

## **Criminal Justice Innovations in Wisconsin**

A Preliminary Report

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### **Introduction**

Communities change. Their strengths, weaknesses and needs change. As they change the public institutions created to maintain a community's quality of life must change as well. In many instances the response to changing circumstances is the same - legislative bodies create more crimes, police make more arrests, prosecutors file more charges, and trial judges mete out more jail time. For many serious behaviors this is a necessary and proper response. For many others it is not altogether clear that this approach either fosters the sense of public safety that lies at the core of any healthy and cohesive community or is the wisest use of scarce public resources.

Local justice officials in a growing number of Wisconsin communities understand this. They have sought to respond in new ways to their community's changing needs and have implemented a number of innovative responses to local problems. Although specifics vary from community to community all are motivated by a desire to achieve cost effective public safety through refinement of existing case processing systems, more effective system responses to addictive behaviors, and, to a lesser extent, through creation of programs to solve community problems without resort to formal processes.

This report examines local efforts in seven selected Wisconsin counties. Jointly sponsored by the University of Wisconsin Law School and the Wisconsin Supreme Court's Planning and Policy Advisory Committee Alternatives to Incarceration Subcommittee, its purpose is to

inventory several of these initiatives, learn what concerns triggered them, examine the processes by which they developed, their sources of financial support, their underlying philosophies and goals, and evidence and causes of their successes or failures. Particular attention will be given to local criminal justice coordinating committees, problem-solving courts, pretrial release and diversion programs and restorative justice initiatives. As first envisioned, this report would also have examined community prosecution initiatives and problem-solving police efforts. The report does not include examples of the former given that none of the district attorneys in the observed counties had made a firm commitment to the variety of strategies characterized in the literature as community prosecution. Time and resource constraints have precluded a comprehensive assessment of police efforts except as noted in connection with the initiatives discussed.

In addition to examination of the individual initiatives in the target counties this report will explore the extent to which the varied initiatives were related or integrated in their respective communities.

The first four sections of this report provide a composite of observations in the targeted counties, followed by a more detailed description of practices in each county.

### **Criminal Justice Coordinating Committees**

Justice system actors interact on a regular basis. Most often these interactions are a routinized part of an existing process, such as a police referral to a prosecutor or a court appearance in a pending case involving a trial judge, public defender, and prosecutor. In other instances they are a response to an immediate problem, such as an agency request for emergency funding. Most often these interactions are reactive and narrow in focus. In other instances they are the catalyst for the formation of task forces, created to examine a single issue or manage a particular grant and are

dissolved following completion of a report or termination of the grant.

Some communities have aspired to address a broader range of concerns on an ongoing basis and meet regularly with a greater number of public and private entities. Small communities, given their size, often function in a more integrated fashion without great formalism. Larger communities require greater structure to achieve such collaboration.

Formalized criminal justice coordinating committees reflect a growing trend in Wisconsin and nationally. Local fiscal concerns have been the primary catalyst for their emergence, typically concerns over jail overcrowding.

Literature describing best practices envisions several key characteristics:

- (1) inclusion of all important justice system agencies including those with funding authority,
- (2) an organizational structure that respects the autonomy and authority of each member agency,
- (3) a good faith commitment to collaborative decision-making,
- (4) a comprehensive system assessment to provide an adequate baseline from which to analyze problems, develop responses and evaluate outcomes,
- (5) an agreed upon statement of mission to guide policy development, advance planning and program evaluation based on the best available empirical information,
- (6) adequate system-wide data collection and analysis resources,
- (7) evidence-based pretrial release and post-judgment disposition decisions, and,
- (8) continuing local financial support including a full-time coordinator and dedicated staff.

In their purest form, criminal justice coordinating committees reflect a significant change in how local systems operate. Policy discussions and planning precede action, action is empirically

based and critically evaluated. Agencies act in concert with each other rather than in their own spheres of autonomy. The coordinating committee is seen as the problem-solving mechanism of first resort rather than simply another meeting to attend.

Less than two decades ago there were no formal criminal justice coordinating committees in Wisconsin. Today sixteen of Wisconsin's seventy-two counties have some form of local organization to improve delivery of services and several other counties are exploring how one might contribute in their communities. They range from informal meetings of key actors in smaller communities to large organizations supported by stable dedicated funding. For the most part they are limited to individual counties although at least one regional committee is being formed to explore the benefits of collectively contracting for treatment services. Both the Wisconsin court system and the Wisconsin Counties Association support their development in all areas of the state. Not surprisingly, none of the committees examined have completely incorporated all recommended features of the optimal coordinating committee. There appear to be several reasons for this.

First, the concept is relatively new, its potential largely unknown. Information about coordinating justice committees and their successes here and in other states is not widely known in Wisconsin.

Second, achieving consensus among autonomous entities requires agreement on change, objectives and redefined relationships. It also requires that individual agencies better understand the limits and potential of sister agencies in the same community. A transition to collaboration may also involve the relinquishment of individual agency autonomy, at least for identifying goals and developing planned responses.

Third, the expertise necessary to create and manage a coordinating committee is frequently lacking. Few trial judges, prosecutors, police executives, probation agents or human service officials are trained to facilitate, develop or manage such an enterprise in its most advanced form. Pre-existing responsibilities complicate development of this type of expertise without outside involvement. Left to their own efforts, local attempts to create a coordinating committee will almost certainly bring some measure of positive change but may not achieve their full potential simply because of a lack of expertise and resources.

Fourth, local justice systems lack comprehensive data collection and analysis capabilities. The ability to gather, analyze and effectively use information is a core element of a successful criminal justice coordinating committee. Existing information systems are typically limited, designed to serve each agency's own parochial needs. Their shortcomings are not surprising. It has not been the historical practice of police, prosecutors or courts to be guided by empirically supported policy choices. Yet if cost effective public safety is truly the ultimate objective improved information systems and analytic capacity are essential.

None of these hurdles are insurmountable. If local actors come to believe this form of change is desirable it will happen. Local authorities will need to enlist the aid of those with expertise and must commit new or reallocate existing resources. Outside expertise seems necessary to facilitate the initial transition to a collaborative system. Dedicated expert staff is also important to achieve system-wide oversight and mediate between the different perspectives and interests of committee members.

