches the offender's likelihood of re-offending -- the higher the risk level, the higher the level of intervention, structure, and supervision.

The *Needs Principle* states that criminogenic needs should be prioritized and addressed with appropriate treatment and interventions. The Needs Principle directs criminal justice authorities to put higher-risk/higher-need offenders in treatment slots with higher priority than lower-risk/lower-needs offenders. Finally, the RNR theory also incorporates the concept of offender *responsivity*, to specify what treatment strategies should be employed with offenders based on the offender's learning style and motivation to change.

Ten Key Components of Effective Drug Courts – The accepted ten key components of effective drug courts are as follow:

1. Drug Courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety. Participants must waive their due process rights to a speedy trial and sign a pre-emptive confession before being allowed to participate.
3. Eligible participants are identified early and promptly placed in the Drug Court program.
4. Drug Courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs Drug Court responses to participants' compliance.
7. Ongoing judicial interaction with each Drug Court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective Drug Court planning, implementation, and operations.
10. Forging partnerships among Drug Courts, public agencies, and community-based organizations

generates local support and enhances Drug Court effectiveness (National Association of Drug Court Professionals, January, 1997).

Validity – One of two criteria (the other being reliability) by which researchers judge their results or measurement tools. A valid result is one that accurately measures what it claims to be measuring. Using shoe size as a measurement of intelligence is not a valid measure of intelligence. It lacks face validity since it is not obvious that it is measuring what it claims to measure. One test of validity might be the extent to which your measurements allow you to make predictions about future behavior. If your measurement of intelligence does not predict how people perform on exams then perhaps it is not a valid measurement of intelligence.

EXECUTIVE SUMMARY

Introduction

What practices and programs are most closely associated with successful outcomes of criminal offenders who go through Wisconsin's Circuit Courts? For the purpose of this Wisconsin-based research project, the focus of work was on understanding the extent to which — and the locations where — such evidence-based practices are occurring. Understanding and documenting the promising responses to criminal justice clients is the first step in developing a plan to improve services statewide. Offering only those responses to criminal offenders that are determined, by research, to be the best responses to the behavior in which these offenders have engaged is the way to improve outcomes and reduce recidivism.

Specifically, the National Center for State Courts¹ (NCSC) engaged in a research and information gathering process to:

Identify court-related evidence-based strategies that enhance public safety, reduce recidivism, and address criminal and addictive behaviors and develop recommendations related to the court systems role in fostering statewide support and replication of these strategies.

¹ The National Center for State Courts (NCSC) is an independent, nonprofit court improvement organization, which serves as a clearinghouse for research information and comparative data to support improvement in judicial administration in state courts. All of NCSC's services, including research, information services, education, and consulting, are focused on helping courts plan, make decisions, and implement improvements that save time and money, while ensuring judicial administration that supports fair and impartial decision making.

The intent of this project was to identify promising practices and programs through a topographical examination of court-related criminal justice policy and practices. This high-level overview is not an evaluation of any single program or group of programs; rather, it is a mixed-method research approach that focused on gathering data to address the research questions posed. The NCSC team engaged in site visits to 15 counties, telephone calls with various stakeholders, multiple surveys focusing on descriptive information, and focus groups to obtain data to inform the project.

The NCSC team's work focused specifically on three primary areas of interest: 1) the use of risk and needs assessment in judicial decision making, 2) problem-solving courts as a treatment and supervision response to certain groups of offenders, and 3) collaborative justice system planning.

Risk and Needs Assessment

The Assess, Inform, and Measure (AIM) pilot project is an initiative of the Wisconsin Court System's Effective Justice Strategies Subcommittee (EJSS). Eight pilot counties volunteered to participate in the AIM Project (Bayfield, Dane, Eau Claire, Iowa, La Crosse, Marathon, Milwaukee, and Portage counties). The AIM pilot project, which began in the fall of 2006, is intended to provide judges with valid and reliable information to help inform case disposition decisions. The AIM process is based upon principles of risk, needs, and responsivity (RNR) that are systematically developed and focus judicial attention on evidence-based factors known to be linked with recidivism. The AIM model has two stated goals:

- 1) Provide the sentencing court with a valid risk, needs, unique characteristic (responsivity) and community intervention assessment, while creating a feedback loop that provides information on the success of court

dispositions and community interventions in promoting offender success and public safety.

- 2) Put into practice and evaluate a process that offers the court reliable information that will have value in the sentencing process, and may lead to the safe diversion of some persons, who may have otherwise received jail or prison confinement time, to community-based supervision and treatment.

To foster participation in the AIM pilot project, each of the AIM pilot counties was given latitude in selecting their own target populations; risk, needs, and responsivity assessment tools; and the point at which the assessment would be conducted.

As Wisconsin considers the future of the AIM program, it is important to carefully examine the research that provides the underlying rationale for this promising pilot program. To this end, Chapter 2 reviews pertinent research on Risk-Needs-Responsivity assessment and its potential to better inform sentencing decisions.

The Risk-Needs-Responsivity theory specifies how an offender's criminogenic characteristics should drive the selection and implementation of correctional services. Criminogenic characteristics encompass both risk (i.e., those factors that predispose an offender to re-offend) and need (i.e., "to those disturbances in biopsychosocial functioning that impinge on an individual's ability to function stably in society" (Taxman & Marlowe, 2006)). The purpose of all risk assessment procedures is to predict the future incidence of targeted "risk" behavior. Assessment of treatment needs is done so that offenders with similar treatment needs are classified into categories for correctional programming purposes so they receive services appropriate for their classification. Similar to risk assessment, the goal of needs assessment is to classify a heterogeneous body of offenders into more

homogenous subcategories based in this case on their treatment needs. The RNR theory also incorporates the concept of offender responsivity, along with risk and needs, to specify what treatment strategies should be employed with offenders based on the offender's learning style and motivation to change.

Collectively, the risk, needs, and responsivity principles constitute the RNR model of correctional programming: they tell us *who* to target, *what* to target, and *how* to target individuals. Accumulating research attests to the power of the RNR approach to offender rehabilitation to reduce the probability of re-offending.

The RNR model has implications for the courts, including how it can be used to make decisions about restricting freedom and mandating treatment. The RNR model provides additional rationale and guidance for diverting low-risk offenders from prisons, thus minimizing potentially harmful associations with higher-risk offenders. Judges can also order treatment conditions that match the offender's criminogenic needs, rather than assigning generic conditions (e.g., take treatment as directed by the probation officer, avoid alcohol and drugs).

During the month of August 2010, the Director of State Courts' Office of Court Operations and the National Center for State Courts sent out a short Web-based survey to judges using Assess, Inform, and Measure (AIM) reports in six pilot courts in Wisconsin.² Overall, 22 of 29 AIM pilot site

² Portage County is considered one of the AIM pilot sites. However, at the time the survey was taken, they did not participate in the statewide court MIS system (CCAP) and could not easily provide feedback; judges from this county were not included in the survey. Portage County has since (in December 2011) joined CCAP. Additionally, Dane County initially participated as an AIM pilot site; however, a number of concerns about the COMPAS risk/needs instrument (e.g., types of needs being identified, race neutrality of the instrument, overly

judges (76 percent) responded to the survey. The goal of the survey was to gain direct judicial feedback and perspectives into how the AIM report is being used and how this information can inform training needs and the content and design of the AIM report.

The survey and the results suggest that the pilot project judges:

- 1) Are generally satisfied with the way in which the AIM reports present information;
- 2) Are aware of the purpose of the AIM project;
- 3) Are satisfied with the content of AIM reports, though only 58% routinely consulted the “needs” information when making sentencing decisions; and
- 4) Are satisfied with the target populations the AIM process focuses on, and clearly saw the need for additional training regarding risk and needs assessment tools, including how they were developed, their level of validity, and how to use the information.

In summary, AIM pilot site judges expressed interest in receiving assessment information earlier in their deliberations. They would also like to use assessment information to assist with deliberations about probation revocations. Several judges advocate for the statewide, uniform adoption of assessment instruments and pointed to perceived limitations of the assessment instruments with regard to certain populations of offenders (e.g., sex, operating-while-intoxicated [OWI], and domestic violence offenders).

deterministic, and issues of confidentiality) led them to suspend their participation.

Risk-and-Needs-Assessment-Related Recommendations

1. Wisconsin should employ a statewide protocol for the implementation of a process to provide judges with RNR Assessment information before sentencing.
2. The feedback component of the AIM program should be refined and enhanced.
3. Training of judges, staff, and other stakeholders is critical for the successful implementation and use of risk-and-needs-assessment information.
4. Evaluate the implementation of a statewide protocol for a process to provide judges with RNR Assessment information before sentencing.

Problem-Solving Courts

Wisconsin has made efforts to reduce reliance on the use of costly incarceration of those offenders who could safely be supervised in the community. While still maintaining a strong commitment to public safety, many counties have implemented alternatives to incarceration by using programs that reduce recidivism and divert offenders from costly prison beds. Specifically, many counties have developed problem-solving courts to address a specific problem, such as drunken driving or chronic drug use. As of December, 2011, Wisconsin has 24 adult drug courts, 9 OWI courts, 2 mental health courts, 6 veterans courts, 2 hybrid courts, 4 juvenile drug courts, and 1 family treatment court with many other courts in the planning stage.

All of these courts operate on the same basic set of principles and use frequent status hearings, regular but random drug testing, regular treatment with qualified providers, and a range of sanctions and incentives to induce offenders to change their behavior and thus become less likely to recidivate. In addition

to the accepted ten key components³ for effective drug courts, strong scientific evidence indicates that some practices are stronger than others. Specifically, problem-solving courts should use the eight widely accepted evidence-based principles:

1. Assessing actuarial risks/needs
2. Enhancing intrinsic motivation
3. Targeting interventions appropriately
4. Using cognitive behavioral treatment methods
5. Increasing the use of positive reinforcement
6. Engaging ongoing support in natural communities
7. Measuring relevant processes/practices

³ The accepted ten key components of effective drug courts are as follows:

1. Drug Courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety. Participants must waive their due process rights to a speedy trial and sign a pre-emptive confession before being allowed to participate.
3. Eligible participants are identified early and promptly placed in the Drug Court program.
4. Drug Courts provide access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs Drug Court responses to participants' compliance.
7. Ongoing judicial interaction with each Drug Court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective Drug Court planning, implementation, and operations.
10. Forging partnerships among Drug Courts, public agencies, and community-based organizations generates local support and enhances Drug Court effectiveness (National Association of Drug Court Professionals, January, 1997).

8. Providing measurement feedback.

In addition to problem-solving courts, many Wisconsin counties have developed programs that assist offenders with services to address their health, educational, employment, housing, and treatment needs. Some of these programs were developed to address local concerns and others have legislative origins. A few of the programs, such as Day Reporting Centers (DRC), Safe Streets Treatment Options Program (SSTOP), Volunteers in Probation (VIP), and Milwaukee's Crisis Intervention Team, are briefly discussed to provide examples of the types of programs operating in Wisconsin. Not all of these programs were designed around the eight evidence-based practices, but staff are reportedly aware of the importance of implementing evidence-based practices. In an attempt to ascertain the extent to which problem-solving courts and other programs had been implemented, a survey was distributed to relevant programs in Wisconsin. All problem-solving courts and offender-based programs were sent a link to an online survey regarding each program's design and content.

The survey looks specifically at the eight evidence-based principles. In general, the survey results indicate that the drug courts are aware of the need for evidence-based practices and have made efforts to implement all eight of the evidence-based principles. The extent to which other programs have implemented evidence-based practices is less obvious because of a relatively low response rate (50% from problem-solving courts).

Problem-Solving Courts Related Recommendations

1. A full-time, state-level position should be dedicated to coordinating efforts and providing technical assistance to problem-solving courts in Wisconsin.
2. A full-time, state-level position should be dedicated by the court system to provide technical assistance and

training regarding evidence-based practices.

3. Special attention should be given to OWI courts to ensure that they are based on the most recent evidence-based practices literature.
4. An Interagency Problem-Solving Courts Oversight Committee should be formed for the purpose of establishing guidelines and base criteria for problem-solving courts.
5. Courts that currently have problem-solving courts, as well as those who are developing problem-solving courts, should ensure that appropriate and varied treatment is available to meet the needs of the targeted population.

Criminal Justice Coordinating Committees

In Wisconsin, multi-agency criminal justice planning committees, referred to as Criminal Justice Coordinating Committees, or CJCCs, have brought about system improvements and new initiatives that could not otherwise be achieved by a single agency or organization. These forums have addressed jail-crowding problems, created problem-solving courts, initiated restorative justice programs, developed day reporting centers, and generated a host of other programs and responses to address local needs and concerns. Criminal Justice Coordinating Committees provide the necessary foundation for communities to fully assess the needs of the local criminal justice system and develop programming and practices specific to those needs. In 2006, 16 counties had established some form of local collaborative effort to address criminal justice issues; by the end of 2011, 37 separate, county-based Criminal Justice Coordinating Committees were actively operating in Wisconsin.

The CJCCs in Wisconsin operate at varying levels of formality, funding, and activity. The NCSC team visited 15 CJCCs in Wisconsin to learn more about their

structure, membership, meeting schedules, and focus. Local CJCCs have many benefits, and one of the most commonly reported is the development of relationships among criminal justice partners that significantly improve communication among members about both large and small issues. CJCCs provide a forum in which to address small issues before they became big and problematic. Most important, CJCCs allow members to plan for and prioritize programs and projects, such as volunteer programs to assist with offender supervision, day report centers, or new OWI programs.

During the last decade, several documents have identified key characteristics of effective, high functioning criminal justice collaborative efforts. The NCSC team summarized these into six principles of effective Criminal Justice Coordinating Committees:

Six Principles of Effective Criminal Justice Coordinating Committees

1. Identified need and desire
2. Including the right people
3. Authorization to make decision and independent structure
4. Willingness to collaborate
5. Reliance on data and focused on outcomes
6. Funding to support the work of the CJCC

This report describes these principles and illustrates how some local CJCCs embody the principles. The emergence of state-level criminal justice committees is also discussed. The report briefly addresses recent attempts at coordinated efforts to address criminal justice problems in Wisconsin and offers a checklist identifying where past attempts may have fallen short. A set of questions is also posed to help criminal justice leaders determine whether the time is right for Wisconsin to create a state-level collaborative committee to identify

problems, make recommendations for solutions, and act on those solutions.

CJCC-Related Recommendations

1. **The Wisconsin Court System, to the extent permissible under the Code of Judicial Conduct, should encourage judges who are not active in their local CJCCs to become involved.**
2. **Where local CJCCs do not exist, the Wisconsin Court system leaders should encourage judges to meet with local justice partners and weigh the benefits of creating one.**
3. **Criminal justice leaders in all three branches of state government in Wisconsin, in collaboration with related criminal justice stakeholders, should work together to determine whether sufficient interest and commitment exists to create a state-level CJCC. If there is interest, each branch should fully endorse and participate in the CJCC. The steps identified in the body of the report should be taken to create this body.**

Looking Toward the Future

The prime objective of this report is to provide guidance to the Wisconsin court system for a strategy to promote the use of evidence-based practices in the criminal justice system. In the final chapter of the report, the NCSC team reiterates the primary recommendations of the prior chapters, including using risk and needs assessment information strategically at critical decision-making points in the criminal justice process; dedicating a full-time position to coordinate problem-solving courts and a full-time position to provide training and technical assistance on the use and implementation of evidence-based practices throughout courts and court-supported programs; continuing the policy and planning work of local CJCCs; and

strengthening some of those bodies through formalization and expanded membership. The NCSC team concludes the report by offering three recommendations to facilitate implementation of this strategy through the shifting of funds from incapacitation to the *Justice Reinvestment* recommendations, development of a statewide criminal justice coordinating committee, and the implementation of criminal justice system program performance measures and evaluation. Specifically, the NCSC team recommends the following:

Recommendation 1: Focus Offender Supervision and Treatment Resources Toward Community-Oriented Evidence-Based Practices:

Wisconsin should continue its strategy of shifting funding from incarceration to the development of evidence-based community corrections and treatment infrastructure. In 2008, Governor James Doyle, Chief Justice Shirley Abrahamson, Senate President Fred Risser, and Assembly Speaker Michael Huebsch requested technical assistance from the Council of State Governments Justice Center to help develop a statewide policy framework to reduce spending on corrections and reinvest in strategies to increase public safety in Wisconsin. Wisconsin was selected as one of eight states to participate in the *Justice Reinvestment Initiative*, which aims to reduce spending on corrections and to increase public safety through effective, data-driven strategies.

In January 2009, the Wisconsin Legislative Council established the Special Committee on Justice Reinvestment Oversight, a bipartisan, bicameral, and inter-branch advisory group to guide the Justice Center's analyses of the state's criminal justice system and development of policy options. The committee identified five policy options to reduce spending on corrections and promote public safety. The effort resulted in some legislative initiatives.

The single remaining initiative is the Becky Young Community Corrections fund. This fund provides resources for evidence-based programs, including a statewide risk and needs assessment and case-planning system through the department of corrections.

Recommendation 2: Statewide Criminal Justice Coordinating Committee:

While shifting some resources from incarceration to community-based operations can go a long way to provide resources needed to support widespread adoption of evidence-based practices, the process needs a central planning and coordinating effort that could be filled by the proposed Statewide Criminal Justice Coordinating Committee. The rationale for this recommendation is presented in Chapter 4 of this report.

Recommendation 3: Encourage Criminal Justice System Program Performance Measures and Evaluation:

Wisconsin's history of support for evidence-based practices should become institutionalized and supported by the systematic collection of performance measurement data and the formal evaluation of selected, promising programs, including the AIM program or its successor, as outlined in Chapter 2. First, the survey on evidence-based practices across criminal justice programs used in this study should be redeployed to obtain greater participation (see Appendix G). The data from a complete survey could be used to develop a complete census of programs statewide. Second, it is recommended that Wisconsin develop a system of performance measures for its drug courts. Third, Wisconsin should join the growing number of states that have evaluated drug courts statewide to assess their effectiveness and cost-efficiency. While performance measures provide timely and valuable information about program performance, they cannot ultimately answer questions of "attribution." Finally, selected non-drug-court programs, including other types of problem-solving courts and probation programs should also be subjected to outcome/impact evaluations and studies of their cost-effectiveness.

CHAPTER 1: Effective Justice Strategies in Wisconsin – Introduction and Framework for Assessment

In many ways – when it comes to expanding and utilizing our knowledge base...we’ve reached a national tipping point...In fulfilling our most important responsibility – protecting the American people – we are committed to identifying and implementing evidence-based solutions; an approach that allows us to be both tough and ... I’m happy to say it again – “smart on crime” – *U.S. Attorney General Eric Holder, National Institute of Justice Conference, June 22, 2011.*

Introduction

The public expects the criminal justice system to protect them from crime. Research-based findings suggest that when appropriate sentencing, supervision, and programming interventions are applied, an offender’s likelihood to recidivate is significantly decreased. To be the best stewards of public resources used to process offenders going through the judicial system, it is imperative to understand what constitutes the most effective actions and interventions to deter unwanted behaviors.

What practices and programs are most closely associated with successful outcomes for criminal offenders who go through Wisconsin’s Circuit Courts? What are the evidence-based practices that drive desired criminal justice programming outcomes? These are the driving questions that fueled the Wisconsin Director of State Courts Office (DSCO) to issue a request for proposals. For the purpose of this Wisconsin-based research project, the work specifically focused on understanding the extent to which — and the locations where — such evidence-based practices are occurring. Understanding and documenting the promising responses to criminal justice clients is the first step in developing a plan to improve services statewide. The best way to improve outcomes and reduce recidivism is offering only those responses that are determined, by research, to be the best responses to the behavior of criminal offenders.

Specifically, the Wisconsin Director of State Courts contracted with the National Center for State Courts (NCSC) to:

Identify court-related, evidence-based strategies that enhance public safety, reduce recidivism, and address criminal and addictive behaviors and develop recommendations related to the court system’s role in fostering statewide support and replication of these strategies.

The intent of this project was to identify promising practices and programs through a topographical examination of court-related criminal justice policy and practices. This high-level overview is not an evaluation of any single program or group of programs; rather, it is a mixed-method research approach that focused on gathering data to address the research questions posed. The NCSC team engaged in site visits to 15 counties, telephone calls with various stakeholders, multiple surveys focusing on descriptive information, and focus groups to obtain data to inform the project.

Working with the Effective Justice Strategies Subcommittee (EJSS) and our project liaison from the Office of the Director of State Courts, Office of Court Operations, the NCSC team refined the initial research plan to specifically address their concerns. To that end, the team developed two surveys — one to update a county-based registry of programs and the second to address the programs’ incorporation of evidence-based practices. Site visits focused primarily on three complementary and promising practices in Wisconsin: the AIM (Assess, Inform,

Measure) pilot project, which addresses the use of risk and needs information in judicial sentencing decisions; problem-solving courts (specifically drug courts); and criminal justice coordinating committees. These three seemingly different focal points illustrate that effective criminal justice decisions, programs, and planning efforts must be data based and coordinated with justice partners and stakeholders.

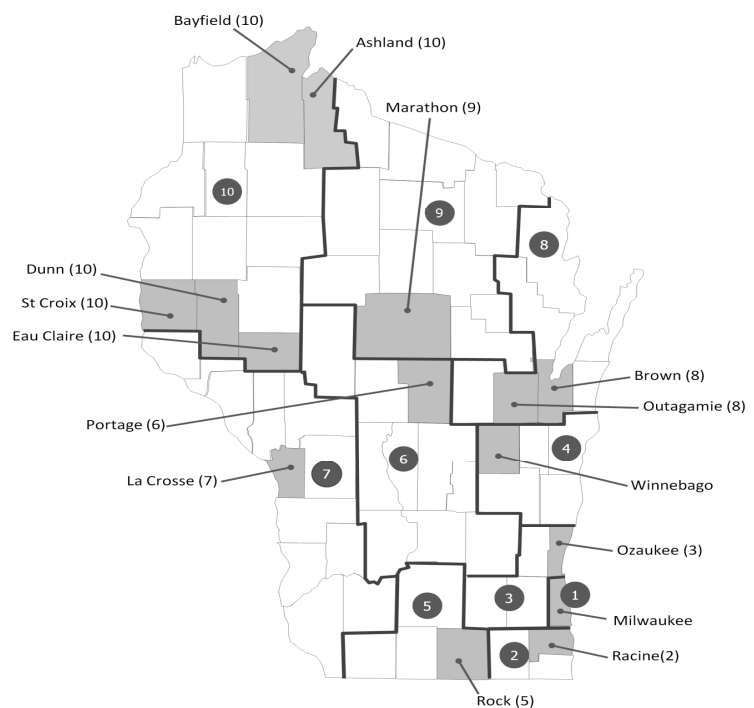
Framework for this Study

During the past decade, the adult criminal and juvenile justice literature has focused heavily on evidence-based practices that appear effective in improving outcomes for individuals supervised by justice agencies. According to the National Institute of Corrections' website, "Evidence-based Practice (EBP) historically comes from the medical field as a method to utilize clinical research findings to improve medical decision making and lower risk. In corrections, evidence-based practice is the breadth of research and knowledge around processes and tools which can improve correctional outcomes, such as reduced recidivism" (www.nicic.gov). Evidence-based practice implies that 1) there are definable outcomes, 2) the outcomes and the practices are measurable, and 3) the outcomes are defined according to practical realities (recidivism, victim satisfaction, etc).

The evidence-based literature in corrections has focused on areas of sentencing, community (probation) supervision, treatment, and post-release supervision. A fully evidence-based system requires three components. First, it requires the understanding and implementation of evidence-based principles throughout the system. Second, evidence-based systems incorporate organizational development that focuses on innovative thinking and is outcome based (recidivism reduction). Finally, system-based decision making is undertaken through active collaboration with justice partners.

The critical triumvirate of evidence-based practices in corrections is 1) using a valid risk and needs assessment, 2) matching the level of risk and need to the appropriate sentence and supervision practices and services, and 3) ensuring that the services provided improve outcomes. The growing body of research is demonstrating that neither punishment-only nor deterrence-only programs do much to reduce recidivism among juvenile delinquents or adult offenders. Increasing evidence is showing that programs that focus on individual behavior change — as opposed to straight deterrence or punishment — significantly reduce recidivism rates.

Site Visit Locations



The basics of evidence-based practices are not hard to list and can be followed like a recipe; however, to make them actually work well in any jurisdiction will require a shared understanding among those who work in the criminal justice system. To be fully evidence-based requires the development and maintenance of a culture that embraces and institutionalizes an agreed-upon vision and system-related goals. Further, an evidence-based system relies on collaboration and the ongoing use of practices that are research-based and linked to recidivism reduction and other desired outcomes (Crime and Justice Institute, 2004).

An Evidence-Based Framework for Criminal Justice Systems and Interventions

The current thinking concerning the most effective criminal justice practices in the 21st century is the use of evidence-based practices in assessing, sentencing, supervising, and treating offenders. A myriad of literature on this subject has emerged since the early 2000s. The evidence-based practices literature for criminal justice provides an outline for how best to assess, sentence, supervise, and treat offenders to ensure the lowest levels of recidivism and the best possibilities for offender change. Still, there are practitioners across the country who believe that their professional best judgment, or generalized treatment plans and programs designed to treat all offenders, will result in desired outcomes. Rather, the evidence-based literature clarifies that spending time up front to conduct a good risk and needs assessment can assist judges, community supervision officers, and treatment providers in the development of effective individualized responses to offending behavior that increase desired outcomes.

This section of the report blends a variety of evidence-based principles from the sentencing, community supervision, and

treatment literature and provides a framework for delivering the research. Given that the mandate was to provide responses to the questions “*What’s being done in Wisconsin?*” and “*What should be the statewide strategy?*” it only seems natural to couch these findings in the literature that supports the best practices known to reduce recidivism and cause positive criminal justice outcomes.

Eight Standard Evidence-Based Principles for Offender Supervision

1. Assess Actuarial Risk/Needs
2. Enhance Intrinsic Motivation
3. Target Interventions (Using Risk/Need/Responsivity Principle)
4. Prioritize the Use of Cognitive-Behavioral Treatment Methods
5. Increase use of Positive Reinforcement
6. Engage Ongoing Support in Natural Communities
7. Measure Relevant Processes/Practices
8. Provide Measurement Feedback to Staff/Programs

Two Additional Evidence-Based Principles for Criminal Justice Systems

1. Develop a Criminal Justice System Vision and Goals
2. Collaborate Across Criminal Justice and Treatment Agencies

Criminal Justice System Vision and Goals

It is possible for individual components of a criminal justice system to engage in one or more evidence-based practices while the rest of the system engages in none. While any use of evidence-based practices should be applauded, the greatest impact in positive outcomes and cost reductions will result from a *system* that engages in evidence-based practices from the initial entry of

offenders into the system to their termination. An evidence-based *system* first identifies and clearly articulates its mission, vision, and goals. This requires the individual agencies that combine to form what is loosely called the criminal justice system to join together and create this shared vision. This can be done at both the local and state levels. To create an evidence-based system, the vision and goals must require actuarial risk and needs assessment and effective sanctions and interventions (McGarry & Ney, 2006).

According to the Wisconsin Department of Corrections' weekly population report dated September 9, 2011, over 21,000 adult offenders were incarcerated and nearly 68,000 more were serving community-based sentences on either probation or parole at the end of April. According to a 2008 Pew Center for the States report (March 2009), Wisconsin ranked 28th in the nation for the proportion of incarcerated adults (1 in 39) in the state and 32nd among the 50 states for its adult population under community-based correctional control. At a cost of approximately \$88 per day per incarcerated offender, the price tag is approximately \$32,000 to incarcerate one adult offender per year (Contorno, 2011). Comparatively, in 2008, Wisconsin spent 16 cents on probation and parole for every dollar spent on incarceration (Pew Center on the States, 2009). While most Americans will not argue that prisons are a necessary component to maintaining safety in our communities, many Americans do question the reliance on prison incarceration for use with offenders who have committed nonviolent⁴ crimes (Princeton Survey Research Associates International, 2006).

⁴ In this survey, "violent" crimes were anchored with the phrase "(crimes) like armed robbery or rape;" "nonviolent" crimes were anchored with the phrases "(crimes) like possession or sale of illegal drugs" and "(crimes) like burglary or auto theft."

Whether corrections professionals, lawmakers, or citizens in the state of Wisconsin feel the level of reliance on incarceration and probation/parole supervision is too low, too high, or about right is unknown at this time. But the Wisconsin criminal justice system, to function effectively, must answer questions regarding how best to use limited resources — and these questions must be answered by a collaborating group of professionals who have identified the mission and goals of the criminal justice system.

Attention to Risk, Needs, and Offender Responsivity

The corrections-based literature on evidence-based practices is very clear that sentencing, supervision, and treatment decisions must consider the Risk-Needs-Responsivity (RNR) model to effect behavioral change among correctional populations. The *risk principle* encompasses the idea that supervision and treatment levels must match an offender's level of risk to reoffend. The research on the risk principle is compelling in showing that the most effective use of limited correctional resources is to focus on the needs of high-risk offenders. In fact, research indicates that focusing supervision and treatment resources on lower-risk offenders can lead to wasted resources and, in some cases, may actually *increase* recidivism rates (Marcus, 2009; Lowenkamp & Latessa, 2002, 2004; Bonta, Wallace-Capretta, & Rooney, 2000; Andrews & Bonta, 2006). If left alone, relatively speaking, lower-risk offenders perform just as well as when managed similarly to their higher-risk counterparts. Therefore, directing fewer resources to this population is a wiser use of resources (Gendreau & Goggin, 1997; Andrews & Bonta, 1998; Harland, 1996; Sherman et al., 1998; McGuire, 2001, 2002).

In an effort to explain this phenomenon, Lowenkamp and Latessa (2004) point out that the strongest predictors of risk include antisocial attitudes, associates, personality, and a history of antisocial behavior; the next tier

of risk predictors include substance abuse, family problems, and problems with education and employment. Low-risk offenders are likely to be fairly pro-social in their thinking, are likely to have stable employment, and generally have pro-social associates. By definition, placing the two categories of offenders together in treatment or supervision groups will likely increase the low-risk offenders' risk factors by exposing them to a greater number of anti-social peers. Add to this the required attendance in an intensive treatment intervention, which is likely to interfere with a person's job and family life, and the intervention has actually *weakened* the structure of the low-risk person's life.

The *needs principle* stresses that assessing for and then focusing on those needs that relate most closely to illegal or criminal behavior (criminogenic needs) will result in the greatest reductions of recidivism. Examples of criminogenic needs include anti-social associates, attitudes and personalities, substance abuse, conduct disorder, lack of impulse control, lack of employment and poor family relations. To most effectively impact criminal behavior, criminogenic needs should be addressed according to the most significant needs, as indicated by an actuarial assessment (see Andrews & Bonta, 1998; Elliott, Hatot & Sirovatka, 2001; Harland, 1996).

The *responsivity principle* is characterized by maximizing an offender's ability to learn from a correctional intervention by focusing on two important elements: 1) using cognitive behavioral treatment and 2) tailoring the intervention to the individual characteristics of the offender. Specifically, treatment interventions should consider the offender's learning style, motivation, developmental stage, cognitive abilities, and strengths. Encouraging an offender to engage in positive behavioral changes goes beyond identifying his or her needs to address a particular issue and requires addressing *who they are* (see Miller & Rollnick, 2002; Gordon, 1970, Williams, Elliott & Guerra, 1999).

Paying attention to the RNR model is a necessity not only for corrections agents and treatment providers but also for prosecutors and defense counsel, who should consider offender characteristics before negotiating plea agreements or sentence recommendations before conviction. In fact, when appropriately identified and matched treatment interventions are combined with the court's sanctions, recidivism reduction is likely to be *greater*. This combined focus at sentencing allows the court to impose its sentencing objectives, such as punishment, deterrence, or incapacitation, while also providing the opportunity for offender behavioral change, which leads to lower recidivism rates (Warren, 2007; Pew Center on the States, 2009; Gornick, No Date). "Research unequivocally demonstrates that in the absence of effective treatment, traditional criminal sanctions such as incarceration and intensive probation supervision do not reduce recidivism beyond the period of the offender's confinement, restraint or surveillance" (Pew Center on the States, 2009, p. 4).

Similarly, assessment information can be used by law-enforcement agencies to decide whether to detain an offender in jail; by prosecutors to charge and plea bargain; and by judges to decide bail, conditions of release, and sentencing. As noted above, over-supervision of a low-risk offender can lead to unwanted results and an inefficient use of resources. "We are not treating like offenders alike if we insist on ignoring factors that make them quite unlike in risk and responsivity to treatment" (Marcus, 2009, p. 769). Ultimately, sentences should be designed with risk reduction in mind and should avoid being too directive in terms of specific treatment mandates or laden with impossible conditions of placement that severely limit an offender's possibility of successfully terminating his or her sentence (Pew Center of the States, 2009). "Sanctions, *if not accompanied by appropriate treatment*, have shown little or no evidence of reducing recidivism. *The key idea is simply this: effective correctional*

intervention must produce a change in the offender's fundamental worldview, especially their perception of authority, rules, and accountability. This marks an essential difference between pro-social and anti-social attitudes and behaviors. Addressing this aspect of anti-social logic is a vital part of effective program strategy. Sanctions alone fail to effect the desired outcomes" (Gornick, No Date).

A National Working Group focused on using offender risk-and-needs-assessment information at sentencing recommends that "judges (should) have offender assessment information available to inform their decisions regarding risk management and reduction" (Case, Warren & Elek, 2011). This working group identified the following specific advantages to the use of offender assessment information in sentencing decisions: improving public safety, reducing reliance on incarceration by reserving costly prison beds for serious and violent offenders, reducing subjective sentencing decisions by using scientifically based decision tools, focusing on offender accountability to elicit behavioral changes, and reducing a host of unnecessary burdens on low-risk offenders and their families.

To effectively integrate information derived from a risk and needs assessment of an offender, judges, prosecutors, and defense attorneys must receive sufficient training on risk/needs assessment in general and on the particular risk/needs assessment instrument in use. The training should be couched in the evidence-based literature and should focus on the vast literature on criminogenic needs, how research has borne out, time and again, and how and why criminogenic needs must be addressed to change behavior. Training should incorporate an overview of the science behind risk and needs assessment instruments in general; what risk and needs assessment information does and does not mean; and most important, how to interpret the findings. Of course, any training effort should also emphasize the roles of all important principles in creating offender

change and the need to collaborate across agencies (Pew Center on the States, 2009).

The Use of Cognitive Behavioral Interventions to Change Criminal Thinking

There is a strong body of literature demonstrating that correctional intervention programs that emphasize the development of cognitive skills to transform "criminal thinking" into "right thinking" are related to decreased recidivism (Gornick, No Date; Mihalic et al., 2001; Miller & Rollnick, 2002; Lipsey & Wilson, 1993; McGuire, 2002; Aos, 1998). Cognitive skills programs work to change offenders' thinking and behavior by incorporating pro-social modeling and structured interventions to impact behavioral changes through re-socialization. Environments that provide structure and support offender accountability foster offender change through social learning. "Structure organizes the behavior of members toward a common goal of 'right living.' Staff, operating as a rational authority, provides an organized structure of values, rules, roles, and responsibilities. Accountability teaches respect for structure and moves the offender from an observer stance...to a participant stance...to a member stance" (Gornick, No Date). Essentially, cognitive skills training (teaching offenders to think responsibly and productively) and cognitive restructuring programs (changing destructive attitudes and thinking habits that lead to criminal behavior into new pro-social attitudes) work to move offenders from anti-social thinking and behavior to pro-social thinking and behaviors. Incorporating the use of pro-social thinking into all phases of correctional supervision and interventions strengthens the likelihood of reducing recidivism through lasting offender change.

There are a range of cognitive skill development programs, such as *Thinking for a Change*, *MRT*, *Thinking Matters*, *Reasoning and Rehabilitation*, and others that require training and certification of those delivering these programs. The

effective use of such programs, however, depends on the quality of training of those delivering the program, the degree of fidelity to the program's original model is held and the degree to which the skills being taught are also being demonstrated by the program facilitators.

Use Positive Reinforcement More Often than Negative Reinforcement.

While the criminal and juvenile justice system has historically relied on the use of punishment models which focus primarily on negative behavior, correctional and behavioral change research indicates that *positive reinforcement* is much more likely to lead to sustained positive changes in behavior. In fact, research indicates that human beings need four positive responses to behavior to each single negative response to a behavior. Research supports that forced offender treatment can work, but to be most effective, there must be motivation, on the offender's part, to change. Judges, probation, and parole agents and others whose authority is respected by the offender can greatly impact such motivations by communicating in a positive manner at sentencing as well as throughout an offender's sentence (Pew Center on the States, 2009; Warren, 2007; Miller & Rollnick, 2002; Miller & Mount, 2001; Harper & Hardy, 2000; Ryan & Deci, 2000). As Gornick (No Date, p. 11) states "the crucial element is consistent modeling by staff that practices and believes in the principles they are espousing." Positive reinforcement should be real and meaningful, as opposed to contrived.

Engage Ongoing Support in Natural Communities

Personal behavioral change is more likely to be maintained long term when those behavioral changes are supported by people around us. Research indicates that working with people in an offender's immediate environment, such as a parent, teacher, minister, neighbor, aunt

or uncle, or pro-social peer, to support and reinforce positive behavioral changes can have a significant impact on the offender's ability to sustain those changes over time (Crime and Justice Institute, 2004; Gornick, No date). Additionally, recent research indicates that systems and programs that improve ties between an offender and the community, such as restorative justice practices, positively impact behavioral changes (Azrin & Besalel, 1980; Higgins & Silverman, 1999; Meyers & Smith, 1997; Bonta et al., 2002; O'Connor & Perryclear, 2002).

Collaborate Across Criminal Justice and Treatment Agencies

While creating an evidence-based organization is difficult, it is an even greater challenge to create an evidence-based system. "It takes a well-planned and collaborative effort for system stakeholders to work together toward a common goal such as recidivism reduction" (Crime and Justice Institute, 2010 p. 120.). For evidence-based practices to be fully implemented, all entities within the system must collaborate and build a joint vision, mission, and set of goals in line with evidence-based practices. Most important, these collaborations at both the local and state level, are most effective when they include the court, probation, and treatment providers. Collaborations can be strengthened by adding law-enforcement representatives, defense attorneys and prosecutors, policymakers, community members, victim advocates, and others with an interest in criminal justice policy (Pierce-Danford & Guevara, 2010; Carter, 2006; McGarry & Ney, 2006; Pew Center on the States, 2009).

Create an Ongoing Feedback Loop

Evidence-based practices are founded on sound measurement of practices and outcomes. Measuring what is done and how that activity translates into outcomes is critical to understanding whether and how well a program works.

Peggy McGarry and Becki Ney from the Center for Effective Public Policy developed an excellent document for building a multiagency collaborative effort (see *Getting it Right: Collaborative Problem Solving for Criminal Justice*, June 2006). *Getting it Right* lays out a very clear plan for developing an understanding of the criminal justice system that helps to identify gaps in knowledge and services, as well as to develop the beginning of a feedback loop based on identifying, measuring, and adjusting practices to improve outcomes. Just as it is important to develop system-based measures of outcomes, measuring staff performance, at the agency level, is an important way to ensure that work is completed in the expected manner and that fidelity to program models is maintained. It is imperative that changes in cognitive and skill development and offender recidivism get measured routinely if offender outcomes are expected to improve. For more information, see (McGarry & Ney, 2006; Henggeler et al., 1997; Mihalic & Irwin, 2003; Meyers & Smith, 1995; Hanson & Harris, 1998; Miller & Mount, 2001; Gendreau, Little, & Goggin, 1996; Dilulio, 1993).

Of course, measuring a system's performance is only useful if the information is shared and used to continue to improve the system. Once a mechanism by which performance is measured has been designed and implemented, it is important to provide regular feedback to staff and the community regarding that performance. Providing feedback at the system and agency levels, and to the individual under supervision, is essential to improving services and outcomes. Monitoring the delivery of services within an organization helps build accountability and maintain integrity to the agency's mission. Conducting evaluations, performance audits, and case reviews that

focus on improving outcomes help to keep organizations focused on their ultimate goals. Finally, reporting how the department/treatment program — or the criminal justice system — is performing will help to inform ongoing improvements (Agostinelli, Brown, & Miller, 1995; Alvero, Bucklin, & Austin, 2001; Decker, 1983; Ludeman, 1991; Elliott, 1980).