The efforts, energy and vision observed in the process of preparing this report were substantial and promising. At a time of extraordinary partisanship at state and federal levels of

government local actors and citizens are working cooperatively to create a shared vision of how best to serve their communities. Although the ultimate success or failure of certain initiatives may not be known for some time, it bodes well for the future that so many communities are striving to do more with less, to try new ways of addressing old and vexing problems and to seek to make their communities safe within the limits of available resources.

### **Treatment Courts**

The most common recent innovation in Wisconsin communities is the treatment, or problem-solving, court. At present, there are at least thirteen such courts operating in Wisconsin with several more in the planning stage. In some communities they emerged as part of a local coordinating committee's work; in others, they formed independent of and even before the creation of such a group. In either instance local authorities were motivated by the failure of traditional alternatives - at the state or local level - to impact the connection between substance abuse and re-offending and the belief that treatment would be a more effective and less costly means of dealing with offenders with serious alcohol or substance abuse problems.

To a large extent the mission of treatment courts is consistent with the broad objectives of a criminal justice coordinating committee - creation of increased public safety in the most cost effective manner, in this instance through the effective treatment of offenders with serious substance abuse problems. Studies from other jurisdictions that have had treatment courts for more than a decade provide reason to believe they can be effective in reducing recidivism. In the short term their cost-effectiveness is less clear. They consume more system resources than traditional case-processing courts given the level of supervision and oversight of treatment court participants. On the other hand, counties which target offenders certain to be incarcerated but for

a treatment court option may realize immediate jail space savings. There is also the promise of future savings through reduced recidivism and more successful integration and re-integration of former addicts into the fabric of the local community.

In structure, philosophy and operation treatment courts differ substantially from traditional criminal courts. The National Association of Drug Court Professionals identified ten “key components” of this type of court. They include:

- (1) integration of treatment services with traditional case-processing,
- (2) adopting a non-adversarial, team approach to offenders’ problems,
- (3) prompt identification and placement of offenders in the problem-solving court program,
- (4) providing a continuum of services depending on the particular offender’s needs,
- (5) regular monitoring of a participant’s compliance with program requirements,
- (6) combining a system of prompt rewards and sanctions for program participants,
- (7) regular judicial interaction with each program participant,
- (8) adequate record-keeping to continually monitor the achievement of program objectives,
- (9) continuing inter-disciplinary education and evaluation of best practice strategies, and,
- (10) creating partnerships between problem-solving courts, justice agencies and the community at large to support the initiatives.

The author observed five distinct problem-solving courts in operation in course of preparing this report. Individual nuances will be noted as each county’s efforts are discussed. Several common features existed in all.

### *Eligibility for Participation*

Eligibility criteria were developed at the local level, the only external limit being exclusion of violent offenders as a condition of federal funding. As a practical matter, there were four steps in the screening process: (i) a referral by the district attorney, (ii) an assessment by a treatment professional, (iii) the offender's willingness to participate, and (iv) an admission decision by the treatment court team. A documented serious substance abuse problem was a consistent feature in all treatment courts, ranging from chronic alcoholism to abuse of street drugs or prescription narcotics. Variations resulted from differences in the substances abused in different parts of the state and distinctions in whether the treatment court's goal was to save prison beds, jail beds or simply treat those for whom other approaches had failed.

### *Legal Control over the Treatment Court Participant*

Two variations of treatment courts were observed: pre- and post-judgment courts. In the pre-judgment courts each participant was charged with a crime, and, while actively involved in the drug court process, further steps in the traditional process were suspended. Typically some future benefit was offered, conditioned on successful completion of the program. A sub-class of pre-judgment drug courts saw offenders actually enter a plea of guilty, but not have judgment entered. Authority over the participant derived from the bail authority granted trial judges under chapter 969 of the Wisconsin Statutes. If the offender graduated from the program he or she would receive the promised concession, usually a dismissal or reduction of the original charge. If the offender was dismissed for non-compliance the case returned to the traditional case-processing track.

In post-judgment courts participants were convicted of a crime and typically sentenced to

probation. An exception was the OWI court given that probation is not an available sentencing option for third offense drunk driving cases, the target population for that particular treatment court. The practical consequence of this legislative action was the unavailability of Community Corrections involvement in the offenders' treatment plans. Proponents of the post-judgment model noted that Ch. 973 provided shared authority between the sentencing judge and corrections over this class of offender. Agreed upon concessions were extended after successful completion of the participant's individual treatment program. In either type of treatment court defendants were required to sign a written contract which contained their rights and responsibilities.

Contracts ran from nine months to up to two years with varying levels of treatment and aftercare.

The issue of expulsion arose if it the participant could or would not comply with treatment requirements. Interestingly, the issue arose only twice amongst the nearly eighty cases observed in five different treatment court sessions. The presiding judge recused him or herself from the treatment court team's discussion of whether to expel the participant given that they would preside over any expulsion hearing. If expulsion was recommended a separate hearing was set. The participant would have counsel and the state would bear the burden of demonstrating a factual basis for the action. In at least one court an expulsion decision resulted in transfer of the case to another judge for further proceedings.

#### *The Central Role of the Trial Judge*

A committed and involved trial judge was at the core of each treatment court. The court's role was very different from the traditional role of passive neutrality. The court was actively involved in treatment decisions and clearly predisposed to do all in their power to help the participant succeed. Information flowed freely; the normal filters of attorney-client

confidentiality and application of evidentiary rules did not apply. Whatever was known or suspected by any team member was known by all, including the trial judge. In each court observed, the trial judge participated in weekly staff meetings, familiarized him or herself with minute details of each defendant's situation and personally engaged each participant at each of their court appearances.

In other instances the court acted as an advocate for the participant who needed legal advice - how to deal with an overdue utilities bill or what was necessary to obtain visitation with one's children - in addition to monitoring the person's treatment progress.

Without question the trial judge was the central authority figure in treatment court, bearing ultimate responsibility to mete out an award or sanction or to permit a defendant to remain in the program. Although most decisions reflected the collective view of the entire team, the trial judge was undoubtedly in control, in both the eyes of the offender and those of the treatment team.

#### *A Team Rather than Adversary Approach*

All treatment court teams included the trial judge and treatment professionals. In most a probation agent, prosecutor and public defender were also present, and, in a few a deputy sheriff as well. Decisions were made by consensus - eligibility criteria; whether to accept a particular applicant; the length and nature of the applicant's drug court agreement; whether rewards or sanctions should be imposed; and whether the participant should be viewed as satisfying the requirements for drug court graduation.

Staffing discussions were frank and open; traditional formulations of the roles of trial judge, prosecutor and defense attorney were noticeably absent. The unstated yet clearly shared goal was to make the offender succeed, not to "close" the case or remove them from the program.

### *The Roles of Participating Actors*

After the trial judge, treatment professionals, and in several courts, the probation agent, were the most critical actors. This was not surprising given that treatment rather than retribution was the focus of the team's efforts and counselors and agents invariably had the most continuing contact with the offender. Team members looked to them for guidance in responding to the participants' various successes or failures. During court hearings the offender's counselor or agent typically sat at counsel table where one would expect, in a traditional court setting, defense counsel to be.

The prosecutor and public defender played less prominent roles in both staffings and treatment court hearings. In one court there was no defense presence and in another no prosecutor. If present, the prosecutor was relied on primarily to provide case information or answer legal questions when relevant to a particular case. The role of defense counsel was more complicated. Prior to admission to a treatment court defense counsel acted in a traditional manner, appearing with the client and advising them of their options and their likely consequences. Once an offender was admitted into the treatment court defense counsel rarely played any additional visible role. There were no appearances by defense counsel in any of the treatment court sessions observed even though nothing would have prevented their presence. Instead, in several counties the public defender team member appeared, less as counsel for each individual offender but more to maintain a defense presence at both the staffings and hearings.

### *A Prototypical Treatment Court Hearing*

From the first instant it became clear that treatment court was different altogether from a traditional criminal court. Rare was the mention of case file numbers or offense names; the

dialogue focused on the participants' lives, their families, their problems, their successes and their failures. Depending on a participant's progress or perceived treatment needs they were required to appear on a weekly, biweekly or monthly basis. If they did well since the last hearing they may be rewarded with a gift certificate from a local restaurant or movie theater or receive praise and encouragement from the court. If they had relapsed or failed to meet a condition of their participation they faced an immediate sanction - ranging from denial of permission to travel out of county to a night in jail to outright dismissal from the program. Each participant scheduled to appear on a particular day was expected to remain for the entire session of drug court. Frequently they all applauded at a co-participant's successes or voiced their collective disappointment upon learning of another's failings. Participants who graduated from the program were awarded a graduation certificate. Different levels of aftercare services were often made available.

#### *Treatment Court Funding*

All treatment court teams received training, usually out of state. Most counties received external support for this training, primarily from federal sources. After the treatment court was established, the costs of the program were usually absorbed by each county or, in a few instances, with additional federal or private grants. In several northwestern Wisconsin counties corrections provided both funding and supervisory resources due to the concentration of methamphetamine abuse in those areas. Treatment services were the single largest cost, in some instances covered by existing county health services and in others through contracts with private treatment providers. All counties believed these costs were offset by savings in reduced jail populations and that even greater future savings would be realized with the passage of time. In most counties

participants were required to pay a fee to partially defray program costs and to encourage development of greater financial responsibility. Community service was generally available as an alternative to payment of the entire treatment court fee.

Several justice actors voiced concern that existing performance evaluation formulas for trial judges, public defenders and prosecutors did not accurately acknowledge the increased demands of a treatment court. For example, the time needs assessment for criminal court judges apparently does not presently consider the increased demands on judicial time of this court model. So to, public defender and prosecutor workloads are primarily measured by the number of cases filed or persons represented. To the extent that they envision greater demands for certain cases the gradations are based on seriousness of the offense rather than whether the case is processed in a traditional or problem-solving manner. In addition, many treatment court participants are not eligible for a public defender yet lack sufficient resources to retain their own attorney. This in turn raises technical questions about the propriety of the public defender appearing in treatment court for persons not eligible for their services. At least one public defender indicated he took vacation time for the hours spent in drug court related activities.

#### *Evaluation and Assessment*

Wisconsin treatment courts generate at least three types of data - the results of risk assessment tools used to determine appropriateness for treatment; the treatment records of participants and treatment-jail cost comparisons to demonstrate jail bed savings. Only a few of Wisconsin's problem-solving courts have been in existence long enough to generate the type of statistical information that might begin to allow for a comprehensive the assessment of long-term outcomes.

### **Pretrial Release and Diversion Programs**

Several counties have pretrial programs designed to avoid unnecessary pretrial detention, supervise arrestees released prior to trial, provide early treatment or mental health services or, in some cases, intervene early to divert matters from the system altogether. They vary widely in design, their level of sophistication in assessing risks and needs, the level of oversight available, funding and the numbers of offenders they are able to serve. Many pre-date the current movement towards coordination of local programs and services and are among the oldest existing local criminal justice initiatives. Several were integrated with newer initiatives; for example, participants in a treatment court for drunk drivers all participated in a pre-existing pretrial intoxicated driver intervention program.

All prosecutors reported diverting some minor offenses from the system. A few counties had more formalized programs, some even including oversight by dedicated staff.

Most counties also sought to divert convicted offenders from the jail through a combination of electronic monitoring, day reporting or community service.

### **Restorative Justice Programs**

Each target county had at least some level of additional programming designed to respond to local problems in non-traditional ways. Although often characterized as restorative justice programs, several had an educational rather than therapeutic focus. Like treatment courts many arose through the independent efforts of a single justice agency or community member rather than as a part of a comprehensive local justice plan. More than other local innovations they relied on community volunteers, due both to program design and a lack of financial support. Funding came from a variety of federal, state or local sources, and, in a few instances from private grants.

Of all the initiatives examined these received the least public support and were the least financially stable. The lack of funding often resulted in an inability to accurately assess their effectiveness. Periodic reports tended to simply note the numbers of persons served or contain testimonials from satisfied participants. This limited their ability to compete for funding from sources with demanding empirical requirements.

Restorative justice programs included victim-offender conferencing, victim impact panels, teen and circle courts, and community service programs. Other initiatives included educational programs to deal with issues of truancy, substance abuse, retail theft, re-entry programs for offenders from the state correctional system, and coordinated service teams to intervene with families at risk.

In some instances offenders with pending cases already in the system were diverted to one of these programs either prior to conviction or as part of a final disposition. In others persons were directly referred to the program without any system involvement.