Organization of this Report

There are four remaining chapters in this report. Chapter 2 is concerned with risk and needs assessment in criminal justice decision making. Specifically, that chapter provides an overview of what risk and needs assessment is and why use of such instruments constitutes state-of-the-art practice in making placement and treatment decisions about offenders. Chapter 2 also provides an overview of the AIM pilot program in six Wisconsin courts and presents the results of a survey of judges regarding the AIM process, reports, and use of assessment information. Chapter 3 focuses on problem-solving courts and presents an overview of evidence-based practices in problem-solving courts, a review of information obtained from site visits and a discussion of the degree to which Wisconsin problem-solving courts adhere to evidence-based practices. Chapter 4 is devoted to Criminal Justice Coordinating Committees (CJCCs). This chapter discusses CJCCs in general, presents the elements that exist in high-functioning CJCCs, and discusses state-level CJCCs. Chapter 5 pulls the information from the previous chapters together and presents a road map that could be used in Wisconsin to develop an infrastructure and activities that could help improve decision making and service delivery in the criminal justice system across the state.

CHAPTER 2: Introduction of the Use of Risk and Needs Assessment in the Wisconsin Judiciary -- The AIM Pilot Project Review

The careful use of risk assessment is more than the future of sentencing. In a growing number of jurisdictions, it has become an exciting and integral part of current sentencing practices. With the promise of prison diversion for low-risk individuals and the incapacitation of those who pose the most risk to the community, integrating risk assessment into sentencing ...holds much promise. This approach offers the opportunity to standardize the offender-based factors considered at sentencing, which itself will be an improvement over the ad hoc assessments of risk on which many judges rely today – Hyatt, Bergstrom, & Chanenson, 2011.

What Is AIM?

The Assess, Inform, and Measure (AIM) pilot project is an initiative of the Wisconsin Supreme Court Policy and Planning Advisory Committee's (PPAC) Effective Justice Strategies Subcommittee (EJSS). The AIM project, which began in the fall of 2006, is intended to provide judges with valid and reliable information to help inform sentencing decisions. The AIM process is based upon principles of risk, needs, and responsivity (RNR) that are systematically developed and focus judicial attention on evidence-based factors linked with recidivism. In contrast, the pre-sentencing investigative reports (PSIs) may vary in content and emphasis based upon the discretion of probation staff.⁵ As reported in the online *Wisconsin Court System* website (www.wicourts.gov), the AIM model has two stated goals, which are:

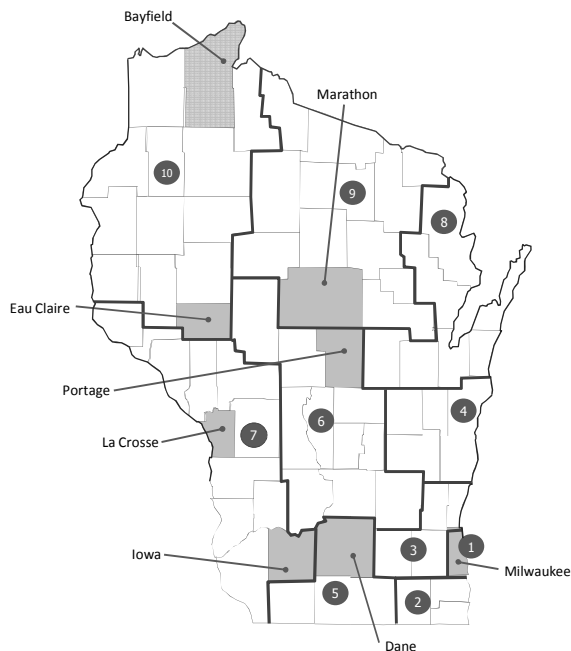
1. Provide the sentencing court with a valid risk, needs, unique characteristic (responsivity) and community intervention assessment, while creating a feedback loop that provides information on the success of court dispositions and community interventions in promoting offender success and public safety.

2. Put into practice and evaluate a process that offers the court reliable information that will have value in the sentencing process, and may lead to the safe diversion of some persons, who may have otherwise received jail or prison confinement time, to community-based supervision and treatment.

Eight pilot counties volunteered to participate in the AIM Project (Bayfield, Dane, Eau Claire, Iowa, La Crosse, Marathon, Milwaukee, and Portage counties). The pilot counties range from small, one-judge courts (e.g., Bayfield and Iowa counties) to large, urban jurisdictions (e.g., Milwaukee County). A few of the counties (e.g., Marathon, LaCrosse, and Portage) have a lengthy history of using risk and needs assessment tools to aid in the sentencing decision, predating the AIM initiative.

⁵ PSIs are currently completed for roughly 30 percent of felony cases statewide and are typically reserved only for serious or egregious cases.

AIM Pilot Sites



AIM grew directly out of concerns by members of the Planning and Policy Advisory Committee (PPAC) that jail and prison may not be the best method for changing people's behavior and providing safety for the community. Committee members questioned whether the number of individuals being incarcerated was too large and how effective this type of sanction was in changing people's behavior. As a result, the Alternatives for Incarceration Committee,⁶ a subcommittee of PPAC, began to explore options to support "better decision-making with better results." The subcommittee reviewed previous research and reports about court-based programs in other jurisdictions that were offering alternatives to incarceration. The group concluded that judges in Wisconsin would be willing to send various populations of individuals to sentencing alternatives (e.g., non-incarcerative treatment options) if they knew what the individual needed and if they had adequate information to make those decisions. This led to a review and discussion about

assessment (risk and needs) and, ultimately, the development of the AIM pilot program.

By undertaking the AIM project, Wisconsin joined the ranks of a small but growing number of pioneering jurisdictions that provide RNR information (or at least some aspects of this information) to judges before sentencing including Arizona, Colorado, Texas, Iowa, Missouri, and Virginia. Because these seminal efforts are largely unprecedented, states developed their own processes for implementing this reform. The AIM project was the first effort by Wisconsin to promote a statewide implementation of evidence-based practices throughout the criminal justice system. It was a "grass-roots" effort in the sense that much of the impetus for its creation came from judges and other criminal justice system practitioners serving on the EJSS. Jurisdictions volunteered to participate in the AIM pilot project, and consequently, must be considered to be highly motivated to embrace evidence-based practices. Outside of Milwaukee County, none of the pilot sites were provided with additional resources to implement the AIM process.

To foster participation in the AIM project and to provide sensitivity to local conditions, each of the AIM pilot counties was given latitude in selecting their own target populations; risk, needs, and responsivity assessment tools; and the point at which the assessment would be conducted. Target populations include OWI offenders, misdemeanor repeat offenders, and class F, G, H, and I felons. Additionally, pilot locations have selected a variety of risk assessment tools, including COMPAS, LSI-R, and LS-CMI; sites have also determined the various points in the system in which assessment instruments will be used, such as bond hearings or pre-sentence. The lack of uniformity in target populations and instrumentation reflect the "pilot" status of the AIM project and appropriately provided a variety of contexts in which to examine the utility of providing RNR information to judges before sentencing.

⁶ This committee subsequently became known as the Effective Justice Strategies Subcommittee (EJSS).

AIM should be considered a “process” whereby judges are provided RNR information before sentencing, though the specifics of this information will vary according to instrumentation and target population. The feedback loop feature of AIM in particular is unique among other jurisdictions’ experimenting with the provision of RNR information to judges prior to sentencing. The feedback loop component reflects recognition of the importance of evaluative information in refining the implementation of evidence-based practices.

Figure 1: AIM Pilot Sites and Target Populations

County	Target Population	Risk and Needs Assessment Tool	Responsivity Assessment Tool	Referral Decision Point
Bayfield	Multiple misdemeanor repeat offenders	LS-CMI	URICA	Post-plea Pre-sentence
Dane	Persons charged with felony and deemed appropriate for AIM	COMPAS	URICA	TBD
Eau Claire	Misdemeanor and non-PSI felonies who are single mothers with Alcohol or drug addiction and/or mental health issues who also have custodial responsibilities for dependent children under the age of 12	COMPAS	URICA	Pre-sentence
Iowa	Multiple OWI offenders on bond monitoring and others deemed appropriate by the judge	LS-CMI	URICA	Initial appearance Bond hearing
La Crosse	Persons with felony conviction who were ordered or recommended for bond supervision; sentenced to electronic monitoring; referred to OWI or Treatment Court	LSI-R Proxy SARA	URICA	Bond hearing Pre-sentence
Marathon	Diversion clients with Deferred Entry of Judgement Agreement. Many offenders are repeat offenders	LSI-R	URICA	Pre-trial
Milwaukee	Defendants whose highest conviction is a Class F, G, H, I felony (exemptions: persons facing reconfinement, sex offender registry violations, and escape and fleeing)	LSI-R	SOCRATES	Post-plea Pre-sentence
Portage	Multiple OWI offenders and others deemed appropriate by the judge	LSI-R LS-CMI COMPAS	URICA	Bond hearing Pre-sentence

Project guidelines require that the information provided to the judge be predicated on evidence-based practices and be succinct, understandable, and sufficient to assist the judge in the decision-making process. Despite variations in target populations, instruments, and referral points, each AIM report provided to judges in the pilot counties includes the following sections:

1. Identifying Information (offender demographics, family, education, and employment information)
2. Current Charges
3. Criminal History
4. Risk Assessment
5. Needs Assessment (criminogenic factors: associates, cognitive behavioral, employment, family/marital, personal/emotional, and substance abuse; and assets: family/marital and personal/emotional)
6. Motivation Assessment
7. Unique Characteristics (responsivity: anxiety/shyness, mental disorder diagnosis, and prior mental health intervention)
8. Community-Based Program Availability

For each report, the instruments used in the risk, needs, and motivation assessment sections are identified. Scores are reported in the risk-and-motivation-assessment sections, while ratings (e.g., high, low) as well as rating descriptions are provided in all assessment sections.

The AIM report does not provide specific recommendations but identifies relevant resources in the community, appropriate for the particular offender's risk and needs profile, should the judge decide to keep the offender in the community.

A critical component of the AIM model is the development of a two-way "feedback loop" that is designed to provide feedback on the value of the information provided to the court and aggregate data on case outcomes.

Feedback also flows directly to the courts. The AIM staff provides the courts with aggregate-level information about targeted offender's case outcomes (success/failure rates). This information can be used to evaluate the impacts of specific interventions on recidivism. Additionally, information from the AIM database is being used to identify services in need of expansion and those currently not being utilized.

The Case for Using Risk-Needs-Responsivity (RNR) Assessments to Inform Sentencing

As Wisconsin considers the future of the AIM program, it is important to carefully examine the research that provides the underlying rationale for this promising pilot program. To this end, we review pertinent research on the subject of Risk-Needs-Responsivity (RNR) Assessment and its potential to better inform sentencing decisions.

Risk Assessment

The purpose of all risk assessment procedures is to predict the future incidence of targeted "risk" behavior. There are two principal approaches to the assessment of risk of re-offending or any other form of human behavior. The *clinical approach* relies on the subjective judgment of experienced decision makers — typically psychologists and psychiatrists, but also parole board members or judges. With clinical prediction, the risk factors considered and the weight given to these factors are determined by the clinician doing the assessment using his or her expert experience and training. The weight given to risk factors assessed (indeed the risk factors themselves) in clinical prediction might vary from case to case, depending on which seem most relevant to the clinician doing the assessment. The clinician then combines the intuitively weighted risk factors to generate a summative conclusion

about the odds that the offender will reoffend sometime in the future.

The other approach, termed *actuarial* or *statistical*, relies on explicit rules specifying which risk factors should be measured, how those risk factors are scored or weighted, and how the scores are to be mathematically combined to yield an objective estimate of the risk of re-offending. In the corrections realm, the history of actuarial risk assessment stretches back to the 1920s with the pioneering efforts of Hart (1923), Warner (1923) and Burgess (1928) to predict parole recidivism. The first attempt to develop a dedicated risk assessment instrument hails back to Ernest Burgess's work for the Illinois Parole Board in 1928.

Actuarial algorithms are statistically more accurate and consistent than human decision-makers (Grove & Meehl, 1996; Quinsey et al., 1998). Paul Meehl's 1956 classic work, *Clinical vs. Statistical Prediction*, first made the case for the superiority of actuarial over clinical decision-making (Meehl, 1956). He summarized 20 empirical tests of one method against the other in predictions of human conduct, using studies with large samples and a follow-up process, to see which prediction was correct. The studies were very diverse and included predicting psychiatric disorders in mental patients, performance of armed-forces personnel receiving various types of technical training, and the recidivism of prisoners. In 16 of these tests, the statistical predictions proved correct much more often than did the predictions made using expert opinion. More recently, Professor Meehl and his colleague and fellow professor William Grove provided additional evidence in support of the superiority of actuarial over clinical risk assessment (Grove & Meehl, 1996). They located 136 empirical studies comparing clinical and actuarial prediction and found overwhelming support for the latter over the former since only eight of the studies favored clinical prediction. In 1987, Glaser observed that published studies in the fields of criminal justice had

always found statistical predictions more accurate than clinical predictions for the same samples of cases.

When the targeted risk behavior is recidivism, offenders can be classified on the basis of their predicted likelihood of repeat offending by means of statistical (or "actuarial") risk assessment (Blumstein et al., 1986; Champion, 1994; Gottfredson & Gottfredson, 1980). The goal of such an exercise is to use an explicit set of factors that correlate with re-offending to classify offenders into groups that re-offend at similar rates within a group but at different rates between groups. Traditionally, the types of factors used include the offender's criminal history (previous arrests, history of violence, previous performance on probation or parole); the nature of the offenses and information about the victims; social variables like the offender's age, educational and employment history, socioeconomic and family background, psychological profile (e.g., mental health evaluations); and the offender's history of substance abuse (Domurad, 1999). Different combinations of variables such as these have been used to predict recidivism in a variety of contexts, including sex offenders (Korth & Gladston, 1999) and violent offenders (McCann, 1997). Following arrest, risk assessment is also used in bail and pretrial release decisions made by judges and magistrates (Goldkamp & Gottfredson, 1985), probation decisions (Champion, 1994), as well as in predicting future behavior of parolees (Palacios, 1994).

Risk Assessment and Sentencing

Two important articles (Tonry, 1987), (Silver & Chow-Martin, 2002) argue that the potential utility of actuarial prediction devices for informing sentencing depends on one's perspective on the purposes of punishment. From the vantage of retributionists, (Singer, 1979) and (Von Hirsch, 1985), the offender's post-conviction behavior is irrelevant because the purpose of punishment is to mete out harm to the offender in proportion to the

harm the offender inflicted on the victims of the crime (“just deserts”). On the other hand, utilitarians (Morris & Miller, 1985) justify punishment as a means to prevent re-offending through incapacitation, deterrence, and/or rehabilitation, thereby protecting the public from future harm (and other costs) associated with crime. From this perspective, the probability that an offender may re-offend is a critical factor in sentencing because it determines the need for and the type of punishment that will best secure public safety.

Silver and Chow-Martin (2002) argue that judicial sentencing decisions in practice are premised on a combination of retributive, utilitarian, and other grounds. In support of their position, they cite the work of Steffensmeier and his colleagues (Steffensmeier & Demuth, 2000), (Steffensmeier, Ulmer, & Kramer, 1998) who argue that three focal concerns structure judicial sentencing: a) offender blameworthiness, b) practical implications of sentencing, and c) protection of the community. Blameworthiness reflects a “just deserts” or retributive philosophy of punishment while practical implications (e.g., the disruption of the family of the offender caused by his or her incarceration) are grounded in the realities of everyday life and do not reflect any particular philosophy of punishment.

In contrast to blameworthiness and practical implications, concern about the protection of the community requires that judges make assessments of future dangerousness or criminality when sentencing offenders (Underwood, 1979). According to Steffensmeier and Demuth (2000, p. 709), “judges’ assessments of offenders’ future behavior (dangerousness, recidivism) are based on attributions predicated on the nature of the offense (e.g., violent, property, drug), case information, the offender’s criminal history, and also perhaps, on characteristics of the offender such as education, employment, or community ties.”

Thus, judges consider a variety of potentially predictive information when making assessments of future risk, usually within a very limited amount of time. Despite their availability, actuarial (or statistical) prediction tools are almost never used by judges for this purpose (Silver & Miller, 2002). Instead, judges typically rely on “perceptual shorthand” (Steffensmeier, Ulmer, & Kramer, 1998) or intuition (Tonry, 1987) to predict future criminality and/or dangerousness. Tonry (1987) argues that actuarial risk assessment provides a superior alternative to the current judicial practice of basing predictions of future risk based on subjective impressions and intuitions, the inconsistency of which may undermine the principle of equal treatment before the law (Steffensmeier & Demuth, 2000; Underwood, 1979):

Judges, parole boards, and correctional administrators have always taken an offender’s apparent dangerousness into account in making critical decisions, although, of necessity, they have done so in an intuitionist way with divergence in the decisions reached: it is far better explicitly to rely on general predictive rules that are based on the best available evidence and that are systematically applied than to go on as before; so long as the resulting penalties do not exceed what the offender deserved, he has no ground for complaint, and the rest of us would be better off because crime will be incrementally reduced by virtue of the incapacitation of offenders predicted to be dangerous. If the accuracy of prediction can be significantly improved, we may be able to target resources on dangerous offenders, to reduce prison populations, and thereby to achieve greater crime control at less financial cost. Thus, the public’s interest in crime control and economy will be served,

sentencing disparities will be diminished, and offenders will suffer punishments that are not undeserved. It is not the best of all possible worlds, but it is better than what now exists (Tonry, 1987, p. 388).

Given the multiple and sometimes competing focal concerns of sentencing, it should be noted that *prediction should never be the sole determinant of the sentencing outcome*. Rather, actuarial predictions must be balanced against offender blameworthiness and practical considerations. Thus, predictive information should be integrated into the decision-making process to provide relevant information for the judge to consider, not in isolation, but along with other focal concerns of sentencing.

In short, actuarial risk assessment has the potential to make sentencing more uniform, consistent, and objective, while enabling criminal justice agencies the ability to “manage resources more efficiently by directing them toward the higher risk cases” (Silver & Miller, 2002, p. 143). Because of the lack of bias in their computations, standardized risk assessment tools increase the consistency and — potentially — accuracy of risk classifications (Gambrill & Schlonsky, 2000).

While *risk assessment* is a valuable tool for classifying offenders according to their risk to re-offend, the risk component alone does not provide guidance for offender treatment and supervision. Further, many risk assessment instruments are “static” in the sense that they base their scoring on factors that do not change (e.g., age at first offense) or change incrementally. More recent third- and fourth-generation assessment protocols⁷

⁷ Generally, first generation risk assessment is categorized as professional judgment only. Second generation improved on that by creating risk assessment tools that were actuarial in nature, but the items were not theoretically or statistically linked to recidivism. Third and

(Andrews, Bonta, & Wormith, 2006) include dynamic risk items that can change as a result of correctional treatment and supervision and, consequently, can be used to provide the basis for correctional programming (e.g., Correctional Offender Management Profiling for Alternative Sanctions or COMPAS).

Assessment of Treatment Needs

Assessment of treatment needs is done so that offenders with similar treatment needs are classified into categories for correctional programming purposes so they receive services appropriate for their classification. Similar to risk assessment, the goal of assessment for treatment is to classify a heterogeneous body of offenders into more homogenous subcategories based, in this case, on their treatment needs. This approach to treatment assessment, which began in earnest during the 1950s and 1960s, contrasts with the historically dominant approach of basing assessments of the need for treatment on individual diagnoses of offender needs, typically conducted by a clinician. Historical examples of systems of assessment for treatment needs include I-level classification (Sullivan, Grant, & Grant, 1957), based on the concept of interpersonal maturity; the empirically derived Quay classification system (Quay, 1971); and the Megargee classification system (Megargee & Bohn, 1979), based on the Minnesota Multiphasic Personality Inventory (MMPI).

fourth generation risk assessment models are theoretically tied to the RNR model of assessment and rehabilitation. Third generation instruments added factors to measure offender change and dynamic risk factors; fourth generation instruments incorporate personal factors important to treatment, especially *strength-based* factors.

A major development in assessment for treatment needs occurred in Wisconsin (Department of Corrections) in the second half of the seventies (Baird, Heinz, & Bemus, 1979). The Wisconsin Probation Classification System assigned clients to different levels of supervision based on both their risk for continued unlawful activity and their need for agency services. The system was developed by the Case Classification/Staff Deployment Project (CC/SD) and was implemented statewide during the fall of 1977.

In developing a *Needs Assessment Instrument*, CC/SD sought to standardize the manner in which agents assess the problems and deficit areas of their clients. An extensive list of possible client needs was prepared and used to survey incoming clients over an eight-month period. The eleven categories of needs, which comprised the final scale, were thought to encompass the wide range of problems that are most commonly evidenced in probationers and parolees. Each scale was weighted according to the severity of the problem from -1 for minimum to +5 for maximum. The scale was designed “not only to be a classification device, but to provide a common denominator for assessing the composite severity of problems, to aid in formulating a probation/parole case plan, and to provide an instrument for uniformly assessing the progress of clients” (Baird, Heinz, & Bemus, 1979). A list of the eleven needs that were assessed follows:

1. Academic/vocational skills
2. Employment
3. Financial management
4. Marital/family relationships
5. Companions
6. Emotional stability
7. Alcohol usage
8. Other drug usage
9. Mental ability
10. Health
11. Sexual behavior

Reevaluations of both offender risk and needs are required at six-month intervals to reflect changes in the offender’s situation, service needs and risk of re-offending. Reclassifications also required the probation/parole officer (PO) to review case progress and, if appropriate, alter the case plan, goals, and objectives accordingly.

The risk and needs assessment measures the offender’s likelihood of re-offending and indicates the amount of intervention required to deal with their problems. While these measures can be used collectively to determine the level of supervision, they do not specify a supervision strategy. To address this need, the Client Management Classification (CMC) process was developed, consisting of a 45-minute semi-structured interview, utilizing a forced-choice rating instrument.

Baird and his colleagues reported that assignment to different levels of supervision based on assessments of needs and risk appeared to have a significant impact on probation and parole outcomes. Increased contacts with high-need/high-risk clients resulted in fewer new convictions, rules violations, absconsions, and revocations; while the decreased contacts with low-need/low-risk clients had no perceptible adverse effects.

The work of Baird and his colleagues introduced a number of significant advances to the use of risk and needs assessment in community-based correctional programming. First, that the focus of *correctional programming should be responses to needs that influence an offender’s propensity to re-offend*. Second, that *risk and needs assessments should be used jointly to determine an offender’s level of supervision* (i.e., maximum, medium, and minimum). Third, that *the assessment procedure should be dynamic* in that the offender’s risk and needs should be periodically reassessed to allow for the possibility that the offender’s situation may change while under supervision, perhaps in response to community-based correctional programming.

Principles of Risk-Needs-Responsivity (RNR) Theory

In the early 1990s, a group of Canadian psychologists working in corrections (Andrews, Bonta, & Hoge, 1990; Andrews et al., 1990) built on the previous work on offender risk and needs assessment to articulate a sophisticated and comprehensive conceptual framework for correctional programming, primarily focusing on community-based treatment. Their Risk-Needs-Responsivity (RNR) theory specifies how an offender's criminogenic characteristics should drive the selection and implementation of correctional services. Criminogenic characteristics encompass both risk, i.e., those factors that predispose an offender to re-offend, and need, i.e., "those disturbances in biopsychosocial functioning that impinge on an individual's ability to function stably in society" (Taxman & Marlowe, 2006).

Bonta and associates articulated their *Risk Principle*, which requires that the level of service provided to an offender matches the offender's likelihood of re-offending. Higher-risk cases require 1) more intervention, 2) more structure, 3) more supervision, and 4) *more of your resources* (Duran & D'Amora, 2011). On the other hand, Duran and D'Amora make the point that efficient distribution of resources requires that lower-risk offenders receive 1) less intervention, 2) less structure, 3) less supervision, and 4) *less of your resources*. In short, as Duran and D'Amora point out, the Risk Principle tells us "whom" to target (high-risk offenders).

Their *Needs Principle* requires that offender criminogenic needs be assessed and targeted with treatment and interventions. Criminogenic needs are "dynamic or changeable factors that contribute to the likelihood that someone will commit a crime" (Duran & D'Amora, 2011). They provide intermediate targets of change for rehabilitation programming (Andrews & Bonta, 2010). Andrews, Bonta, and their associates (see, e.g., (Andrews, Bonta, & Wormith, 2006; Andrews & Bonta,

2010; Andrews, Bonta, & Wormith, 2011) identify eight such general needs, based on a general personality and cognitive social learning perspective of criminal conduct (Andrews & Bonta, 2006):

1. History of antisocial behavior
2. Anti-social cognition
3. Anti-social friends and peers
4. Anti-social personality pattern
5. Family and/ or marital factors
6. Substance abuse
7. Social achievement (school/work)
8. Lack of pro-social leisure activities

These eight criminogenic needs are referred to as the "*Central Eight*" risk/need areas (Andrews & Bonta, 2006). The first four factors have the highest reported correlations with criminal behavior among the eight and constitute "the 'big four' risk/need areas.

The needs principle directs criminal justice authorities to put higher-risk/higher-need offenders in treatment slots with higher priority than lower-risk/lower-needs offenders. Further, it directs case managers to develop case plans that prioritize criminogenic needs, making sure, for example, that the "big four" factors receive priority over the other residual criminogenic needs. In short, the needs principle tells us "what" to target with treatment and interventions (Andrews & Bonta, 2010) and the risk principle tells us whom to target.

RNR theory also incorporates the concept of offender responsivity, along with risk and needs, to specify what treatment strategies should be employed with offenders, based on the offender's learning style and motivation. The principle of *General Responsivity* (Andrews & Bonta, 2010) builds on the importance of the therapeutic relationship but also adds that structured, cognitive behavioral intervention is an important component of effective correctional treatment. Specifically, responsivity individualizes treatment according to strengths, ability, motivation, personality, and bio-

demographic characteristics, such as gender, ethnicity, and age. The principle calls on planners to build on strengths and consider removal of any barriers to the offender's full participation in treatment and to match treatment to client characteristics. The responsivity principle tells us "how" to target offender behavior.

Collectively, the risk, needs, and responsivity principles constitute the RNR model of correctional programming; they tell us *whom* to target, *what* to target, and *how* to target individuals. We next examine the relative effectiveness of this approach for reducing offender re-offending.

Does Adherence to the Principles of RNR Lead to Better Offender Outcomes?

Accumulating research attests to the power of the RNR approach to offender rehabilitation to reduce the probability of re-offending. Andrews et al., in a 1990 meta-analysis that included 80 studies yielding 154 effect-size estimates, found a significant relationship between level of adherence to the RNR principles and reduced recidivism. Adherence to all three principles had a mean effect size (phi coefficient) of .30⁸ in contrast to programs that failed to attend to any of the principles that showed an increase of recidivism (phi=-.06).

Subsequent reviews have confirmed the importance of the RNR principles. In 2006, Andrews and Bonta reported on the results from 374 tests of the effects of treatment and criminal justice sanctions. They found that human service interventions produce greater effects on recidivism than do standard criminal justice sanctions.⁹ These results provide evidence

that basing criminal justice policy on treatment rather than punishment will lead to the greatest reductions in recidivism.

Further, Andrews and Bonta provide evidence that the size of the mean effect of a criminal justice sanction is directly related to the extent of its incorporation of the principles of RNR. They developed a four-level index of RNR adherence:

- 0=not a human service program or a program not in adherence to any of the RNR principles;
- 1= a human service agency in adherence with one of the RNR principles;
- 2= a human service agency in adherence with two of RNR the principles; and
- 3= a human service agency in adherence with all three RNR principles.

Their analysis yielded results showing that the greater the adherence to the principles of RNR, the greater the reduction in recidivism.¹⁰ Further, their analysis also revealed that the effectiveness of treatment is enhanced when it is delivered in a community rather than a residential setting.

Critiques of the RNR Model

Despite strong empirical support for the RNR model, it has been subjected to a number of critiques from Ward and his associates, primarily aimed at its underlying theoretical assumptions, their implications for practice, and lack of scope (e.g., Ward & Brown, 2004; Ward & Stewart, 2003; Ward, Messler, & Yates, 2007). In summary, Ward et al. have argued that a focus on reducing

⁸ To put the size of this effect in context, the mean effect size estimated for heart bypass surgery is phi=.15.

⁹ The mean effect size (r) for providing any type of human service was a modest .12 (95% CI= .09, .14; k=273), while the mean effect size for criminal justice sanctions was -.03 (95% CI= -.05, -.03; k=101).

¹⁰ The correlation (r) of the four-level RNR adherence variables with effect size was .56, k=374. More to the point, mean (average) effect size (r) ranged from -.02 at the "0" level adherence (95% CI= -.05, -.00; k=124), through .02 at level "1" (95% CI= -.01, .05; k=106), and .18 at level "2" (95% CI= .14, .21; k=84), to .26 at level "3" (95% CI= .21, .31; k=60).

dynamic risk factors (criminogenic needs) is a necessary but not sufficient condition for effective treatment (Ward & Gannon, 2006). A key component of this critique has been the argument that it is necessary to broaden the theoretical formulation, application to practice, and the scope of correctional interventions to take into account the promotion of human goods (or approach goals) in conjunction with the reduction of risk variables (or avoidance goals).

Ward and his associates propose that the RNR is conceptually impoverished and is unable to provide therapists with sufficient tools to work with offenders in therapy. Four specific areas of criticism of the RNR model have arisen. First, it is claimed that it is difficult to motivate offenders by focusing primarily on risk reduction (Mann, Webster, Schofield, & Marshall, 2004). Second, the RNR model does not pay enough attention to the role of personal or narrative identity (i.e., self-directed, intentional actions designed to achieve valued goals) in the change process (Maruna, 2004). Third, critics argue that the RNR model works with a narrow notion of human nature and ignores the fact that as evolved, biologically embodied organisms, humans naturally seek and require certain goods to live fulfilling and personally satisfying lives (Ward & Stewart, 2003). Finally, detractors posit that the RNR model pays insufficient attention to the therapeutic alliance and so-called non-criminogenic needs, such as personal distress and low self-esteem. They argue that non-criminogenic needs are important beyond their potential implications with respect to offender responsivity.

It has been argued that the creation of a sound therapeutic alliance requires a suite of interventions that are not directly concerned with targeting risk, and it has been shown that establishing a good therapeutic alliance is a necessary feature of effective therapy with offenders (Marshall, et al., 2003; Yates, 2003; Yates, et al., 2000). Some argue that the RNR model is essentially a psychometric model

that centers on offender risk profiles (or traits) and downplays the relevance of contextual or ecological factors in offender rehabilitation (Ward & Brown, 2004).

It has been argued that the RNR model is often practiced in a “one-size-fits-all” manner that fails to take critical individual needs and values into account. Indeed, some claim the usual implementation of the RNR actually ignores its own principle of responsivity, or at least makes it hard to accommodate the idiosyncratic features of offenders. In its most inappropriate form, the RNR model is realized in a psycho-educational format where offenders are “taught” putatively important information (Green, 1995).

Some critics also claim that the RNR model is not an integrated theory, and the three major principles are not sufficiently theoretically grounded (Ward & Stewart, 2003). Clearly, some of these criticisms are due to the application in practice of the RNR model, rather than any inherent weakness in the model itself. Additionally, many who have held these unsupportive positions about the RNR model made them several years ago. The RNR model has gained traction and improved over the years.

Proponents of the RNR model have responded by arguing that there does exist a strong theoretical basis for this influential rehabilitation model, and that once this is clearly articulated the above criticisms fail (Andrews & Bonta, 2003; Ogloff & Davis, 2004). While advocates of the RNR model accept that the theory is often presented purely in terms of the principles of risk, need, and responsivity, they claim that this does not mean that it lacks theoretical grounding (Bonta & Andrews, 2003). In other words, it is a mistake to frame the RNR model purely in terms of the three rehabilitation principles and associated program elements. Rather, it is claimed that the theory contained in Andrews and Bonta’s (2003) seminal book, *The Psychology of Criminal Conduct*, and in accompanying articles, effectively grounds

the three principles and outlines a powerful rehabilitation theory.

Andrews, Bonta, and Wormith (2011) have provided a more recent response to the criticisms of Ward and his associates. In general, they argue that the strong empirical support for RNR, described earlier in this section, negates many of their criticisms. They also argue that the strengths-based approach of Ward and his associates is not incompatible with the so called deficits-based (i.e., criminogenic needs) approach of RNR. They do point out, however, that Ward's approach does not really have the potential to add anything to the RNR model, beyond increased attention to implementation of the principles.

Can the Provision of RNR Assessment Information to Judges Better Inform Sentencing Decisions?

Andrews and Bonta (2010) describe some of the implications of the RNR model for the courts, including how it can be used to make decisions about restricting freedom and mandating treatment. It provides additional rationale and guidance for diverting low-risk offenders from prison settings, minimizing potentially harmful associations with higher-risk offenders. Judges can also order treatment conditions that match the offender's criminogenic needs, rather than assigning generic conditions (e.g., take treatment as directed by the probation officer, avoid alcohol and drugs). Consistent with the principles of therapeutic jurisprudence, one recent study (Vieira, Skilling, & Peterson-Badali, 2009) found that young offenders who had their criminogenic needs met by court-mandated treatment services had lower recidivism rates than youths who did not have their needs addressed.

A widely cited example of the successful use of risk assessment information to inform judicial decision making in Virginia was reported by NCSC

researchers in 2006 (Kleiman, Ostrum, & Cheesman, 2006). In 1994, Virginia abolished parole and adopted truth-in-sentencing guidelines for persons convicted of felonies. As part of this reform, the Virginia Criminal Sentencing Commission developed a method for diverting 25% of nonviolent, prison-bound offenders into alternative sanction programs using risk assessment to identify the lowest-risk offenders. Information from the risk assessment is provided to judges before sentencing. Kleiman, Ostrum, and Cheesman evaluated the effectiveness of the risk assessment instrument developed by the Virginia Sentencing Commission. At the time of the evaluation, the risk instrument was being piloted in only 6 of Virginia's 31 judicial circuits and part of the charge of the evaluation was to recommend (or not) statewide implementation of this protocol. The evaluation showed that the majority of judges and probation officers found the instrument to be a useful tool for decision making. Additionally, most judges reported feeling that it did not impinge on judicial discretion and that employment of the instrument was cost-effective. Virginia judges also reported that the instrument effectively distinguished low-level offenders that were likely to re-offend from those that were not as likely to offend. Statewide adoption was recommended and eventually implemented.

Another recent NCSC project (Casey, Warren, & Elek, 2011) reports on the work of a distinguished national working group that provides guidance for using risk and needs assessment information at sentencing. They provide eight guiding principles:

1. **Public Safety/Risk Management Purpose:** Risk and need assessment information should be used in the sentencing decision to inform public safety considerations related to offender risk reduction and management. It should not be used as an aggravating or mitigating factor in determining the severity of an offender sanction.

2. **Amenability to Probation:** Risk and Needs assessment is one factor to consider in determining whether an offender can be supervised safely and effectively in the community. Another critical factor is the availability of treatment, service, and supervision resources.
3. **Effective Conditions of Probation and Responses to Violations:** Risk and needs assessment information aids the judge in crafting terms and conditions of probation supervision that enhance risk reduction and management. It also provides assistance in determining appropriate responses if the offender does not comply with the required conditions.
4. **Stakeholder Training:** Education regarding the nature and use of risk and needs assessment information is critical to all stakeholders (e.g., judge, defense attorney, prosecutor, probation officer, victim advocate).
5. **Availability and Routine Use of Offender Assessments:** Jurisdictions should strive to provide risk and needs assessment information on all probation-eligible offenders at all stages of the sentencing process, including plea bargaining.
6. **Evidence-based Infrastructure:** In order for the use of risk and needs assessment information at sentencing to be most effective, the jurisdiction's probation department or other assessment and supervision agency should have an infrastructure grounded in evidence-based practices.
7. **Assessment Instruments:** Jurisdictions should select instruments that fit their assessment needs and that have been properly validated for use with their offender populations.
8. **Assessment Reports:** Judges, in consultation with the probation department or other assessment agency, should determine the format and content of the risk and needs assessment report to the court.

Conclusions about RNR

Abundant research indicates that adherence to the RNR model for correctional programming will reduce the probability of re-offending. Further, use of RNR assessment information by judges to assist with decision-making has the potential to improve sentencing outcomes.

In 2010, the Wisconsin Department of Corrections adopted the *Correctional Offender Management Profiles for Alternative Sanctions (COMPAS)* as their standard assessment instrument for use within the department, both institutionally and for offenders on probation and parole. The department began training staff on the use of the instrument in the late summer, 2010.

COMPAS is a 98-item, interview-driven actuarial risk assessment tool. Information obtained for the COMPAS is verified either through official records or by collateral interviews with family members, employers or criminal justice professionals. The COMPAS is a fourth generation instrument, meaning that the scored items are theoretically based and that it incorporates both risk and needs information. Additionally, the Wisconsin DOC was interested in purchasing a tool that not only exhibited cutting edge actuarial risk prediction science using both static and dynamic factors, but also one that incorporated the risk and needs profile into a case plan. While other tools have these attributes, the Wisconsin DOC felt the functionality of COMPAS met their needs most effectively and allowed for the seamless electronic movement of the assessment profile into a case plan.

COMPAS is sensitive to changes in an offender's circumstances, which allow correctional staff to be guided in their intervention (factors such as increased reliance on drugs/alcohol, employment changes, companions or family status). COMPAS relies on both static and dynamic data to generate its risk and needs results. The use of dynamic measures allows for

measures to change over time as behavior changes. These changes are included in the measures of risk and need. The dynamic factors also allows for the “overlay” of previous assessments on the latest assessment to visual see any change in risk and need scores. The COMPAS tool produces an offender's overall risk classification and highlights target treatment areas to assist in making community placement decisions and assists supervision officers on how to align offenders' risks and need levels with programming and supervision. The COMPAS measures risk and protective factors in the areas of violence, general recidivism, failure to appear, community placement non-compliance and provides information on criminal history, offender needs assessment and the offender's social environment.

In the next section, the NCSC team examines the results of a survey of judges who participated in the AIM program for the first-time and look at how judges use RNR information for sentencing purposes in practice.

Survey of Judges in Wisconsin AIM Pilot Sites

During the month of August 2010 the Director of State Courts' Office of Court Operations and the National Center for State Courts sent out a short, Web-based survey to judges using Assess, Inform, and Measure (AIM) reports in six pilot courts in Wisconsin.¹¹ Overall, 22 of 29 AIM plot site

judges (76 percent) responded to the survey. The survey and the results are organized around five thematic areas: 1) format of the AIM report, 2) awareness and purpose of the AIM project, 3) content of AIM report, 4) AIM process, and 5) training needs. The goal of the survey was to gain direct judicial feedback and perspectives into how the AIM report is being used and how this information can inform training needs and the content and design of the AIM report.¹²

Format of the AIM Report

A majority of judges responded that they were satisfied with the way the information is presented in each section of the AIM report. Judges appeared to be most comfortable with those sections with which they were most familiar (e.g., current offense) and least comfortable with those sections that presented the less-familiar assessment information. For example, 86% of respondents were satisfied with the way that identifying information is presented, and 86% were satisfied with the information for current charges. However, only 57 percent of respondents were satisfied with the presentation of information in the needs assessment section of the report.

Judges expressed a desire for additional information to be included in the AIM report. They indicated that they wished the reports included collateral information to verify information originating from offender self-reports. Additionally, judges are interested in receiving supplementary conviction information from the *Conviction History* section of the *Criminal History* section of the AIM report, including juvenile adjudications; information on offender pleas as well as dispositions, to differentiate

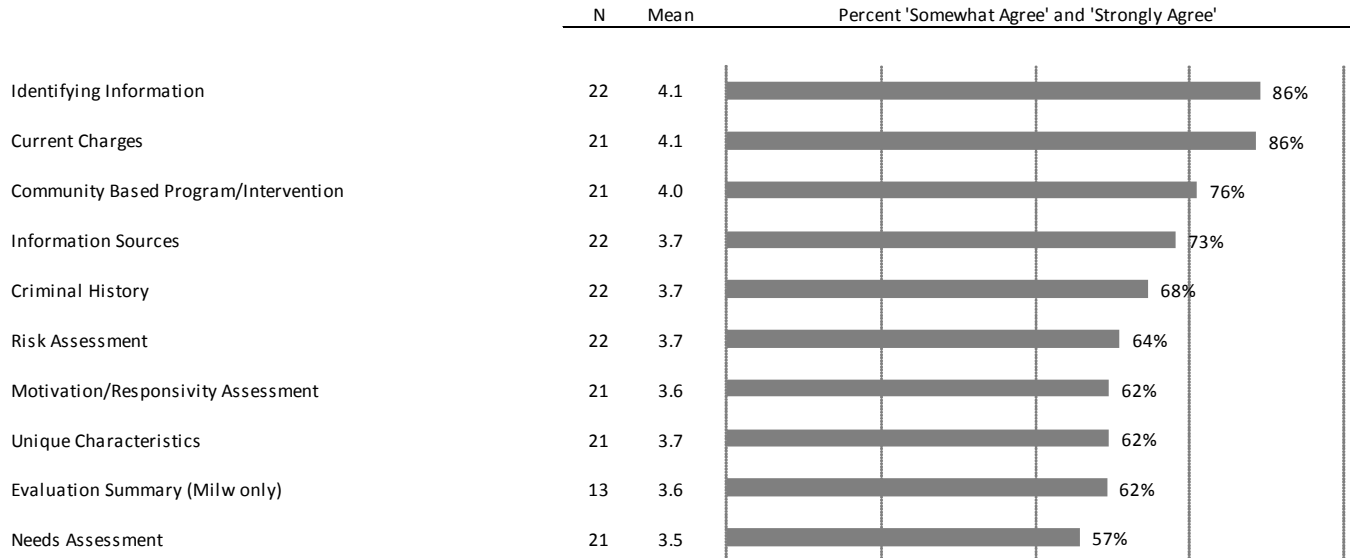
¹¹ Portage County is considered one of the AIM pilot sites. However, because they did not participate in the statewide court MIS system (CCAP) until December, 2011 and could not easily provide feedback information, judges from this county were not included in the survey. Additionally, Dane County initially participated as an AIM pilot site; however, a number of concerns about COMPAS (e.g., types of needs being identified, race neutrality of the instrument, overly deterministic, and issues of confidentiality) led them to suspend their

participation. As such, judges in Dane County did not participate in the survey.