### **Barron County**

Barron County is located in northwestern Wisconsin, 35 miles north of Eau Claire and 75 miles northeast of Minneapolis and St. Paul, Minnesota. It covers slightly less than 900 square miles and has population of less than 50, 000. Primarily rural in nature, its county seat is Barron. The city and county take their name from former legislator and circuit court judge, Henry D. Barron.

#### *Collaborative Efforts in Barron County*

Barron County has no criminal justice coordinating committee nor do local actors believe one is absolutely necessary. Existing communication networks include important community

shareholders and there is a history of collaborative work on local problems. County leaders in both the public and private sector are long-term residents who know each other, their communities, and the available resources to address their problems. At the center of these efforts are the county's two Circuit Court Judges, both of whom are long term and respected members of the community. No collective criminal justice policy statement has been developed but system actors understand their respective views of public safety given the closeness and length of their relationships. Notwithstanding the absence of a coordinating committee the county boasts an impressive array of non-traditional programs for a community of any size.

Barron County officials have never conducted a comprehensive system assessment as envisioned by proponents of local coordinating committee. When asked if such an assessment might be helpful it was suggested that process issues or other community problems are always immediately apparent, and, that the sheriff, district attorney, public defender and other community shareholders are either present in the courthouse or at most a phone call away to discuss solutions. Reactions to the lack of a system-wide data collection system were similar, reflecting the view that each agency's data was generally adequate to deal with any questions that might arise. Its use of assessment tools was limited to evaluation of offenders for admission to the newly operational drug court. Evident among all local shareholders was a collective desire to address problems by consensus and a shared trust and confidence that working together, any community problem could be solved.

Within the last two years Barron County built and opened the new Barron County Justice Center. Conversations with various system actors revealed the project was triggered by a combination of factors, including a need for increased jail space, improved courthouse facilities,

and the consolidation of county government offices in a single location. The discussion, modification, and ultimate completion of this project is perhaps the best recent example of Barron County authorities reaching a major decision by way of compromise and collaboration. A composite of observations, review of written materials and conversations with local justice system actors in the summer of 2006 revealed no imminent system crises, serious jail population problems, inter-agency acrimony nor community distrust for the manner in which justice is dispensed. At the same time, local actors seemed committed to improvement, to innovation, to the exploration of new responses to community problems. The creation of their drug court and the broad range of restorative justice projects reflect this commitment. Perhaps this suggests that a collaborative committee is unnecessary in such a functional and small community blessed with strong and civic-minded leadership. Or, perhaps it suggests that adoption of the coordinating committee model could operate to improve what is already an impressive array of community undertakings.

#### *The Barron County Drug Court*

Abuse of methamphetamines was the catalyst for the Barron County Drug Court. Traditional case-processing responses, typically involving probation, or in egregious cases, prison, did not seem to help, while at the same time, Community Corrections caseloads grew astronomically. Judge Brunner and the Community Corrections Regional Chief discussed the possibility of creation of a local problem-solving court focused on offenders with serious drug abuse problems. The idea was shared with the sheriff, district attorney, public defender, human services agency and local service groups to create a community consensus that such a project would have value. Following tentative approval for creation of a drug court selected team members received federal

funding for two training sessions, in California and Utah, to guide them in the initial stages of development.

After months of training and planning, the drug court commenced operation in early 2006. At present there are nine participants, all with serious substance abuse problems. The targeted population is serious offenders that have failed in other programs. They appear to be the most difficult cases that, but for the option of drug court, would almost certainly be in prison. That the savings would be in prison, not jail beds, seemed a non-issue in Barron County. The goal was to do something effective for the most difficult of offender-types in the county.

The Barron County drug court team consists of Judge Brunner, representatives from the sheriff's department, district attorney's office, the public defender, human services, community corrections and local treatment providers. There are weekly staffings to monitor each participant's status followed by court sessions in which each participant's case is reviewed. Participants are required to attend the entire drug court session on a weekly, or in some cases, biweekly basis. At each hearing each participant's case is reviewed accompanied by a dialogue between the offender and the judge, with frequent input from other team members, all of whom are present in court. Achievements are rewarded; missteps immediately sanctioned. As part of an effort to humanize the process Judge Brunner asks each participant about their children and families and requests pictures for a drug court bulletin board. At the session observed Judge Brunner, the treatment providers and probation agent played the most prominent part in the hearing.

At present, the drug court is supported primarily with county funds, supplemented by corrections. Part of each participant's treatment court contract is the requirement that they pay a

fee of \$750. Up to one-third of the fee can be satisfied through community service. The fee requirement was explained as a means of developing responsibility in the participant as well as providing some support for the court's operational costs. At the time of the on site visit the county was preparing an application for state TAD funding, which, if received, would permit hiring a full-time drug court coordinator.

#### *Pretrial Release and Diversion Programs in Barron County*

There are no formal pretrial release or diversion programs in Barron County. Rather, informal agreements to resolve cases outside formal processing occur on a case by case basis. Often they involve referral to one of the several restorative justice programs, which, upon successful completion of the program requirements, result in dismissal or reduction of the original charges. One local actor suggested there has been less interest in jail diversion initiatives, either before or after conviction, following the construction of an larger jail. It was predicted that when, and if, jail overcrowding again becomes a concern interest in electronic monitoring or other alternatives would return.

#### *Restorative Justice Programs in Barron County*

The first restorative justice efforts in Barron County began nearly ten years ago. Judge Brunner brought together members of the community to discuss possible partnerships, an initiative which has developed into a private non-profit corporation consisting of nine separate programs, with four full-time and two part-time staff members, more than one-hundred fifty community volunteers and a board of directors consisting of a wide-range of community members, including members of the Barron County Board. The programs served community members directly affected by crime and provides training to program volunteers in Barron

County and in other counties seeking to replicate Barron County's efforts. Requiring offenders to engage in some form of community service is a central feature of various projects. Throughout the program's expansion Goodwill Industries has been an integral part of the program, which receives funding from private sources, the county and the federal government. Its status as a non-profit organization allows the program to maintain a level of independence and neutrality in the development of specific projects and delivery of services. It also means that maintenance of financial support is a matter of continuing concern. Referrals to the various project comes from a wide range of sources, including the courts, prosecutor, police, and school officials.

Victim Offender Conferencing was the first project created by the Barron County Restorative Justice Program. It is a frequent adjunct to disposition of a criminal case and is perhaps the most commonly used restorative justice initiative. Statistics for 2005 indicate that 223 persons were served by conferencing and that 55 community volunteers were involved in this service.

Barron County also has Victim Impact Panels for drunk driving and property offenses. Offenders involved in these violations are referred to the appropriate panel as part of the resolution of their case. Nearly 700 persons were served by this project in 2005 which involved more than 20 volunteers from the community.

The Barron County Teen Court has been a part of the county's restorative justice projects nearly from its inception. It is limited to minor offenses, including some non-violent misdemeanors and ordinance violations. The court is staffed by peer students in the roles of prosecutor, defense attorney and jurors. Local attorneys in the community rotate as the presiding official. Sanctions are designed to make victims whole, require community service, and often include an educational component. Last year more than 70 persons participated in Teen Court

with more than 40 community volunteers. A measure of the perceived value in this project is the school district's decision to support it as part of their budget.

Other youth-based programs include the Restorative School Truancy Intervention Program, PRIME for Life under 21 (an educational program for underage drinking cases), the Youth Educational Shoplifting Program and Restorative Action Plans, whereby juvenile offenders can escape a citation by engaging in some type of community service.

### **Dane County**

Created in 1836, the same year Wisconsin was recognized as a territory of the United States, Dane County is the seventh largest Wisconsin county, consisting of more than 1200 square miles. Named after Nathan Dane, a co-author of the Northwest Ordinance, it is among the fastest growing Wisconsin counties and is presently the second most populous, with a population of more than 450,000. Dane County includes eight separate cities, including Madison, the state capitol, and nineteen villages.

#### *Collaborative Efforts in Dane County*

Like many communities, Dane County has a long history of various committees, task forces and joint efforts created to deal with local problems. Following a federal review of the Dane County Jail, Sheriff Hamblin contacted Chief Judge Michael Nowakowski in January of 2003 to discuss the possibility of forming a group of system shareholders to more effectively address recurring local criminal justice problems. This resulted in the creation of the Dane County Criminal Justice Group, a committee comprised of the sheriff, the chief judge, at least one other Dane County Circuit Court Judge, the clerk of courts, a court commissioner, representatives from the district attorney's and public defender's offices, the county Human Services agency, the City

of Madison Chief of Police and a faculty member from the University of Wisconsin Law School. Members of the Dane County Board and County Executive's Office have also attended committee meetings as have representatives from the United Way and the Madison Urban Ministry.

Among the first meetings was a half-day retreat dedicated to a comprehensive system assessment. Several committee members reported that the retreat provided a new appreciation for the interdependency of system agencies, the level of complexity of the current system and a broad range of potential topics for discussion. They expressed enthusiasm for the potential of the group to lead to consensus-driven solutions to many long-standing system problems. Since its inception the group has focused primarily on process improvement. They have considered very narrow issues such as reducing unnecessary preliminary hearing subpoenas and improving police identification procedures as well as broad system issues such as racism in the Dane County justice system. Several system modifications have been implemented as a results of the group's deliberations. Evaluation of the efficacy of the modifications has been primary anecdotal. The lack of independent information gathering and analysis capacity has prevented a more thorough assessment of the changes.

Early in its existence the Dane County group decided to remain informal. To date it has declined an invitation for formal recognition by the Dane County Board, has not sought separate financial support and does not have a coordinator or any dedicated staff. This choice has not been without controversy. Several committee members shared their perspectives.

In support of informality it was explained that the committee could retain its autonomy, control membership, avoid open meetings laws, retain greater flexibility in setting its agenda and

avoid politicalization of its work. It was also suggested that an informal unfunded committee would exist only so long as its membership saw value in its continuation. The possibility of funding was seen as creating a risk of deflecting attention away from matters of substance to a quest for funding. It could also invite discord over allocation of committee resources.

Those supporting formal recognition downplayed the risk of losing control over the group's mission, agenda or membership. They saw value in a formalized, regular and systematic decision-making process. They believed more formal integration into the county governance structure would lead to more informed budget decisions and increase the likelihood of dedicated funding for the group's efforts. They saw more value than risk in transparency and noted that the group's meetings are now open to the public.

The Dane County Criminal Justice Group's decision to focus on process issues - how to make the system more efficient and fair - allows for a more detailed assessment of all nuances of the local system. However, this focus means that neither the Criminal Justice Group nor any other county committee functions to oversee, coordinate or even share information about the substantial number of justice system programs in Dane County. For example, the Dane County Drug Court has its own Advisory Committee. Several other local initiatives with intersecting missions and populations served are administered by different agencies with no mechanism for regular interaction or sharing of information. Nor is there a group or committee with a broad base of experience in both local government operations and criminal justices processes available to confront broader county issues such as Dane County's chronic jail space problems. There may be benefits to this type of fragmentation but there are costs as well. Indeed, one local shareholder interviewed, a person with more than a decade of involvement with the Dane County juvenile

system did not even know of the existence of the Criminal Justice Group.

### *Pretrial Release and Diversion Programs in Dane County*

Dane County has a long tradition of both pretrial release and diversion programs. For example, the Alternatives to Incarceration Program has operated as part of the Circuit Court budget for more than twenty years. The program serves both as an alternative to pretrial incarceration with bail monitoring programs and as an alternative to incarceration as a disposition with the electronic monitoring program. The Dane County Drug Court Program, discussed later in this report, is also considered part of the Alternatives to Incarceration Program.

Arrestees who appear to be eligible for pretrial monitoring are given the option of program participation as an alternative to cash bail or for a reduced bail amount at their first court appearance. If they choose to participate they are screened according to the program risk factors, including the absence of probation or parole holds, willingness to comply with program rules and a verifiable residence. Once accepted compliance is monitored by program staff. Noncompliance can result in additional restrictions or removal from the program.

Convicted offenders sentenced to the county jail may, if accepted into the Electronic Monitoring Program, be allowed to served part or all of their sentence in their home. If permitted by the court or Program Supervisor, they may be allowed to leave for work, medical or legal appointments. Among the eligibility requirements for the Electronic Monitoring Program is a working telephone line and payment of fees to help underwrite program costs.