¹² A complete set of results are available in Appendix A. The results include an analysis of responses from judges from Milwaukee and an analysis of judges from the other AIM pilot sites.

between guilty and “no contest” pleas; a list of pending charges and convictions in chronological order (pending charges should be listed first, followed by the most recent and any earlier convictions); and a list of multiple convictions occurring on the same date.

Figure 2: I am satisfied with the way the information is presented in each section of the report¹³



Note: 1=Strongly Disagree; 2= Somewhat Disagree; 3=Neutral; 4=Somewhat Agree; 5=Strongly Agree

¹³ In the presentation of the survey results, three pieces of information are typically presented: 1) N – number of respondents to a question; 2) mean score of the responses; 3) percentage – for example, the percent of respondents who respond “Somewhat Agree and Strongly Agree.” This means that for the first item (Identifying Information) 86.4% of the 22 respondents responded with a 4 (Somewhat Agree) or a 5 (Strongly Agree). For ease of interpretation, the results, when possible, are sorted from largest to smallest on this dimension.

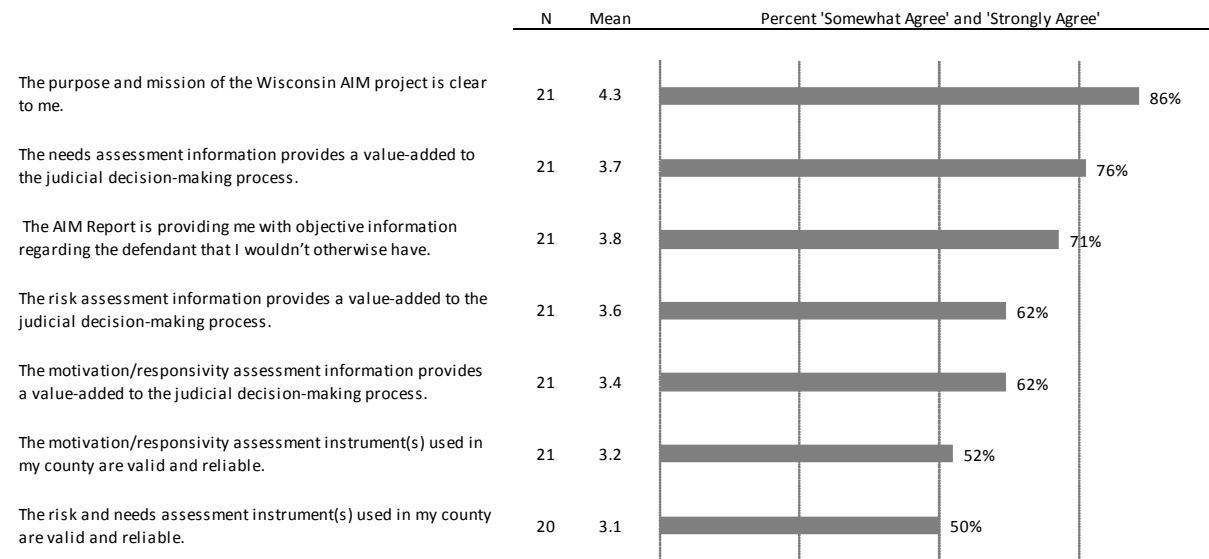
Awareness and Purpose of AIM Project

Judges in the pilot sites indicated that they understood the purpose and mission of the AIM project (Figure 3). Almost three-quarters of the responding judges (71%) agreed that the AIM report provided them with objective information about the defendant, which they would otherwise not obtain. Specifically, a majority of judges agreed that the needs assessment (76 percent of responding judges), risk assessment [62%], and the motivation/responsivity assessment [62%] provided “value-added” information to the judicial decision-making process.

Surprisingly, only about one-half of the responding judges agreed that the motivation/responsivity instrument and the risk and needs instruments used in their jurisdictions were valid and reliable.

While judges question the validity and reliability of the assessment instruments, they nonetheless feel that the assessment information adds value to their decision making. These seemingly contradictory results likely highlight the need to educate users of the risk/needs assessment tools.

Figure 3: Awareness and Purpose of the AIM report



Note: 1=Strongly Disagree; 2= Somewhat Disagree; 3=Neither Agree/Disagree; 4=Somewhat Agree; 5=Strongly Agree

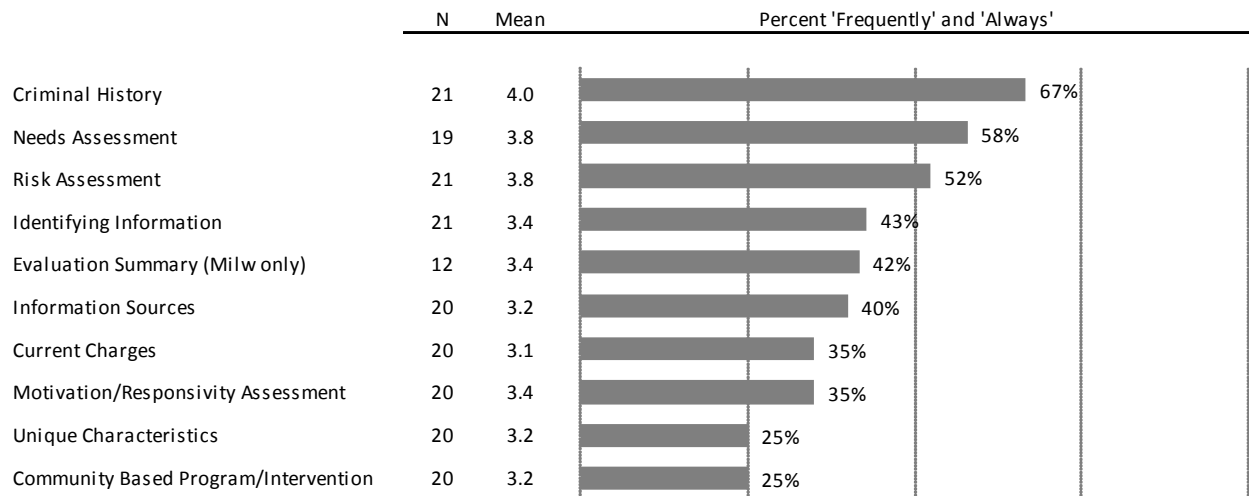
Content of the AIM Report

As Figure 4 indicates, judges reported that they most frequently use information from the Criminal History section of the report to make case-related decisions (67% of judges responded they “frequently” or “always” use information from this section). Additionally, 58% of judges reported that they “frequently” or “always” use information from the Needs Assessment section and 52% from the Risk Assessment section. Overall, each section received a mean score of greater than 3, indicating that judges at least “sometimes” use information from every section of the report. The least frequently used sections by judges to make case-related decisions

are Motivation/Responsivity, the Unique Characteristics, and the Community-Based Program/Intervention sections.

The finding that judges are less frequently using information associated with the Risk-Needs-Responsivity (RNR) principles is difficult to reconcile with the earlier results that showed judges feel that assessment information adds value to their decision making. In what cases are they using this information? Under what circumstances are they ignoring this information? Improving on the utilization of this information in decision making requires understanding why this information is sometimes ignored.

Figure 4: How often do you use information from each section when making a case-related decision?



Of the criminogenic needs identified, judges most frequently considered substance abuse, education/vocation, and employment factors when making case-related decisions. Judges responded that they rarely/sometimes considered the factor of associates when making decisions.

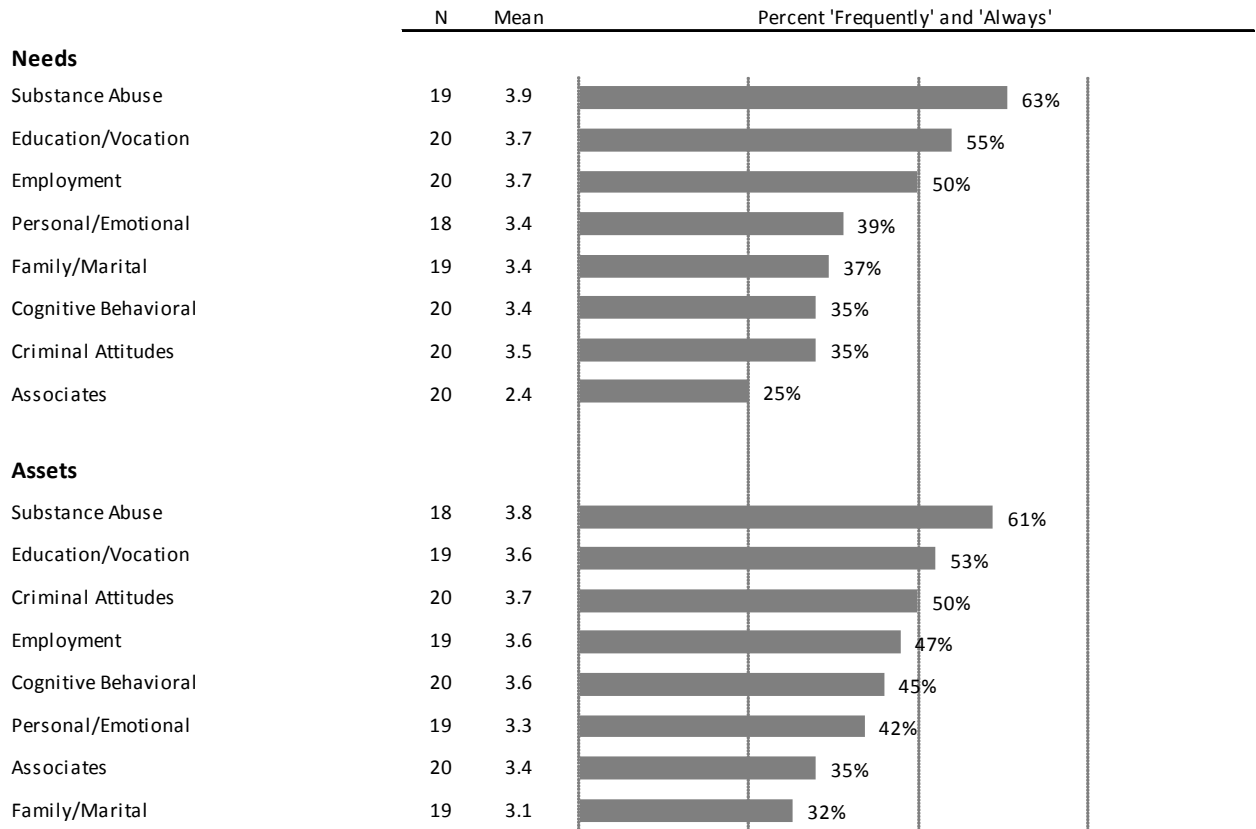
These findings are at odds with the latest research regarding which criminogenic factors best predict re-offending. The “big four” criminogenic needs that have the closest relationship to re-offending are 1) criminal history, 2) pro-criminal attitudes, 3) pro-criminal associates, and 4) antisocial personality (Andrews & Bonta, 2010). Field interviews with some judges indicate that risk assessment information regarding pro-criminal attitudes and association with other criminals is not useful information because they believe it is simple self-reported information. In fact, information obtained to score risk in these categories is not obtained through simple self-reporting, but is verified through collateral contacts with other criminal justice agencies, family, and other criminal justice system and related professionals, such as police and probation/parole officers.¹⁴ This finding highlights an area where additional training would help judges focus on the empirically-based factors found to be most closely linked to re-offending.

Focusing on assets, judges essentially consider the same set of factors as when assessing Criminogenic Needs. One exception is criminal attitudes; a factor used more frequently by judges when evaluating offender assets than when evaluating offender needs.

In the needs and assets assessment sections of the AIM report judges responded that they most frequently consider the mental disorder diagnosis. Other factors (language barriers, anxieties/shyness, physical barriers, reading/writing skills, strong cultural identity, and concentration) are considered less frequently.

¹⁴Criminal peers scores are based on information such as known gang affiliation and participation, criminal opportunity, and use of leisure time (whether an offender has pro-social interests or hobbies). The questions that make up these scores are multifaceted and require verification.

Figure 5: How often do you consider the following factors in the needs and assets assessment section of the AIM report when making a case-related decision?



Note: 1=Never; 2=Rarely; 3=Sometimes; 4=Frequently; 5=Always

Judges reported that they understand the meaning of the needs assessment (89% responded “somewhat agree” or “strongly agree”), risk assessment (84%), and motivation/responsivity assessment (84%). Additionally, judges felt that the assessment components play an important part in their decision-making.

Seventy percent of responding judges thought that the AIM Report should provide a clear recommendation of what should be included in the sentence, including specific community-based programs/interventions. However, 75% of responding judges thought that the usefulness of the AIM report is limited by the availability of community-based programs/interventions, and most judges responded (80%) that they were concerned that the conviction history data is almost exclusively from Wisconsin.

AIM Process

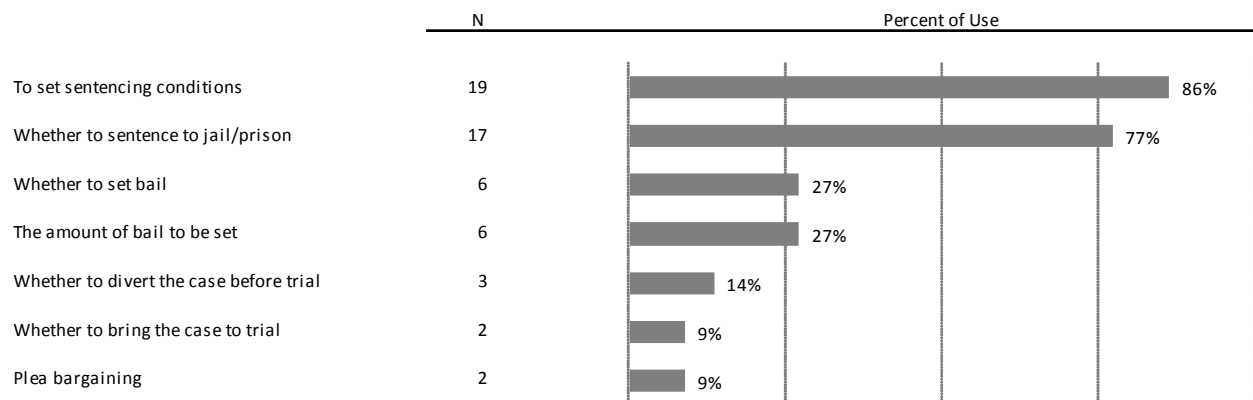
Figure 6 presents findings indicating that there is little interest on the part of responding judges to expand the target population they are currently serving (85% not interested). This finding should be interpreted with caution, however, since almost 60% of the respondents are from Milwaukee County, which already serves an expansive array of offenders.

Eighty-six percent of respondents reported that they use assessment information (risk, needs, motivation, and unique characteristics) to assist their decision making when setting sentencing

conditions and 77% when deciding whether to sentence to jail or prison. Use at other decision points (bail, pretrial diversion, whether to bring the case to trial, and plea bargaining) was limited to roughly one-quarter of responders or less.

Interestingly, the point in the system at which the AIM results are used is directly related to the goal and objectives of the local pilot programs themselves. If the AIM program is to be expanded, it would be desirable for judges to receive the assessment information as early in the course of criminal processing as possible.

Figure 6: At which of the following decision points do you use assessment (risk, needs, motivation, and unique characteristics) information from the AIM report to assist your decision-making?



Note: Percentages based on 22 respondents

Judges expressed an interest in receiving assessment information earlier in their process of deliberation. *Judges would also like to use assessment information to assist with deliberations about probation revocations.* Several judges advocate for the statewide, uniform adoption of assessment instruments and pointed to perceived limitations of the assessment instruments with regards to certain populations of offenders (e.g., sex, OWI, and domestic violence offenders).

It is interesting that some judges are using assessment information for other purposes, such as deciding whether to jail or incarcerate defendants, as well as setting sentencing conditions. *Judges should take care that they are using an assessment protocol that has been developed specifically for the decision that they are seeking to make.*

Recommendations

Based on a careful and exhaustive review of relevant research, the results of the survey, and the information collected during visits to the AIM pilot sites, the NCSC team offers the following recommendations for the AIM program and for use of RNR information at the time of sentencing in general. While the NCSC team did not conduct a formal evaluation of the AIM program, the extensive and systematic information that we collected permits the NCSC team to offer informed recommendations.

- 1. Wisconsin should implement a statewide protocol for implementing a process to provide judges with RNR Assessment information before sentencing.**

Judges who responded to the survey found the AIM information to be a useful and significant supplement that allows them to make more informed decisions about sentencing and placement. Further, the research suggests that sentencing that aligns itself with the principles of RNR will produce better offender outcomes and reduce the probability of re-offending more so than sentencing that does not. *Malenchik v. Indiana* (2010)¹⁵ states that “evidence-based assessment instruments can be significant sources of valuable information for judicial consideration in deciding how to design a probation program for the offender, whether to assign an offender to alternative treatment facilities or programs, and other such corollary sentencing matters” (p. 10).

This statewide protocol should be applied to a uniform and broad-based target population of offenders. As shown in Figure 1 (earlier in this chapter) the populations targeted by the AIM pilot sites vary extensively, with some sites targeting

¹⁵ *Malenchik v. Indiana* can be found at <http://www.in.gov/judiciary/opinions/pdf/06091001bd.pdf>.

misdemeanants, others certain classes of felonies, and others yet targeting specialized offenses. The protocol should widen the base of offenders beyond the sometimes narrow target population of several of the AIM pilot sites to include most felony and misdemeanor offenders. Only in this way can this reform be expected to impact the number of prison-bound offenders in a meaningful sense.

Further, it is recommended that the protocol include uniform statewide implementation of a single assessment instrument or set of instruments. Adoption of a uniform instrument or set of instruments will provide fiscal benefits as the state will be able to benefit from economies of scale that will result, for example, from being able to provide uniform training for a single instrument (or set of instruments) as opposed to the multitude currently in use. Uniform use of instrumentation will ease comparisons across different jurisdictions and in the same jurisdiction across time; these comparisons can be used for allocating resources and tracking trends among offenders. Wisconsin currently has a great opportunity as courts are being given the chance to use the COMPAS assessment instrument free of charge due to an agreement between COMPAS's developers (Northpointe Institute of Public Management, Inc.) and the Wisconsin Department of Corrections, which is adopting the use of this instrument.

Using an existing tool offers a number of advantages (Ferguson, 2002). An existing tool should have a variety of resources available to users, including forms and reporting formats, training curriculum, a pool of trainers, and supporting software. Such an instrument is likely to have been validated in various jurisdictions, though it is critical that it be validated for use in the jurisdiction that is planning to use it, as will be discussed below.

The authors of this report strongly advocate the statewide adoption and availability of RNR information to judges before sentencing. Since the NCSC team has not conducted a formal evaluation of any specific RNR instrument, the NCSC team is not in the position to advocate for any one instrument over another. Several guiding principles, however, should be considered before selecting and adopting an instrument. First, the instrument should be theoretically tied to the RNR model of assessment and rehabilitation and include factors that measure offender change and dynamic risk and that generate case management plans.

Second, the instrument should be validated in the Wisconsin context. Validation is the process whereby the predictions or classifications produced by a psychometric instrument are tested against reality. Offenders classified as being at high risk for recidivism should re-offend at significantly higher rates than offenders classified as being of low-risk. Offenders assessed to have a high level of a particular criminogenic need (e.g., anti-social cognition) should re-offend at significantly higher rates than offenders assessed to possess low levels of criminogenic need for this factor.

Several factors should be considered when assessing the validity of a particular instrument. First, the outcomes being tested (e.g., re-arrests, re-convictions, probation violations) must be ascertained, and a determination should be made as to whether this is the appropriate outcome for the application at hand (Vincent, Terry, & Maney, 2010). Second, the methods used to validate the instrument must also be known (e.g., prospective vs. retrospective studies). A retrospective validation would use a sample of offenders from the past to see whether they reoffended at some time also in the past, though at a date later than that which brought them into the sample. A prospective validation would examine a sample of offenders from the present to determine whether they reoffend

sometime in the future. Retrospective validation can be accomplished in much less time than prospective validation, but prospective validation provides a more contemporary assessment of validity and is therefore preferred (Vincent, Terry, & Maney, 2010)

It is important that assessment tools be validated with offenders from the jurisdiction that is planning to use the tool (Lowenkamp, Latessa, & Smith, 2006). At a minimum, the instrument should be validated statewide, though an instrument validated in this way will probably be more or less valid in any given jurisdiction within the state (Casey, Warren, & Elek, 2011). See Casey, Warren, and Elek for a discussion of the trade-offs between statewide validation vs. local jurisdiction validation.

Finally, pragmatic considerations should be weighed in selecting an instrument. This includes considering the cost of implementation, the ease of use, and the training opportunities provided by the vendor.

2. The feedback component of the AIM program should be refined and enhanced.

The feedback component of the AIM program is unique and potentially of great value, though that potential has yet to be fully realized. Currently, AIM's feedback component generates a two-page statistical report on referrals and recidivism. The *referral report* describes information collected on all completed AIM referrals and returns counts as well as percentages based on the total number of referrals reported. The *recidivism report* describes recidivism for all referrals and the offender characteristics most closely associated with recidivism and non-recidivism.

These reports are in the aggregate and are not broken out by defendant, jurisdiction, or by type of service received. Being able to disaggregate recidivism data along these lines would significantly

enhance the usefulness of the database to users. To do this, the ability of the AIM database to conduct queries and generate reports must be significantly enhanced. A more robust database would allow for evaluations that expand our empirical understanding of the types of programs that work best in practice.

To improve the utility of the feedback loop, the AIM project should also consider collecting additional defendant data. An expanded database will allow for an assessment of the types of programs and services that work, the types of services that are currently being utilized, and a direct comparison of programs and services across local jurisdictions. Beyond what is currently being collected for the AIM database, the NCSC team suggests the collection of some additional data elements that will assist with understanding which program elements contribute the most to offender outcomes, such as:

- Sanction/sentence
- Type of service
- Dosage (unit of services)

3. Training of judges, staff, and other stakeholders is critical for the successful implementation and utilization of risk and needs assessment information.

Judges expressed a strong desire for training on the following topics: the science and research behind the risk/needs assessment instruments and the motivation/responsivity assessment instrument and on how to interpret and use the results of the AIM report. Judicial trainings should directly address concerns about the validity of the instruments and the interpretation and use of assessment information. Trainings should also focus directly on the latest research that suggests that criminal history, pro-criminal attitudes, pro-criminal associates, and antisocial personality are the criminogenic needs that have the closest relationship to re-offending. Casey, Warren, and Elek (2011)

suggest that “judges and other stakeholders need to know how to interpret the RNA information provided. They need to understand, for example, that ‘high risk’ does not necessarily translate to ‘need to incarcerate.’ They also need to understand what dynamic risk factors are and recognize that RNA tools are intended to enhance, not replace, judicial decision making” (p. 21).¹⁶

Staff training (e.g., court personnel, probation) should focus directly on how assessments should be conducted, how information should be entered into the tool, and how to interpret the reports generated from the tool (e.g., offender risk and needs). More important, Sarri and his colleagues highlight that “it is far easier to develop a valid instrument than it is to implement its appropriate and effective use” (Sarri, et al., 2001). Training on how to conduct the assessments will help improve accuracy and uniformity and is critical to ensure reliability and validity. Additionally, training will improve staff efficiency in conducting their assessments, thus mitigating some of their extra workload.

Training should also be extended to different stakeholders about the use and interpretation of assessment information, including DAs, the defense bar, and policy makers (including legislators). These trainings should focus on the principles of RNR, the construct and predictive validity of the various instruments (e.g., COMPAS), and how judges will use the information in practice. These efforts will help ensure that key stakeholders receive an orientation to evidence-based sentencing practices and a forum to voice any concerns or questions

¹⁶ The National Center for State Courts, the National Judicial College, and the Crime Justice Institute (2009) have developed a model curriculum to assist trial judges in developing sentencing practices that improve public safety and reduce the risk of offender recidivism. The curriculum focuses on evidence-based sentencing and provides an overview of the RNR model and the benefits of using risk and needs assessment information at sentencing. The curriculum is available at <http://www.ncsconline.org/csi/education.html>.

before the program is expanded to their jurisdiction.

4. Evaluate implementation of a statewide protocol for the implementation of a process to provide judges with RNR Assessment information before sentencing.

The validity and reliability of the process of providing judges with Risk-Needs-Responsivity (RNR) information will be largely determined by three factors: 1) instrumentation, 2) implementation, and 3) outcomes. The critical issue with Instrumentation is that the assessment instruments have been initially validated for the particular jurisdiction and found to be reliable.

Besides valid and reliable instruments, other prerequisites must be met before a jurisdiction should pursue an evaluation of the process of providing RNR information to judges before sentencing:

- Staff and judges have been properly trained in the use and interpretation of RNR information.
- Consent forms have been developed for offenders who participate in assessment.
- A target population for assessment has been identified (e.g., felony offenders with violent offenses).
- The decision points to which the assessments will be applied have been clearly identified (e.g., diversion, sentencing).

Regarding an assessment of the implementation process, while assuming that the prerequisites identified above have been met, jurisdictions should closely scrutinize the process of providing RNR information to judges before sentencing (henceforth, the “process”). First, the courtroom work group’s¹⁷ use of and satisfaction with the RNR information and

¹⁷ For example: judge, prosecutor, defense bar, and court administrator or chief clerk.

the impact on their workload should be assessed. One way to measure this is through a survey, preferably administered by a party external to the process, such as the survey regarding best practices that the NCSC team administered to criminal justice treatment programs as part of this project (and described in Chapter 3 of this report). Some subjects that should be addressed in such a survey include:

- Satisfaction with the way that RNR information is reported;
- Parts of the assessments that judges are (or are not) attending to as they make their decisions;
- Decision points at which judges are applying assessment information;
- Training needs; and
- Recommendations from the courtroom workgroup to improve the process.

Other factors that should be measured periodically to assess the process include:

- Percent of the target population that are assessed, to ensure that the court is not “cherry picking” offenders to participate in the process; and
- Changes in processing time (compared to baseline data collected before the implementation of the process) for targeted cases (the time from charging to sentencing or the decision to divert should be measured).

Another factor that will influence the successful implementation of the assessment protocol is program availability. No matter how good the assessment protocol, if the programs that would be appropriate for an offender based on an RNR assessment do not exist, then the assessment process was an exercise in futility. Any plans for allocating resources should include tracking program availability and documenting a lack of treatment resources.

Three types of outcomes should be assessed, differentiated by the point in time that measurement takes place: 1) proximal outcomes that measure sentencing outcomes, 2) intermediate outcomes that measure the impact of the process on probation supervision, and 3) distal outcomes that measure the impact of the process on offenders’ behavior after they complete probation. To assess outcomes, comparisons should be made to baseline data that should be collected before implementation of the process.

Two proximal outcomes should be measured:

- The percent of probation-eligible offenders that are sentenced to prison. This percentage should decrease after implementation (compared to baseline data).
- The consistency of the conditions of probation with the RNR assessments. It is recommended that this determination should be structured by assessing the extent to which sentencing conditions are compatible with the offenders’ assessed needs and risk levels as measured by the simple 2X2 matrix developed by Doug Marlowe (2009) for drug courts, but easily applied to sentencing in general. Conditions of probation for offenders assessed to have:
 - High prognostic risks and criminogenic needs should reflect high levels of supervision and service.
 - High prognostic risks and low criminogenic needs should reflect high levels of supervision and relatively low levels of service.
 - Low prognostic risks and high criminogenic needs should reflect relatively low levels of supervision and high levels of service.
 - Low prognostic risks and low criminogenic needs should reflect relatively low levels of supervision and service.

Figure 7: Risks-and-Needs Quadrants and Associated Practice Recommendations for Drug Offenders

		Prognostic	
		Risks	
		High	Low
Criminogenic Needs	High	<ul style="list-style-type: none"> • Status calendar • Intensive treatment • Compliance is proximal • Restrictive consequences 	<ul style="list-style-type: none"> • Noncompliance calendar • Intensive treatment • Treatment is proximal • Positive reinforcement • Agonist medication
	Low	<ul style="list-style-type: none"> • Status calendar • Pro-social rehabilitation • Abstinence & compliance are proximal • Restrictive consequences 	<ul style="list-style-type: none"> • Noncompliance calendar • Prevention services • Abstinence is proximal

Intermediary outcomes are principally those associated with the impact of the process on probation. To measure the fidelity of probation supervision and service provision to the conditions of probation set by the sentencing judge, the number of units of services¹⁸ and units of supervision¹⁹ should be counted for each offender and compared to the average for offenders sentenced to probation during the same period of time (an “admissions cohort,” consisting of all offenders sentenced to probation during a, perhaps, six-month period of time). Levels of service and supervision provided to offenders, relative to the average for the entire admissions cohort, should be consistent with assessed levels of service and supervision. For example, offenders assessed to be in need of high levels of service and supervision should receive higher-than-average levels of service and supervision. Offenders assessed to be in need of low levels of service and supervision should receive lower-than-average levels of service and supervision.

Other intermediary outcomes that should be measured and compared to baseline data include:

- Violations of terms of probation
- Revocations of probation to prison
- New offenses occurring while the offender is under probation supervision
- Fines and fees collected (including child support)
- Length of stay on probation
- Amount of time in jail

Finally, probation officers should be surveyed to assess their opinions of the process, including how it has affected their workload, and whether (and how) it will lead to improved outcomes for offenders.

Distal outcomes are measured after probation supervision concludes and compared to baseline data. The primary distal outcome of interest is recidivism, measured by convictions for at least two years after probation supervision ends. Other distal outcomes include changes in employment and education that have occurred since the conclusion of probation supervision.

¹⁸ Count each outpatient treatment session as one unit of service and each day of inpatient service as one unit of service (Heck, 2006).

¹⁹ Count each contact with the probation officer as a unit of supervision.

CHAPTER 3: Problem-Solving Courts

There is no doubt that the drug court model is the most efficient, effective, and human way to address the segment of our criminal population that is comes to the criminal justice system because of substance addiction — *Missouri Chief Justice W. Ray Price, National Drug Court Summit, December 9, 2009.*

Lay of the Land in Wisconsin

Like many states, Wisconsin has experienced severe overcrowding in its prisons and jails that can be solved only by seeking alternatives to incarceration without compromising public safety. To address overcrowding and related problems, the Department of Corrections contracted with Mead and Hunt, Inc. in 2009 to fully examine the problem and make recommendations regarding facility planning. Mead and Hunt, Inc. noted that the sheer volume of offenders underscores the challenges facing the Department of Corrections in the next decade and that “further investment in the use of alternatives to incarceration and changes in incarceration policies and practices must also be aggressively pursued” (Mead and Hunt, 2009).

The statistics from the report tell the tale. In the 1990s the Wisconsin prison population increased dramatically and had tripled by the year 2000. At year’s end 1990, the prison population numbered 7,554. At the conclusion of 2007, the number tripled to 22,690 incarcerated adults. Adult offenders on probation and parole supervision and juveniles being served in the institutions and community represented in excess of 95,000 individuals under the custody or supervision of the Department of Corrections. In Wisconsin, incarceration is costly.²⁰ The costs associated with operating institutional programs contribute to a Wisconsin Department of Corrections budget of more

than \$1 billion per year (Mead and Hunt, 2009).²¹

Drug and alcohol offenders accounted for significant growth in the incarcerated population. In fact, drug offenders accounted for more than 20% of the growth from 1996 to 2006, and operating while intoxicated (OWI) offenders were responsible for more than 60% of the growth from 2001 to 2006. During that time, the state was building or opening a new prison, on average, every two years. Just eight years ago, the state led the country in the number of inmates that were housed in out-of state facilities, peaking at almost 5,000. By 2005, all of the inmates had been returned to occupy newly created prison and county jail beds in Wisconsin (Mead and Hunt, 2009). In July 2011, the Wisconsin Office of Justice Assistance (OJA) released arrest rates for all crimes reported in 2010. Wisconsin law enforcement arrested 21,655 adults for drug offenses (up 3% from 2009). The arrest rate for adult drug crimes was 501 per 100,000 adult residents. The statistics for 2010 show that law enforcement made 4,059 arrests of juveniles for drug offenses. In addition to drug arrests, law enforcement made 443 arrests for juveniles driving under the influence according to the Wisconsin Office of Justice Assistance. Drunken driving is also a major problem in Wisconsin, as evidenced by recent statistics released by the Department of Transportation showing that 220 people died in the state in 2010 as a result of drunken driving; nearly 6,000

²⁰ The average operating cost of a prison bed in Wisconsin is \$88 per day or \$32,000 per year (Contorno, 2011).

²¹ The entire report can be found at <http://www.wisconsin.gov/10%20Year%20Plan/4/Sec4-PopnProjSysCap.pdf>.

crashes were attributed to intoxicated motorists in 2010.

Problem-Solving Courts – Part of the Answer?

Wisconsin jurisdictions are joining the national trend of establishing programs to provide individuals who have underlying issues at the core of their criminal behavior with alternatives to incarceration – the most common program being problem-solving courts. These courts work across disciplines and with other institutions to treat offenders while also holding them accountable for criminal actions.

Problem-solving courts, like conventional courts, seek to uphold the due-process rights of litigants and operate efficiently. Problem-solving courts differ from conventional courts, however, as they focus on outcomes after conviction. Problem-solving courts that seek to address offenders' treatment and supervision through a coordinated and remedial response come under the rubric of therapeutic jurisprudence. Therapeutic jurisprudence provides offenders the opportunity to change their lives by using the court's leverage of authority to forge behavioral change. Problem-solving courts use frequent status hearings, random drug testing, and graduated sanctions and incentives to induce behavioral change.

The problem-solving court approach has been rapidly growing nationwide over the last few decades. The most commonly known problem-solving court is the drug-treatment court, but a wide range of specialized courts focusing on specific issues including OWI, mental health, juveniles, domestic violence, veterans, and reentry, are being developed to specifically address the underlying issues related to criminal behavior. In the last two decades problem-solving courts have grown exponentially: more than 2,100 drug courts, 200 domestic violence courts, 200 mental health courts, 30 community courts and over 500 other courts (including homeless,

truancy, teen, sex offender, and veterans' courts) have opened nationwide (Porter, Rempel, & Mansky, 2010).

Drug Courts Work

The effectiveness of adult drug courts has been the subject of rigorous scientific research. Today the accumulated consensus is that adult drug courts are effective at reducing substance abuse, recidivism, and costs to the criminal justice system.²² Though drug courts have been established as being effective, they have not reached all those offenders who would benefit from the rigors of a drug court.

In 2006, Faye Taxman (Taxman, et al., No Date) provided some stunning statistics on the need for problem-solving courts in the United States: a) an estimated 500,000 offenders participate in drug court programs but one million more could benefit from such programs; b) an estimated 5 million adults need substance-abuse treatment services, yet fewer than 7 percent can participate on a given day; c) the current system has too many services in the low intensive/educational end; and d) 20% of offenders could benefit from intensive outpatient treatment, but less than 5% in prison, jail, or community corrections have access to such services and 524,000 are estimated to participate in Substance Abuse Education Programs. Yet these services have not been found to be effective.

This information points to the continued need for many more services for substance-abusing offender. Both this need and the proven effectiveness of drug courts have driven the creation of drug and other problem-solving courts to the criminal justice system. These problem-solving courts are created for offenders shown to present social issues that underlie the causes of the crime, and for whom

²² Douglas Marlowe, Testimony before Congressional Judiciary Committee, July 2011. http://kyl.senate.gov/legis_center/subdocs/071911_Marlowe.pdf.

incarceration has failed to address those underlying causes and, thus, reduce recidivism and correctional costs. A brief description of each type of problem-solving court can be found in Appendix C (Huddleston & Marlowe, 2011).

Principles of Drug Courts: The Ten Key Components

When addiction is the underlying cause of crime, problem-solving courts need to adhere to the principles for the adult drug court model developed over the last two decades. The foundation of the drug court model is the *ten key components* put forth by the National Association of Drug Court Professionals (NADCP) and the Department of Justice (BJA & NADCP, 1997).

Ten Key Components of Effective Drug Courts

1. Drug Courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety. Participants must waive their due process rights to a speedy trial and sign a pre-emptive confession before being allowed to participate.
3. Eligible participants are identified early and promptly placed in the Drug Court program.
4. Drug Courts provide access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs Drug Court responses to participants' compliance.
7. Ongoing judicial interaction with each Drug Court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective Drug Court

planning, implementation, and operations.

10. Forging partnerships among Drug Courts, public agencies, and community-based organizations generates local support and enhances Drug Court effectiveness.

The ten key components are now well established and widely accepted as essential for successful drug courts. The ten key components give guidance for drug courts by setting out the essential elements for effective problem-solving court programs. Basically, they call for a non-adversarial approach that integrates substance-abuse treatment with the justice system involving the judge, treatment provider, prosecutor, and defense counsel. Eligible participants are identified early and promptly placed in a program where they receive a spectrum of treatment services to work toward abstinence and recovery. Treatment progress is monitored by frequent drug testing, counseling, frequent court appearances, and completion of other program requirements. When the participant successfully reaches a milestone, incentives are offered. If, however, the participant deviates from the program, immediate sanctions are imposed. The ten key components also emphasize the need for ongoing assessment of the program to ensure that the goals of the court are being met and relationships between the court and treatment providers are working together to achieve optimal results for all participants.

Over the last ten years, many published studies and evaluations have shown the effectiveness of drug courts. Specifically, drug courts are achieving the goals of long-term sobriety and changed lives for graduates of the programs — *when the ten key components are implemented*. The current state of research on adult drug courts was recently synthesized by Dr. Douglas Marlowe, the leading expert on problem-solving courts, when he testified on the importance of continued funding for

drug courts before the Congressional Judiciary Committee on July 19, 2011.²³ In his testimony, Dr. Marlowe stated that current research proves that drug courts are essential to the criminal justice system because they lower recidivism rates and costs.

A recent publication (Huddleston & Marlowe, 2011) states that drug court research is progressing beyond just substantiating the ten key components to the next level, which is developing evidence-based practices so that drug courts will know how best to implement the ten key components. The key components are essentially guidelines for implementation and leave much room for each drug court's interpretation. For example, the ten key components prescribe frequent drug testing of participants (component 5) but do not specify the preferred method of testing or define "frequent." They prescribe independent evaluations (component 8) and periodic staff trainings (component 9); however, the frequency of these activities is not addressed. In practice, each drug court's adherence to the ten key components may look very different.

Meta-analyses by a number of researchers have provided the criminal justice system with concrete and scientifically proven methods for reducing offender recidivism, which are now recognized as evidence-based practices. Use of evidence-based practices contrasts to the traditional approach to supervision, which did not provide offenders with the skills, tools, or resources science indicates are necessary to address criminogenic needs and reduce recidivism. Instead, the traditional approach relied on minimal contact standards that emphasized the number of contacts rather than *content* of

the contacts, which must focus on changing behavior. Evidence-based practices are used in a wide variety of settings, most notably in the medical field where they were first developed. In the last 20 years, evidence-based practices have been slowly developing in the field of corrections and other agencies in the criminal justice system.

Despite a growing awareness of evidence-based practices, criminal justice practitioners rarely used these practices consistently and to their full potential. In 2004, the National Institute of Corrections (NIC) reexamined published reports supporting the basic tenets of evidence-based practices and saw the need to compile the data so that the information could be used in a coherent, precise, and effective fashion. In response to this need, NIC organized the research on evidence-based practices into eight core principles (also found in Chapter 1 of this report): 1) assess actuarial risks/needs; 2) enhance intrinsic motivation; 3) target interventions; 4) use cognitive behavioral treatment methods; 5) increase positive reinforcement; 6) engage ongoing support in natural communities; 7) measure relevant processes/practices; and 8) provide measurement feedback (Clawson, 2004).