Another longstanding Dane County program is the District Attorney's First Offender Program. Created in 1973, initially to divert shoplifters, the program has evolved to serve a larger and more diversion population of offenders. Initially, those referred to the program were not

formally charged. This changed to encourage participants to take the experience more seriously and provide greater leverage to complete program requirements. At present, offenders accepted into the program are charged and required to enter a conditional plea of guilty. If they comply with the conditions set the concessions offered are finalized. If they violate the conditions of participation their cases are reinstated at the point of disposition.

Since its inception the First Offender Program has been operated and funded through the District Attorney's Office. Currently the program has a director and six employees who oversee program operations. Referral decisions are made by individual prosecutors. Only the most serious felonies and drug and traffic cases are automatically excluded from consideration. At the time of this writing there were approximately 650 open cases in the program and a yearly average of around 1000 referrals.

There are and have been a number of other programs in Dane County to provide alternative services to offenders and victims in both the adult and juvenile systems. Some have arisen with private funding and others with county or grant funds. Their focuses, the populations served and their oversight mechanisms are at best loosely connected. Their autonomy and distinct purposes are a strength to the extent that they reflect distinct service missions and strategies. Their diversity and the absence of any coordination mechanism is a weakness as it risks duplication of services and competition for the same resources.

#### *The Dane County Drug Court*

The Dane County Drug Court is the longest operating treatment court in Wisconsin. Its origin parallels that of other state treatment courts - a frustration with traditional approaches to addiction-related criminal behavior and a desire to look to responses other than incarceration.

Since its inception it has nearly doubled in size - with approximately 80 referrals in its first year to more than 150 in 2005. Unique among state treatment courts, the Dane County Drug Court has two separate tracks - the Treatment Track and the Educational Track. The former is designed for offenders with more serious treatment needs and that latter for those determined to benefit from a less intensive program. At the present time there are approximately ninety participants in the program - 75 in the Treatment Track and 15 in the Educational Track. Referrals have often exceeded program capacity with resultant waiting lists of up to several months.

Eligibility requirements include county residence, the absence of a prior record of violence or use of a weapon and the offender's willingness to address his or her substance dependence problem. Initially participation was limited to misdemeanors but gradually the program has expanded to permit felony level offenders. One team member noted that there are now more felony than misdemeanor offenders in the program. Referrals are made by one of the three drug unit prosecutors. If, following an assessment, the participant is accepted in the program a conditional plea is entered with acceptance of the plea and entry of judgment withheld. Graduation from the program results in dismissal or reduction of the initial charges. Expulsion results in reinstatement of the case on the regular court calendar and transfer to a different judge for further proceedings.

The Dane County Drug Court Team consists of Judge O'Brien, a liaison between the court and treatment providers, representatives from the district attorney's office and the public defender. Concerns over ex parte communications has resulted in changes in the team members present at case staffings. Initially the prosecutor attended staffings but was concerned over the absence of any defense presence. After a series of discussions, the public defender has agreed to

provide a defense presence. Corrections is not involved because the Dane County program is a pre-conviction program; participants are not generally on probation, parole or extended supervision except for the rare instance in which participation is an alternative to revocation.

All drug court participants must make regular courts appearances, usually on a weekly, biweekly or monthly basis. All participants scheduled to appear on a given day must remain for the entire session of court. Each participant's case is reviewed by the court. As in other treatment courts success is rewarded and failures promptly sanctioned. On the day drug court proceedings were observed thirty-five cases were on the calendar. Judge O'Brien knew each of the participants, engaged every one in a personal dialogue and was familiar with their recent successes or difficulties. After the general session of drug court ended the cases of new prospective participants were called, to enter their conditional pleas and begin the drug court process. Each of these new participants appeared with counsel. These proceedings closely resemble a traditional guilty plea hearing.

The Dane County Drug Court Advisory Board provides oversight for the court's operations. It includes a broad range of members from both local government agencies, the private sector and the Dane County faith community.

At its inception the drug court received external funding for training and startup needs. Increases in the population served has been county supported. The county has applied for a \$210,000 state TAD grant, in part to pay existing operation costs. A subject of dispute has been whether participants should be required to pay fees as a condition of participation. Recently a policy was implemented to require the payment of fees with the amount due determined in part on a realistic assessment of the offender's ability to pay.

Dane County has had nearly a decade to track the results of program participation. More information is available about the Dane County Drug Court than nearly all other county initiatives. In addition to extensive files on all program participants reports are regularly produced which track a range of information graduation rates, re-arrests, the demographics of referrals and participants and the cost of treatment compared to other alternatives. The reports serve the dual purposes of program oversight and support for additional funding support. Available statistics show a significant reduction in the number of re-arrests of offenders who have successfully completed the program when compared with similar offenders who neither participated in nor graduated from drug court.

#### *Restorative Justice Programs in Dane County*

Dane County has several restorative justice programs. Their focus is primarily on the juvenile offender. Youth Services of Southern Wisconsin, a non-profit organization, is involved in many of these programs on a contract basis with the county. Included in the juvenile based programs are Victim-Offender Conferencing for non-violent misdemeanors, a Retail Theft Diversion Program, an Accountability Group, the Circles Program, involving the community in resolving juvenile minor offense matters and a number of teen or peer court projects. Most recently, the county has created the Focus Program to provide local residential treatment for high risk juvenile offenders as an alternative to jail. Modeled after a similar program in Milwaukee, it will initially serve up to ten youths.

A number of other programs, not directly part of the criminal justice process, but which provide related counseling and substance abuse services are available through the Dane County Human Services Department. Centro Hispano has also partnered with Dane County to operate

the Nuevas Rutas (New Routes) Program to provide services and information to Hispanic members of the local community.

Victim Panel Programs exist for drunk driving cases. Offenders are required to attend meetings to understand the impact drunk driving has had on prior offenders and victims.

### **Eau Claire County**

Among the oldest counties in Wisconsin, Eau Claire County was created in 1856. It is located in northwestern Wisconsin and consists of slightly more than 637 square miles. Its county seat and largest city is Eau Claire, the French term for “clear water”. It has been one of Wisconsin’s fastest growing counties, with a growth rate of slightly less than 10% in the past fifteen years. Its current population is nearly 100,000.