The use of evidence-based practices is widely accepted in the criminal justice system as more science and more successful outcomes are apparent in a variety of programs and drug courts. One reason evidence-based practices have not been widely accepted is because, at some level, they appear to be counterintuitive. For example, adult drug courts help offenders who would seem the most unlikely to succeed – those that are high risk/high needs. This goes against what most judges and court stakeholders often believe to be the case. Research, however, has proven that evidence-based practices are more effective than human judgment or intuitive responses. Problem-solving courts that target low-risk/low-needs offenders may actually be *doing harm* to the

²³ Marlowe gives an excellent review of the current literature on drug courts, which is beyond the scope of this report but can be found at: http://kyl.senate.gov/legis_center/subdocs/071911_Marlowe.pdf.

offenders and wasting valuable court resources, which could otherwise be directed to treat more serious offenders. The proven success of programs implementing even some evidence-based practices has encouraged more drug courts and related offender-based programs to implement more evidence-based practices. Drug court and program observations and surveys conducted by the NCSC team indicate that Wisconsin has several programs that are implementing evidence-based practices.

In Wisconsin, Dane County was the first to establish a problem-solving court when it developed an adult drug court in June of 1996. Dane County also just recently opened a new OWI court to address the problem of increased incidents of driving while intoxicated. This is just the latest effort in Wisconsin to improve the justice system's response to repeat drunken driving offenders. Currently, Wisconsin has ten OWI courts (Dane, Dodge, Grant, Jackson, La Crosse, Marathon, Racine, Walworth, Washington, and Waukesha counties), and four counties are working on new programs (Kenosha, Monroe, Rock, and Vernon).²⁴ The number of drug courts is also expanding, as Ashland County just began a new adult drug court program in 2010. Wisconsin's problem-solving courts include a) 24 adult drug courts; b) 9 OWI courts; c) 2 hybrid courts that treat both drug and OWI offenders; d) 4 juvenile drug courts; e) 6 veterans courts; f) 2 mental health courts; and g) 1 family dependency treatment court. In the planning stage are two veterans' courts, two DUI courts, and one mental health court and one hybrid court. A list of problem-solving courts for each county can be found in Appendix D (updated on December 12, 2011); detailed information on the problem-solving courts

in the counties the NCSC team visited can be found in Appendix E.

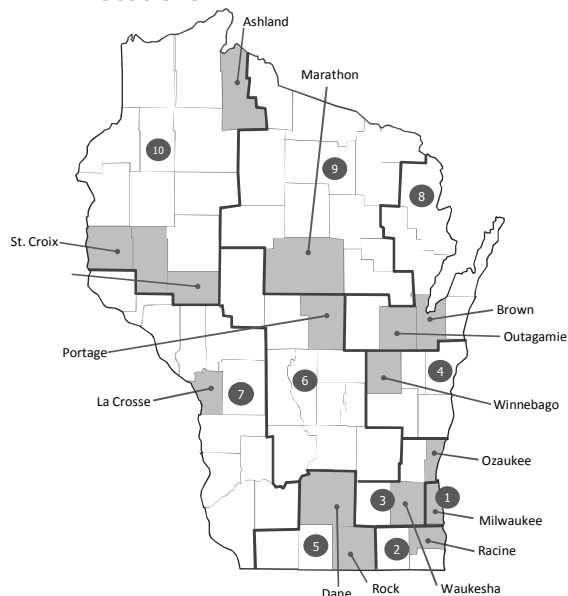
All of the Wisconsin courts are homegrown without oversight from a state problem-solving court coordinator or other overseeing entity; therefore, each program is unique. Some problem-solving courts follow the drug court model closely, while others have only one, two, or three components. The NCSC team site visits focused on the development and organization of problem-solving courts, the assessment protocols, target populations, training, and the use of evidence-based practices including staff training, treatment services, evaluation, and general data collection. The NCSC team did not evaluate problem-solving courts. Rather, the NCSC team conducted interviews and gathered process-level data from which to make general observations. The survey on evidence-based practices, discussed at the end of this chapter, provided even more detail on the extent to which Wisconsin problem-solving courts have implemented evidence-based practices.

In December, 2011 the report *Wisconsin Treatment Courts: Best Practices for Record-keeping, Confidentiality & Ex Parte Information* was published and accepted by PPAC and the EJSS. This report was written by a committee of circuit court judges, clerks of circuit courts and court administrators in recognition of the fact that problem-solving courts are widely used throughout Wisconsin and that "there is wide variation in their procedures and practices, particularly with respect to how the court creates and manages records" (p. 5). This report highlights the issues that arise as problem-solving courts become institutionalized in a state. Because problem-solving courts are unlike traditional courts in which proceedings are on the record, the recommendations focus on which proceedings should be recorded, where files should be located, and whether a problem-solving court judge should participate in revocation proceedings for program participants who do not

²⁴ Specific information about problem-solving court locations and status is current as of December 12, 2011. For the most recent information on Wisconsin problem-solving courts, see: <http://www.wicourts.gov/courts/programs/altp/problemsolving.htm>.

successfully complete the problem-solving court process. This report makes recommendations to the Wisconsin Supreme Court to review certain rules for compliance with federal law as well as to make specific determinations regarding the recording of problem-solving court proceedings.

Problem-Solving Court Site Visit Locations



NCSC's Site Visits: Drug Courts

The NCSC team observed court hearings and staffings in juvenile and adult problem-solving courts across the state. The team visited a number of drug courts, OWI courts, and hybrid courts (drug and OWI; drug, OWI, and mental health) that varied by capacity, demographics, eligibility, and impact on disposition of the case. Given the number and wide variety of programs observed it is difficult to discuss each program separately. Therefore, this chapter is not a comprehensive compendium of the programs visited, but rather an examination of promising programs with common characteristics that have elements that may be replicable in

other courts or programs across the state.²⁵

A detailed table listing the counties visited and the characteristics of each problem-solving court can be found in Appendix E; Figure 8 presents a selected set of comparison characteristics for all the problem-solving courts visited.

This chapter is organized to first present the common characteristics and some unique aspects of problem-solving courts observed by the NCSC project team. Then the NCSC team will present a brief discussion of the various other programs observed during site visits. The chapter concludes with the results of a statewide survey on the implementation of evidence-based practices and puts the results in context with the eight core principles of evidence-based practices.

All of the problem-solving courts visited involved a non-adversarial proceeding following entry into the problem-solving court. Each court proceeding involves, at the very least, the judge, drug court coordinator, and treatment provider, who make up the core offender oversight team. This team discusses each offender's file and the participants' progress in a staff meeting before the judge addresses the participant in court, and in front of other participants. Most drug courts have a district attorney and/or a public defender present at the staffing; however, this practice is not universal. Also not universal, but observed in a majority of the drug court staffings and hearings, were a variety of community support providers, such as those representing corrections, treatment

²⁵ The discussion here is geared toward adult problem-solving courts, although it should be noted that Wisconsin has several very good juvenile drug courts. Among them is Ashland County's Juvenile Drug Court, which is the oldest such court in the state. Other jurisdictions starting or improving their juvenile drug courts should examine Ashland's program for replicable fundamentals.

support (e.g., Alcoholics Anonymous), local mental health providers, public housing, education, employment and health care. None of the staffings had all of these providers, but many included at least one non-criminal-justice-community representative on the team.

Figure 8: Characteristics of Problem-Solving Courts Observed During Site Visits

County	Type of Court			Entry Point to Program					Charges			Assessment		Funding Source			Evaluation	
	Adult Drug Court	Juvenile Problem Solving Court	OWI Court	Pre-Plea	Pre-Adjudication	Post-Adjudication	Post-Conviction	Probation	Dismissed	Sentence Served / Reduced	No or Reduced Probation	Yes	No	Grants	Insurance	Participant	Yes	No
Ashland		✓					✓		✓			✓		✓	✓	✓	✓	
Brown	✓						✓		✓			✓		✓	✓	✓		✓
Dane	✓				✓				✓			✓		✓		✓	✓	
Dunn	✓		✓		✓					✓		✓			✓	✓	✓	
Eau Claire	✓					✓						✓		✓	✓	✓	✓	
La Crosse	✓				✓			✓				✓		✓	✓	✓	✓	
La Crosse			✓		✓					✓		✓				✓		✓
Marathon			✓			✓						✓		✓				✓
Milwaukee	✓					✓						✓		✓				✓*
Outagamie	✓					✓		✓			✓	✓		✓		✓		
Ozaukee	✓					✓			✓				✓	✓				✓
Portage		✓		✓					✓			✓		✓				✓
Racine	✓					✓		✓	✓		✓	✓		✓	✓	✓	✓	
Rock	✓				✓			✓	✓			✓		✓		✓	✓***	
St. Croix	✓					✓		✓			✓		✓	✓		✓	✓	✓
St. Croix		✓			✓							✓		✓		✓		✓
Waukesha			✓			✓				✓		✓		✓		✓		✓*
Winnebago	✓						✓		✓			✓		✓		✓		✓**
Winnebago		✓			✓					✓			✓					✓**

Note: * = Too soon to evaluate; ** = Informal evaluation; *** Evaluation under way.

Blank cells = information not provided.

Eligibility

A participant's initial eligibility depends in large part on the offense committed: some drug courts were open to both misdemeanants and felons, while others restrict admission to one or the other. Regardless of the type of offense, all programs require that the offender have a nonviolent criminal history with no violent offenses pending.²⁶

Drug courts are most effective for high-risk/high-needs offenders who are compulsively addicted to drugs and/or alcohol and have failed other treatment or supervisory interventions (Lowenkamp, Holsinger, & Latessa, 2005; Fielding, et al., 2002; Festinger, et al., 2002). Although all the courts visited are using an assessment tool, not all of the drug courts are serving high-risk/high-needs population; some offenders fall into the low-risk/low-needs category, but still receive services. Research indicates that the benefits for low-risk/low-needs offenders are minimal, and participation in such programs may even be harmful (Marcus, 2009; Lowenkamp & Latessa, 2002, 2004; Bonta, Wallace-Capretta, & Rooney, 2000; Lowenkamp & Latessa, 2004; Andrews & Bonta, 2006).

Most often, drug courts use a standard assessment tool such as the LSI-R or COMPAS to determine offender risk and needs. Some drug courts use home-grown screening tools, which involve extensive interviews to assess personality traits, mental health issues, and other dynamic characteristics to assess criminogenic risks and needs. (At the time of the site-visits many drug courts were either in the implementation phase or anticipating a change of the standard assessment tool to the use of the COMPAS).

²⁶ The practice of excluding violent offenders from participation in problem-solving courts has its roots in federal rules forbidding programs funded all, or in part, by federal grants from serving violent felons. There is no research-based reason for excluding such participants from drug courts.

Participant Expectations

Another common characteristic of the drug courts visited is the extent to which expectations and requirements of participating in the program are effectively communicated through written policies. Participants are fully informed of the expectations for participation, including the number and purpose of status hearings, the treatment requirements, and the frequency of random drug testing. In all of the drug courts the NCSC team visited, the participant must sign a contract, which is reviewed by the participant with either counsel (private attorney or public defender) or the drug court coordinator. The contract outlines the expectations and guidelines with which the participant is expected to abide. Additionally, the participants are given a handbook explaining the program, including information on each phase of the program and the requirements for moving on to the next phase; where and how often to get a drug test; the sanctions and incentives for adhering to the program; and treatment options and costs. Those staffing the drug court also received written policies outlining their role in the program, the goals of the program, the expectations of the participants in each phase, and graduation requirements.

Program Measurement

All problem-solving courts visited keep some sort of tracking logs for participants. Most can report on the number of participants in the program at a given time, but many cannot provide an accounting of graduation rates or other outcome measures. Similarly, some problem-solving courts have been formally evaluated, such as the juvenile drug court in Ashland and the adult drug court in Eau Claire.

Treatment Options

The ability and consistency of providing a variety of treatment options was also widely variable. This is frequently a struggle for problem-solving courts, particularly in more rural jurisdictions, and many courts are limited to a single treatment provider with limited treatment modalities. This is not so much a criticism but more of a nod to the financial constraints and difficulties in ensuring that each participant's needs are met. Given that providing appropriate treatment is the hallmark of problem-solving courts and that appropriate treatment matching leads to improved outcomes, this is an important consideration for jurisdictions planning to open a problem-solving court. Any program addressing the criminogenic needs of an offender must have adequate and appropriate treatment options available. The need to have adequate and appropriate treatment speaks strongly of the need for jurisdictions to assess the community's ability to provide all of the treatment and supervision conditions of a drug court in the drug-court-planning phase. Frequent court appearances, frequent drug testing, and the use of sanctions and incentives are critical to a program's success. It is equally important to provide suitable treatment and proper structuring of the participant's time to promote successful outcomes and behavioral change.

Cost of Participation

To meet the financial burdens of providing a variety of services, some courts set a flat fee for participation, while others impose fees on drug tests and treatment sessions or rely on the participant's insurance and/or grants from the county or other community or government agency.

Drug Court Team Training

One area in which some drug courts fall short is in the thorough training of the drug court staff. Many drug courts have a least one team member with extensive training, but only a few have

more than one team member formally trained. Usually the training for other staff members is by the program coordinator who, while having obtained formal training, cannot always adequately relay information pertaining specifically to the critical roles of other stakeholders. Since the judge is the leader of the problem-solving court, it is particularly important for judges to receive this important training regarding their unique role. Similarly, the roles of each key participant have specific and varied requirements, including the roles of the prosecutor, defense counsel, and probation and parole agent.

Having every stakeholder attend a training session can be expensive and possibly beyond the reach of many drug courts; therefore, it would be wise for drug court teams to tap into resources within the state or to seek grant funding to participate in such trainings. Program teams may set up training sessions with other courts whose staff have had extensive training. For example, Milwaukee County sent staff members to a training put on by NADCP. Other counties have also sent teams to national training programs. These courts should serve as a resource for problem-solving courts that cannot afford a formal training program to expand their knowledge on best practices and evidence-based practices. The NCSC team attended the state association of drug court professionals, which is a great platform for providing additional training. All problem-solving court staff should be encouraged to attend these conferences to gain the wisdom imparted by more seasoned professionals, as well as to learn about the latest research in the field.

Other Programs in Wisconsin

The NCSC team had the privilege of being introduced to a number of programs across the state; some of these programs were developed to address local concerns, and others have legislative origins. Many of these programs are in early phases and some are more process oriented (versus change oriented) and provide oversight and structure for pretrial populations. While the NCSC team found many of these programs to be interesting for meeting the local needs for which they were developed, we did not evaluate these programs, nor did the NCSC team assess them in terms of adherence to evidence-based practices. Additionally, many of these programs did not complete the in-depth survey on evidence-based practices, so the NCSC team cannot speak to the degree to which many of these programs are evidence based. It is important to note that Wisconsin has a history of integrating evidence-based practices into many of its programs. Therefore, an awareness of evidence-based practices is apparent, as is the drive to implement these practices. Many of the program directors and leaders with whom the NCSC team spoke were knowledgeable about evidence-based practices and understood the importance of implementing them in their programs.

The discussion that follows presents a brief account of different programs the NCSC team observed across the state. This discussion is meant to provide awareness of the various types of programs that courts are using, but the NCSC team must stress that many of these were developed without evidence-based principles in mind. In fact, despite the team's attempt to learn the degree to which many of these programs adhered to evidence-based practices through the second survey, most programs did not respond.

Wisconsin Community Service (WCS) works with ATTIC in Milwaukee County to provide programs at the Community Justice Resource Center – also

known as the Day Reporting Center (DRC). DRCs offer a broad range of programs to help individuals remake their lives and become functioning and contributing members of society. Participants in the DRC are screened upon enrollment and assigned to the appropriate treatment/service track. The Milwaukee DRC provides extensive services to offenders at different entry points in the system from diversion to probation revocation to reentry programs. These programs provide clients with housing, employment, education and treatment support. They also provide the much needed structure that helps individuals keep their goals in sight and makes it less likely that they will recidivate. ATTIC supports DRCs in Appleton, Beloit, Green Bay, Hudson, Madison, Milwaukee, Rhinelander, and Wausau.

Eau Claire County has implemented the state's first specialty court specific to single mothers convicted of crimes. Eau Claire's Alternatives to Incarcerating Mothers court, established in 2007, provides single mothers with a support system to address substance abuse and mental health issues so they remain available to parent their children. The treatment, supervision, and family services provided often eliminate the need for out-of-home placement of children and save money. The regimen is very similar to that of traditional adult treatment courts with frequent status hearings, drug testing, the use of sanctions and incentives and treatment support. The difference between adult treatment courts and the Alternative to Incarcerating Mothers court is the focus on the family and maintaining the parent-child relationship.

Milwaukee has an extensive program to assist law-enforcement officers who must respond to individuals who may have a mental health problem. The Milwaukee Police Department has formed a crisis intervention team (CIT) to respond to incidents that may involve individuals with mental health issues. Law-enforcement

officers are trained to respond immediately, intelligently, and compassionately to persons suffering a mental health crisis, rather than waiting for specialized mental health workers, or automatically conveying the person to a jail. By taking an immediate, humane, and calm approach, CIT officers reduce the likelihood of physical confrontations and enhance patient care (Chief Justice's Task Force on Criminal Justice and Mental Health, 2010). Law-enforcement officers are encouraged to take individuals with indications of a mental health issue to a crisis resource center, where the individual can receive the appropriate care, rather than to jail, where they might not receive immediate or appropriate care.

As mentioned earlier in this report, many counties in Wisconsin are developing OWI courts to address the driving while intoxicated problem in Wisconsin. Legislation was recently enacted that allows counties to set up programs referred to as SSTOP (Safe Streets Treatment Option Programs). SSTOP requires participants to remain sober and undergo alcohol assessment, complete a drivers' safety program, and perform community service. If participants successfully complete the program then all or part of the jail sentence will be stayed.

Many Wisconsin counties have a Volunteers in Probation (VIP) program, which pairs volunteers with low-risk/low-needs adult clients who have committed a misdemeanor criminal offense. VIP offers a means for early intervention, which prevents the offender from becoming more deeply entrenched in the criminal justice system. The volunteer serves as a role model for a healthy, law-abiding lifestyle.

Survey of Current Practices

Through an electronic survey²⁷ the NCSC team attempted to collect basic data on every program that addresses the criminogenic needs of offenders; however, the overall response rate to the survey was very low, especially for non-drug-court programs; the response rate for drug courts was relatively high (nearly 50%). The survey captured information on evidence-based practices, such as when they accepted their first client, their program capacity, the number of graduates, and the number of terminations, and whether entry into the program was pre-plea or post-plea.

Survey questions were specifically designed to address general best practices and the eight evidence-based principles enumerated earlier in this report. The data have been put in graphic form with the survey questions matched to the evidence-based principle it is designed to address. For ease of reporting the data, a brief discussion of the survey results for each principle is provided, with the corresponding data tables in Appendix F. See Appendix G for a copy of the survey.

General Best Practices

All programs should follow basic best practices when forming and operating a program designed to address criminogenic needs, whether it is a problem-solving court or other type of program. These best practices include standards for eligibility, training for staff, clear goals for the program, and written policies and procedures for the staff and

²⁷ The NCSC team conducted two surveys as part of this project. The first was a survey sent to all District Court Administrators for distribution to the Chief Judge in each of their districts (see Appendix B for this updated directory of programs). This Excel-based survey simply asked respondents to update program identification data provided on a similar survey conducted by the Effective Justice Strategies Subcommittee in 2006. The responses from the initial survey provided the foundation for the second survey, which is discussed in greater detail here.

participants. The survey results indicate that the majority of problem-solving courts and programs have implemented these best practices, as all have a) a mission statement, b) an advisory committee, c) an adequate treatment period, and d) a well qualified team of professionals administering the program.

An advisory committee or group is essential to ensure that the program is following its mission statement and policies for effective functioning of the court. This oversight provides perspective on how the court is operating and gives the drug court coordinator or program administrator guidance as needed. The advisory committee can also view the program more objectively to determine what is working and where improvement is necessary.

The average length of program participation in drug court is approximately 15 months, with a range from 9 to 22 months. Best practices support a treatment period of at least one year for effective treatment in drug court; however, depending on how well the participant follows the regimen, it is often possible to complete the program in less time. Other programs addressing criminogenic needs have shorter periods of time depending on the program. Some programs are just one-day seminars, while others take a year or more to complete.

Program team members for drug courts and other programs were well qualified, trained, and experienced, with all having at least a bachelor's degree and specific training at initial hire and then annually. A trend toward program managers having an advanced degree is apparent for non-drug-court programs, with a majority having at least an M.S. degree. Although many respondents did not indicate the education level of program managers for drug courts, most managers have a B.S. or B.S.W. Program managers all have the same essential duties across the board, whether they oversee a drug court or another type of program. These duties include designing or modifying the program

as needed and ensuring correct operation of the program. A number of drug court managers also carry a caseload in addition to their program management responsibilities. In non-drug-court programs, the number of managers carrying a caseload is limited to just a few programs.

The survey results indicate that all of the courts implement the basic foundations of best practices for their programs and that many of the programs have the same external structure; i.e., each program has designated benchmarks that participants must meet to either move on to the next phase or graduate from the program. The entry point for participants, however, varies from pre-plea to post-conviction. For many of the drug courts, the entry point is post-plea, with completion of the program being a condition of sentencing, or post-conviction. Only three courts offer drug court as a pre-plea diversion program, and three jurisdictions offer drug court as an alternative to probation revocation for offenders who are at risk of violating the conditions of their probation.

The majority of drug courts have a highly successful program termination rate, ranging from 50 to 81%.²⁸ Some of the less mature drug courts are still struggling to get a majority of the participants to successfully complete the program. The reasons that some older programs perform better are likely due to the simple fact that as programs evolve they improve. For example, their screening process improves, so the right individuals are admitted; they have greater access to treatment providers, allowing for better treatment matching; and they simply have more experience, having learned through trial and error. The drug courts that have a high negative termination rate should evaluate their programs to determine where improvements can be implemented.

²⁸ Post-drug-court recidivism is not part of this measure.

Turning now to evidence-based practices, the survey indicates that many of the drug courts have implemented most of the eight fundamental principles of evidence-based practices to some extent.

Eight Standard Evidence-Based Principles for Offender Supervision

1. Assess Actuarial Risk/Needs
2. Enhance Intrinsic Motivation
3. Target Interventions (using risk/need/responsivity principle)
4. Prioritize the Use of Cognitive-Behavioral Treatment Methods
5. Increase Use of Positive Reinforcement
6. Engage Ongoing Support in Natural Communities
7. Measure Relevant Processes/Practices
8. Provide Measurement Feedback to Staff/Programs

Principle One: Assess Actuarial Risk/Needs

All of the drug courts are assessing offenders' criminogenic risk and needs at the time of admission to the program with standardized assessment tools such as the LSI-R, GAIN, or COMPAS. Initial offender screening serves as a form of "triage" to determine which programs are appropriate, given the particular risks and needs of that offender. Assessment should not be limited to a one-time event but should be an ongoing process with multiple assessments throughout the program. A participant's interaction with staff and other participants should be noted as the participant progresses through the program. Similarly, staff should assess participants with the standardized assessment tool as benchmarks are met to determine whether the program is in fact achieving the desired goals. The main purpose of criminogenic risk and needs assessment is to identify which offenders could best be served by the program. For drug courts and many other

programs addressing criminogenic needs, the participants most likely to succeed are those in the high-risk/high-needs or medium-high-risk/medium-high-needs categories. The survey indicates that while almost all drug courts and programs are using a standardized assessment tool, not all drug courts and programs are selecting high-risk/high-needs offenders for treatment. Drug courts are more likely to select high-risk/high-needs offenders than are the other programs.

Whether a drug court or another program is appropriate is also determined by the program's ability to provide treatment in a manner appropriate to the offender's learning style, cultural traditions, temperament, motivation, and gender. Responsivity is measured by a standard assessment tool, such as SOCRATES or URICA. All but a few of the drug courts and programs reported not using an assessment tool to measure responsivity at the time of admission to the program.

Principle Two: Enhance Intrinsic Motivation

Through intrinsic motivation the probation and parole agent or other person of authority helps participants see the necessity of changing their behavior by letting them discover why changing their behavior would positively impact on their lives. Intrinsic motivation uses a series of questions and discussions to help participants replace their ambivalence toward change with a desire to change. Through various interview styles, such as motivational interviewing, participants become aware of the need to change their behavior, thus reducing the criminogenic needs that lead to recidivism. In the survey, with very few exceptions, all problem-solving courts and programs use motivational techniques to inspire participants to change their behavior.

Principle Three: Targeted Interventions

Since drug courts and other programs should be targeting high-risk/high-needs individuals, they need to provide structure for each individual. As a general rule, high-risk/high-needs offenders tend to need more structure in their lives than lower-risk offenders. Evidence shows that participants who have between 40 and 70% of their time structured are more likely to develop basic living, decision-making, and time management skills and achieve success in the programs and in life. Therefore, participants should be attending counseling sessions (either group or one-on-one), working to meet educational or vocational goals (either seeking employment or working), attending court sessions, meeting with their probation and parole agent, or taking part in other structured daily events. According to the survey, half of the programs do offer structured time for participants for at least 40% of their day. Twenty-three percent of the programs provide less than 40% of structured time to program participants.

Principle Four: Skills Training with Directed Practice

In addition to providing intrinsic motivation and structuring an offender's time, it is also important to provide cognitive behavioral programs that help participants replace anti-social thinking and behavior with pro-social thinking and behavior. This takes a well-trained staff to lead programs that replace anti-social thinking, learning, and acting with more pro-social attitudes and thinking. Cognitive-skills-building programs rely heavily on role playing, where participants can see alternative behaviors and the impact that their behavior has on others. Three important aspects to skill training with directed practice were surveyed: a) was cognitive behavioral therapy employed, b) were criminal errors addressed, and c) were positive behaviors to overcome errors reinforced. With one or two exceptions, all programs responding to the survey indicated that all three aspects of skill

training were implemented. Also useful in assisting participants in changing behaviors and attitudes is the support of family and community. In this regard, all but two of the drug courts indicated that some level of family involvement is used to reinforce positive changes in behaviors and attitudes as the participant progresses through the program. Six of the responding programs indicated family involvement was used as positive reinforcement for participant's progress in the program.

Principle Five: Increase Positive Reinforcement

The essence of drug courts and other programs is the use of sanctions and incentives to motivate behavioral change. All of the programs surveyed, whether drug court or non-drug-court programs, imposed sanctions on participants who deviated from the terms of the program. All the programs used the same set of evidence-based sanctions: jail, increased treatment, verbal reprimand, essay writing, increased drug testing, and, to a much lesser extent, community service. Although non-drug-court programs rarely used community service as a sanction, almost all programs indicated that they used other unspecified sanctions. The drug courts, for the most part, used only the sanctions enumerated above. Evidence-based practice strongly encourages the ratio of incentives to sanctions should be 4:1. Approximately one-half of the responding drug courts have at least this ratio; some have an even higher ratio. Only one of the programs had more sanctions than incentives; otherwise most drug courts had a 3:2 ratio. Again, all the drug courts used evidence-based incentives, such as verbal praise, decreased treatment, decreased court appearances, decreased drug tests, and tangible incentives. Few drug courts reported using any other incentives than those listed. This, however, was not the case with the non-drug-court programs. Almost all of the non-drug-court programs responding to the survey reported using other unspecified incentives in addition to the evidence-based incentives listed above. Many of the non-drug-court

programs did not know (or track) their ratio of incentives to sanctions.

Principle Six: Engage Community Support

For this principle, only one question was asked: whether the program used family members as a positive reinforcement. Almost all of the drug courts responded that they used family support in some, all, or most cases. Only one drug court reported not using family support. The same result held true for the non-drug-court programs, with only two programs stating that they did not use family support. The two programs that did not use family support — a vocational literacy program and a *stop and think* program — are both very short term programs.

Principle Seven: Measure Relevant Processes/Practices

For continuous improvement, each program must track how well it is performing. As an evidence-based practice, programs should track offender outcomes and make adjustments and improvements to the program based on the results. This means measuring relevant practices and maintaining accurate records to determine whether the program is as effective as it could be. Almost every drug court and non-drug-court program indicated that they maintained records on the following outcome measures: recidivism, percent of successful and unsuccessful participants, substance abuse, education, and employment successes. This bodes well for any attempts to engage in future program evaluations.

While program respondents overwhelmingly reported collecting outcome data, only a few programs acknowledged having conducted an outcome evaluation. This means that although programs may be collecting the data, they are not using the data to determine the effectiveness of programs.

Recommendations

1. **A full-time, state-level position should be dedicated by the court system to coordinating efforts and providing technical assistance to problem-solving courts in Wisconsin.**

Local problem-solving courts could benefit from a state-level coordinator that fills the needs of local problem-solving courts now. Specifically, the problem-solving court coordinator could 1) keep local courts apprised of new funding opportunities at the federal, state, and local levels; 2) provide assistance with grant writing; 3) work with the current state Association of Drug Court Professionals in developing programs that meet local needs for training, research, and networking; 4) attend national meetings to learn how other jurisdictions are implementing evidence-based practices; 5) assist in the evaluation process by ensuring that drug courts are collecting the right data and selecting a good evaluator; 6) be an advocate for problem-solving courts to open up more opportunities for funding and to heighten public awareness and support, especially for new OWI courts; and 7) set statewide standards in accordance with evidence-based practices for all problem-solving courts not only to provide quality treatment for the offenders but also to improve community relations and support.

Principle Eight: Measurement Feedback

2. A full-time, state-level position should be dedicated by the court system to providing technical assistance and training regarding evidence-based practices.

All courts could benefit from a state-level evidence-based-practice coordinator. As the evidence-based research and literature evolve, this position would keep courts apprised of the latest research on evidence-based sentencing and programming, which would help courts make more informed and effective sentencing and placement decisions. The role of this position would be similar to that of the problem-solving courts coordinator described in the previous recommendation.

3. Special attention should be given to OWI courts to ensure that they are based on the most recent evidence-based practices literature.

Given recent legislation regarding the changes in consequences for multiple OWI convictions, many OWI courts have either been created or are being developed. As this chapter indicates, some of these courts are focusing on low-risk/low-needs offenders, which is not supported by research findings. In fact, such practices across offender types have been found to make offenders worse. While the research on drunken-driving-related courts is not nearly as prolific as the research on drug courts, a good body of literature is emerging (Hiller, Saum, Taylor, Morrison, & Samuelson, 2008; Hiller, et al., 2009). The research indicates that not all of the elements of a good drug court are directly transferrable to OWI courts; therefore, it is imperative that local courts be aware of the emerging body of literature on OWI evidence-based practices (this role could be filled a new drug court coordinator). Because of the high profile and the volume of offenders, differences in how OWI courts are set up will be more apparent to the public than drug courts. The public will quickly learn of the differing requirements

in different counties; therefore, more consistency in the consequences imposed will make the courts much more palatable to the public (again, a drug court coordinator could fill this role).

4. An Interagency Problem-Solving Courts Oversight Committee should be formed to establish guidelines and base criteria for problem-solving courts.²⁹

Just as problem-solving courts are multidisciplinary, any attempt to develop reasonable and responsible guidelines for problem-solving courts should be developed by a similar group of professionals. While ethical guidelines regarding problem-solving courts have been developed, Wisconsin court system leadership should take the lead on establishing a committee to develop programmatic standards for problem-solving courts in Wisconsin. Such standards should be based on the most recent and compelling literature, and all problem-solving courts should be encouraged to follow them.

In many states, the drug court coordinator (described in Recommendation 1) is responsible for assisting courts in adopting problem-solving court standards. In some states, it is the responsibility of this position to audit courts to determine adherence to accepted standards. This standardization of drug courts ensures that they are engaging in best practices, using court resources wisely, and are admitting the right kinds of offenders.

²⁹ The State Drug Court Coordinators Network, sponsored by the National Association of Drug Court Professionals, is developing national problem-solving court standards. The draft standards are included in Appendix H.

5. Courts that currently have problem-solving courts, as well as those who are developing problem-solving courts, should ensure that appropriate and varied treatment is available to meet the needs of the targeted population.

Problem-solving courts have been referred to as therapeutic courts because they combine treatment with the structure of supervision and frequent oversight of a judge. The research on evidence-based practices is quite clear that correctly matching treatment to an offender's criminogenic needs and their individual characteristics (risk/needs/responsivity principle) is essential. Failure to adequately address these important individual needs of offenders is likely to substantially reduce the utility of treatment. In many cases, no treatment is better than inappropriate treatment.

Similarly, the quality of treatment matters. Repeatedly, research has shown that better outcomes are achieved when problem-solving courts use evidence-based and culturally proficient treatment strategies with their clients. Drug court treatment programs that have been found to be the most effective are highly structured, use behavioral or cognitive behavioral strategies, incorporate the use of a workbook or manual, and address the cultural issues of participants.

Two important documents completed in December 2011 contain important information related to Wisconsin problem-solving courts. The first, *Wisconsin Treatment Courts Best Practices for Record Keeping Confidentiality and Ex Parte Information*, was completed by the Effective Justice Strategies Subcommittee. The second is the evaluation report of the statewide Treatment Alternatives and Diversion (TAD) Program completed collaboratively by the Wisconsin Office of Justice Assistance, Department of Corrections, and Department of Health Services.

Problem-Solving Courts Resources

Organizations Providing Problem-Solving Court Assistance and Information

National Center for State Courts (NCSC) — Provides a large library of research publications on problem-solving courts (adult drug, juvenile drug, mental health, veterans, DUI) from a wide variety of sources. NCSC has been involved with problem-solving courts for over a decade and has:

- Tracked the growth of problem-solving courts
- Studied the theoretical foundation on which problem-solving courts are based
- Provided technical assistance to courts at all stages of planning, implementation, and evaluation of problem-solving courts
- Reported on trends in problem-solving courts

http://www.ncsconline.org/D_Research/ProblemSolvingCourts/Problem-SolvingCourts.html.

National Association of Drug Court Professionals (NADCP) — Information on the efforts of NADCP to bring drug courts to every county in the U.S. Provides links and news for all drug court professionals, including links to most recent research.

<http://www.nadcp.org>.

National Drug Court Institute (NDCI) — Publishes the latest research on all types of problem-solving courts and provides training for all drug court professionals, both live and online. The website also provides information on legal and constitutional issues related to problem-solving courts

<http://www.ndci.org/>

National Center for DWI Courts (NCDC) —

Publishes the latest research on DWI courts; provides trainings and information on legal issues related to DWI courts. It is the key organization to organize and host training programs for courts that want to become a DWI court. It has formed a task force that will establish and ensure implementation of best practices and examine policy issues for DWI courts. Offers free publications from NCDC and other organizations related to DWI courts. NCDC also publishes a quarterly newsletter discussing current topics related to DWI courts.

<http://www.dwicourts.org/ncdc-home/>.

The Center for Court Innovation —

Conducts research and provides technical assistance to all types problem-solving courts. Publishes research and evaluation reports for the public and problem-solving courts:

<http://www.courtinnovation.org/topic/problem-solving-justice>.

Drug Court Clearinghouse — Has been providing technical assistance and training services to adult drug courts under a cooperative agreement with the Bureau of Justice Assistance (BJA). The BJA-funded Adult Drug Court Technical Assistance Project (DCTAP) offers a wide range of free and cost-share services to drug courts and other problem-solving court programs that focus on services to substance-abusing offenders to promote improved program effectiveness and long-term participant success.

<http://www1.spa.american.edu/justice/project.php?ID=1>.

National Council of Juvenile and Family Court Judges — Works with the Office of Justice Program's Juvenile Drug Court Training and Technical Assistance Project to help implement or enhance juvenile drug courts.

<http://www.ncjfcj.org/>.

U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention's Model Programs — Designed to assist practitioners and communities in implementing evidence-based prevention and intervention programs that can make a difference in the lives of children and communities. A database of over 200 evidence-based programs covers the entire continuum of youth services from prevention through sanctions to reentry. Information on the site can assist juvenile justice practitioners, administrators, and researchers to enhance accountability, ensure public safety, and reduce recidivism.

<http://www.ojjdp.gov/mpg/>

Publications

Adult Drug Courts

A few seminal publications on problem-solving courts are listed below.

The Multi-Site Adult Drug Court Evaluation — Center for Court Innovation

<http://www.courtinnovation.org/research/multi-site-adult-drug-court-evaluation>

The Drug Court Judicial Benchbook — National Drug Court Institute

<http://www.ndci.org/publications/more-publications/-drug-court-judicial-benchbook>

Putting the Pieces Together — Practical Strategies for Implementing Evidence-Based Practices — National Institute of Corrections

<http://nicic.gov/Library/024394>

Implementing Evidence-based Practices in Corrections — National Institute of Corrections

<http://www.cbhc.org/uploads/File/Library/EBP%20in%20Corrections.pdf>

Problem-Solving Justice Toolkit — National Center for State Courts

http://www.ncsconline.org/D_Research/Documents/ProblemSolvJustTool.pdf

Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries — National Center for State Courts

<http://www.ncsconline.org/csi/Reduce-Recidivism.pdf>

Performance Measures for Drug Courts: The State of the Art — National Center for State Courts and Bureau of Justice Assistance

http://www.ncsconline.org/D_Consult/StatewideTAs/StatewideTABulletin_6.pdf

Exploring the Key Components of Drug Courts — National Institute of Justice

<https://www.ncjrs.gov/pdffiles1/nij/grants/223853.pdf>

For a more comprehensive list of recent publications on problem-solving courts, visit the NCSC website.

<http://www.ncsc.org/Topics/Problem-Solving-Courts/Current-Trends-in-Problem-Solving-Courts/Resource-Guide.aspx>

Juvenile Drug Court Information and Resources

The Reclaiming Futures Model — The model unites juvenile courts, probation, adolescent substance abuse treatment, and the community to reclaim youth. Together, they work to improve drug and alcohol treatment and connect teens to positive activities and caring adults.

<http://www.reclaimingfutures.org/model>

Evidence-Based Practice Recommendations for Juvenile Drug Courts — National Center for Mental Health and Juvenile Justice

<http://www.ncmhjj.com/pdfs/publications/FinalRecommendations.pdf>

Mental Health Courts Information and Resources

Mental Health Court Performance Measures — National Center for State Courts

<http://www.ncsc.org/services-and-experts/areas-of-expertise/problem-solving-courts/mental-health-court-performance-measures.aspx>

Responding to the Need for Accountability in Mental Health Courts — National Center for State Courts

<http://www.ncsc.org/sitecore/content/microsites/future-trends/home/special-programs/4-5-responding-to-the-need-for-accountability-in-mental-health-courts.asp>

Improving Responses to People with Mental Illnesses: The Essential Elements of a Mental Health Court — Bureau of Justice Assistance

http://www.ojp.gov/BJA/pdf/MHC_Essential_Elements.pdf

Veterans Courts Information and Resources

Key Components of Veterans Treatment Courts developed by the Buffalo (NY) Veterans Treatment Court

https://www.nycourts.gov/courts/7jd/vet/key_components.shtml

<http://www.nadcp.org/sites/default/files/nadcp/Bufferal%20policy%20and%20procedure%20manual.pdf>

Responding to the Needs of Justice-Involved Combat Veterans with Service-Related Trauma and Mental Health Conditions: A Consensus Report of the CMHS National GAINS Center's Forum on Combat Veterans, Trauma, and the Justice System

http://www.nadcp.org/sites/default/files/nadcp/GAINS%20Report%5B1%5D_0.pdf

CHAPTER 4: Criminal Justice Coordinating Committees/Councils in Wisconsin

This pattern (of increasing crime and violence) suggests the existence of substantial built-in obstacles to change. The pervasive fragmentation of police, court, and correctional agencies suggests that some catalyst is needed to bring them together. An assumption that parallel and overlapping public agencies will cooperate efficiently can no longer suffice as a substitute for deliberate action to make it happen in real life. — National Commission on the Causes and Prevention of Violence, *To Establish Justice, to Insure Domestic Tranquility: Final Report*, 1969, p. 158.

National History of Criminal Justice Coordinating Councils

Providing for justice and protecting the public are fundamental concerns of criminal justice systems. As simple as that concept may sound, what constitutes justice and public safety are not necessarily defined in the same way by those agencies that combine to form a local or statewide *criminal justice system*. Furthermore, the goals of the individual agencies that make up the criminal justice system may not be consistent or even compatible from one agency to the next; however, criminal justice reform *requires* the cooperation, collaboration, and coordination of all agencies that work to create justice systems. From arrest through conviction; supervision and aftercare, system stakeholders must participate in initiatives to improve the system across all stages, so that phase by phase, responses to crime, crime victims, and criminal offenders are as consistent and as effective as possible.

The National Commission on Causes of Prevention of Violence noted in its 1969 report that the need to establish coordination between criminal justice agencies at the local level was recognized as early as 1931. Still, it was not until the late 1960s that coordinated collaborative efforts to address local communities' criminal justice concerns began to form (Raley, 1976). These councils, commissions, and collaborative efforts have been created with varying

impetuses, but generally, there has been an identified criminal justice problem, such as jail crowding or gang violence, that has brought such committees together. The concept involves the coordination of local criminal justice participants and their involvement in comprehensive planning. One popular model is the Criminal Justice Coordinating Council (CJCC).

Federal funds through the Law Enforcement Assistance Administration (LEAA) have been authorized to support start-up and implementation funding for CJCCs since the 1970s. Throughout the 41 years since the original CJCCs were created with the assistance of federal support, federal funds have continued to support new and established CJCCs, especially in Wisconsin.³⁰ The most

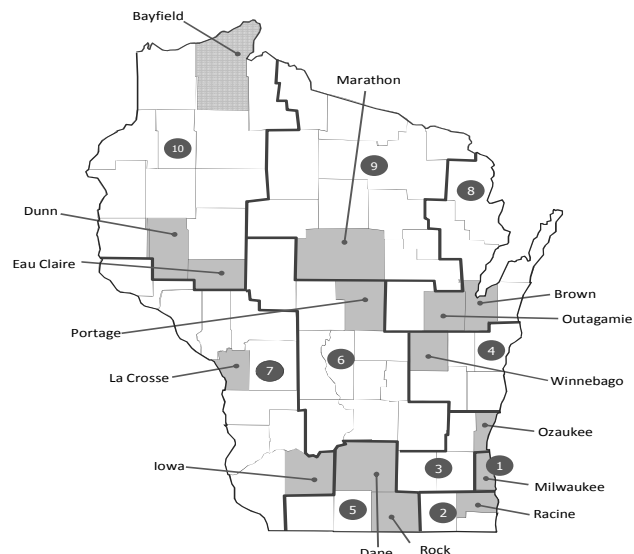
³⁰ LEAA was a U.S. federal agency located within the Department of Justice to administer federal funding to state and local law enforcement agencies, and funded educational programs, research, state planning agencies, and local crime initiatives. LEAA was established in 1968 and abolished in 1982. The Justice Assistance Act of 1994 created separate agencies to perform many of the functions previously associated with LEAA in the Edward Byrne Memorial State and Local Law Enforcement Drug Control and System Improvement Program, often referred to as *DCSIP* or *Byrne* funds. In 2007, Public law 109-162 (Title XI—Department of Justice Reauthorization, Subtitle B—Improving the Department of Justice's Grant Programs, Chapter 1—Assisting Law Enforcement and

recent JAG Grant Announcement issued by the Wisconsin Office of Justice Assistance (OJA) identified Criminal Justice Coordinating Councils as a priority area for funding. CJCCs were identified as a priority area to ensure that there is collaboration within criminal justice agencies and to limit duplication of services within counties. Start-up and planning grants of \$10,000 each were awarded to seven counties; additional implementation grants of \$50,000 and \$100,000 were awarded to existing CJCCs to implement identified evidence-based programs or practices.³¹

A national search for local CJCCs, conducted as part of this study, revealed that CJCCs exist at some level in each of the 50 states. The form, structure, and name of CJCCs may vary from jurisdiction to jurisdiction, just as the characteristics of those jurisdictions vary. Over the many years; however, it is clear that the need is well established within local governments. It is also widely recognized that these planning and coordinating bodies should be adequately staffed and have broad representation from the agencies that make up the criminal justice system, related programs (such as treatment programs), and the community itself. Nationally, CJCCs are either formal or informal committees that provide a forum for the identification and solutions of criminal justice problems among decision makers in the governmental system. CJCCs are most frequently focused on coordinating, planning, and improving the criminal justice system within their jurisdiction. In a 1976 publication on the subject, Gordon Raley identified a CJCC as “a broadly

representative coordination and planning unit of local government, with sufficient staff and authority to influence change within the criminal justice subareas of police, courts and corrections” (p. 3). CJCCs today are even more inclusive, often involving law enforcement (police and sheriff’s departments), prosecutors, public defenders, victim advocates and relevant treatment agencies, or other administrative justice system partners. Jurisdictions of CJCCs also vary, such as by city, county, judicial district, geographic region, or state.

Local Wisconsin CJCC Site Visit Locations



Criminal Justice Coordinating Councils in Wisconsin

Each year more Wisconsin counties are developing CJCCs to address justice system and public safety issues in their communities. In Wisconsin, CJCCs have brought about improvements and new initiatives that could not otherwise be achieved by a single agency or organization, such as the establishment of problem-solving courts, utilization of risk assessment tools in decision making and offender placement, and the creation of community service programs

Criminal Justice Agencies, Sec. 1111) merged the Byrne Formula Grant Program and the Local Law Enforcement Block Grant Program and became Edward Byrne Memorial Justice Assistance Grant (JAG).

³¹ Personal communication with Ray Luick, Office of Justice Assistance, November 2011.

(PPAC Effective Justice Strategies Subcommittee, 2007). Criminal Justice Coordinating Councils provide the necessary foundation for communities to fully assess the needs of the local criminal justice system and develop programming and practices in response to these needs. In a 2006 report to the Supreme Court's Planning and Policy Advisory Committee (PPAC) titled *Criminal Justice Innovations in Wisconsin*, Dr. Ben Kempinen, a Clinical Associate Professor at the University of Wisconsin Law School, reported that 16 counties had established some form of local collaborative effort to address criminal justice issues (Kempinen, 2006). In 2011, 37 separate county-based Criminal Justice Coordinating Councils existed in Wisconsin.³²

The CJCCs in Wisconsin operate at varying levels of formality, funding, and activity. For the current study, the NCSC team visited 15 CJCCs in Wisconsin to learn more about their structure, membership, meeting schedules, and focus.

In most but not all CJCCs, judges play a critical role; they are often the chair or co-chair on the council. For example, in Iowa County, the CJCC is called the Court Conference Committee, and the informal group is convened at the Chief Judge's request. In Ozaukee County, no judges participate in the Criminal Justice Coordinating Committee, which is a subcommittee of the Board of Supervisors. Still another variation occurs in Portage County, where judges are involved, but the chair position rotates among them.

Local CJCCs provide many benefits. These forums have addressed jail-crowding problems, created problem-solving courts, initiated restorative justice programs, and developed day-reporting centers, along with a host of

other programs and responses to needs and concerns in their jurisdictions. One of the most commonly reported side benefits of CJCCs is the development of relationships among participants that were not present before establishing the CJCC. Similarly, most CJCC participants reported significantly improved communication among members on both large and small issues. CJCCs provide a forum in which to address small issues before they became big and problematic.

CJCCs are extremely useful to members in that they provide the ability to use justice system partners as "sounding boards" for ideas and potential initiatives (Rock and Iowa counties specifically noted this as a benefit of the CJCC forum). Most important, CJCCs allow members to plan for and prioritize programs and projects, such as implementing volunteer programs to assist with offender supervision and creating day-reporting centers or new OWI programs.

Effective Local Criminal Justice Committees: Lessons from the Field

The issue of local crime and crime control falls under the purview of many separate and distinct entities that are controlled at the city, county, and state levels. Trying to create a local "system" that effectively addresses crime-related problems in the most fiscally responsible manner is a challenge that can be made easier if city and county law-enforcement agencies, prosecutors, courts, and corrections agents work together. Improved planning and coordination across agencies can help individual justice agencies become more efficient, productive, and effective. These local committees can help county boards of supervisors and county commissioners better evaluate the criminal justice system and provide viable options to costly, unnecessary expenditures.

³² Personal communication with Ray Luick, OJA, November 2011.

CJCCs across the country are struggling more and more with how to change system-wide practices to become more effective, *evidence-based* systems. For example, in June 2008, the National Institute of Corrections (NIC) funded a team of consulting agencies³³ to address “Evidence-based Decision Making in Local Criminal Justice Systems.” The goal of the initiative was to build a system-wide framework (arrest through final disposition and discharge) that will result in more collaborative, evidence-based decision making and practices in local criminal justice systems. Key features of the Framework include *7 Ways to Reduce Recidivism*, *Four Core Principles Underlying Evidence-based Decision Making*, *Risk and Harm Reduction*, *Key Research Findings in Effective Justice Practices and Risk Reduction*, and *The 1 Million Fewer Victims Campaign*. In August 2010, the Evidence-based Decision Making in Local Criminal Justice Systems Initiative selected seven jurisdictions to serve as EBDM “Seed Sites” as part of Phase II of this initiative. The counties of Milwaukee and Eau Claire are two of seven communities nationwide that were selected to be part of a focused implementation of evidence-based decision-making processes.

During the last decade, several documents have been produced that identify key characteristics of highly functioning and effective criminal justice collaborative efforts (see especially (Cushman, 2002; Crime and Justice Institute, 2004; McGarry & Ney, 2006). Also, in his 2006 report to PPAC, Dr. Kempinen identified eight best practices of CJCCs. He also identified four primary reasons why most of the then new CJCCs had failed to incorporate all of the best practices. Each document’s focus is

slightly different, but there are common themes that are consistently associated with successful and lasting collaborative efforts. These six principles of effective CJCCs are described next.

Figure 9: Six Principles of Effective Criminal Justice Coordinating Committees

1. Identified need and desire
2. Including the right people
3. Authorization to make decision and independent structure
4. Willingness to collaborate
5. Reliance on data and focused on outcomes
6. Funding to support the work of the CJCC

Identified Need and Desire

First and foremost, there must be a perceived need in a local community to establish a coordinating body. Clearly, if the criminal justice system in a local community (city, county, judicial district) is functioning without any problems, and the individual agencies function in concert and communicate well regularly, there is likely no need to establish a committee to coordinate within the criminal justice community. If, on the other hand, there are identifiable issues of concern, such as jail crowding, budgetary shortfalls, backlogged cases, lack of communication between local agencies, lack of coordination and planning between criminal justice agencies, or high rates of violations in community treatment programs or community-based correctional agencies, there might be sufficient need to justify developing a CJCC. The structure of a CJCC should meet the needs of the local community: it could be a short-term ad-hoc committee, a long-term formal standing committee, or something in-between.

³³ The cooperative agreement to foster this program is between the Center for Effective Public Policy, in partnership with the Pretrial Justice Institute, the Justice Management Institute, and the Carey Group.

Decisions to increase capacity in one area of the criminal justice system without assessing the impact on other entities can generate unanticipated effects. Thus, coordinated planning is essential to creating a coordinated and effective local criminal justice system. “Planning is an integral part of informed policy making and competent agency management. Because planning involves defining problems, clarifying objectives, establishing priorities and instituting programs, every executive must regard planning as a major responsibility of his or her job” (Cushman, 2002, p. 3).

The majority of CJCCs that the NCSC team met with were originally formed to address jail crowding. Having addressed crowding issues at that time, many committees reorganized under new names to address broader criminal justice issues. For example, the Rock County Sheriff petitioned the county board for a new jail, arguing that the average daily attendance of 700 inmates was not feasible in a facility built to house 650 inmates. Rather than build the jail, the County Board Chair organized a stakeholder board of 17 members. Within a relatively short period of time, the board suggested expanding the use of electronic home monitoring (EHM), which reduced the average daily attendance in the jail from 700 to 600. Since that time, even more jail alternatives have been implemented, and the new jail was never built. One member said of this committee, “There is real value to the community; community members wish to be on the board and to have input into criminal justice decisions.”

Including the Right People on the CJCC

If a community determines there is a need to create a CJCC, they must determine what they hope to accomplish and which justice system partners are required to achieve their goals. Is there a single problem, like jail

crowding, that the county sheriff needs to address? If so, who are the stakeholders that need to be involved to create change? Conversely, consider the federal government’s effort during the 1990s to put 100,000 police on the streets. Without a coordinated effort, the increased number of law-enforcement agents in a community could easily have increased the number of arrests, thus placing unforeseen burdens on jails, prosecutors, courts, and other criminal justice partners.

To effectively address broad criminal justice issues, a CJCC should, at a minimum, include people who have decision-making and budgetary authority for the agencies involved in the local criminal justice system, such as the chief of police, sheriff or undersheriff, chief judge, district attorney, public defender/defense attorney, city official, county board executive and/or county board elected official representative, probation/parole agent and other community-based corrections representative, and the pretrial release representative. Other common CJCC members include local treatment program administrators, victim advocate representatives, and at least one citizen representative. Those CJCCs that have strong ties to the county boards of supervisors, such as Winnebago, Portage, Outagamie, Ozaukee, Bayfield, Dane, Marathon, LaCrosse, Eau Claire, and Rock counties, have successfully educated the board on the need to address local criminal justice concerns and have received county funding for programs such as drug courts.

As many CJCCs progress, standing committees are created to address the varying concerns identified by the CJCCs, such as jail crowding or technical violations in county-based programs. Subcommittees and working groups often involve criminal justice professionals who are not members of the CJCC policy team.

In high-functioning CJCCs, each identified standing committee has a regular meeting structure and a format for reporting to the larger CJCC body regularly. Ad hoc committees might also be created to address short-term issues. For example, the CJCC may want to apply for federal grant money, and an ad hoc committee could be developed for this purpose. Once the grant proposal has been written, the ad hoc committee could disband. Bayfield County's Criminal Justice Council has various subcommittees, such as a jail-crowding committee and a data committee, that regularly report to the larger CJCC. In Eau Claire, there are five subcommittees, each of which meets regularly outside of the larger CJCC. Portage County has recently established an executive committee that focuses on data and coalition functioning.

In effective CJCCs, the established policy team is at the core of the criminal justice planning process in their community. This group of key elected and appointed officials effectively takes on the role and responsibility of directing the criminal justice system. Their data analysis and collaborative planning process is the mechanism for carrying out their work. Milwaukee, Eau Claire, La Crosse, and Dane counties all have executive committees that provide direction to the CJCC.

Authorization and Independent Structure

To ensure that the local CJCC has sufficient authority to obtain data and undertake comprehensive, system-wide planning, effective CJCCs are typically established by an intergovernmental agreement. The role and authority of the CJCC is clearly delineated in a written statement of purpose in a memorandum of understanding. A clearly articulated purpose and mission statement are normally developed and often referred

to. Effective CJCCs develop bylaws that direct the business of the committee and identify the specific duties of members and staff. If an executive committee is established, the committee's makeup and role (and terms, if applicable) are defined as well. In those counties where staffing support is provided, funding for that staff comes from the county executive or county board. That allows the staff to work with the CJCCs, but eliminates parochialism that might come from being employed by a single criminal justice agency.

Under ideal conditions, CJCCs are independent of any city or county administrative structure, so they are free to act for the improvement of the local criminal justice system, not on behalf of a particular governmental agency. The inclusion of all relevant parties and the independence of the CJCC improve the likelihood that the committee's plans will be realistically considered, and likely adopted, by funding agents and participating agencies.

County boards of supervisors provide staff support to several of the CJCCs visited by the NCSC team. This is true of CJCCs in Bayfield, Portage, Marathon, Outagamie, LaCrosse, Eau Claire, Dunn, and Milwaukee counties. This valuable staff support allows these CJCCs to be relatively autonomous, since the staffing support is not linked to a single criminal justice agency. In Ozaukee County, where the CJCC is a subcommittee of the board of supervisors, board staffing support is provided by the University of Wisconsin Extension program.

Willingness to Work Collaboratively

No single entity or individual has complete authority over the entire criminal justice system. It is precisely this lack of system organization that calls for a collaborative approach. In such an approach, agencies work together and

build bridges, rather than usurping power from one agency to another in an effort to meet responsibilities for safety and justice. True collaboration goes beyond the simple concepts of working together, communicating, cooperating, and coordinating. In a fully collaborative approach, individuals and agencies must cede their personal and professional autonomy and share information and resources to attain the goals of the system. *“Collaboration is organizations or individuals coming together, sharing information, altering activities, and sharing resources in mutual commitment to and with mutual accountability for a shared larger purpose”* (McGarry & Ney, 2006, p. 37).

Collaboration allows teams to achieve goals as a system that cannot be achieved by any single agency. In terms of community accountability, justice-planning initiatives and collaboration can save taxpayer dollars by streamlining processes and eliminating duplicative processes.

It is clear that many of the Wisconsin CJCCs work collaboratively, given the figurative mountains they have been able to move in the name of improved Justice.

In Winnebago County, one Criminal Justice Council member had this to say: “What differentiates us from other counties is that, rather than complain about the state not paying for services, we go ahead and make things happen.” This ability to “make things happen” is borne of the collaborative approach. Similarly, in Marathon County, where the CJCC expanded beyond their initial focus of jail crowding, they told NCSC team that “innovation has come out of the Coordinating Council. We are now talking about going to the next level. We are working toward implementing the use of uniform risk assessment with the goal of targeting offenders to the right resources and working on identifying the gaps in

services and developing a continuum of services for offenders in our community.” Results such as these most definitely require a collaborative, cross-system approach to problem-solving.

Reliance on Data and Focused on Outcomes

Lawmakers, elected officials, and citizens alike have come to expect results-driven policies. State- and locally funded criminal justice agencies are increasingly expected to produce results, or outcomes, that are both effective and efficient. To do this requires both a reliance on evidence-based practices and the ability to measure what is being done. Data matters. The most effective CJCCs have access to data that allows them to check on their system-based goals.

Effective CJCCs start with data and, ultimately, keep their eyes on outcomes. Obviously, process issues and concerns must be addressed along the way, but the way to create system change and maintain system accountability is to clearly identify outcome goals and continually measure them. For example, in Eau Claire County, one of the five standing committees of the CJCC is a data committee. Likewise in LaCrosse County, they have been able to show how the Criminal Justice Management Council’s efforts have resulted in the use of fewer jail beds and how the implementation of non-jail sanctions has resulted in significant cost containment to the county. The CJCCs in Portage and Milwaukee counties also have a long-standing reliance on the use of data to make decisions.

Funding to Support the Work of the CJCC

There is no perfect method for funding CJCCs; however, many local jurisdictions have established CJCCs with local funding, state or federal grant funds, or some combination. As indicated earlier, the Wisconsin Office of Justice Administration has identified CJCCs as a priority funding area, and funds have been made available to both start-up CJCCs and ongoing CJCC planning and program implementation activities. That said, when local governmental agencies make a financial commitment to a CJCC and its planning process, they are more likely to be relied upon by the funders and decision makers when decisions regarding the criminal justice system are made. Additionally, local funding of a CJCC by definition establishes the credibility of the organization and helps to institutionalize the work of the committee.

Staffing

The most effective CJCCs have the at least one staff person who dedicates a certain amount of his or her professional time, whether that is 25% or 100%, to the work of the CJCC. Ideally, at least one staff person could provide 100% of their time to the CJCC. In some locations, support staff to the CJCC has been provided by one of the agencies within the CJCC, such as Rock County, where the sheriff provides staffing (clerical) services. While providing staffing in this form is better than having no dedicated staff, it significantly limits the work the staff is able to do on behalf of the CJCC. Agency-specific staff working in this capacity with a CJCC also reduces the independence of the staff to enhance the work of the CJCC. When staff members are directly supported for the purpose of furthering the planning and program/project implementation work of the CJCC, they are free to dedicate all or most of the time to initiatives of the CJCC. Such initiatives

might include collecting data; staffing subcommittees; coordinating agency efforts; writing grant proposals; designing, implementing, and evaluating programs; and developing reports for the CJCC's review. It comes as no surprise that the two Wisconsin counties selected for participation as EBDM "Seed Sites," Milwaukee and Eau Claire, provide full staffing support for their CJCCs.

Effective CJCCs can have impressive impacts. In Wisconsin, jail-crowding issues have been resolved, problem-solving courts have been established, and specific programs have been developed to meet the needs of special populations, such as women offenders, dually diagnosed offenders with both mental health disorders and drug abuse problems, and school-based truancy. By effectively identifying their problems, addressing them, and measuring outcomes, these teams have effected meaningful changes in their communities. Indeed, "(I)n the world of limited resources and increased demands for system accountability, criminal justice coordinating committees provide forums for the key players within the justice system to work together, leaving their traditionally adversarial relationship behind in the courtroom. By working together toward the larger goal of improving service for the public, it is likely that criminal justice system leaders will also improve the functioning of their individual agencies" (Mark Cuniff, Executive Director, National Association of Criminal Justice Planners, cited in Cushman, 2002, p. 34).

Creating a Unified and Focused Criminal Justice System Requires a Formal Interagency Approach: The Case for a State-Level Criminal Justice Commission

The criminal justice process—from arrest through correctional supervision—in any jurisdiction is generally complex and typically involves a number of participants, including police, prosecutors, defense attorneys, courts, and corrections agencies. Because of the large number of agencies involved, coordination among agencies is necessary for the process to function as efficiently as possible within the requirements of due process. That is, all involved agencies need to work together to ensure proper and efficient system operations, identify any problems that emerge, and decide how best to balance competing interests in resolving these problems. Effective coordination of the many agencies that participate in a criminal justice system is a key factor to the system's overall success.

While local CJCCs have contributed to local criminal justice solutions for over 40 years in many jurisdictions across the United States, the value of this kind of coordinated planning has also been experienced, more recently, at the state level. Currently, 28 states have collaborative bodies that address and coordinate criminal justice issues at the state level.³⁴ The desire to collaboratively address criminal justice system issues has also recently been expressed at the federal level; however, passage of that proposed legislation was (October 2011) squelched by partisan

politics. These bodies are almost always formal entities, most often established in state statutes with clearly identified membership positions. They have clear goals and objectives and have budgets that support their activities.

At the state level, sentencing and corrections policies should be designed with the goals of preventing offenders' continued and future criminal activity. State approaches to sentencing and corrections have been characterized by traditional views that focus primarily on incapacitation or rehabilitation. More contemporary policies to reduce recidivism concentrate on evidence-based strategies that hold offenders accountable, are sensitive to corrections costs, and reduce crime and victimization (Lawrence & Lyons, 2011).

Although any criminal justice system faces coordination challenges, the funding structures, jurisdictional issues, and a blending of county- and state-level funds creates additional challenges in Wisconsin. Efforts to coordinate can be delicate. Such efforts to coordinate are sometimes *not* successful because the costs to implement needed changes may fall on one or more county- or state-funded agencies, while any savings accrue to a different agency or organization. Instead, change requires true collaboration, rather than simple coordination.

The criminal justice system in Wisconsin is not necessarily broken, but many think it could be improved. Specifically, many professionals with whom the NCSC team talked believed the system could be more efficient and effective if many of the current practices were replaced by evidence-based practices. For example, one focus group participant, indicating the need to evaluate programs and follow the data, had this to say:

³⁴ In 20 states, state-level collaborating bodies exist as committees established legislatively or in some other fashion. In 8 of the states, the coordinating and planning bodies are state agencies.

Nobody's applying...scrutiny to all these other programs that have just been around for years and some of them, I'm sure, don't work at all. They're no better than doing nothing would be...we shouldn't be talking about adding on; we should be talking about designing the whole system differently.

The criminal justice system in any state spends a lot of money and impacts a lot of lives. Especially in these times of rising criminal justice populations and dwindling public funds, why would policymakers and agency leaders *not* want to work together to develop policy that leads to a more improved return on the investment of public funds?

One way for criminal justice leaders and elected officials in Wisconsin to improve their return on investment would be to establish a state-level Criminal Justice Coordinating Council (CJCC). An empowered CJCC would be independent and collaborative and would have a relationship with the legislature that is receptive to implementing the recommendations of the CJCC (see the case Study on the Colorado Commission on Criminal and Juvenile Justice at the end of this chapter). Such a body would systematically analyze the statewide criminal justice system and identify the current system challenges and the fundamental policy changes that could result in significant improvements and outcomes. Those policies could be implemented in state-level agencies or, if necessary, could result in legislation that works with criminal justice system goals that focus on accountability, safety, and justice.

The public has a right to expect their agency leaders to spend state funds in the way that research tells us makes a difference. According to the National Institute of Corrections, "the creation of a policy team committed and prepared

to engage in a collaborative process of problem-solving and criminal justice system planning is the only way that these challenges can be met and overcome" (McGarry & Ney, 2006, p. xviii).

Wisconsin Has a History of Trying the Collaborative Planning Approach for the Criminal Justice System.

In the NCSC team meetings with court leaders, corrections staff, county-level elected officials, treatment providers, local CJCC members, public defenders, prosecutors, law-enforcement members, and other criminal justice system professionals, there was strong support for the creation of a state-level CJCC to identify and create solutions for criminal justice system problems in Wisconsin. Many of these professionals, however, noted examples of past, and current, multijurisdictional committees and commissions that have made recommendations for change in the criminal justice system, but have had made no real impact on the state's criminal justice policy or practices.

Two recent examples illustrate attempts to approach criminal justice system improvement from a coordinated and integrated approach. In 2008, a multiagency ad-hoc committee on effective strategies for community justice proposed a Wisconsin Community Justice Act to "promote public safety, increase personal accountability, break the cycle of crime, provide restoration to the victim and community, and improve the welfare of others by addressing the assessed needs of persons involved at any level of the criminal justice system" (June 2008). In 2009, the Council of State Governments Justice Center was invited to Wisconsin to "help develop spending on corrections and reinvest in strategies to increase public safety in Wisconsin" (May 2009). Both of these

efforts resulted in sound recommendations that could be acted upon to incorporate evidence-based strategies throughout the criminal justice system to improve outcomes and reduce costly criminal justice expenditures. In fact, the Council of State Government's *Justice Reinvestment* report indicated that over two billion dollars in correctional costs could be averted if the recommended measures were implemented. In 2009, the Legislative Council's Special Committee on Justice Reinvestment Oversight introduced four pieces of legislation directly related to recommendations in the *Justice Reinvestment* report.³⁵ The Governor vetoed two of the four items, and one of those was recently repealed (under a different Governor).

Why haven't previous attempts to address statewide criminal justice policies in Wisconsin been effective? The criticisms of past attempts at collaborative criminal-justice problem-solving were provided in the form of individual examples, but can generally be summed up in the following five bullet points:

- Lack of buy-in and/or commitment by committee members
- No clear plan for responding to recommendations for system change or system reform
- Lack of response by decision makers to create policy changes recommended
- Lack of will to work collaboratively within and across levels of

³⁵ The proposed pieces of legislation were 1) Extended supervision (WLC: 0425/3); 2) Reconfinement (WLC: 0426/3); 3) Recidivism Reduction/Becky Young Fund (WLC: 0427/3); and 4) Risk Reduction (WLC: 0428/3). The Becky Young fund was passed, and this fund allocates \$10 million annually to the Department of Corrections to provide community corrections treatment and programming. The Risk Reduction portion of the bill originally passed, but was later repealed.

government to make system changes

- Concern that the public may not understand and support the implementation of evidence-based practices.

More specifically, previous recommendations to create a state-level coordinating body in Wisconsin have failed to actualize a fully sustained effort at state-level criminal justice planning that has gone beyond identifying problems to implementing solutions. Criminal justice leaders currently do work together to develop system solutions to problems.³⁶ If criminal justice decision makers in Wisconsin are interested in rekindling a state-level CJCC for comprehensive planning and the development of consistent state-level policies to improve the efficiency and effectiveness of the criminal justice system, these leaders should determine why previous efforts to create a sustained CJCC have failed. Further, they should work to improve those factors that increase the likelihood of success. The checklist provided in Figure 10 is modified from Cushman's (2002) CJCC Self-Evaluation Questionnaire and can be used to assess past unsuccessful efforts and identify areas on which to improve in future attempts to create a state-level CJCC.

³⁶ The PPAC Effective Justice Strategies Committee consists of criminal justice leaders from various levels and branches of government. Similarly, the TAD program is a joint effort involving the Office of Justice Assistance (OJA) as the granting agency, in program collaboration with the State Departments of Health and Family Services and Corrections. An ongoing advisory committee includes representatives from involved state and local agencies and organizations, treatment providers, and consumers. Other efforts, such as the state's sentencing commission, have also included representatives from across criminal justice agencies and systems to work together toward a common cause.

The questionnaire will help identify factors that must be addressed to create an effective and lasting CJCC. In addition to considering what did or did not work in past efforts, the effort to revive a new CJCC should consider the following questions: What has changed to suggest that a new effort to create a CJCC will succeed? Is the current political culture such that all parties can work together to improve the criminal justice system? Who should lead the effort to revive the CJCC?

Figure 10: Self-Evaluation Questionnaire for CJCCs

	Score 1=no or never; 5=yes or always
1. Did the state CJCC deal with a complete or nearly complete state-wide justice system?	1 2 3 4 5
2. Did the CJCC have sufficient authority to obtain necessary data and to develop plans for the state-level justice system?	1 2 3 4 5
3. Was the CJCC formally authorized to undertake comprehensive system-wide planning and coordination?	1 2 3 4 5
4. Did the CJCC have access to state-level agency information and did agencies cooperate in implementing plans?	1 2 3 4 5
5. Did the planning integrate into the operations of government at the state level? (Did the CJCC receive sufficient financial support from government at the state level?)	1 2 3 4 5
6. Did the CJCC emphasize policy- and program-level planning (or was it preoccupied with operational planning)?	1 2 3 4 5
7. Did the CJCC members regularly attend meetings? (Did the members, rather than alternates, regularly attend?)	1 2 3 4 5
8. Did the CJCC undertake a wide variety of activities rather than allocate grant funds (or focus on only one portion of the criminal justice system)?	1 2 3 4 5
9. Was the CJCC broadly representative (e.g., executive/judicial/legislative branches; law enforcement; courts; corrections subsystems; treatment providers; victim advocates; citizen representatives; and other major constituencies)?	1 2 3 4 5
10. Did the CJCC have sufficient, independent staff support?	1 2 3 4 5
11. Was sufficient attention devoted to planning for planning? (Had policymakers thought out exactly what they wanted to CJCC to accomplish and how the goals would be achieved? Were planning tasks clearly delineated? Did staff have the skills and experience needed to undertake their planning tasks? Were duties, responsibilities, and functions of the CJCC specified and communicated to all participating agencies?)	1 2 3 4 5
12. Did neutrality, credibility, and stability characterize the CJCC? (Did the chair and executive committee remain impartial and act in the interest of the criminal justice system as a whole? Did staff facilitate good working relationships with agency personnel and state-level government officials?)	1 2 3 4 5
13. Was the CJCC and its planning process evaluated?	1 2 3 4 5
14. Did the CJCC receive outside help to organize and develop a viable planning process?	1 2 3 4 5

Self-Evaluation Questionnaire adapted from Robert C. Cushman Guidelines for Developing a Criminal Justice Coordinating Committee (2002)

Is It the Right Time to Create a State-Level Criminal Justice Coordinating Council?

Problems have existed in the past, but the past has also proven that criminal justice leaders and elected officials can work together to determine the right way to do business. Wisconsin's criminal justice leaders must ask whether there is sufficient interest and which individual or agency should take the lead on such an effort.

A CJCC's analysis-and-planning process can — and if addressed — make the justice system more effective. By understanding potential gaps in services and problematic policies and practices that have impeded desired outcomes, and developing plans to address those issues, the criminal justice system *can* be more responsive to statewide needs and conditions, thus resulting in better outcomes for both crime victims and criminal offenders. The reports developed by the Community Justice Act Committee and the Justice Reinvestment effort provide well-thought-out and data-driven recommendations that could serve as the foundation for effective criminal justice system changes.

According to McGarry & Ney (2006), there are seven primary benefits to justice system planning and collaboration:

- 1) More effective sanctions that deliver greater value for public dollars
- 2) Institutionalized problem-solving capacity
- 3) Enhanced public safety
- 4) Better use of public resources
- 5) Enhanced accountability of the system to the public and of agencies to one another
- 6) Greater fairness in operation of the system
- 7) Enhanced credibility and legitimacy of the system and its leaders.

There has been recent interest in creating a Criminal Justice Coordinating Council. In 2010, the Wisconsin Assembly

convened the Joint Legislative Council Special Committee on Criminal Justice Funding and Strategies. The chair of the committee called three meetings in August, September, and December of 2010 in which the 22 legislative members heard testimony from state criminal justice leaders some national organizations. The proposed report on this special committee's work indicates that, in their last meeting, "(the committee members)...also requested that Legislative Council generate a bill draft creating a state-level criminal justice coordinating council (emphasis added)." Approximately two months after the committee's December meeting, their last scheduled meeting was cancelled, and the committee chair sent a letter to committee members indicating that he had decided not to make any recommendations to the Joint Legislative Council.³⁷ It would be important for any individual or group looking into creating a new state-level CJCC to understand why this recommendation was effectively "killed" by the subcommittee chair.

Is There a Need for a State-Level CJCC?

Are there compelling criminal justice problems that have been identified in Wisconsin? Do criminal justice leaders and elected officials want to find solutions to those problems? Is there external pressure to address the problems? Have critical agencies and criminal justice leaders expressed an interest in, and commitment to, participating in a planning effort? Is sufficient data available to support a planning effort? If all or most of these questions can be positively answered, it is an indication that a successful statewide coordinated planning effort could be undertaken.

³⁷ Both the committees' recommendation to create a CJCC and Representative Ed Brooks' letter to not report on the committee's recommendations can be found in a report titled "Special Committee on Criminal Justice Funding and Strategies" February 18, 2011, PRL 2011-05.

If there is sufficient interest, commitment, and support to create a state-level CJCC, those in favor of creating such a body should meet to determine the following:

1. The method by which the committee will be established (statute, executive order, memorandum of understanding, etc.). Care should be taken to establish the CJCC in the manner that creates the greatest level of empowerment and commitment to the CJCC by its members. Additionally, a clearly articulated purpose and mission statement should be included in the initiating document, so it is clear to everyone what the CJCC is being created to do.
2. The membership of the CJCC, identified by position (e.g., the Chief Justice, State Court Administrator, President of the District Attorney's Association, State Public Defender, DOC Secretary, etc.).³⁸ Great care should be taken, when possible, to consider geographic issues when determining policy team membership. Other issues to consider are whether some or all members have terms, and who the appointing authorities are.
3. The structure of the CJCC should be determined. Who makes up the executive committee? What are their roles? "The issues of team membership and leadership are closely linked. The success of the effort depends largely on the quality of its leadership...The effectiveness of the team and its leadership are enhanced if both play a part in determining team membership, so it is probably best to decide where the leadership will come from and to involve those persons at

the earliest possible time" (McGarry & Ney, 2006, p. 25).

4. What will the meeting schedule be? Will the committee meet monthly or quarterly? Who sets the agenda?
5. Who will provide staffing services to the committee? As previously discussed, effective CJCCs work best if staffing support is independent and, in the best of circumstances, full time. Is there an agency or organization that fits this description and could make staffing services available to a CJCC?³⁹

Many states have hired independent consultants to help CJCCs in their initial planning stages. A consultant could be brought in to help create the structure of the CJCC; the consultant may be called upon to work with the CJCC throughout its first few meetings or even throughout its first year. Whether a consultant is called in for assistance or not, it is critical to remember that effective CJCCs make adequate time available to create a body with the right membership and the right structure to achieve their goals.

³⁸ Is there a broadly representative planning committee already in existence whose work could expand to take on the statewide planning and policy development role? If so, how would the mandate of that committee need to change to take on the broader mandate?

³⁹ Suggestions for staffing received during focus group meetings include OJA, the state's criminal justice planning agency, or the Taxpayer's Alliance.

Recommendations

1. **The Wisconsin court system, to the extent possible under the Code of Judicial Conduct, should encourage judges who are not active in their local CJCCs to become involved.**

Judges are viewed as leaders in their community and, in some ways, as leaders of the criminal justice system. Judges also have a unique and important perspective to offer criminal justice partners. Simply based on the nature of their jobs, they have the ability to see arguments and issues from multiple perspectives and apply a certain kind of reasoning to a situation that is likely to help a group in resolving an issue. Judges also have to be able to speak about what they need to improve decisions and the work of the court. A judge's participation on a CJCC is also likely to ensure participation of other important criminal justice leaders, such as the sheriff, the District Attorney, and other elected officials. In short, judges are a critical part of the criminal justice system in any county, and an effective CJCC must have judicial participation to make meaningful changes and to create an effective criminal justice system.

2. **Where local CJCCs do not exist, the Wisconsin Court system leaders should encourage judges to meet with local justice partners and weigh the benefits of creating one.**

As discussed in the body of this report, grant funding is available for CJCCs. Given that communities do benefit from working together to address complicated and interrelated justice system problems, counties that do not currently have operational CJCCs might find that they are able to meet their justice system needs better if they join in a coordinated effort to do so.

3. **The Chief Justice should meet with the Governor and Legislative Leadership to determine whether sufficient interest and commitment exists to create a state-level CJCC. If there is interest, each branch should fully endorse and participate in the CJCC. The steps identified in the body of the report should be taken to create this body.**

Criminal justice leaders in Wisconsin should build on the previous inter-branch and bipartisan efforts to study and reform the criminal justice system. These leaders have agreed that using costly correctional resources in ways that do not provide the most effective outcomes can no longer be relied upon; however, efforts to act on recommendations have simply stalled.

Careful thought should be given to the issues that could and should be addressed by the CJCC. The initial planning group could interview and/or survey potential members and begin to generate a list of topics and areas that a state-level CJCC could and should address. Allowing potential members to have input into the initial planning phase could help raise interest, buy-in, and commitment to the work of the committee. In addition to the developing the broad mission and goals of a CJCC, consideration should be given to the charter, membership, structure, and other components of the CJCC.

At a minimum, the early meetings of the CJCC must involve the generation of a "system map" that literally maps out the components of the criminal justice system, from initial police involvement (investigation, arrest) to sentencing and placement. This allows all members to obtain a clear understanding of all of the steps and decision points in the criminal justice system. It can also be an excellent process to quickly identify current system problems or gaps.

Armed with the system map and the ideas that were raised during the planning phase, the CJCC should have a good idea of topics to be addressed for at least the first year. Examples of issues that could be addressed by a state-level CJCC include the following:

- Development of a meaningful set of performance measures that can be used across criminal justice agencies and programs to consistently measure offender outcome and program effectiveness.
- Feasibility of creating a statewide integrated criminal justice information system (ICJIS). At least one previous effort to develop an ICJIS in Wisconsin has been undertaken, but from the NCSC team's discussions with criminal justice professionals in Wisconsin, the need for a joint information system clearly exists. An integrated criminal justice information system allows a state to share information at key decision points in the criminal justice process across the boundaries of organizations and jurisdictions. An ICJIS can enhance public safety, improve decision making, increase productivity, and improve access to information. One of the fundamental components of evidence-based practice is the ability to measure what your system is doing. Having an ICJIS would improve the ability to obtain important outcome data.
- The research is clear that sentencing offenders based on their risk and needs leads to a better use of treatment and supervision resources and improved offender outcomes. Given limited resources, however, the Department of Corrections does not have adequate staffing to develop pre-sentence investigation reports (PSIRs) on all criminal defendants facing the possibility of a community-based or prison-bound sentence. This issue of competing needs and limited resources is one that should be resolved at the state level, by policy or statute, to develop the critical resources needed to fill this important informational gap.
- Development of a plan to identify and address treatment gaps in communities.
- A committee could be established to review all criminal-justice-related bills introduced during the legislative session. Each could be evaluated for fiscal and practical implications, as well as the bill's relationship to evidence-based practices, and these reviews could be made available to the appropriate legislative committees.
- Coordinate statewide training efforts that support the mission of the CJCC. For example, if the CJCC's mission is to support evidence-based practices, they could develop an agenda and coordinate training efforts for all criminal justice partners to improve understanding and competencies related to evidence-based practices.
- Focus on prisoner reentry, how to adequately prepare offenders for a successful reentry into the community from prison, thereby reducing costly commitments to prison.
- Focus on technical violations and how to reduce the number of offenders placed in prison for technical violations of probation or parole.
- Develop a policy to ensure the best use of state-level offender treatment funds.
- Develop policies related to care and treatment of special populations, such as mentally ill offenders, veterans, female offenders, multiple OWI offenders, and youth at various developmental stages.

Case Study: Colorado Commission on Criminal and Juvenile Justice

Background: In 2007, Colorado Governor Bill Ritter and the General Assembly established the Colorado Commission on Criminal and Juvenile Justice (hereafter referred to as “the Commission”) through the passage of House Bill 07-1358. The Commission has been scheduled for sunset on July 1, 2013.

Increased jail and prison populations, as well as high recidivism rates, in Colorado drove home the need to create a format in which criminal justice professionals, system partners and lawmakers could work together to reduce the reliance on costly jails and prisons without compromising public safety. By law, the Commission is required to “engage in an evidence-based analysis of the criminal justice system in Colorado” and report on its progress annually to the Governor and the leadership of the General Assembly.

Mission: To enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources. The work of the commission will focus on evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds.

Duties:

- To conduct an empirical analysis of and collect evidence-based data on sentencing policies and practices, including the effectiveness of the sentences imposed in meeting the purposes of sentencing and the need to prevent recidivism and re-victimization.
- To investigate effective alternatives to incarceration, the factors contributing to recidivism, evidence-based recidivism reduction initiatives, and cost-effective crime prevention programs.
- To make an annual report of findings and recommendations, including evidence-based analysis and data.
- To study and evaluate the outcomes of commission recommendations as implemented.
- To conduct and review studies, including work and resources compiled by other policies and practices in the criminal and juvenile justice systems. The commission shall prioritize areas of study based on the potential impact on crime and corrections and the resources available for conducting the work.
- To work with other state-established boards, task forces, or commissions that study or address criminal justice issues.