#### *Collaborative Efforts in Eau Claire County*

The Eau Claire County Criminal Justice Committee is in an early stage of development. The newly formed committee has a broad membership, including the presiding circuit court judge, the county administrator, the county board chairman, the City of Eau Claire Chief of Police, the district attorney, First Assistant Public Defender, the sheriff, the clerk of the circuit court, the community corrections regional chief and the head of the county Human Services Department. It began functioning early in 2006 and has met twice during the spring, seeking to finalize its structure and operating procedures. The impetus for its creation seems to have been a combination of looming county budget difficulties, including the need and cost of a new justice center, the prior value of judicially-formed committees to study system problems and a desire to obtain state TAD funds, a requirement for which is formation of a criminal justice coordinating committee.

Leadership of the committee has been cautious. It is not presently seeking a full-time coordinator, a comprehensive system analysis or an upgrade of county information systems, all core features of coordinating committees. Nor is the council advocating new system initiatives. Education was advanced as its primary initial goal - sharing information with public and private shareholders to make sure future justice system decisions are fully informed. At the same time there have been preliminary discussions about structuring the council to provide oversight over all of Eau Claire County's local justice initiatives, including the Eau Claire County Drug Court Program. The cautious beginning does not suggest the Committee will not play a central role in the future of Eau Claire County; more likely it reflects pragmatic caution in a community of modest resources, a history of frugality and a pending county board request to prepare agency budgets with a 15% cut in current funding levels.

Consistent with its educational objectives the Committee made a deliberate choice to seek formal recognition by the Eau Claire County Board. By resolution it was recognized and authorized to create committees and subcommittees. Although not technically part of the County Board it intends to comply with all open meetings, open records and agenda requirements in the belief that the transparency of its work is important. The substantial County Board presence on the committee suggests its recommendations will carry great weight.

The leadership and spirit of cooperation demonstrated by Committee members officials gives reason for optimism about the future of collaborative justice system efforts in Eau Claire County. Only the question of resources casts uncertainty over its potential role in Eau Claire County's future justice system planning and operations.

*Pretrial Release and Diversion Programs in Eau Claire County*

Eau Claire County is a participant in the Pretrial Intoxicated Driver Intervention Grant Program. Designed to provide treatment services to the repeat drunk driver as soon as possible following arrest the program consists of an array of services intended to respond to the offenders treatment needs while protecting the public from further violations. Alleged second, third and fourth offense drunk drivers are eligible for the program. The program is funded by a combination of federal, state and local resources with increasing local responsibilities. Triniteam, a local non-profit organization, administers the Eau Claire program. Offenders who successfully complete program requirements receive a reduction in the mandatory penalties for the offense.

Since 2001 the Eau Claire County District Attorney's Office has operated a diversion program. State grant funds allowed planning and implementation of the program at the outset. Since that time, the program has been self-funding, with participants required to pay a fee of \$175. These funds support a full-time position in the District Attorney's Office to provide oversight to program's participants.

Offenders in the program enter a conditional plea of guilty. The plea is vacated if they comply with the conditions of their contract. Initially offered primarily in first-offense domestic violence cases it has since expanded to other offenses at both the felony and misdemeanor level. The program has diverted a substantial number of cases from the system while providing offenders a chance to have their charges reduced or dismissed. At present, there are between 275 to 300 participants in the program.

### *The Eau Claire County Drug Court*

Reports of the successes of treatment courts in other jurisdictions and frustration with the 'revolving door' nature of many offenders' contacts with the local criminal justice system provided the impetus for the Eau Claire County Drug Court Program. Planning and preparation for the court began in 2004, with training for the county team provided by the National Rural Institute on Alcohol and Drug Abuse and federally sponsored visits to drug courts in Orange County, California and Salt Lake City, Utah. At present there are approximately a dozen participants in the program which has a current capacity of twenty. The early successes of the project have team members hopeful that they can expand the program. The targeted population are offenders with a DSM-IV diagnosis for drug or alcohol dependence.

The Eau Claire County drug court team consists of Judge Stark, the drug court coordinator, a probation and parole agent, an evaluator, treatment personnel and representatives from the district attorney's office, the public defender's office and the Sheriff's Department. There are weekly staffings to monitor each participant followed by court review of their progress. As in most other Wisconsin treatment courts participants are required to attend the entire drug court session on a weekly, or in some cases, biweekly basis. At each hearing all participants' cases are reviewed. There is a dialogue between the offender and the judge, with frequent input from other team members, all of whom are present in court. Achievements are rewarded; missteps immediately sanctioned. Judge Stark conducts drug court proceedings with uncommon energy and enthusiasm. Projecting an image that is at the same time disciplined and compassionate there was little doubt that she was in charge. At the same time she communicated easily and freely with the variety of offenders appearing before her who seemed to both respect and trust the court.

A number of participants even went so far as to seek her advice on unrelated personal or legal problems.

Eau Claire County has a drug court advisory board, the Drug Court Initiative. It meets regularly to review all aspects of the treatment court's operation. Its membership is broader than the treatment team, and includes persons from the county board, University of Wisconsin-Eau Claire, the Eau Claire City Police Department and local school districts. The board's agendas range from evaluations of the court's operation to exploring possible new funding sources to brainstorming ways to better inform the public of the court's work and successes. The board has also taken a leadership role to investigating potential treatment cost savings through formation of a regional alliance including Dunn, Chippewa and Trempealeau Counties.

The Eau Claire County Drug Court is currently is supported by a combination of county and corrections funding. The court's coordinator has recently drafted a report which suggests substantial immediate savings in jail space saved, increasing recovery of fines, forfeitures and child support, and decreased county expenses as children in protective care settings are able to be returned to their families. The coordinator is hopeful this showing will lead to county support for an expanded program. The Drug Court Initiative is also in the process of seeking state TAD funding.

#### *Restorative Justice Programs in Eau Claire County*

A subcommittee of the Eau Claire County Board Corrections Committee was created in early 2001 to consider restorative justice alternatives to traditional case processing. Of particular concern was sufficient alternatives for juvenile offenders. As a result of these initial efforts a Community Action Team was formed drawing on public and private community resources. A

state Office of Justice Assistance grant in December 2001 allowed the creation of the Eau Claire County Restorative Justice Program. The program partners with Goodwill Industries, which serves as the fiscal agent for program funds. An Advisory Board provides program oversight. Since its inception the Restorative Justice Program has secured additional funding from both private sources and the Eau Claire County Board.