Membership: The Commission consists of 26 voting members:

- The Executive Director of the Department of Public Safety (or designee)
- The Executive Director of the Department of Corrections (or designee)
- The Executive Director of the Department of Human Services (or designee)
- The Executive Director of the Department of Higher Education (or designee)
- The Attorney General (or designee);
- The State Public Defender (or designee)
- The Chairperson of the State Board of Parole (or designee)
- The Chairperson of the Juvenile Parole Board (or designee)
- Two members appointed by the Chief Justice of the Colorado Supreme Court from the Judicial Branch, at least one of whom is a current or retired judge
- Four members of the General Assembly:
 - One member appointed by the Speaker of the House;

- One member appointed by the Minority Leader of the House of Representatives.
- One member appointed by the President of the Senate.
- One member appointed by the Minority Leader of the Senate.
- Twelve members appointed by the Governor:
 - A representative of a police department
 - A representative of a sheriff's department
 - An expert in juvenile justice issues
 - Two elected district attorneys.
 - A county commissioner
 - A criminal defense attorney
 - A representative of a victim's right organization
 - A representative of a community corrections provider, community corrections board member, or a mental health or substance abuse treatment provider
 - Three members to be appointed at large
- The Director of the Division of Criminal Justice is a nonvoting member of the Commission.

Terms: Appointed members serve three-year terms.

Leadership: The Governor selects the chairperson and vice-chairperson.

Funding: The enacting legislation for the Commission provided for 1 full-time position (\$92,657) at the Division of Criminal Justice and \$28,080 for Commission annual operating costs. The Commission was also granted the authority to receive outside grants or other financial support to support the Commission's work.

First Year Focus, Work, and Work Product:⁴⁰

Commission's Focus: In its first year, the Commission prioritized public safety and the use of correctional interventions that are both cost-effective and evidence based. The Commission's first year of activities focused on reducing recidivism and curbing correctional costs while enhancing public safety and specifically focused on the process of offender reentry from prison to community. The reentry work of the Commission was largely supported by a \$321,500 grant from the JEHT foundation received in 2007 by the Colorado Department of Corrections.

In the early months of the Commission's work, the members completed a questionnaire designed to obtain their perspectives on the role of the Commission, its potential goals and objectives, and the most pressing problems facing the criminal and juvenile justice systems. Following the completion of the questionnaire, Commission members were interviewed individually by an independent consultant to develop a plan for the Commission's initial meetings. The Commission met monthly during the first three months of 2008 and heard presentations regarding a host of issues relevant to the Commission's purview. In April 2008, based upon the earlier presentations and discussions, the Commission agreed on the following guiding principles:

1. Public safety should always be paramount in our thoughts.
2. It is important that we are inclusive of all represented perspectives and areas of expertise, and that we commit to nonpartisanship.

⁴⁰ The information obtained in this section was taken directly from the Colorado Commission on Criminal and Juvenile Justice Annual Reports 2009 and 2010 (English, Smith, & Weir, 2009), (English, Smith, & Sasak, 2010).

3. We must question our own assumptions and trust each other to do the right thing.
4. We should seek outside help for areas where we are lacking in knowledge.
5. The impact our decisions will have on all of Colorado should be carefully considered, keeping in mind both large and small counties, as well as offenders *and* victims.
6. To the best of our ability our decisions should be simple, and made with a sense of urgency.
7. Any and all decisions are data-driven and should be aimed at slowing penetration into the juvenile and criminal justice systems.
8. We should be mindful that a need for treatment is not an adequate reason to incarcerate someone (other options should be available).

Commission's Work: In addition to the Guiding Principles, the Commission also agreed on its primary goals, described below.

1. Develop an evidence-based plan for reducing recidivism.
 - Compare our recidivism rates to those of other similar states.
 - Reduce the number of new crimes committed by offenders under correctional control (probationers and parolees).
 - Reduce the number of offenders that return to the Department of Corrections.
2. Assess probation, institutions, reentry, parole, and community corrections.
 - Define success for these components of the system.
 - Are these components helping to reduce recidivism? If so, how?
 - Are these components employing evidence-based practices?

- Increase success (as defined) in all of these areas.
- Provide adequate funding for these system components to be successful.

3. Focus on juvenile programs and policies.

- Make services available for juveniles without putting them in the juvenile justice system.
- Provide early valid assessments for juveniles.
- Evaluate Juvenile Assessment Centers.
- Prioritize programs for at-risk youth.
- Front load treatment for juveniles.
- Involve schools in the prevention process, but be mindful of the limitations that schools face.
- Increase the high school graduation rate.
- Reduce truancy, crime, and youth violence.
- Decriminalize minor crimes that tend to start the revolving door process for involving youth in the criminal justice system.
- Promote early prevention programs.

4. Focus on crime prevention programming.

- Retain public support of the Commission – thus, we must keep them informed.
- Coordinate mental health treatment with crime prevention.
- Create police-citizen partnerships to help prevent crime.
- Focus on healthy families and risk reduction, with a strength-based focus.

5. Review sentencing and parole Laws.
 - Develop a system that is simple, fair, constitutional, and evidence-based that will reduce crime and future victimization.
 - Define and assess the difference between mandatory sentences and judicial discretion.
 - Define what is considered a status offense and why.
 - Describe relevant sanctions in lay terms.

Commission's First Year Recommendations:
At the end of its first year, the Commission made 53 specific recommendations, falling within the three categories listed below:

1. Those that require legislative action.
2. General principles about improving work processes to ensure that efforts to reduce recidivism are consistent with research, justice, and the overall philosophy the Commission intends to promote.
3. Changes to business practices that are consistent with research-based recidivism reduction strategies.

Summary and Assessment:

The Colorado Commission on Criminal and Juvenile Justice has been an effective force for the creation of policies that reflect the research on what works to maintain public safety, improve correctional outcomes, reduce recidivism, and ensure the most cost-effective use of limited resources.

In its inaugural year, the Commission leaders had the foresight to hire an outside consultant who was able to draw the information from its members to

help clarify the mission, vision, and immediate issues and goals. This strategy allowed the Commission members to quickly arrive at a common focal point from which their work could develop.

The Commission most assuredly benefits from the multidisciplinary expertise and dedication of its many participants. Of the 53 recommendations made at the end of the Commission's first year of work, eight bills that reflected the work of the Commission were passed by Colorado's General Assembly, and many of the other agency-specific recommendations are currently under way (these are detailed below).

The Commission's strategy to create working committees and task forces broadens the involvement and invites the expertise of a wide group of criminal justice and other experts into the planning process. This not only expands membership, but it expands the ownership and commitment to the work the Commission does.

In the years since 2007, the Commission's inaugural year, they have focused efforts specifically on studying and making recommendations regarding post-incarceration supervision, treatment and evidence-based sentencing. In summary, the work of the Colorado Commission on Criminal and Juvenile Justice has embraced positive involvement from a multidisciplinary group of professionals who are working together to create consistent, criminal justice policy that is both evidence-based and focused on cost-effectiveness.

The following table presents a list of the legislative recommendations made in their December 2008 report, and the status of those recommendations to date.

Colorado 2008 Commission on Criminal and Juvenile Justice Legislative Recommendations

Legislative Recommendations			
Recommendation	Rationale	Status (implemented = √)	
L-1: Abolish statutory requirements to mandatorily revoke driver licenses for conviction of non-driving offenses.	Loss of a driver license is a significant barrier to obtaining and maintain employment.	Passage of HB 09-1266 limits the loss of driving privileges to only those crimes that are driving related.	√
L-2, 3, 4: Expand the ability of jail inmates to accrue earned time credits by revising language to a "30-day period" rather than a calendar month; also provide language for the award of good time to jail inmates.	Provides for equitable application of time credits in jails and moderately reduces the average length of stay, thereby enhancing the cost-effectiveness of public resources.	Passage of HB 09-1263 makes the necessary clarification in the jail time credit language and allows for earned time as well as good time allocations to county jail inmates.	√
L-5: Eliminate statutory impediments to inmates' access to, or funding of, post-secondary education.	Improving the educational levels of prison inmates increases job opportunities and subsequent job retention.	Passage of HB-1264 removed barriers preventing inmates from receiving grants or other funding to enroll in college classes. As of May 2009, 450 prison inmates were enrolled in college courses.	√
L-6: Rely on the use of summons in lieu of arrest warrants for felony 4, 5, and 6 crimes.	Limits the use of jails to those who pose a significant risk of flight or that victim or public safety may be compromised. Also limits reliance in the use of costly jail beds for pretrial incarceration.	Passage of HB 09-1262 requires that law enforcement issue a summons in lieu of an arrest for certain lower-level offenses unless there is a specific finding by the court that the individual presents a flight or public safety risk.	√
L-7, 8, 9: Develop legislation permitting districts to develop a percentage bond-to-the court; when used, and the court plays the role of surety; it retains a percentage of the bond. Any bond refund at the conclusion of a case should be applied according to priority payments/fines required of the convicted offender, if applicable.	The current bonding process creates disproportionate and punitive consequences simply from the inability to make bond (e.g., loss of job, income, housing, children, etc.). By allowing judicial districts to develop a percentage bond-to-the-court system, bond amounts could be made more reasonable and attainable for the individual.	No action taken. Stakeholder support limited action in the 2009 legislative session.	
L-10: Increase the amount of money a parolee is provided upon release from prison. The current \$100 allocation was established in 1972 and would equate to nearly \$500 in 2008.	It is known that offenders often have limited funds when released from prison. The "gate money" is used for essentials such as transportation, clothing, hygiene items, food, and sometimes even short-term housing.	No action taken, based on fiscal constraints at the state level.	
L-11: Promote public-private funding partnerships for the construction correctional supervision and reentry facilities on publically owned lands.	Provides for shared funding and interest in the development and use of multi-use correctional beds; prohibits costly "rental" of jail beds or out-of-state beds by the DOC.	No action taken, based on fiscal constraints at the state and local level. There is; however, significant interest in the idea.	
L-12: The Department of Corrections should develop and implement a standardized policy on early parole terminations, which is based on risk reduction benchmarks.	Evidence-based practices support that offender supervision and treatment resources be focused on individuals with high needs and risk levels.	DOC Admin. Reg. 250-29 on early parole termination was developed in response to this recommendation, with full implementation by January 1, 2010.	√

In addition to the legislative recommendations made by the Commission, 19 “general principles” recommendations were also made. These recommendations and a brief description of the varying stages of study, development and implementation are listed below:

- Consistent use of intermediate sanctions for technical probation violations (current practice);
- Revision of standard probation conditions to reflect individual criminogenic risks and needs (under revision);
- Implementation of a standard case plan that is both dynamic and based on criminogenic risks and needs (under revision);
- Invest in evidence-based programs and emerging best practice treatment and education for correctional populations (undergoing implementation in all state-level correctional entities);
- Transferability of offenders in various treatment program/phases between and across jail and prison programs (under study by task force);
- Match institutional (DOC) treatment programs with offender needs (implementation is underway);
- Conduct evaluation of assessment practices and program delivery of community-based and institutional treatment providers (evaluations are being conducted as funding and human resources are available);
- Increase mental health and substance abuse treatment (implementation is underway);
- Increase funding for substance abuse and mental health treatment (implementation is underway);
- Identify and address reentry gaps (a research plan to obtain this data has been developed, but funding to support the work is lacking);
- Expand existing apprenticeship programs (implementation is underway);
- Expand post-secondary educational opportunities for correctional inmates and staff (DOC reimburses tuition for staff taking undergraduate and graduate classes and has also contracted with higher education to provide college-level educational opportunities for offenders);
- Educate housing authorities to equate housing restrictions on offenders to those of HUD (partial implementation);
- Encourage use of discretionary parole to community corrections facilities in lieu of homelessness (pilot program was implemented in 2009 and 20 offenders were in place in 2010);
- Study the utility of a two-to-four-week grace period on payment of subsistence for offenders in community corrections (pilot study proposal has not yet received funding);
- Study the expansion of “non-residential” community corrections (partial implementation, pilot testing with non-residential slots);
- Recommend that new budget requests by state agencies include an analysis and discussion of the full fiscal and non-fiscal impact of initiatives on other agencies (no formal action taken); and
- Study the reliability and validity of the Standardized Offender Assessment-Revised protocol (this study is underway).

Finally, the Commission made 22 “business practice” recommendations. A list of these recommendations and their level of implementation are provided below:

- Base the imposition of special conditions of probation on individual needs/risk assessment information (a training program for judges emphasizing the evidence-based use of special conditions is in place, and over 40 judges have been trained in the use of Motivational Interviewing®);
- Study the use and implementation of earned time on probation (a study group of stakeholders has been established);

- Expand judicial and probation officer training to promote a culture to support successful supervision of probationers (a \$2.1 M grant was obtained to provide this training, called evidence-based practices implementation for capacity [EPIC]);
 - Increase the use of positive reinforcement and incentives with probationers (a JAG grant supported the development of protocol and pilot site implementation and study of this recommendation, which is underway);
 - Increase consistency in response to technical and criminal violations on probation (work to study and implement this is currently underway);
 - Prioritize offender employment over routine court review hearings (implementation complete, probation officers only request hearings when necessary);
 - Resolve county court (misdemeanor) cases quickly (no implementation, cases are resolved at the discretion of individual judges);
 - Development of statewide advisory bonding guidelines (no action taken);
 - Establish bond commissioners, who would be specially trained to assess and set bonds or summonses as appropriate (partial implementation in some judicial districts);
 - Use summons in lieu of arrest for probation revocations (implementation complete);
 - Encourage use of cash bonds rather than arrest and incarceration for offenders on revocation status for nonpayment of fines/fees (initial review indicates a greater need for study, no action taken);
 - Expand use of home detention in lieu of bail (requires further study, no action taken);
 - Base parole release plans on offender risk and needs assessment (implementation is underway);
 - Ensure current release assessment information is provided to the parole board and community corrections boards when making prison release decisions (requires case management system changes, partial implementation);
 - Determine cost and feasibility of developing a standardized comprehensive profile of each convicted felon to be entered into an automated system and made available to all authorized personnel (significant funding required, no implementation);
 - Develop an offender profile to follow an offender through each phase of the criminal justice system (significant funding required, no implementation);
 - Improve DOC's inmate transportation/drop-off system for released inmates (implementation unknown, preliminary contracting awards were terminated due to problems with vendor);
 - Develop additional housing resources for offenders (implementation unknown, DOC does not track homeless or non-paroled offenders);
 - Develop verifiable identification for all offenders leaving incarceration (the Departments of Corrections and Revenue continue to collaborate on the development of a systematic ID card to be used with released offenders, and at the end of 2010, nearly 3,000 ID cards had been issued);
 - Standardize driver's license restrictions for those on parole or in community corrections housing (policies have been developed under which restrictions are imposed, implementation complete);
 - Offender employment collaboration between the Departments of Corrections, Labor and Employment and Vocational Rehabilitation (partial implementation); and
 - Require correctional officers to provide written job recommendations for DOC inmates moving to the community (implementation is underway).
- It is clear that in the period between 2007, when the Commission was established and the last reporting, and the end of 2010, the Colorado Commission on Criminal and Juvenile Justice has made

great strides toward their initial goals and recommendations, and they continue to develop new recommendations as well.

As indicated, the Commission is currently scheduled to sunset on July 1, 2013. The sunset process is very formal, and is expected to begin soon so the report can be presented to the legislature when they go into session in January, 2013. An independent reviewer from the Colorado

Department of Regulatory Agencies will be assigned to conduct a performance and outcome audit of the Commission's activities. Since there has been no evidence to the contrary, it is expected that there will be a general interest by the legislature and the Governor to extend the Commission. If that happens, a bill would be passed with a new sunset date sometime in the future. The preliminary results of the sunset should be known by early fall 2012.

Resources – CJCCs

National Institute of Corrections

The NIC has provided technical assistance to state and local CJCCs over many years. Their technical assistance includes onsite guidance, support, consultation, or training provided by an experienced technical resource provider or NIC staff member who serves in an advisory capacity and works with agency staff. Contact: Cameron Coblenz, Technical Assistance Manager, 320 First Street, NW, Washington, DC 20534; (800) 995-6423, ext. 40053; www.nicic.org.

Center for Effective Public Policy (CEPP)

CEPP staff have been involved with NIC in assisting states with a multitude of criminal justice planning efforts. Contact: Peggy Burke, 8403 Colesville Road, Suite 720, Silver Spring, MD 20910; pburke@cepp.com.

Getting it Right — Collaborative Problem-Solving for Criminal Justice

This manuscript, developed with National Institute of Corrections funds, is a comprehensive document that provides a step-by-step process for developing a CJCC. The document can be found at www.nicic.org.

Colorado Criminal Justice Commission on Criminal and Juvenile Justice

This commission, highlighted in the case study, has been successful in identifying system problems, undertaking the research to understand the problems, and developing sound recommendations to rectify those problems. For more information, see their website at <http://cdpsweb.state.co.us/cccj/>.

Guidelines for Developing a Criminal Justice Coordinating Committee

This manuscript, developed by Robert Cushman, through funding by the National Institute of Corrections, provides an excellent set of steps and practices to get a CJCC off the ground and to maintain effectiveness. The document can be found at www.nicic.org.

CHAPTER 5: Looking to the Future

A jetliner is constantly going off course, but through constant correction it arrives at its destination. So will you arrive at yours. – Gary Renard, *The Destruction of the Universe*

How Should the Courts Use this Report?

Public confidence that the courts are engaging in practices that work is important. This report contains findings and recommendations from a two-year review of three primary areas of best practices of interest to the Wisconsin Court system:

1. The Effective Justice Strategies Subcommittee AIM Pilot program
2. Problem-solving Courts
3. Local Criminal Justice Coordinating Councils

Looking through an evidence-based-practice lens, the NCSC team reviewed these three areas of interest and identified how they are currently working and how each of these areas measures up against evidence-based or best practices found in the national criminal justice environment. The report provides recommendations on ways in which the Wisconsin court system can continue and expand the use of evidence-based practices in a structured and focused way.

While this project does not constitute an evaluation of any single program, the evidence exists to ensure that, when implemented according to the evidence-based literature, basing sentences on sound risk and needs assessment works; the use of well-designed drug courts for the appropriate population results in a reduction of substance abuse and a reduction in recidivism. Finally, the literature tells us that, when effectively implemented and organized, CJCCs can be a powerful force for change and cohesiveness on both the local and state level.

In this section, the NCSC team provide a summary of the recommendations made in

the previous chapters. Each of the three primary areas of review holds great promise for moving the state of Wisconsin toward the expanding implementation of evidence-based practices.

Strategic Use of Risk and Needs Assessment Information at Various Decision-Making Points

The provision of risk and needs assessment information to judges, before sentencing, should be extended statewide and made available for all felony and misdemeanor offenders. Extant research suggests that the use of RNR information by judges at the time of sentencing can improve sentencing outcomes and reduce the probability of re-offending. Wisconsin should consider adopting one statewide instrument that is based upon the principles of RNR and has been validated in the Wisconsin context. Critical in this implementation is the provision of risk-and-needs-based information, along with training to judges, staff, and key stakeholders regarding how the information was obtained and scored, and how each identified area has been found to related to recidivism. Trainings should focus on the validity of the instruments and how to interpret and use the information to inform sentencing decisions. Furthermore, statewide adoption should include an expansion and enhancement of the “feedback loop.” Offender-level data should be collected, allowing for future assessments of the types of programs and services that work. Additionally, a large-scale evaluation should be conducted that focuses directly on the validity and reliability of the RNR instrument, the implementation process, and how effective the use of RNR information is in achieving better outcomes.

Problem-Solving Courts

There should be a full-time position dedicated to the coordinating problem-solving courts in Wisconsin; there should also be a full-time position dedicated to coordinating evidence-based practices in the courts. Drug court and evidence-based practices coordinators in other states work to improve quality assurance, training, and the dissemination and coordination of research and evaluation. Statewide coordinator positions can also assist local courts by providing assistance in grant writing, identifying funding sources, and serving as the local expert on evidence-based practices in courts and problem-solving court implementation strategies. Given the recent increase in OWI start-up courts in Wisconsin, the problem-solving courts coordinator could serve a critical role in helping these courts develop guidelines and protocols that are in tune with the most recent literature on courts, specifically dealing with drunken driving. Similarly, an interagency problem-solving courts oversight committee should be established to develop programmatic standards for all professionals involved in problem-solving courts. Finally, given that treatment is an essential component of problem-solving courts, these programs should ensure that adequate treatment can be provided to the target population and can serve the varied needs presented by a risk and needs assessment. A failure to adequately address individual offender needs can otherwise result in substantially reduced treatment impacts or have no impact at all.

Criminal Justice Coordinating Councils

Local CJCCs should continue to exist and judges, especially, should be encouraged to participate in locations where they are not currently involved. To the extent possible, local CJCCs should work to become formalized so that their work is more likely to outlive the individuals who currently make up the CJCC.

Similarly, state elected and criminal justice leaders should determine whether sufficient interest and commitment exists to create a state-level CJCC. If there is interest, each branch should endorse and fully participate in this body. A collaborative multidisciplinary CJCC that has committed leadership and effective facilitation could go far in expanding the progressive work that many professionals in the Wisconsin criminal justice system are currently committed to. The value of committing to the implementation of evidence-based practices is enhanced public safety, reduced recidivism, and cost-effective correctional expenditures.

Moving Toward Implementation

The prime objective of this report is to provide guidance to policymakers in Wisconsin about a strategy to promote the use of evidence-based practices in the criminal justice system. To this end, the NCSC team conclude our report by offering three recommendations designed to facilitate implementation of this strategy.

Recommendation 1: Focus Offender Supervision and Treatment Resources Toward Community-Oriented Evidence-Based Practices:

Wisconsin should continue its strategy of shifting funding from incarceration to the development of evidence-based community corrections and treatment infrastructure. In 2008, Governor James Doyle, Chief Justice Shirley Abrahamson, Senate President Fred Risser, and Speaker of the House Michael Huesbsch requested technical assistance from the Council of State Governments Justice Center to help develop a statewide policy framework to reduce spending on corrections and reinvest in strategies to increase public safety in Wisconsin. Wisconsin was selected as one of eight states to participate in the *Justice Reinvestment Initiative*, which aims to reduce spending on corrections and to increase public safety through effective, data-driven strategies.

In January 2009, the Wisconsin Legislative Council established the Special Committee on Justice Reinvestment Oversight, a bipartisan, bicameral, and inter-branch advisory group to guide the Justice Center's analyses of the state's criminal justice system and development of policy options. The committee met seven times during the first half of 2009, reviewing analyses of the state's criminal justice system prepared by the Council of State Government's Justice Center (Justice Center, 2009), including crime, arrests, prison admissions, length of confinement and supervision time, probation and post-release supervision populations, recidivism rates, and behavioral health and unemployment. The Justice Center identified five policy options to reduce spending on corrections and promote public safety:

1. Focus supervision strategies
2. Reallocate revocation expenditures to community-based strategies
3. Create sentencing options to reduce risk before release
4. Set recidivism reduction goal
5. Coordination and evaluation

In 2009, the committee introduced four pieces of legislation to promote justice reinvestment. Two were vetoed outright by Governor Doyle and two were implemented, though one of these was ultimately repealed. As a result of one of these pieces of legislation, in 2011, the Justice Reinvestment Initiative provided a \$10 million grant to the Wisconsin Department of Corrections to create the Becky Young Community Corrections fund to implement a number of evidence-based programs, including a system-wide risk-and-needs-assessment system and unified case plan and to provide mental health services to offenders in the community. The Wisconsin Community Reinvestment Act was also proposed in 2011, under which the state would reimburse counties \$15,000 for every offender not committed to prison.

The NCSC team strongly endorses these resource-shifting efforts in Wisconsin and recommends that funding diverted from corrections be used to develop the community supervision and treatment infrastructure through which Wisconsin criminal justice professionals can effectively implement evidence-based practices on a large scale.

Recommendation 2: Statewide Criminal Justice Coordinating Committee:

While shifting some resources from incarceration to community-based operations can go a long way to provide resources needed to support widespread adoption of evidence-based practices, the process needs a central planning and coordinating effort that could be filled by the proposed Statewide Criminal Justice Coordinating Committee. The rationale for this recommendation is presented in Chapter 4 of this report, and the detailed recommendations can be found there as well.

Recommendation 3: Encourage Criminal Justice System Program Performance Measures and Evaluation:

Wisconsin's history of support for evidence-based practices should become institutionalized and supported by the systematic collection of performance measurement data and the formal evaluation of selected, promising programs, including the AIM program or its successor, as outlined in Chapter 2. First, the survey on evidence-based practices across criminal justice programs used in this study should be redeployed with the goal of obtaining greater participation (see Appendix G). The data from a complete survey could be used to develop a complete census of programs statewide. The compilation of results will allow for an assessment of which programs are adopting evidence-based practices and allow for the identification of "promising" programs that warrant future study to determine if there are practices worthy of diffusion and replication in other jurisdictions. In a sense, the individual programs can be viewed as "natural laboratories" worthy of further examination to identify programs and practices that reduce recidivism and are cost-effective.

Second, it is recommended that Wisconsin develop a system of performance measures for its drug courts. Performance measures provide timely (if not "real-time") and ongoing measures of drug court performance, enabling drug court staff to make program adjustments to resolve any problems identified by the measures in a timely manner. Performance measures should also be developed for other problem-solving courts and programs designed to reduce offender recidivism. Rubio et al. describes a procedure that can be used to develop such measures (Rubio, Cheesman, & Federspiel, 2008).

Third, Wisconsin should join the growing number of states that have undertaken a statewide drug court evaluation designed to assess their effectiveness and cost-efficiency. While performance measures provide timely and valuable information about program performance, they cannot ultimately answer questions of "attribution." For example, while performance measures can document superior drug court outcomes (e.g., recidivism, employment) over business-as-usual alternatives, they cannot unequivocally "attribute" superior drug court outcomes to the activities and processes of the drug courts themselves. Performance measures by themselves cannot rule out the possibility that performance differences observed between drug court participants and a comparison group could be the result of some other "confounding" explanation, such as an age difference between the drug court participants and the comparison group. In-depth evaluations of program outcomes and impacts are required to settle the question of attribution. Such evaluations should involve comparisons of drug court participants who have been carefully matched with offenders from business-as-usual alternatives (e.g., probation or prison) through randomization or propensity score matching. Such evaluations require an extended timeline of around two years but provide in-depth information that could not be produced by performance measures alone. NCSC is currently conducting a

statewide evaluation of adult drug courts in Virginia.

Outcome/impact evaluations provide valuable information about program effectiveness but do not address questions of efficiency, that is, the efficiency with which drug courts use resources to produce outcomes/impacts. A central question for most policy-makers is how efficient drug courts are in comparison to the business-as-usual alternatives. Drug courts typically show cost-savings relative to business-as-usual because they reduce recidivism and, thus, the costs of victimization and of additional processing in the criminal justice system itself by reducing the number of days that participants are confined in jail. A cost-effectiveness analysis would use the results of the outcome/impact evaluation to determine whether drug courts ultimately are more cost-effective than business-as-usual.

Finally, selected non-drug-court programs, including other types of problem-solving courts and programs operated by probation should also be subjected to outcome/impact evaluations and studies of their cost-effectiveness. A set of criteria should be used to select such programs for evaluation, including their time in operation, availability, and quality of participant-level data, and their incorporation of evidence-based practices. A plan for evaluating the impact of the AIM program was outlined in Chapter 2.

Performance measurement and outcome/impact evaluation should become institutionalized; providing critical information that will allow for an assessment of the effectiveness and efficiency of programs in Wisconsin in improving offender outcomes and reducing offender recidivism. Such efforts will provide an empirically-based “road-map” for future offender programming in Wisconsin and set the Wisconsin criminal justice system on a path of continuous self-improvement.

Appendix A: AIM Survey Results (Overall, Milwaukee, Other AIM Pilots)

I. Format of AIM Report

1) I am satisfied with the way the information is presented in each section of the report

	Overall		Milwaukee		Other AIM Pilots	
	N	Mean	N	Mean	N	Mean
a Identifying Information	22	4.1	13	4.2	9	3.9
b Information Sources	22	3.7	13	3.6	9	3.9
c Current Charges	21	4.1	13	4.1	8	4.3
d Criminal History	22	3.7	13	3.5	9	4.1
e Risk Assessment	22	3.7	13	3.2	9	4.4
f Needs Assessment	21	3.5	13	3.1	8	4.3
g Motivation/Responsivity Assessment	21	3.6	13	3.2	8	4.3
h Unique Characteristics	21	3.7	13	3.5	8	4.0
i Community Based Program/Intervention	21	4.0	13	3.8	8	4.1
j Evaluation Summary (Milw only)	13	3.6	13	3.6		

Note: 1=Strongly Disagree; 2= Somewhat Disagree; 3=Neutral; 4=Somewhat Agree; 5=Strongly Agree

II. Awareness and Purpose of AIM Project

	Overall		Milwaukee		Other AIM Pilots	
	N	Mean	N	Mean	N	Mean
1 The purpose and mission of the Wisconsin AIM project is clear to me.	21	4.3	13	4.2	8	4.5
2 The risk assessment information provides a value-added to the judicial decision-making process.	21	3.6	13	2.8	8	4.9
3 The needs assessment information provides a value-added to the judicial decision-making process.	21	3.7	13	3.2	8	4.6
4 The motivation/responsivity assessment information provides a value-added to the judicial decision-making process.	21	3.4	13	2.6	8	4.6
5 The risk and needs assessment instrument(s) used in my county are valid and reliable.	20	3.1	12	2.2	8	4.4
6 The motivation/responsivity assessment instrument(s) used in my county are valid and reliable.	21	3.2	13	2.6	8	4.3
7 The AIM Report is providing me with objective information regarding the defendant that I wouldn't otherwise have.	21	3.8	13	3.4	8	4.4

Note: 1=Strongly Disagree; 2= Somewhat Disagree; 3=Neither Agree/Disagree; 4=Somewhat Agree; 5=Strongly Agree

III. Content of AIM Report

1) How often do you use information from each section when making a case-related decision?

	Overall		Milwaukee		Other AIM Pilots	
	N	Mean	N	Mean	N	Mean
a Identifying Information	21	3.4	12	3.3	9	3.6
b Information Sources	20	3.2	11	3.0	9	3.4
c Current Charges	20	3.1	11	2.5	9	3.9
d Criminal History	21	4.0	12	3.8	9	4.2
e Risk Assessment	21	3.8	12	3.3	9	4.3
f Needs Assessment	19	3.8	11	3.6	8	4.1
g Motivation/Responsivity Assessment	20	3.4	12	3.2	8	3.8
h Unique Characteristics	20	3.2	12	2.9	8	3.6
i Community Based Program/Intervention	20	3.2	12	2.8	8	3.9
j Evaluation Summary (Milw only)	12	3.4	12	3.4		

Note: 1=Never; 2=Rarely; 3=Sometimes; 4=Frequently; 5=Always

2) How often do you consider the following factors in the needs and assets assessment section of the AIM report when making a case-related decision?

	Overall		Milwaukee		Other AIM Pilots	
	N	Mean	N	Mean	N	Mean
Needs						
a Associates	20	2.4	12	2.0	8	2.9
b Cognitive Behavioral	20	3.4	12	3.1	8	3.9
c Criminal Attitudes	20	3.5	12	3.2	8	3.9
d Education/Vocation	20	3.7	12	3.7	8	3.8
e Employment	20	3.7	12	3.6	8	3.8
f Family/Marital	19	3.4	12	3.4	7	3.4
g Personal/Emotional	18	3.4	11	3.2	7	3.7
h Substance Abuse	19	3.9	12	3.8	7	4.1
Assets						
a Associates	20	3.4	12	3.0	8	4.0
b Cognitive Behavioral	20	3.6	12	3.2	8	4.3
c Criminal Attitudes	20	3.7	12	3.3	8	4.3
d Education/Vocation	19	3.6	12	3.5	7	3.7
e Employment	19	3.6	12	3.6	7	3.6
f Family/Marital	19	3.1	12	2.9	7	3.4
g Personal/Emotional	19	3.3	12	3.1	7	3.7
h Substance Abuse	18	3.8	12	3.6	6	4.2

Note: 1=Never; 2=Rarely; 3=Sometimes; 4=Frequently; 5=Always

Appendix A: Results (Overall, Milwaukee, Other AIM Pilots) (Continued)

IV. AIM Process

1) Are you interested in expanding the target population that you are currently serving in the AIM project?

	Overall		Milwaukee		Other Aim Pilots	
	N	Percent	N	Percent	N	Percent
a Yes	3	15%	0	0%	3	43%
b No	17	85%	13	100%	4	57%

2) At which of the following decision points do you use assessment (risk, needs, motivation, and unique characteristics) information from the AIM report to assist your decision-making?

	Overall		Milwaukee		Other Aim Pilots	
	N	Percent	N	Percent	N	Percent
a Whether to set bail	6	27%	1	8%	5	56%
b The amount of bail to be set	6	27%	1	8%	5	56%
c Whether to divert the case before trial	3	0.1	1	0.1	2	0.2
d Whether to bring the case to trial	2	9%	1	8%	1	11%
e Plea bargaining	2	9%	1	8%	1	11%
f Whether to sentence to jail/prison	17	0.8	11	0.8	6	0.7
g To set sentencing conditions	19	86%	12	92%	7	78%

3) Would you like to receive the AIM report at a different point in the decision-making process than is currently the case?

	Overall		Milwaukee		Other Aim Pilots	
	N	Percent	N	Percent	N	Percent
a Yes	5	25%	2	17%	3	38%
b No	15	75%	10	83%	5	63%

V. Training Needs (I would like to receive training...)

	Overall		Milwaukee		Other Aim Pilots	
	N	Mean	N	Mean	N	Mean
1 on how to interpret the results of the AIM report	20	3.3	12	3.1	8	3.5
2 about the science and research behind the risk/needs assessment instruments	20	3.5	12	3.1	8	4.0
3 about the science and research behind the motivation/responsivity assessment instrument	20	3.3	12	2.8	8	3.9

Note: 1=Strongly Disagree; 2=Somewhat Disagree; 3=Neither Agree/Disagree; 4=Somewhat Agree; 5=Strongly Agree

VI. Respondents Background

3) Approximately how many AIM reports do you see in a month?

	Overall		Milwaukee		Other Aim Pilots	
	N	Percent	N	Percent	N	Percent
0-3	4	19%	1	8%	3	38%
4-8	8	38%	7	58%	1	13%
9-12	4	19%	2	17%	2	25%
13+	4	19%	2	17%	2	25%
Total	20		12		8	

4) How many years have you been on the bench?

	Overall		Milwaukee		Other Aim Pilots	
	N	Percent	N	Percent	N	Percent
1-5 years	6	29%	2	17%	4	50%
6-15 years	9	43%	7	58%	2	25%
15+ years	5	24%	3	25%	2	25%
Total	20		12		8	

5) Before you were a judge, what position did you hold?

	Overall		Milwaukee		Other Aim Pilots	
	N	Percent	N	Percent	N	Percent
District Attorney	4	19%	1	8%	3	33%
Public Defender	3	14%	0%		3	33%
Private Attorney	11	52%	8	67%	3	33%
Other**	3	14%	3	25%		0%
Total	21		12		9	

Appendix B: Inventory of Offender Service Programs Available to the Court (Round 1 Survey)

The first survey conducted by the NCSC for this project (Round 1 Survey) was disseminated via e-mail to all district court administrators (DCAs). The purpose of this survey was to update the 2006 inventory of programs and to use this inventory to build a more specific survey having to do with actual program attributes (Round 2 Survey). The DCAs were asked to forward the electronic document to the Chief Judge in each judicial district. The Chief Judge, or his or her designee, was asked to review the excel spreadsheet with program information collected in 2006 and indicate whether each identified program was still in existence or was no longer running. Additionally, space was provided for the respondent to add information for new offender service programs that were available to the courts at the time of the survey (April, 2010). Survey responses were obtained from all of the 72 judicial districts.

Strategy/ Program Name	Administrating Organization	Target Population	County
OWI TREATMENT/SUPERVISION & OWI INTENSIVE SUPERVISION			
Pre-Trial Intoxicated Driver Intervention Program	Milwaukee County Circuit Court	Adult Non-Specific	Milwaukee
OWI/Drunk Driving Monitoring	Milwaukee		Milwaukee
Operating While Intoxicated - OWI	The Council on Alcohol and Other Drug Abuse of Washington County	Non-Specific	Washington
Intoxicated Driver Intervention Program	Wisconsin Community Services	Adult	Waukesha
Intoxicated Driver Program	Sheboygan Intoxicated Driver Intervention Program	Non-Specific	Sheboygan
Alive at 25/Under 25 population	Commissioner Todd Meurer	Adult	Dane
Intoxicated Driver Intervention	Green County Sheriff's Department	Adult	Green
OWI Intensive Supervision Program	Portage County Justice Programs/ATTIC	Non-Specific	Portage
Intoxicated Driver Intervention Program (IDIP)	James Duvall	OWI 3 & 4	Buffalo
Intoxicated Driver Intervention Program (IDIP)	Not provided	Adult	Jacson
OWI Program	Monroe County Justice Department	Adult	Monroe
guilty to drunk driving the opportunity to reduce	Judge Mark Warpinsky	Non-Specific	Vernon
MADD- Victim Impact Panel	MADD	Non-Specific	Door
Intoxicated Driving Program		Non-Specific	Oneida
Intoxicated Driver Program	Community Counseling Services	Adult	Chippewa
Intensive Supervision Program (Impaired Driving Off.)	Jill Gamez	Adult	Dunn
IDP (Intoxicated Driver Program)	Margaret Hanson, Department of Human Services	Non-Specific	Eau Claire
Intoxicated Driver Intervention Program	Laurie Lessard, LSS supervisor	Adult	Eau Claire
First Offender Program for Drug Use and Crime		Non-Specific	St. Croix
Intoxicated Driver Intervention Program (IDIP)	William Weaver/SOAR Counseling	Adult OWI 1+	Washburn

Strategy/ Program Name	Administrating Organization	Target Population	County
DAY REPORT CENTERS/PROGRAMS			
Day Reporting	Zimmerman Consulting Inc	Adult	Racine
Community Corrections	State Department of Corrections	Non-Specific	Washington
Day Report Center Program	Wisconsin Community Services	Adult	Waukesha
Day Reporting	NA	Non-Specific	Fond Du Lac
DART (Day Report and Treatment Program)	Commissioner Todd Meurer	Adult	Dane
Day Report Center	Portage County Justice Programs/ATTIC	Non-Specific	Portage
Day Reporting	La Crosse Human Services Department	Non-Specific	La Crosse
Day Treatment Center	Attic Correctional Services	Adult	Marathon
Day Reporting	Attic Correctional Services	Adult	Marathon

Strategy/ Program Name	Administrating Organization	Target Population	County
OAR			
Operating After Revocation (OAR) Program	Wisconsin Community Services	Adult	Waukesha

Appendix B: Inventory of Offender Service Programs Available to the Court (Round 1 Survey) (Continued)

Strategy/ Program Name	Administrating Organization	Target Population	County
COMMUNITY SERVICE PROGRAMS			
Community Service Options Program	Wisconsin Community Services	Adult	Waukesha
Community Service Program _ Adult Jail	Jail Administrator	Adult	Green Lake
Community Service Work Crew	Portage County Justice Programs/ATTIC	Non-Specific	Portage
Community Service	County Court	Adults	Grant
Community Service	County Court	Non-Specific	Iowa
Community Services	Marcia Richgels	Non-Specific	Iowa
Adult community Service	Grant Allen	adults	Jacson
Community Service	La Crosse Human Services Department	Adult	La Crosse
Community Service Work Program	Monroe County Justice System	Non-Specific	Monroe
Comprehensive Community Services	NA	Non-Specific	Richland
Community Service Program	Court Services - Jill Clark/ann Bechard	Non-Specific	Trempealeau
Day Report Center	Outagamie County Family Services	Adult	Outagamie
IMPACT (inmate maintenance, Painte & Cleaning	Captain David Kiesner	Adult	Outagamie
Day Reporting	NA	Non-Specific	Lincoln
Enhanced Community Service Work	Attic Correctional Services	Adult	Marathon
Supervised Work Crew	Attic Correctional Services	Adult	Marathon
Weekend Work Project	Tony Jones Coordinator-Ashland County Sheriff's Dept.	Non-Specific	Ashland
Community Service	Circuit Court Shanda Harrington	Non-Specific	Barron
Community Service program	Burnett County Jail	Non-Specific	Burnett
Community Service	Sherry Hanson	Adult	Dunn
Community Service Clerk of Court	Lisa Blazek, Community Service Coordinator	Adult	Eau Claire
Community Service Program A & J	Carole Schmidt	A & J	Polk

Strategy/ Program Name	Administrating Organization	Target Population	County
ASSESSMENT AND SCREENING			
Intake Assessment	ARC- Addiction Resource Council Services	Non-Specific	Waukesha
Assess, Inform, Measure	Judge William D. Dyke	Non-Specific	Iowa
Screen Assessment Unit	Attic Correctional Services	Adult	Marathon
AIM Assessments	Brenda Spurlock, Criminal Justice Coordinator Cheryl Hanson, AODA Coordinator	Adult	Bayfield
Individualized Program (need based services/linkage to other services)	Brenda Spurlock, Criminal Justice Coordinator	Adult	Bayfield
Assess, Inform and Measure - AIM Pilot County	Tiana Glenna, Criminal Justice Coordinator	Adult	Eau Claire
Pre trial/sentence assessments	Portage County Justice Programs/ATTIC	Non-Specific	Portage

Strategy/ Program Name	Administrating Organization	Target Population	County
MENTORING AND VOLUNTEER PROGRAMS			
Volunteers in Probation	Justiceworks	Non-Specific	Portage
Life Changes (Mentoring of Wood Co prisoners)	Wood County Jail (Byron Wirth)	Non-Specific	Wood
Volunteers in Probation	Don Lafortune	Adult	Oconto
Volunteer Services	Attic Correctional Services	adult	Marathon
Domestic Violence VIP	Attic Correctional Services	adult	Marathon
Volunteer In Probation	Attic Correctional Services	adult	Marathon

Appendix B: Inventory of Offender Service Programs Available to the Court (Round 1 Survey) (Continued)

HOME DETENTION, ELECTRONIC MONITORING, BAIL MONITORING, CASE MANAGEMENT			
Conditional Release Community Services	Milwaukee	WCS Coordinated Conditional Release	Milwaukee
Pretrial Monitoring	Milwaukee		Milwaukee
Pretrial Services Program	Milwaukee	Justice 2000	Milwaukee
Pre-Trial Intensive Supervision Program	Kenosha County Sheriff's Dept.	Non-Specific	Kenosha
TAD Program	Genesis Behavioral Services	Adult	Washington
Electronic Monitoring	Washington County Sheriff's Department	Non-Specific	Washington
Pre-Trial Jail Screening Program	Wisconsin Community Services	Adult	Waukesha
Pre-Trial Supervision Program	Wisconsin Community Services	Adult	Waukesha
Electronic Monitoring	Fond du Lac County Sheriff's Department	Non-Specific	Fond Du Lac
Electronic Monitoring	Manitowoc County Sheriff's Department	Non-Specific	Manitowoc
Pre-Trial Intensive Supervision Program	Wisconsin Community Services	Non-Specific	Sheboygan
ARC Case Management	ARC	Adult	Dane
ARC Dayton Street	ARC	Adult	Dane
Bail Monitoring	Dane County Clerk of Courts	Adult	Dane
Electronic Monitoring	Dane County Clerk of Courts	Adult	Dane
New Routes Case Management	Dane County Department of Human Services- Centro Hispano	Non-Specific	Dane
SOAR Case Management Services	NA	Adult	Dane
Electronic Monitoring	Green County Sheriff's Department	Non-Specific	Green
Electronic Monitoring	Lafayette County Sheriff's Department	Non-Specific	Lafayette
Electronic Monitoring	Rock County Sheriff's Department	Non-Specific	Rock
Pretrial Monitoring/Bail Bond Monitoring	NA	Non-Specific	Clark
Electronic Monitoring	Dodge County Sheriff's Department	Non-Specific	Dodge
Electronic Monitoring	Sheriff, Jail Administrator	Adult	Green Lake
Electronic Monitoring	Juneau County Sheriff's Department	Non-Specific	Green Lake
Electronic Monitoring	Marquette County Sheriff's Department	Non-Specific	Marquette
Pre-Trial Intensive Supervision Program	Portage County Justice Programs/ATTIC	Non-Specific	Portage
Electronic Monitoring Program	Portage County Sheriff's Department	Non-Specific	Portage
Electronic Monitoring	Sauk County Sheriff's Dept- Law Enforcement Center	Non-Specific	Sauk
Electronic Monitoring	Waushara County Sheriff's Department	Non-Specific	Waushara
Electronic Monitoring	Wood County Jail	Non-Specific	Wood
Electronic Monitoring	Grant County Sheriff's Department	Non-Specific	Grant
Electronic Monitoring	Jackson County Sheriff's Department	Non-Specific	Jackson
Bail Monitoring	La Crosse Human Services Department	Adult	La Crosse
Electronic Monitoring (sentenced)	Jane Klekamp 608 785-5547	Adult	La Crosse
Electronic Monitoring	Monroe County Justice Programs	Non-Specific	Monroe
Bail Bond Monitoring	Monroe County Justice Programs	Adult Non-Specific	Monroe
Electronic Monitoring	Richland County Sheriff's Department	Non-Specific	Richland
Pretrial Monitoring/Bail Bond Monitoring	NA	Non-Specific	Richland
Pre-Trial Intensive Supervision Program	Triniteam Inc.	Non-Specific	Trempealeau
Electronic Monitoring	Trempealeau County Sheriff's Department	Non-Specific	Trempealeau
Electronic Monitoring	Door County Sheriff's Department	Non-Specific	Door
Electronic Monitoring	Kewaunee County Sheriff's Department	Non-Specific	Kewaunee
Electronic Monitoring - Adult	Oconto County Sheriff's Department	Adult	Oconto
Electronic Monitoring	Waupaca County Sheriff's Department	Non-Specific	Waupaca
Electronic Monitoring	Florence County Sheriff's Department	Non-Specific	Florence
Pre-Trial Intensive Supervision Program	Human Service Center	Non-Specific	Forest
Electronic Monitoring	Iron County Sheriff's Department	Non-Specific	Iron
Electronic Monitoring	Lincoln County Sheriff's Department	Non-Specific	Lincoln
Electronic Monitoring	Attic Correctional Services	Adult	Marathon
Intensive Supervision	Attic Correctional Services	Adult	Marathon
Electronic Monitoring	Menominee Indian Tribe of WI Tribal Police	Non-Specific	Menominee
Pre-Trial Intensive Supervision Program	Human Service Center	Non-Specific	Oneida
Electronic Monitoring	Price County Sheriff's Department	Non-Specific	Price
Pre trial Intensive Supervision Program (ISP)	Price County Health and Human Services	2nd offense and above OWI offenders	Price
Electronic Monitoring	Shawano County Sheriff's Department	Non-Specific	Shawano
Electronic Monitoring	Vilas County Sheriff's Department	Non-Specific	Vilas
Electronic Monitoring	Ashland County Sheriff's Department	Non-Specific	Ashland
Electronic Monitoring	Criminal Justice Council	Non-Specific	Bayfield
Electronic Monitoring	Burnett County Sheriff's Department	Non-Specific	Burnett
Electronic Monitoring	Chippewa County Sheriff's Department	Non-Specific	Chippewa
Electronic Monitoring	Douglas County Sheriff's Department	Non-Specific	Douglas
Electronic Monitoring	Dunn County Sheriff's Department	Non-Specific	Dunn
Electronic Monitoring	Sawyer County Sheriff's Department	Non-Specific	Sawyer
Pretrial Monitoring/Bail Bond Monitoring	NA	Non-Specific	St. Croix
Home Detention VRM)	Washburn County Sheriff's Department	Adult	Washburn

Appendix B: Inventory of Offender Service Programs Available to the Court (Round 1 Survey) (Continued)

Strategy/ Program Name	Adminstrating Organization	Target Population	County
DIVERSION/DEFERRED PROSECUTION			
Municipal Court Alternatives Program	Milwaukee	Justice 2000	Milwaukee
Deferred Prosecution	Office of the District Attorney	Non-Specific	Jefferson
Deferred Prosecution	Office of the District Attorney	Non-Specific	Washington
Deferred Prosecution	District Attorney's Office	Non-Specific	Calumet
Deferred Prosecution	Office of the District Attorney	Non-Specific	Fond Du Lac
Second Chance Program	District Attorney's Office, Lynn Schneider	Non-Specific	Manitowoc
Deferred Prosecution	Office of the District Attorney	Non-Specific	Sheboygan
Deferred Prosecution	Office of the District Attorney	Non-Specific	Winnebago
Deferred Prosecution	Office of District Attorney	Adult	Dane
TAP (Treatment Alternatives Program)	James Sauer, MHDC	Adult	Dane
Community Treatment Alternatives	James Sauer, MHDC	Adult	Dane
Deferred Prosecution	Rock County Court House	Non-Specific	Rock
Domestic Violence Project (special handling)	Judge James Daley	Adult Non-Specific	Rock
Deferred Prosecution	Office of District Attorney	Non-Specific	Adams
Life Changes (WCSD, DOC, clergy)	Byron Wirth	Adult jail inmates	Adams
Deferred Prosecution	Office of the District Attorney	Non-Specific	Clark
Deferred Prosecution	Office of the District Attorney	Non-Specific	Columbia
Deferred Prosecution - (OJA Grant - WI Exec BR)	Office of the District Attorney	Adult	Green Lake
Deferred Prosecution	Office of the District Attorney	Non-Specific	Green Lake
Deferred Prosecution	Office of the District Attorney	Non-Specific	Marquette
Deferred Prosecution	Portage County Justice Programs/Justiceworks	Non-Specific	Portage
Deferred Prosecution	Office of the District Attorney	Non-Specific	Sauk
Deferred Prosecution	Office of the District Attorney	Non-Specific	Waushara
Deferred Prosecution	Department of Social Services	Non-Specific	Wood
Deferred Prosecution	Office of the District Attorney	Non-Specific	Buffalo
Deferred prosecution	Judge William D. Dyke	Non-Specific	Iowa
Deferred Prosecution	Office of the District Attorney	Non-Specific	Jacson
Intensive Supervision	Monroe County Justice Programs	Non-Specific	Monroe
Deferred Prosecution	Monroe County Justice Programs	Non-Specific	Monroe
Deferred Prosecution	Office of the District Attorney	Non-Specific	Pepin
Deferred Prosecution	Office of the District Attorney	Non-Specific	Pierce
Deferred Prosecution	Office of the District Attorney	Non-Specific	Richland
Treatment Diversion Program	Community RECAP- ACS Clinical Services, LLC	Non-Specific	Trempealeau
Deferred Prosecution	Office of the District Attorney	Non-Specific	Trempealeau
Deferred Prosecution	Office of the District Attorney	Non-Specific	Vernon
Deferred Prosecution	Office of the District Attorney	Non-Specific	Door
Deferred Prosecution	Office of the District Attorney	Non-Specific	Kewaunee
Deferred Prosecution	Office of the District Attorney	Adult	Marinette
Deferred Prosecution	Office of the District Attorney	Non-Specific	Oconto
Deferred Prosecution	Office of the District Attorney	Non-Specific	Waupaca
Deferred Prosecution	Office of the District Attorney	Non-Specific	Florence
Deferred Prosecution	Office of the District Attorney	Non-Specific	Langlade
Court Diversion	Jamie Henrichs(DA office)	adult	Marathon
Deferred Prosecution	Office of the District Attorney	Non-Specific	Oneida
Deferred Prosecution	Office of the District Attorney	Non-Specific	Price
Deferred Prosecution	Office of the District Attorney	Non-Specific	Vilas
Deferred Prosecution	Office of District Attorney	Non-Specific	Ashland
Deferred Prosecution	Office of District Attorney	Non-Specific	Barron
Deferred Prosecution	Bayfield County District Attorney	Non-Specific	Bayfield
Deferred Prosecution	Office of the District Attorney	Non-Specific	Burnett
Deferred Prosecution	Office of the District Attorney	Non-Specific	Chippewa
Deferred Prosecution	Office of the District Attorney	Non-Specific	Douglas
Deferred Prosecution	Office of the District Attorney	Non-Specific	Dunn
Deferred Prosecution (DAGP)	Steven Judd, Diversion Program (DA office)	Non-Specific	Eau Claire
Deferred Prosecution	Office of the District Attorney	Non-Specific	Rusk

Appendix B: Inventory of Offender Service Programs Available to the Court (Round 1 Survey) (Continued)

Strategy/ Program Name	Administrating Organization	Target Population	County
EDUCATIONAL PROGRAMS/PROGRAMMING			
Jail Literacy Project	Racine County Sheriff's Dept.	Adult	Racine
Jail Literacy Program	Adult	Non-Specific	Ozaukee
Adult Basic Education Program (ABE)	Waukesha County Technical College	Adult	Waukesha
GED HSED Classes- AA	Mike Buscock 608.742.4166	Adult	Columbia
Family Education Seminar on Substance	Counseling Associates of Door County, LLC	Non-Specific	Door
County Educational Services	Attic Correctional Services	Adult	Marathon
Bayfield County Inmate GED/HSED Program	Jason Maloney and Linda Johnston, WITC	Adult	Bayfield
Education Reentry Program	Susan Reynolds, Education Coordinator	Adult	Bayfield
GED/HSED Preparation & Testing ECCJ	Jessica Bryan, Jail Program Director	Adult	Eau Claire
Life Skills and Employability ECCJ	Jessica Bryan, Jail Program Director	Adult	Eau Claire

Strategy/ Program Name	Administrating Organization	Target Population	County
AODA TREATMENT			
AODA Ed Program (Jail)	Correct care Solutions (Rebecca Lucza) 262.548.7925	Adult	Waukesha
ARC House- AODA Residential Treatment	ARC	Adult	Dane
First Offender Program for Drug Use and Crime	NA	Non-Specific	Lafayette
First Offender Program for Drug Use and Crime	NA	Non-Specific	Marquette
Drug and Alcohol Testing	La Crosse Human Services Department	Adult	La Crosse
First Offender Program for Drug Use and Crime	District Attorney's Office	Non-Specific	La Crosse
Drug Testing	Monroe County Justice Programs	Non-Specific	Monroe
Dependence within the family	Tim Hickey	Non-Specific	Door
Changing Minds AODA Group	Jon Tolliver, CCASC	Adult	Bayfield
AODA Services- Females	Women in Transition (WIT)-Douglas County Department of	Adult	Douglas
AODA/Criminal Thinking ECCJ	Jessica Bryan, Jail Program Director	Adult	Eau Claire
AODA (Matrix) Program ECCJ	Jessica Bryan, Jail Program Director	Adult	Eau Claire

Strategy/ Program Name	Administrating Organization	Target Population	County
MENTAL HEALTH PROGRAMS			
Mental Health Assessments- Court Ordered	WISCONSIN COMMUNITY MENTAL HEALTH COUNSELING CENTER	Non-Specific	Washington
Mental Health and AODA Outpatient Clinic	Waukesha County Health and Human Services	Non-Specific	Waukesha

Strategy/ Program Name	Administrating Organization	Target Population	County
MISCELLANEOUS			
Cool Choices	Thomas & Associates Service	Adult	Dane
Turning Point of Wisconsin	NA	Adult	Dane
Community RECAP Program	Rock County Community RECAP	Non-Specific	Rock
N.E.S.T.	NA	Non-Specific	Rock
Project Reaching Out/BRICKS	Department of Social Services	Non-Specific	Wood

Strategy/ Program Name	Administrating Organization	Target Population	County
TREATMENT/SUPERVISION			
Domestic Violence Intervention Program (DVIP)	Rock County Deferred Prosecution	Adult	Rock
Attic Correctional Services	Dona Zander	OWI offenders	Iowa
Adult Program Intensive Services	Sheriff Jeff Rickaby	Adult	Florence
Clinical Services	Attic Correctional Services	Adult	Marathon
Domestic Violence Perpetrators Class	Ashland County Sheriff's Department Amy O'Donahue	Non-Specific	Ashland
Understanding Anger (Cognitive Behavior)	Brenda Spurlock, Criminal Justice Coordinator	Adult	Bayfield
Individualized After Care Program	Cheryl Hanson, AODA Coordinator	Adult	Bayfield
Bayfield Counties)	Brenda Spurlock, Criminal Justice Coordinator	Adult	Bayfield
Abuse	Ted East - Rusk County Human Services	Adult	Rusk

Strategy/ Program Name	Administrating Organization	Target Population	County
COGNITIVE BEHAVIORAL TREATMENT PROGRAMS			
Breaking Barriers (Cognitive Behavior)	Brenda Spurlock, Criminal Justice Coordinator	Adult	Bayfield
Dunn Co. Jail Programs (Educ., Cognitive Intervention,	Sherry Hanson	Adult	Dunn
Stop & Think (cognitive behavior program) ECCJ	Jessica Bryan, Jail Program Director	Adult	Eau Claire

Appendix C: Treatment Court Descriptions

Adult Drug Court: A specially designed criminal court calendar or docket, the purposes of which are to achieve a reduction in recidivism and substance abuse among nonviolent substance abusing offenders and increase the offenders' likelihood of successful habilitation. Interventions include early, continuous and intensive judicially supervised treatment, mandatory periodic drug testing, community supervision, and the use of appropriate sanctions, incentives, and habilitation services (Bureau of Justice Assistance, 2005).

Domestic Violence Court: Domestic Violence Courts are designed to address traditional problems confronted in domestic violence cases (e.g., withdrawn charges by victims, threats to victims, lack of defendant accountability, and high recidivism). They apply intense judicial scrutiny of the defendant and close cooperation between the judiciary and social services. A designated judge works with the prosecution, assigned victim advocates, social services, and the defense to protect victims from all forms of intimidation by the defendant or his or her family or associates throughout the entirety of the judicial process; provide victims with housing and job training, where needed; and continuously monitor defendants in terms of compliance with protective orders, substance abuse treatment and other services. Close collaboration with defense counsel ensures compliance with due process safeguards and protects defendants' rights. One variant of this model is the Integrated Domestic Violence Court, in which a single judge handles multiple cases relating to one family, which might include criminal actions, protective orders, custody disputes, visitation issues or divorce proceedings (Mazur & Aldrich, 2003).

DWI (OWI) Court: is a post conviction court docket dedicated to behavior of the alcohol or drug-dependant repeat offender or high-BAC offender arrested for Driving While Impaired (DWI). The goal of the DWI court is to protect public safety while addressing the root causes of impaired driving. DWI courts utilize a team of criminal justice professionals (including prosecutors, defense attorneys, probation and parole agent and law enforcement) along with substance abuse treatment professionals to systematically change participant behavior. Like Drug Courts, DWI Courts involve extensive interactions between the judge and the offenders to hold the offenders accountable for their compliance with court, supervision, and treatment conditions (Huddleston, et al., 2004).

Family Dependency Treatment Court: is a juvenile or family court docket for cases of child abuse or neglect in which parental substance is a contributing factor. Judges, attorneys, child protection services, and treatment personnel unite with the goal of providing safe, nurturing, and permanent homes for children while simultaneously providing parents with the necessary support and services they need to become drug and alcohol abstinent. Family Dependency Treatment Courts aid parents or guardians in regaining control of their lives and promote long term stabilized recovery to enhance the possibility of family reunification within mandatory legal timeframes (Huddleston, et al., 2005).

Juvenile Drug Court: is a specialized docket within the juvenile or family court system, to which selected delinquency cases, and in some instances, status offenders, are referred for handling by a designated judge. The youths referred to this docket are identified as having problems with alcohol and/or other drugs. The juvenile drug court judge maintains close oversight of each case through regular status hearings with the parties and their guardians. The judge both leads and works as a member of a team comprised of representatives from treatment, juvenile justice, social and mental health services, school and vocational training programs, law enforcement, probation, the prosecution, and the defense. Over the course of a year or more, the team meets frequently (often weekly), determining how best to address the substance abuse and related problems of the youth and his or her family that have brought the youth into contact with the justice system (National Drug Court Institute & National Council of Juvenile and Family Court Judges, 2003)

Appendix C: Treatment Court Descriptions (Continued)

Mental Health Court: Modeled after Drug courts and developed in response to the overrepresentation of people with mental illnesses in the criminal justice system, Mental Health Courts divert select defendants with mental illnesses into judicially supervised, community-based treatment. Defendants are invited to participate following a specialized screening and assessment, and they may choose to decline participation. For those who agree to the terms and conditions of community-based supervision, a team of court and mental health professionals work together to develop treatment plans and supervises participants in the community. Participants appear at regular status hearings during which incentives are offered to reward adherence to court conditions, sanctions for non-adherence are handed down, and treatment plans and other conditions are periodically reviewed for appropriateness (Council of State Governments, 2005).

Reentry Court: seek to stabilize returning parolees during the initial phases of their community reintegration by helping them to find jobs, secure housing, remain drug-free and assume familial and personal responsibilities. Following graduation, participants are transferred to traditional parole supervision where they may continue to receive case management services voluntarily through Reentry Court. The concept of the Reentry Court necessitates considerable cooperation between corrections and local judiciaries, because it requires the coordination of the work of prisons in preparing offenders for release and actively involving community corrections agencies and various community resources in transitioning offenders back into the community through active judicial oversight (Bureau of Justice Assistance, 2010; Hamilton, 2010).

Tribal Healing to Wellness Court: is not simply a tribal court that handles alcohol or other drug abuse cases. It is, rather, a component of the tribal justice system that incorporates and adapts the *wellness* concept to meet the specific substance abuse needs of each tribal community. It provides an opportunity for each Native American community to address the devastation of alcohol or other drug abuse by establishing more structure and a higher level of accountability for these cases through a system of comprehensive supervision, drug testing, treatment services, immediate sanctions and incentives, team based case management, and community support. The team includes not only tribal judges, advocates, prosecutors, police officers, educators, and substance abuse and mental health professionals, but also tribal elders and traditional healers. The concept borrows from traditional problem-solving methods utilized since time immemorial, and restores the person to his or her rightful place as a contributing member of the tribal community. The programs utilize the unique strengths and history of each tribe, and realign existing resources available to the community in an atmosphere of communication, cooperation and collaboration (Native American Alliance Foundation, 2006; Tribal Law and Policy Institute, 2003).

Veterans Treatment Court: use a hybrid integration of Drug Court and Mental Health Court principles to serve military veterans, and sometimes active-duty personnel. They promote sobriety, recovery, and stability through a coordinated response that involves collaboration with the traditional partners found in Drug Courts and Mental Health courts, as well as the Department of Veterans Affairs healthcare networks, Veterans Benefits Administration, State Departments of Veterans affairs, volunteer veteran mentors, and organizations that support veterans and veterans' families (Office of National Drug Control Policy, 2010).

Appendix D: Type of Treatment Court by County⁴¹

COURT NAME	COUNTIES SERVED	START DATE	TYPE
Ashland County Circuit Court	Ashland	Nov-10	Adult Drug Court
Barron County Court	Barron	Jan-06	Adult Drug Court
Brown County Circuit Court	Brown	Jul-09	Adult Drug Court
Burnett County	Burnett	Jul-06	Adult Drug Court
Chippewa County Court	Chippewa	Sep-06	Adult Drug Court
Dane County Court	Dane	Jun-96	Adult Drug Court
Douglas County Circuit Court	Douglas		Adult Drug Court
Dunn County Court	Dunn	Jul-08	Adult Drug Court
Eau Claire County Court	Eau Claire	Oct-04	Adult Drug Court
Iron County Court (Drug and Vet Court are same)	Iron	Apr-10	Adult Drug Court
Kenosha County Circuit Court	Kenosha	Jul-09	Adult Drug Court
LaCrosse County Circuit Court	La Crosse	Jan-02	Adult Drug Court
Marquette County Circuit Court	Marquette	May-09	Adult Drug Court
Milwaukee County Circuit Court	Milwaukee	Oct-09	Adult Drug Court
Outagamie County Circuit Court	Outagamie	Mar-09	Adult Drug Court
Pierce County Circuit Court	Pierce	Sep-04	Adult Drug Court
Polk County Circuit Court	Polk	Mar-08	Adult Drug Court
Rock County Circuit Court	Rock	Mar-07	Adult Drug Court
Sawyer County First Step Drug Court	Sawyer	Jan-07	Adult Drug Court
St. Croix County Circuit Court	St. Croix	Apr-06	Adult Drug Court
Trempealeau County Circuit Court	Trempealeau	Jan-06	Adult Drug Court
Winnebago County Circuit Court	Winnebago	Jan-06	Adult Drug Court
Wood County Circuit Court	Wood	Oct-04	Adult Drug Court
Dodge County Circuit Court	Dodge	Sep-10	Designated DWI Court
Grant County Circuit Court	Grant	Feb-10	Designated DWI Court
LaCrosse County Circuit Court	La Crosse	Aug-11	Designated DWI Court
Marathon County Circuit Court	Marathon	Jan-11	Designated DWI Court
Monroe County Circuit Court	Monroe		Designated DWI Court
Rock County Circuit Court	Rock		Designated DWI Court
Walworth County Circuit Court	Walworth		Designated DWI Court
Washington County Circuit Court	Washington		Designated DWI Court
Waukesha County Circuit Court	Waukesha	May-06	Designated DWI Court
Eau Claire County Court	Eau Claire	Apr-07	Family Dependency Treatment Court
Milwaukee County Circuit Court	Milwaukee		Family Dependency Treatment Court
Jackson County Circuit Court	Jackson	Jul-08	Hybrid DWI/Drug Court
Kenosha County Circuit Court	Kenosha		Hybrid DWI/Drug Court
Racine County Circuit Court	Racine	Feb-06	Hybrid DWI/Drug Court
Washburn County Circuit Court	Washburn	Feb-07	Hybrid DWI/Drug Court
Ashland County Juvenile Court	Ashland	Aug-02	Juvenile Drug Court
Jefferson County Circuit Court	Jefferson	Sep-09	Juvenile Drug Court
St. Croix County Circuit Court	St. Croix	Jan-10	Juvenile Drug Court
Winnebago County Circuit Court	Winnebago	Aug-10	Juvenile Drug Court
Dane County Circuit Court	Dane		OWI Court
Eau Claire County Court	Eau Claire, etc.	Jan-11	Veterans Treatment Court
Iron County Court	Iron	Apr-10	Veterans Treatment Court
LaCrosse County Circuit Court	La Crosse	Nov-10	Veterans Treatment Court
Pierce County Circuit Court	Pierce	Aug-11	Veterans Treatment Court
Racine County Circuit Court	Racine		Veterans Treatment Court
Rock County Circuit Court	Rock	Sep-09	Veterans Treatment Court
Kenosha County Circuit Court	Kenosha		Veteran's Treatment Court

⁴¹Information in this table is up-to-date as of December 13, 2011. For the most up-to-date listing, please go to <http://www.wicourts.gov/courts/programs/altproblemsolving.htm>.

Appendix E: Problem-solving courts Visited by NCSC Team

County	Winnebago	Winnebago	Winnebago	Winnebago	St. Croix	St. Croix	Rock	Racine	Portage	Ozaukee	Ouagame	Milwaukee	Marathon - Wausau	La Crosse	La Crosse	Eau Claire	Dane	Brown	Ashland
Date Established	2010	2006	2006	2006	2007	2006	2007	2006			2009	2008	2011	2006	2002	2004	1996	2008	2002
Type of Court	Juvenile	Adults	Adult	Juvenile	Adult	Adult	RECAP Program	Adult	Juvenile	Adult	Adult	Adult	OWI	OWI	Adult	Adult	Adult	Adult	Juvenile
Entry Point	Pre-Plea conviction	Post conviction	Post conviction	Post conviction	Pending or ongoing adjudicated juveniles	Post plea/pre adjudication probation	Post plea/pre adjudication	Post Adjudication	Pre-Plea	Diversion Program - Post Adjudication	Post adjudication	Post Adjudication	Post-Adjudication	Post plea/pre adjudication	Probationers	Post plea/pre adjudication	Post plea/pre adjudication	Post conviction	Post conviction
Result as to charges	Sentence reduction	Less jail time	Dismissed	Reduced jail time, Charge on record	Reduced probation	Reduced sentence/no revocation	Reduced or dismissed charges	Reduced jail or probation	Dismissed	Sentence stayed	Reduced or not probation	Sentence reduction	Pretrial sentence manager	Reduced sentence	Reduced or no Probation	Diversion	Charges dismissed or reduced	Plea condition of completion	Charges dropped
Length	12 months	12 months	18-24 months	12 months	12 months	18 months	9 months	Varies	6 months	12 months	12 months	12 months	No defined time set	12 months	12 months	12-18 months	10-12 months	18 months	12 months
# of Participants						Capacity = 25					7-8 participants	40-60 participants	Max capacity=25			30 participants	70 at any given time		30 have gone through program
Assessment Tool	WISQOVS, LDC	WALD, WI-UPC	SUDDS-IV, WI-UPC	Assessment done	Assessment done	LSI-R, DSM-4	Risk and AODA assessment	AODA testing fees	Assessment done	Assessment done	Assessment done	ASI and LSI-R and ASAM	ASI	AJ or PSI completed	Assessment done	Assessment done	TCU Drug Screen, the Beck, Partner Abuse scale, PSI participant	Home grown	GAIN
Fees	Fee	\$210. fee	Grants Insurance	Grants Participant	Grants	\$1,000 paid in \$15/week	\$100 at initial intake; \$10/week		Grants	None	\$25.00 month	Sliding scale fees; funds through WISER service provider	Grants	\$348.00; \$148.00; \$150.00; electronic monitoring	\$750 (\$250 exchange for community service)	\$750.00	Yes	\$40.00/month	
Graduation Requirement	No pos Uas for 6 months	Stay in program at least 1 year; complete safe	Completion of all phases; fees paid	Completion of all phases; fees paid	At least 2 months in program; 90 days sober; compliance	Completion of all phases; fees paid	Completion of all phases; fees paid	Completion of all phases; fees paid	Completion of all phases; fees paid	Completion of all phases; fees paid	Completion of all phases; fees paid	Completion of all phases; fees paid	Completion of all phases; fees paid	Completion of all phases; fees paid	Completion of all phases; fees paid	Completion of all phases; fees paid	Completion of all phases; fees paid	Completion of all phases; fees paid	160 days neg Uas; Willing to do 12 more after 1st year
Recidivism Rate	Too early	9.90%														25%	24%		
Funding	Funded by the County under Health and Human Services	Funded by the County under Health and Human Services	Funded by the County under Health and Human Services	County pays; Client pay fee	Random as required by the court; if pos. client pays	DOC every 2 weeks; Random on weekends by tracker	Grant from TAO program	Community money; BIA = \$4,000 in order of runs \$4,000	Grants	Grants	Started	\$350,000 BIA grant	\$350,000 BIA grant	Participant	Insurance, Client pay but client pays portion on sliding	Participant	Insurance, DC Health	Insurance, County for 3 years. Treatment	Insurance, Dept. of human services
Drug Testing	Depends on phase	As needed; paid by client	Depends on phase	Depends on phase	Random as required by the court; if pos. client pays	Random weekly; Random on weekends by tracker	Random, weekly	Random, weekly	Random, weekly	Random and EM	Random testing phase 1 1X/week	Random 2X/week	Random	Random: 1 weekly then monthly	Random; at least 1X/week. If pos. client pays	Random; at least 1X/week. If pos. client pays	Random; at least 1X/week. If pos. client pays	Random; at least 1X/week. If pos. client pays	Random; at least 1X/week. If pos. client pays
Graduation Rate	Too early	320 graduates	29 graduates			80% Grad rate					1 Graduate	50%			50-60%				
Evaluation	Too early	Informal	Informal	Yes	Yes	Scheduled to begin in Nov 2010	Yes	Yes	Yes	Yes	Too new	Under development	No	No	Yes	Yes	Yes	No	Yes

Appendix F: Results of Survey of Programs Addressing Criminogenic Needs

Program Profiles		General Program Information					Program Information as of CY 2010					Entry Point to Program				
		Yr First Participant Admitted	Mission Statement	Advisory Group	Program Capacity	# Served Currently	# Exited	# Successful Completions	# Terminated Due to Failure	Avg. Length of Stay (months)	Pre-Charge/Pre-Plea	Post-Plea/Pre-Sentence	Post-Plea/Condition of Sentence	Post-Conviction Sentence	Other	
Adult Drug Courts																
Ashland	Adult Drug Court	2010	✓	✓	15	7	5	0	3	12			✓	✓		
	Burnett County Drug and Alcohol Court	2006	✓	✓	12	7	14	10	4	12				✓	✓	
Chippewa	Chippewa County Drug Court	2007		✓	6	6	1	1	0	16			✓			
	Dane County Drug Treatment Court	1996	✓	✓	70	67	80	65	9	9		✓				
Iron	Veterans Drug Court	2010	✓		44	4	0	0	0	0		✓				
	Eau Claire County Drug Court	2004	✓	✓	30	27	13	10	3	13					✓	
Milwaukee	Milwaukee County Drug Treatment Court	2008	✓	✓	100	90	33	16	17	12		✓				
	Pierce County Drug Court	2004	✓	✓	20	8	12	10	2	15			✓			
Polk	Intensive Treatment group	2008	✓	✓	36	11	12	3	11	15					✓	
	First Step Drug Court	2004	✓	✓	24	10	9	5	4	16				✓		
St. Croix	St. Croix County Drug Court	2006	✓		25	19	10	9	1	22			✓		✓	
	Trempealeau County OWI/Drug Court	2006	✓		12	10	5	3	2	12			✓			
Washburn	Washburn County Drug and Alcohol Program	2007	✓	✓	12	8	6	5	1	18		✓	✓	✓	✓	
	Washburn County Drug and Alcohol Court	2007	✓	✓	20	4	5	5	1	14		✓	✓	✓	✓	
Family Drug Courts																
Eau Claire	Alternatives to Incarcerating Mothers - AIM Court	2007	✓	✓	20	18	5	4	1	13			✓	✓		
Juvenile Drug Courts																
Ashland	Ashland County Juvenile Drug Court	2001	✓	✓	15	8	7	4	2	18			✓			
Ashland	Juvenile Drug Court	2001	✓	✓	15	8	8	0	0	*				✓		
Problem Solving Courts																
Bayfield	Bayfield County Criminal Justice Program	2010	✓	✓	18	18	59	37	1	3					✓	
	Dunn County Diversion Court	2008		✓	12	10	5	3	2	15		✓				
Dunn	Breaking Barriers	2009			12/class	105	61	45	0	3 days		✓	✓	✓		
Eau Claire	Eau Claire County Mental Health Court	2008	✓	✓	12	10	10	2	5	24			✓			
Eau Claire	Community Transition Center	2010	✓	✓	125	88	21	0	21	0		✓	✓		✓	
	Risk Reduction Treatment Court	2011	✓	✓	25	10	0	0	0	0		✓	✓	✓		
Wood	Life Changes	2010	✓	✓	5	*	2	2	0	0					✓	
Wood	Windows to Work	2011	✓	✓	30	11	0	0	0	0					✓	

Note: "*" indicates a non-response to the survey item

Appendix F: Results of Survey of Programs Addressing Criminogenic Needs (Continued)

General Program Information					Program Information as of CY 2010					Entry Point to Program					
County	Program Title	Yr First Participant Admitted	Mission Statement?	Advisory Group?	Program Capacity	# Currently Served	# Exited	# Successful Completions	# Terminated Due to Failure	Avg. Length of Stay (months)	Pre-Charge/Pre-Plea	Post-Plea/Pre-Sentence	Post-Plea/Condition of Sentence	Post-Sentence	Other
Juvenile Programs															
Iowa	Teen Court	1997	✓		1	1	309	278	•	•		✓			
Oneida	Oneida County Teen Court	2009	✓		15	150	80	65	15	2			✓		
Portage	Portage County Truancy Abatement Program	2009	✓	✓	20	18	46	34	7	4			✓		
Waukesha	Waukesha County Teen Court	2006	✓	✓	20	2,820	576	573	3	4	✓				
OWI - Alcohol Programs															
Dane	OWI Treatment Court	2011	✓	✓	40	12	•	•	•	12				✓	
Iowa	Underage Alcohol Possession or Consumption	1998			20	13	•	•	•	6 hours		✓			
Iowa	Alternatives to Incarceration -ATTIC	2009	✓	✓	20	13	102	89	23	4	✓				✓
Marathon	OWI Court Program	2011	✓	✓	25	11	0	0	0	0			✓		
Price	Price County Intensive Supervision Program	2009	✓	✓	21	26	9	9	2	4		✓			
Waukesha	Alcohol Treatment Court	2006	✓	✓	75	69	43	32	7	14			✓	✓	
Winnebago	Safe Streets Treatment Options Program	2006	✓	✓	150	143	106	84	22	12			✓		
Pre-Trial Programs															
Dane	DART - Day Report and Treatment Program	2007	✓	✓	8	2	110	56	50	3	✓				
Dane	The Dane County Day Report and Treatment Program	2007	✓	✓	24	3	110	56	•	6		✓			
Portage	Portage County Pre-Trial Supervision Program	2002	✓	✓	90	98	103	89	24	7	✓				
Other Programs															
Dane	Treatment Alternative Program (TAP)	1990	✓	✓	55	52	99	67	30	7				✓	
Dunn	Education Vocational Literacy	•	•	✓	•	•	•	•	•	•	✓	✓	✓	✓	✓
Eau Claire	STOP and Think	2009	✓	✓	15	15	34	28	2	2	✓	✓	✓	✓	
La Crosse	La Crosse County Chemical Health/ Justice Sanctions	1995	✓	✓	600	500	1,300	927	373	60	✓	✓	✓	✓	
Winnebago	Day Report Center	2008	✓	✓	60	58	178	133	0	4	✓				✓

Note: "•" Indicates a non-response to the survey item

Appendix F: Results of Survey of Programs Addressing Criminogenic Needs (Continued)

Program Personnel		Percent of Staff with Degrees/Qualifications										Staff Training			Program Manager Functions							
		# of Staff	2 Years With Experience				2 Years With Program	Training for New Employees	Annual Training for Current Employees	% of Staff Received Training	Program Manager's Degree	Designs Program	Modifies Program	Trains Personnel	Ensures Correct Operations	Supervises Case Managers	Carries Caseload	Other				
			Bachelor's	Master's	Ph.D.'s																	
County	Title																					
Adult Drug Courts																						
Ashland	Adult Drug Court	•							✓	✓	•	J.D.	✓	✓	✓	✓	✓	✓				
Burnett	Burnett County Drug and Alcohol Court	1	100%			100%	100%		✓	✓	100%	B.S.		✓				✓				
Chippewa	Chippewa County Drug Court	1	100%								•	•										
Dane	Dane County Drug Treatment Court	12	50%	16%		100%	82%	✓	✓	✓	100%	M.S.W	✓	✓	✓			✓				
Eau Claire	Eau Claire County Drug Court	7	43%	43%		14%	14%	✓	✓	✓	100%	B.S.	✓	✓	✓	✓	✓					
Iron	Veterans Drug Court	1						✓	✓	✓	0%	SGT.	✓									
Milwaukee	Milwaukee County Drug Treatment Court	1	100%	100%	100%	100%	100%	✓	✓	✓	100%	Ph.D., M.S.W.	✓		✓			✓				
Pierce	Pierce County Drug Court	10	80%	50%	30%	100%	80%	✓	✓	✓	90%	•	✓	✓								
Polk	Intensive Treatment group	1			100%	100%	100%	✓	✓	✓	100%	•	✓	✓	✓		✓					
Sawyer	First Step Drug Court	•	35%	14%	14%	98%	98%	✓	✓	✓	42%	•										
St. Croix	St. Croix County Drug Court	1	50%	25%	25%	100%	100%	✓	✓	✓	100%	B.S.W.	✓	✓	✓		✓					
Trempealeau	Trempealeau County OWI/Drug Court	•	100%	20%	20%	75%	75%	✓	✓	✓	100%	•										
Washburn	Washburn County Drug and Alcohol Program	2	100%	50%		100%	100%	✓	✓	✓	75%	B.S.	✓	✓	✓	✓	✓	✓				
Washburn	Washburn County Drug and Alcohol Court	1	100%			100%	100%				•	B.S.	✓	✓	✓	✓	✓					
Family Drug Courts																						
Eau Claire	Alternatives to Incarcerating Mothers - AIM Court	1	100%			100%		✓	✓	✓	100%	B.S.W.	✓	✓		✓	✓	✓				
Juvenile Drug Courts																						
Ashland	Ashland County Juvenile Drug Court	2	100%	50%		50%	50%	✓	✓	✓	100%	B.S.	✓	✓	✓		✓					
Ashland	Juvenile Drug Court							✓	✓	✓	•	•	✓	✓	✓	✓	✓	✓				
Problem Solving Courts																						
Bayfield	Bayfield County Criminal Justice Program	1		100%				✓	✓	✓	100%	B.S.	✓		✓		✓					
Dunn	Dunn County Diversion Court	1	100%	100%		100%	100%	✓	✓	✓	100%	M.S.	✓	✓	✓	✓	✓	✓				
Dunn	Breaking Barriers	1				100%	100%	✓	✓	✓	•	A.S.	✓	✓	✓							
Eau Claire	Eau Claire County Mental Health Court	1	100%			100%	100%	✓	✓	✓	100%	B.S.W.	✓	✓	✓			✓				
Eau Claire	Community Transition Center	7	28%	14%		14%		✓	✓	✓	100%	M.S.	✓	✓	✓	✓	✓	✓				
Washburn	Risk Reduction Treatment Court	1	100%			100%		✓	✓	✓	100%	•	✓	✓	✓	✓	✓	✓				
Wood	Life Changes	**						✓	✓		•	A.S.	✓	✓	✓	✓	✓	✓				
Wood	Windows to Work	1						•	✓	✓	100%	B.A.	✓	✓	✓	✓	✓	✓				

Note: "•" indicates a non-response to the survey item

** All volunteer staff

Appendix F: Results of Survey of Programs Addressing Criminogenic Needs (Continued)

County		Title	# of Staff	Percent of Staff with Degrees/Qualifications				Staff Training		Program Manager Functions								
				Bachelor's	Master's	Ph.D.'s	2 Years Experience	2 Years With Program	Training for New Employees	Annual Training for Current Employees	% of Staff Received Training	Program Manager's Degree	Designs Program	Modifies Program	Trains Personnel	Ensures Correct Operations	Supervises Case Managers	Carries Caseload
Juvenile Programs																		
Iowa	Teen Court	1				100%		✓		•	•	✓	✓	✓	✓			
Oreida	Oreida County Teen Court	1		100%				✓	✓	100%	M.S.	✓	✓	✓	✓	✓		✓
Portage	Portage County Tuency Abatement Program	3				67%	67%	✓	✓	100%	A.S.	✓	✓	✓	✓	✓	✓	✓
Waukesha	Waukesha County Teen Court	6	50%			50%	75%	✓	✓	25%	B.S.W.	✓	✓	✓	✓	✓		
OWI - Alcohol Programs																		
Dane	OWI Treatment Court	3	100%					✓	✓	100%	M.A.	✓			✓			
Iowa	Underage Alcohol Possession or Consumption	1				100%				•	B.S.W.							✓
Iowa	Alternatives to Incarceration - ATTIC	1		100%		100%		✓	✓	100%	M.A.	✓	✓	✓	✓	✓	✓	✓
Marathon	OWI Court Program	1	100%			100%		✓	✓	100%	B.S.W.	✓			✓			
Price	Price County Intensive Supervision Program	5	60%			40%	100%	✓	✓	100%	B.S.N.	✓	✓	✓	✓	✓	✓	
Waukesha	Alcohol Treatment Court	3	100%			67%	67%	✓	✓	100%	M.S.				✓			✓
Winnebago	Safe Streets Treatment Options Program	3	33%	67%				✓	✓	100%	M.S.W.	✓	✓	✓	✓	✓		✓
Pre-Trial Programs																		
Dane	DART - Day Report and Treatment Program	3	100%	100%		100%	33%			•	•							✓
Dane	The Dane County Day Report and Treatment Program	4	75%	25%		100%	25%	✓	✓	100%	M.S.W.	✓	✓	✓	✓	✓	✓	✓
Portage	Portage County Pre-Trial Supervision Program	5	66%	16%		100%	83%	✓	✓	83%	M.S.W.	✓	✓	✓	✓	✓	✓	✓
Other Programs																		
Dane	Treatment/Alternative Program (TAP)	10	60%	10%		100%	90%	✓	✓	100%	M.S.W.	✓	✓	✓	✓	✓		✓
Dunn	Education Vocational Literacy	1	100%	100%		100%	100%	✓	✓	100%	M.S.W.	✓	✓	✓	✓	✓	✓	✓
Eau Claire	STOP and Think	2	50%		50%			✓	✓	100%	B.S.W.	✓			✓	✓	✓	
La Crosse	La Crosse County Chemical Health/Justice Sanctions	24	50%	25%		75%	75%	✓	✓	100%	M.S.W.	✓	✓	✓	✓	✓	✓	✓
Winnebago	Day Report Center	4	100%	25%		100%	75%	✓	✓	100%	B.A.	✓	✓	✓	✓	✓	✓	✓

Note: "•" indicates a non-response to the survey item

Appendix F: Results of Survey of Programs Addressing Criminogenic Needs (Continued)

Program Assessments: Principle 1 - Assess Actuarial Risk/Needs/Responsivity

		Criminogenic Risk Assessment				Criminogenic Needs Assessment				Responsivity		
County	Title	Screening?	Risk?	Before Admission?	Before		Before		Instrument(s)	Responsivity?	Before Admission?	Instrument(s)
					Instrument(s)	% High Risk	Needs?	Admission?				
Adult Drug Courts												
Ashland	Adult Drug Court	✓	✓	✓	•	•	•	✓	•	✓	•	•
Burnett	Burnett County Drug and Alcohol Court	✓	✓	✓	LSI-R	100%	0%	✓	LSI-R	✓	✓	SOCRATES
Chippewa	Chippewa County Drug Court											
Dane	Dane County Drug Treatment Court	✓	✓	✓	COMPAS; LSI-R; Partner Abuse Scale	0%	72%	✓	COMPAS; LSI-R; Partner Abuse Scale; TCU Alcohol and Drug Screen; Socrates; Beck Depression Inventory	✓	✓	SOCRATES
Eau Claire	Eau Claire County Drug Court	✓	✓	✓	COMPAS; PROXY	100%	0%	✓	COMPAS; AODA	✓		URICA
Iron	Veterans Drug Court											
Milwaukee	Milwaukee County Drug Treatment Court	✓	✓	✓	LSI-R	50%	5%	✓	LSI-R	✓	✓	SOCRATES
Pierce	Pierce County Drug Court	✓	✓	✓	COMPAS	85%	15%	✓	COMPAS	✓	✓	Other
Polk	Intensive Treatment group	✓	✓	✓	COMPAS	35%	65%	✓	COMPAS	✓		URICA
Sawyer	First Step Drug Court	✓	✓	✓	WRN	100%	•	✓	WRN	✓		
St. Croix	St. Croix County Drug Court	✓	✓	✓	COMPAS	85%	0%	✓	COMPAS	✓	✓	•
Trempealeau	Trempealeau County OWI/Drug Court	✓										
Washington	Washington County Drug and Alcohol Program	✓	✓	✓	LSI-R	50%	50%	✓	LSI-R			
Washington	Washington County Drug and Alcohol Court	✓	✓	✓	COMPAS; LSI-R	50%	50%	✓	COMPAS			
Family Drug Courts												
Eau Claire	Alternatives to Incarcerating Mothers - AIM Court	✓	✓	✓	COMPAS	100%	•	✓	COMPAS	✓	✓	URICA
Juvenile Drug Courts												
Ashland	Ashland County Juvenile Drug Court	✓	✓	✓	GAIN	86%	14%	✓	GAIN	✓	✓	GAIN
Ashland	Juvenile Drug Court	✓										
Problem Solving Courts												
Bayfield	Bayfield County Criminal Justice Program		✓		LS-CMI	50%	50%	✓	LS-CMI	✓		LS-CMI
Dunn	Dunn County Diversion Court	✓	✓	✓	LSI-R; LS-CMI; PROXY	80%	20%	✓	LSI-R; LS-CMI; AODA; GAIN Assessment	✓		Other
Dunn	Breaking Barriers									✓	✓	•
Eau Claire	Eau Claire County Mental Health Court	✓	✓	✓	COMPAS	80%	20%	✓	COMPAS	✓	✓	Other
Eau Claire	Community Transition Center	✓	✓	✓	COMPAS	90%	0%	✓	COMPAS	✓	✓	Urica
Washington	Risk Reduction Treatment Court	✓	✓	✓	COMPAS	75%	10%	✓	COMPAS	✓	✓	Other
Wood	Life Changes		•	•	•	•	•	•	•	•	•	•
Wood	Windows to Work	✓	✓	✓	Other	100%	0%					

Note: "•" indicates a non-response to the survey item

Appendix F: Results of Survey of Programs Addressing Criminogenic Needs (Continued)

County	Title	Screening?	Criminogenic Risk Assessment			Criminogenic Needs Assessment			Responsivity			
			Risk?	Before Admission?	Instrument(s)	% High Risk	% Low Risk	Needs?	Before Admission?	Instrument(s)	Before Admission?	Responsivity
Juvenile Programs												
Iowa	Teen Court		•	•	•	•	•	•	•	•	•	•
Oneida	Oneida County Teen Court					15%	35%					
Portage	Portage County Truancy Abatement Program		•	•	•	•	•	•	•	•	•	•
Waukesha	Waukesha County Teen Court	✓	✓	✓	WRN	0%	90%	✓	✓	WRN	✓	Clinical Assessment
OWI - Alcohol Programs												
Dane	OWI Treatment Court	✓										
Iowa	Underage Alcohol Possession or Consumption		•	•	•	•	•	•	•	•	•	•
Iowa	Alternatives to Incarceration - ATTIC	✓	✓	✓	COMPAS; LSI-R; LS-CMI	25%	75%	✓	✓	LSI-R; LS-CMI	✓	URICA
Marathon	OWI Court Program	✓	✓	✓	LS-CMI; PROXY	100%	0%	✓	✓	ASUS; LS-CMI; ASI; Accucare; WI UPC	✓	URICA
Price	Price County Intensive Supervision Program											
Waukesha	Alcohol Treatment Court	✓	✓	✓	WRN	100%	0%	✓	✓	AODA; WRN		
Winnebago	SafeStreets Treatment Options Program											
Pre-Trial Programs												
Dane	DART - Day Report and Treatment Program	✓	✓	✓	LSI-R; SOCRATES; Beck Depression Inventory; TCU Drug Screen Score; DSM-IV	34%	14%					
Dane	The Dane County Day Report and Treatment Program	✓	✓	✓	LSI-R	66%	33%	✓	✓	LSI-R	✓	SOCRATES
Portage	Portage County Pre-Trial Supervision Program	✓	✓		COMPAS; LS-CMI; PROXY; Strand; Urica; ASDS-R	•	•	✓	✓	COMPAS; ASUS; LS-CMI; Strand; DMSI-R	✓	URICA
Other Programs												
Dane	Treatment Alternative Program (TAP)	✓	✓	✓	LSI-R	40%	42%	✓	✓	LSI-R	✓	SOCRATES
Dunn	Education Vocational Literacy	•										
Eau Claire	STOP and Think	✓	✓	✓	COMPAS; PROXY	75%	25%	✓	✓	COMPAS	✓	URICA
La Crosse	La Crosse County Chemical Health/Justice Sanctions	✓	✓	✓	LSI-R; PROXY; SABA	44%	66%	✓	✓	LSI-R; AODA	✓	URICA
Winnebago	Day Report Center	✓	✓		Other	5%	95%	✓	✓	AODA; Agency-created	✓	Agency-created

Note: "•" Indicates a non-response to the survey item

Appendix F: Results of Survey of Programs Addressing Criminogenic Needs (Continued)

Program Assessments: Principles 2 - 4 and 6 - 8

County	Title	Principle 2 - Enhance Intrinsic Motivation	Principle 3 - Target Interventions	Principle 4 - Skill Train with Directed Practice		Principle 6 - Engage Ongoing Support in Natural Communities	Principle 7 - Measure Relevant Processes / Practices				Principle 8 - Provide Measurement Feedback					
		Motivational Techniques?	Percent of Structured Time for High Risk	Cognitive Behavioral Therapy?	Criminal Errors Addressed?	Behaviors to Overcome Error?	Cases That Use Family Members for Positive Reinforcement	Automated Database?	Recidivism?	% Successful Completions?	Offender Outcome Data Relined			External Evaluation?	Process?	Impact? Benefit?
											% Failure to Abuse?	Substance Abuse?	Employment? Education? Other?			
Adult Drug Courts																
Ashland	Adult Drug Court	•	•	✓	✓	✓	None	✓	✓	✓	✓	✓	✓	✓	✓	✓
Burnett	Burnett County Drug and Alcohol Court	✓	> 70%	✓	✓	✓	Some	✓	✓	✓	✓	✓	✓	✓	✓	✓
Chippewa	Chippewa County Drug Court	•	•	•	✓	✓	None	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dane	Dane County Drug Treatment Court	✓	> 70%	✓	✓	✓	Half	✓	✓	✓	✓	✓	✓	✓	✓	✓
Eau Claire	Eau Claire County Drug Court	✓	40 to 70%	✓	✓	✓	Most	✓	✓	✓	✓	✓	✓	✓	✓	✓
Iron	Veterans Drug Court	✓	< 40%	✓	✓	✓	Most	✓	✓	✓	✓	✓	✓	✓	✓	✓
Milwaukee	Milwaukee County Drug Treatment Court	✓	> 70%	✓	✓	✓	Some	✓	✓	✓	✓	✓	✓	✓	✓	✓
Pierce	Pierce County Drug Court	✓	> 70%	✓	✓	✓	All	✓	✓	✓	✓	✓	✓	✓	✓	✓
Polk	Intensive Treatment group	✓	> 70%	✓	✓	✓	All	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sawyer	First Step Drug Court	✓	> 70%	✓	✓	✓	Some	✓	✓	✓	✓	✓	✓	✓	✓	✓
St. Croix	St. Croix County Drug Court	✓	40 to 70%	✓	✓	✓	All	✓	✓	✓	✓	✓	✓	✓	✓	✓
Trempealeau	Trempealeau County DWI/Drug Court	✓	> 70%	✓	✓	✓	Most	✓	✓	✓	✓	✓	✓	✓	✓	✓
Washburn	Washburn County Drug and Alcohol Program	✓	> 70%	✓	✓	✓	Most	✓	✓	✓	✓	✓	✓	✓	✓	✓
Washburn	Washburn County Drug and Alcohol Court	✓	40 to 70%	✓	✓	✓	Some	✓	✓	✓	✓	✓	✓	✓	✓	✓
Family Drug Courts																
Eau Claire	Alternatives to Incarcerating Mothers - AIM Court	✓	40 to 70%	✓	✓	✓	All	✓	✓	✓	✓	✓	✓	✓	✓	✓
Juvenile Drug Courts																
Ashland	Ashland County Juvenile Drug Court	✓	< 40%	✓	✓	✓	All	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ashland	Juvenile Drug Court	•	•	•	•	•	•	✓	✓	✓	✓	✓	✓	•	•	•
Problem Solving Courts																
Bayfield	Bayfield County Criminal Justice Program	✓	< 40%	✓	✓	✓	•	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dunn	Dunn County Diversion Court	✓	> 70%	✓	✓	✓	Some	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dunn	Breaking Barriers	✓	•	✓	✓	✓	None	✓	✓	✓	✓	✓	✓	✓	✓	✓
Eau Claire	Eau Claire County Mental Health Court	✓	40 to 70%	✓	✓	✓	Most	✓	✓	✓	✓	✓	✓	✓	✓	✓
Eau Claire	Community Transition Center	✓	40 to 70%	✓	✓	✓	Some	✓	✓	✓	✓	✓	✓	✓	✓	✓
Washburn	Risk Reduction Treatment Court	✓	> 70%	✓	✓	✓	Some	✓	✓	✓	✓	✓	✓	✓	✓	✓
Wood	Life Changes	•	< 40%	✓	✓	✓	Most	✓	✓	✓	✓	✓	✓	✓	✓	✓
Wood	Windows to Work	✓	> 70%	✓	✓	✓	None	✓	✓	✓	✓	✓	✓	✓	✓	✓

Note: "•" indicates a non-response to the survey item

Appendix F: Results of Survey of Programs Addressing Criminogenic Needs (Continued)

County	Title	Principle 2 - Enhance Intrinsic Motivation	Principle 3 - Target Interventions	Principle 4 - Skill Train with Directed Practice		Principle 6 - Engage Ongoing Support in Natural Communities	Principle 7 - Measure Relevant Processes/Practices				Principle 8 - Provide Measurement Feedback						
		Motivational Techniques?	Percent of Structured Time for High Risk	Cognitive Behavioral Therapy?	Criminal Errors Addressed?	Behaviors to Overcome Errors?	Cases That Use Family Members for Positive Reinforcement	Automated Database?	Recidivism?	Offender Outcome Data Retained			External Evaluation?	Type of Evaluation			
										% Successful Completions?	% Failure to Complete?	Substance Abuse?		Employment?	Education?	Other?	Process?
Juvenile Programs																	
Iowa	Teen Court	•	•	•	✓	Some		✓	✓				✓			✓	
Oneida	Oneida County Teen Court		<40%	✓	✓	Most		✓	✓								
Portage	Portage County Truancy Abatement Program	•	>70%			Some		✓	✓	✓	✓	✓	✓	✓			
Waukesha	Waukesha County Teen Court	✓	<40%		✓	Most		✓	✓								
OWI - Alcohol Programs																	
Dane	OWI Treatment Court	✓	<40%	✓	✓	Some		✓	✓	✓	✓	✓	✓				
Iowa	Underage Alcohol Possession or Consumption	•	•	•	•	Some											
Iowa	Alternatives to Incarceration - ATTIC	✓	40 to 70%	✓	✓	•		✓	✓	✓	✓	✓	✓	✓			
Marathon	OWI Court Program	✓	>70%	✓	✓	Most		✓	✓	✓	✓	✓	✓	✓			
Price	Price County Intensive Supervision Program	✓	<40%	✓	✓	Most		✓	✓	✓	✓	✓	✓	✓	✓	✓	
Waukesha	Alcohol Treatment Court	✓	>70%	✓	✓	All		✓	✓	✓	✓	✓	✓	✓	✓	✓	
Winnebago	Safe Streets Treatment Options Program	✓	<40%	✓	✓	Some		✓	✓	✓	✓	✓	✓	✓	✓	✓	
Pre-Trial Programs																	
Dane	DAFT - Day Report and Treatment Program	✓	>70%	✓	✓	Most		✓	✓	✓	✓	✓	✓	✓	✓	✓	
Dane	The Dane County Day Report and Treatment Program	✓	>70%	✓	✓	Some		✓	✓	✓	✓	✓	✓	✓			
Portage	Portage County Pre-Trial Supervision Program	✓	<40%	✓	✓	Some		✓	✓	✓	✓	✓	✓	✓			
Other Programs																	
Dane	Treatment Alternative Program (TAP)	✓	>70%	✓	✓	Some		✓	✓	✓	✓	✓	✓	✓			
Dunn	Education Vocational Literacy	•	<40%			None		✓	✓								
Eau Claire	STOP and Think	✓	<40%	✓	✓	None		✓	✓					✓			
La Crosse	La Crosse County Chemical Health/Justice Sanction	✓	<40%	✓	✓	Some		✓	✓	✓	✓	✓	✓	✓	✓	✓	
Winnebago	Day Report Center	✓	>70%	✓	✓	Some		✓	✓	✓	✓	✓	✓	✓			

Note: "•" indicates a non-response to this survey item

Appendix F: Results of Survey of Programs Addressing Criminogenic Needs (Continued)

Program Assessments: Principle 5 - Increase Positive Reinforcement

County	Title	Sanctions for Non-Compliance?	Sanctions Used					Incentives Used					Ratio Incentives to Sanctions	Ratio Based on Data?	
			Jail?	Increase Treatment?	Essay Writing?	Verbal Reprimand?	Increase Drug Tests?	Community Service?	Verbal Praise?	Decreased Treatment?	Reduced Court Time?	Drug Testing?			Tangible Incentives?
Adult Drug Courts															
Ashland	Adult Drug Court	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	•	•
Burnett	Burnett County Drug and Alcohol Court	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Unknown	Unknown
Chippewa	Chippewa County Drug Court	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	1:2	1:2
Dane	Dane County Drug Treatment Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	Unknown	Unknown
Eau Claire	Eau Claire County Drug Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	4:1	4:1
Iron	Veterans Drug Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	3:2	3:2
Milwaukee	Milwaukee County Drug Treatment Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	1:1	1:1
Pierce	Pierce County Drug Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	3:2	3:2
Polk	Intensive Treatment group	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	Unknown	Unknown
Sawyer	First Step Drug Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	5:1	5:1
St. Croix	St. Croix County Drug Court	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	4:1	4:1
Trempealeau	Trempealeau County OWI/Drug Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	5:1	5:1
Washburn	Washburn County Drug and Alcohol Program	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	10:1	10:1
Washburn	Washburn County Drug and Alcohol Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	1:1	1:1
Family Drug Courts															
Eau Claire	Alternatives to Incarcerating Mothers - AIM Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	4:1	4:1
Juvenile Drug Courts															
Ashland	Ashland County Juvenile Drug Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	3:2	3:2
Ashland	Juvenile Drug Court	•							•					•	•
Problem Solving Courts															
Bayfield	Bayfield County Criminal Justice Program								•	✓		✓		5:1	5:1
Dunn	Dunn County Diversion Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	3:2	3:2
Dunn	Breaking Barriers								•					•	•
Eau Claire	Eau Claire County Mental Health Court	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	3:1	3:1
Eau Claire	Community Transition Center	✓	✓	✓	✓		✓	✓	•	✓	✓	✓	✓	NA	NA
Washburn	Risk Reduction Treatment Court	✓	✓	✓	✓	✓	✓	✓	•	✓	✓	✓	✓	1:1	1:1
Wood	Life Changes								•	✓	✓	✓	✓	NA	NA
Wood	Windows to Work	✓							•	✓				Unknown	Unknown

Note: "•" indicates a non-response to the survey item

Appendix F: Results of Survey of Programs Addressing Criminogenic Needs (Continued)

County	Title	Sanctions for Non-Compliance?	Sanctions Used					Incentives Used					Ratio Incentives to Based on Sanctions	Ratio Data?	
			Jail?	Increase Treatment?	Increase Court Time?	Essay Writing?	Verbal Reprimand?	Verbal Praise?	Decreased Treatment?	Decreased Court Time?	Reduced Drug Testing?	Tangible Incentives?			Other?
Juvenile Programs															
Iowa	Teen Court	✓		✓	✓	✓	✓			✓		✓	NA	•	
Oneida	Oneida County Teen Court	✓			✓			✓		✓		✓	0:0		
Portage	Portage County Truancy Abatement Program	✓		✓	✓	✓	✓	✓	✓	✓		✓	Unknown		
Waukesha	Waukesha County Teen Court							✓		✓		✓	4:1		
OWI - Alcohol Programs															
Dane	OWI Treatment Court	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	7:3	•	
Iowa	Underage Alcohol Possession or Consumption	✓													
Iowa	Alternatives to Incarceration - ATTIC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NA		
Marathon	OWI Court Program	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	9:1		
Price	Price County Intensive Supervision Program	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Unknown		
Waukesha	Alcohol Treatment Court	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	4:1		
Winnebago	Safe Streets Treatment Options Program												•	•	
Pre-Trial Programs															
Dane	DART - Day Report and Treatment Program	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Unknown		
Dane	The Dane County Day Report and Treatment Program	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Unknown		
Portage	Portage County Pre-Trial Supervision Program	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	1:1		
Other Programs															
Dane	Treatment Alternative Program (TAP)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Unknown	•	
Dunn	Education Vocational Literacy							✓					•	•	
Eau Claire	STOP and Think							✓					NA	•	
La Crosse	La Crosse County Chemical Health/Justice Sanctions	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Unknown		
Winnebago	Day Report Center	✓						✓				✓	Unknown		

Note: "•" indicates a non-response to the survey item

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs

Wisconsin Evidence-Based Program Survey

Your program has been identified as an Evidence-Based program potentially worthy of replication in other jurisdictions. Please supply the requested information about you and your program or problem-solving court (PSC).

Program Description

Title of your program:

Street address of your program:

Phone number for your program (enter as xxx-xxx-xxxx):

Category label that best describes your program:

Problem-solving court

- ☐ adult drug court
- ☐ juvenile drug court
- ☐ family drug court
- ☐ tribal drug court
- ☐ reentry
- ☐ veterans
- ☐ mental health
- ☐ Domestic Violence
- ☐ Other type of Problem-solving Court; Please specify: _____

Categories other than Problem-solving court:

- ☐ OWI intensive supervision
- ☐ OAR driver reinstatement
- ☐ AODA assessment and treatment
- ☐ Pre-trial Service Programs
- ☐ Day Reporting Centers
- ☐ Mentoring (VIP)
- ☐ Diversion Program (DPA or other)
- ☐ Mental Health Programs
- ☐ Cognitive Behavior Programs
- ☐ Educational Programs (e.g. literacy, employment, independent living)
- ☐ Youth Programs (e.g., parenting, underage drinking, truancy). Please specify: _____
- ☐ Other type of program; Please specify: _____

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

For any of the Programs you selected above, please indicate whether they are in-patient, out-patient, or both:

	In-Patient	Out-Patient	Both
OWI intensive supervision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
OAR driver reinstatement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
AODA assessment and treatment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pre-trial Service Programs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Day Reporting Centers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mentoring (VIP)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Diversion Program (DPA or other)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mental Health Programs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cognitive Behavior Programs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Educational Programs (e.g. literacy, employment, independent living)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Youth Programs (e.g. parenting, underage drinking, truancy). Please specify: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other type of program; Please specify: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Information about person responding to this survey: Are you the program manager?

- ☐ Yes
☐ No

Name: _____

Job title: _____

e-mail address: _____

Phone number: _____

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

When did your program admit its first participant?

Month (please enter as a number 1 - 12): _____

Year (please enter as XXXX): _____

What is the capacity of your program, (i.e, What is the maximum number of clients that your program is designed to serve at a single time (the entire program capacity))?

How many participants does your program serve as of today's date?

Please answer the following questions using data from Calendar Year (CY) 2010.

How many participants exited your program?

How many of those who exited successfully completed the program requirements?

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

How many of those who exited were terminated from your program for failure to comply with program requirements?

What was the average length-of-stay in months that a participant who exited in CY 2010 spent in your program (measured from admission or acceptance to exit)?

How often is your program in session?

- ☐ Daily
- ☐ More than once a week but less than daily
- ☐ Weekly
- ☐ More than once a month but less than weekly
- ☐ Monthly
- ☐ Other: _____

Has a mission statement and/or goals and objectives been articulated for your program?

- ☐ Yes
- ☐ No

Please list mission statement and/or goals and objectives below:

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

At what point(s) in the justice system process are participants admitted into your program/court?
Please check all that apply:

- ☐ Pre-charge
- ☐ Pre-plea
- ☐ Post-plea/pre-sentence
- ☐ Post-plea/condition of sentence
- ☐ Post-conviction/pre-sentence
- ☐ Post-sentence, Post-release
- ☐ Other; Please specify: _____

Does your program/court have an active oversight/advisory group? (If your program/court has/had one but it has not met within the past 12 months, select No.)

- ☐ Yes
- ☐ No

Information about the program manager:

Name: _____

Job title: _____

Professional affiliation (e.g., probation officer): _____

E-mail address: _____

Phone number: _____

Program Personnel

What degrees and professional certifications has the Program Manager earned?

--

How long has the program manager served in this capacity?

- ☐ Less than six months
- ☐ Six months to one year
- ☐ One to Two years
- ☐ More than two years

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

What function does the program manager have in the operation of the program, currently and historically? Check all that apply:

- ☐ Set up or designed the program
- ☐ Modified an existing program
- ☐ Trains personnel
- ☐ Ensures that program is operating in accordance with accepted evidence-based practices
- ☐ Supervises case managers
- ☐ Carries a small caseload
- ☐ Other; Please specify: _____

How many staff does your program employ?

What are staff personnel's qualifications? Please fill in the following:

Percent with Bachelor's degree _____

Percent with Master's degree _____

Percent with Ph.D. degree _____

Percent with at least 2 years prior experience working with offenders _____

Percent that have been with the program for at least two years _____

Does your program provide formal training about the program and its objectives to every new team member?

- ☐ Yes
- ☐ No

Are staff members provided opportunities for professional training on an annual basis?

- ☐ Yes
- ☐ No

What percent of your staff received professional training during the last year?

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)**Referral**

Who refers potential participants to your program? Please check all that apply:

- ☐ Courts
- ☐ Prosecutors
- ☐ Defense bar
- ☐ Probation
- ☐ Police
- ☐ Self-referrals
- ☐ Families of potential participants
- ☐ Other; Please specify: _____

Does your program use a validated screening instrument to identify appropriate candidates for admission to your program?

- ☐ Yes
- ☐ No

What is the average amount of time from referral to admission for your program (please specify the number of months)?

--

Assessment

Does your program conduct formal assessments of offenders?

- ☐ Yes
- ☐ No

Does your program use assessment information about the offender that is supplied by another agency or program?

- ☐ Yes
- ☐ No

What offender behaviors are assessed? Please check all that apply:

- ☐ Criminogenic risk
- ☐ Criminogenic needs
- ☐ Responsivity
- ☐ Addiction or substance dependence
- ☐ Mental health status

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

When do the assessments occur, before or after admission to your program? Please check one for each type of assessment:

	Before Admission	After Admission
Type of Assessment		
Criminogenic Risk	<input type="radio"/>	<input type="radio"/>
Criminogenic Needs	<input type="radio"/>	<input type="radio"/>
Responsivity	<input type="radio"/>	<input type="radio"/>
Addiction or substance dependence	<input type="radio"/>	<input type="radio"/>
Mental health status	<input type="radio"/>	<input type="radio"/>

Are personnel formally trained to conduct the assessment interview?

- ☐ Yes
☐ No

What assurances are in place to determine that assessments are done appropriately? Please check all that apply:

- ☐ Supervisor periodically reviews assessments
☐ Other staff periodically assess same offender and compare results
☐ External agency or firm reviews assessments periodically
☐ Other; Please specify: _____

Does your staff use Motivational Interviewing techniques during the assessment process?

- ☐ Yes
☐ No

Which of the following instruments do you use to measure criminogenic risk? Please check all that apply:

- ☐ COMPAS
☐ LSI-R
☐ LS-CMI
☐ PROXY
☐ SARA
☐ Wisconsin Risk/Needs (WRN)
☐ Other; Please Specify: _____

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

How is the risk assessment information used? Please check all that apply:

- ☐ To determine whether the offender should be admitted to the program
- ☐ To determine the offender's level of supervision
- ☐ Other; Please specify: _____

Please indicate the extent of your agreement with the following proposition. Professional judgment should always override objective risk assessments:

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

What percent of your current population are classified as:

High risk? _____

Low risk? _____

Which of the following instruments do you use to measure criminogenic needs? Please check all that apply:

- ☐ COMPAS
- ☐ LSI-R
- ☐ ASUS
- ☐ LS-CMI
- ☐ ASI
- ☐ ASAM
- ☐ AODA
- ☐ Wisconsin Risk/Needs (WRN)
- ☐ Other; Please specify: _____

How is the needs assessment information used? Please check all that apply:

- ☐ To determine whether the offender should be admitted to the program
- ☐ To determine the offender's level of supervision
- ☐ To identify appropriate services/treatment programs for the offender
- ☐ To determine the intensity of services/treatment programs
- ☐ To prioritize the criminogenic needs based on the level of need indicated
- ☐ Other; Please specify: _____

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

Please indicate the extent of your agreement with the following proposition: Professional judgment should always override objective needs assessments:

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

Which of the following instruments do you use to measure offender responsivity? Please check all that apply:

- ☐ URICA
- ☐ SOCRATES
- ☐ Other; Please specify: _____

How is the responsivity information used? Please check all that apply:

- ☐ To determine whether the offender should be admitted to the program
- ☐ To determine the offender's level of supervision
- ☐ To identify appropriate services/treatment programs for the offender
- ☐ To determine the intensity of services/treatment programs
- ☐ To identify an appropriate teaching/counseling approach for the offender
- ☐ To identify an appropriate case manager/counselor/treatment agent
- ☐ Other; Please specify: _____

Please indicate the extent of your agreement with the following proposition (please check one): Professional judgment should always override objective responsivity assessments:

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

Please indicate the extent of your agreement with the following proposition (please check one): Offender temperament, learning style, motivation, culture, and gender should be considered when developing case management and treatment plans.

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

Comment (if you desire to clarify your response):

Program Operations

To what extent do case management/treatment plans structure high risk offenders' time for the first 3 to 9 months of participation?

- ☐ Less than 40%
- ☐ 40-70%
- ☐ More than 70%

Does your program maintain a schedule of sanctions for noncompliance?

- ☐ Yes
- ☐ No

What types of sanctions are used? Check all that apply:

- ☐ Jail
- ☐ Increased treatment requirements
- ☐ Increase number of court appearances
- ☐ Essay writing
- ☐ Verbal reprimand
- ☐ Increase number of weekly drug tests
- ☐ Other; Please specify: _____

What types of incentives are used? Check all that apply:

- ☐ Verbal praise
- ☐ Decreased treatment requirements
- ☐ Decreased number of court appearances
- ☐ Reduce number of weekly drug tests
- ☐ Tangible incentives (e.g., movie passes, tokens, gift cards, etc.)
- ☐ Other; Please specify: _____

What is the ratio of incentives to sanctions?

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

Is this ratio...

- ☐ Based on actual data?
- ☐ An estimate?

Does your program incorporate the principles of Cognitive Behavioral Therapy?

- ☐ Yes
- ☐ No

Are criminal thinking errors identified and addressed?

- ☐ Yes
- ☐ No

Are participants given the opportunity to practice new behaviors designed to overcome criminal thinking errors?

- ☐ Yes
- ☐ No

In how many cases does the program actively recruit and use family members, spouses, and supportive others in the offender's immediate environment to positively reinforce desired new behaviors?

- ☐ All cases
- ☐ Most cases
- ☐ About half of the cases
- ☐ Some cases
- ☐ None of the cases

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

Services Offered

Please identify which of these services are offered by your program. Please check all that apply:

- ☐ A. OFFENDER/VICTIM SERVICES:
 - ☐ Batterer program
 - ☐ Anger management
 - ☐ Prostitution program
 - ☐ Victim-defendant mediation
 - ☐ Other offender/victim services: _____
- ☐ B. COUNSELING OR TREATMENT SERVICES:
 - ☐ Treatment readiness program
 - ☐ Individual counseling
 - ☐ Emergency psychiatric services (crisis stabilization)
 - ☐ Inpatient mental health treatment
 - ☐ Outpatient mental health treatment
 - ☐ Substance abuse treatment – less than 90 days
 - ☐ Substance abuse treatment – 90 days or more
 - ☐ Integrated substance abuse and mental health treatment
 - ☐ Medication (e.g., methadone, buprenorphin) as a treatment strategy
 - ☐ Cognitive behavioral therapy
 - ☐ Other counseling/treatment services: _____
- ☐ C. ADJUNCT or ANCILLARY SERVICES:
 - ☐ Employment readiness program
 - ☐ Health education
 - ☐ Decision-making
 - ☐ Life skills
 - ☐ GED-related class
 - ☐ Financial counseling services
 - ☐ Assistance in locating housing
 - ☐ Assistance in financing housing
 - ☐ Assistance in accessing benefits (e.g., Medicaid, SSI, SSDI, veterans)
 - ☐ Transportation (e.g., bus fare, rides to program-related appointments)
 - ☐ Child care during program appointments
 - ☐ Supported employment
 - ☐ Court sponsored “alumni” groups
 - ☐ Civil (legal) services assistance
 - ☐ Other supportive services: _____

OTHER SERVICES. Please specify:

Appendix G: Wisconsin Survey of Programs on Addressing Criminogenic Needs (Continued)

Data and Evaluation

Does your program record data on participants in an automated database?

- ☐ Yes
☐ No

For which of the following offender outcomes does your program retain data? Please check all that apply:

- ☐ Recidivism
☐ Percentage of participants that successfully complete program requirements
☐ Percentage of participants that are terminated from the program for failure to comply
☐ Substance abuse
☐ Employment
☐ Education
☐ Other outcomes; Please specify _____

Has your program ever been formally evaluated by an external party?

- ☐ Yes
☐ No

What type of evaluation was conducted? Please check all that apply:

- ☐ Process
☐ Outcome/ Impact
☐ Cost Benefit

Appendix H: Partial Draft of Proposed Problem Court Standards – Developed by the National Problem-solving Court Coordinator’s Network (4/01/2011)

The draft standards were reformatted for inclusion in this report. The draft of this initial standard provides an example of how the national coordinator’s network is developing proposed drug court standards. This could serve as a model for standards should the state of Wisconsin wish to develop them.

BEST PRACTICE STANDARDS FOR ADULT DRUG COURTS

I. Target Population. The appropriate target population is identified and admitted into the Drug Court using evidence-based assessment procedures.

A. Objective eligibility and exclusion criteria. Eligibility and exclusion criteria for the Drug Court are objectively measurable, specified in writing, and communicated to a wide audience of potential referral sources, including the police, defense attorneys, prosecutors, treatment professionals, and correctional officials.

B. Suitability determinations. The Drug Court team does not apply subjective criteria or personal impressions to determine suitability for the program. Suitability is based on objectively measurable factors that are proven to predict success in the program, including current charges, criminal history, clinical diagnosis, and standardized risk assessment scores.

C. Criminal history disqualifications. The determination of current or prior offenses that disqualify individuals from participation in Drug Court is based on empirical evidence indicating which offenders can be safely and effectively managed in Drug Courts.

D. Target population. The Drug Court preferentially targets participants who (1) meet diagnostic criteria for dependence on illicit drugs or alcohol, and (2) are at high risk for failure in less intensive community-based dispositions (referred to as high criminogenic risk or high prognostic risk).

E. Assessment procedures. Potential participants are evaluated prior to entry using a standardized risk assessment tool and clinical diagnostic tool. The risk tool has been empirically validated against the likelihood of criminal recidivism or failure on supervision, and is equivalently predictive for racial, ethnic and gender sub-groups represented in the Drug Court population. The clinical diagnostic tool evaluates the criteria for substance dependence contained in the most current edition of the *Diagnostic and Statistical Manual of Mental Disorders* (American Psychiatric Association, 2000). Evaluators are appropriately trained and demonstrably proficient in the administration of the assessment tools.

SUPPORTING EVIDENCE:

A substantial body of research indicates which offenders are most in need of the full array of services embodied in the 10 Key Components of Drug Courts (NADCP, 1997). These are the offenders who (1) are dependent on illicit drugs or alcohol, and (2) have other negative risk factors for failure in less intensive rehabilitation programs. Drug Courts that focus their efforts on these individuals — commonly referred to as *high risk / high need* offenders — reduce crime approximately twice as much as those serving less serious offenders (Lowenkamp et al., 2005; Fielding et al., 2002), and return approximately fifty percent greater cost-benefits to their communities (Bhati et al., 2008). This finding has important implications for determining eligible offenses for Drug Court. Drug Courts that serve addicted individuals charged with drug-driven crimes, such as theft and property crimes, yield nearly twice the cost savings as those serving

Appendix H: Partial Draft of Proposed Problem Court Standards – Developed by the National Problem-solving court Coordinator’s Network (4/01/2011) (Continued)

only drug possession offenders (Carey et al., 2008). There also appears to be little empirical justification for excluding drug dealers (Marlowe et al., 2008) or offenders with violence histories from participation in Drug Court (Carey et al., 2008; Saum & Hiller, 2008; Saum et al., 2001), assuming the offenders are dependent on illicit drugs or alcohol and otherwise eligible for a community-based disposition. Unfortunately, many Drug Courts have not heeded these lessons and may not be achieving adequate cost-benefits for taxpayers. A cost-related meta-analysis found that although 85% of Drug Courts reduced crime, in over two-thirds of the cases the average cost savings were less than \$1,000 per Appendix G: Draft (4/01/2011) of Proposed Problem Court Standards – Developed by the National Problem-solving Court Coordinator’s Network (Continued) participant (Downey & Roman, 2010).

This is because many of the Drug Courts were off-setting mostly low-level crimes—i.e., petty theft, drug possession, trespassing and traffic offenses—which typically do not incur high victimization or Incarceration costs for society. Taking into account the relatively higher up-front investment costs of Drug Courts as compared to probation or other community dispositions, only about 14% of the Drug Courts were found to have produced significant net cost-benefits for their communities (Downey & Roman, 2010). For a number of reasons, it may not always be possible for Drug Courts to target only high risk and high need participants. For example, to gain the buy-in of local prosecutors or other stakeholders, it may be necessary for some Drug Courts to begin by treating less serious offenders, and to expand their admissions criteria once they have proven their safety and effectiveness. Under such circumstances, research suggests the program should modify its curriculum to provide a lesser intensity of supervision and/or treatment for those individuals. Evidence-based suggestions for adapting Drug Court regimens in this manner are described in a publication from the National Drug Court Institute, entitled *Alternative Tracks in Drug Courts*. Some Drug Courts screen potential participants for suitability based on the team’s subjective impressions of the offenders’ motivation for change or preparedness for treatment. Research indicates such suitability determinations have no impact on improving Drug Court graduation rates or reducing post program recidivism (Carey & Perkins, 2008). Given that such practices might exclude certain groups of individuals for reasons that may be empirically invalid or constitutionally impermissible, these practices should ordinarily be avoided except under well-justified circumstances.

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