Current services include Victim Offender Conferences, Accountability Mentoring and an Accountability Workshop for at risk youths and an Aftercare Consortium in which returning parolees are placed in reduced-rent apartments in exchange for assuming general maintenance responsibilities and complying with the conditions of their release.

The Eau Claire County Restorative Justice Program has received more than five hundred referrals since to began offering services. Evaluations from victims, offenders and families of offenders indicate a high degree of satisfaction with the services offered.

Eau Claire County also has a Truancy Court, supported by the Circuit Court's operating budget, a Coordinated Service Team, supported by the Department of Human Services, which provides support to at risk families and a Targeted Community Action Program, supported by federal resources, to intervene with chronic juvenile retail theft offenders.

A common theme in many communities, including Eau Claire, is the struggle to fund restorative justice programs. The current director indicated that their continued existence through the end of 2006 was made possible by an emergency grant of funds from the Eau Claire County Board.

## La Crosse County

Located on the Mississippi River in west central Wisconsin, La Crosse County covers slightly more than 572 square miles and has a population of more than 110,000. It became a county in 1851 and took its name from the Native American game observed by early French travelers to the region. Its largest city and county seat is the City of La Crosse.

### *Collaborative Efforts in La Crosse County*

La Crosse County has a long and notable history of interagency cooperation and reliance on outside expertise to solve local justice system problems. These efforts have been substantially county board driven, motivated in large part by recurring jail space problems.

As early as 1993 the county sought assistance from the National Institute of Corrections for cost effective solutions to jail space problems. Although a new jail was opened in 1997 serious space problems arose only three years later. Another NIC assessment was made. Among their recommendations was collapsing several existing county board committees into a single criminal justice coordinating committee to streamline the county's response capacity. By ordinance passed in September of 2000 this recommendation was adopted, creating the La Crosse Criminal Justice Management Council as an official county board standing committee. The Council is the only group in the counties visited in which their coordinating committee is an official part of the County Board structure. The group's composition reflects a broad cross section of local system actors and county board members.

As a formal part of the county board it meets on a regular basis, is subject to open meeting requirements and provides oversight over many related and pre-existing justice programs funded in whole or part by the county. Support for program development and information gathering and

analysis is provided by the staff of the La Crosse County Human Services Justice Sanctions Program.

A discussion of collaborative efforts in La Crosse County would not be complete without mention of the efforts of Jane Klekamp, Director of the Justice Sanctions Program and the work of that program. Created in 1995, the program was initially a part of the Sheriff's Department but has since been transferred to the county Human Services Department. The catalyst for its development was a desire to work toward greater community safety in the most cost effective manner. In the words of its most recent Mission Statement, "[t]he primary purpose of Justice Sanctions is community safety. We will prevent crime when possible, intervene appropriately when crime occurs, and improve individual and community capacity to prevent future crime. We operate on behalf of and are accountable to both the people who are directly affected by crime and our community at large."

Presently, there are eight distinct programs operated as part of the Justice Sanctions Program, providing services both prior to and following disposition. Included are the OWI Program, providing multiple layers of weekly oversight to drunk driving offenders; the OAR Program, designed to work with offenders to help them reinstate their driving privileges; the Bail Monitoring Program, providing various levels of community supervision and services to persons during the pendency of their criminal cases; the Community Service Program, matching offenders with community service obligations with appropriate work sites; Victim Impact Panels, coordinated in conjunction with the OWI Program; the Corrections Program, providing alternatives to jail for offenders on probation or parole who have violated release conditions; Drug Testing, monitoring offenders in a variety of local oversight programs and the La Crosse

County Drug Treatment Court, discussed in greater detail in a subsequent section of this report. It has also been involved in specialized services in domestic violence cases. The varied Justice Sanctions Programs are supported by a combination of county funds and client fees.

In addition to operation of its core programs, the Justice Sanctions Program and its director are involved in virtually all innovative and problem-solving efforts in La Crosse County. Even absent a county-wide information system the Justice Sanctions Program staff generates monthly reports to evaluate the number of persons served, the effectiveness of various county interventions and cost savings through avoidance of over-reliance on the county jail. It has lead efforts to rely on risk assessment tools and evidence-based practices in managing the various county programs. Under the guidance of the Justice Sanctions Program Director the county has even conducted a community survey to seek to better coordinate justice programming with community needs.

A review of the meeting agendas of the Criminal Justice Management Council over the past year demonstrates an ambitious and robust range of issues - from again considering the need for a new jail and justice center, to more effective mental health interventions to the creation of a new OWI treatment court. La Crosse County presents an impressive example of a community committed to an integrated and collaborative problem-solving model. Their County Board, Criminal Justice Management Council, Justice Sanctions Program, and the respective members of each group communicate regularly and effectively, seek to ground their decisions on the best available data as well as recommendations based on best practices and share a collective goal of improving their local justice system and the quality of life for all the citizens of their community.

### *Pretrial Release and Diversion Programs in La Crosse County*

The Justice Sanctions Program operates a bail monitoring program for offenders deserving of release but in need of some level of monitoring. Referrals are screened and assessed for service needs and risk level. If accepted into the program oversight is provided by the Justice Sanctions Program. Yearly reports suggest substantial jail bed savings through use of the program.

The Criminal Justice Management Council is also reviewing mental health screening procedures to ensure the most effective deployment of county resources and minimize the use of the county jail to house this class of offenders.

The District Attorney reports a variety of efforts to divert cases from the traditional criminal justice process. The First Offender program is managed by a full time staff person who provides oversight of offenders in the program. Participants are required to report at least four times during the year long course of their contract to monitor their progress. Offenders in the program are formally charged, with concessions granted upon successful completion of their contract requirements. Traffic, issuance of worthless check and serious felony offenders are not eligible for the program. Other informal prosecutor options include referrals to municipal court for prosecution as an ordinance violation; a request for restitution for minor property crimes; participation in an educational and needs assessment program at Unity House, a local non-profit service agency or participation in the underage drinking program.

### *La Crosse County Treatment Courts*

In 2001 La Crosse County received federal funding for training and startup costs associated with creating a drug treatment court. After justice system actors completed their training a pilot project was initiated in January of the following year. At first the program was designed to

accommodate fewer than twenty participants. Since then the population has grown to between thirty and forty offenders at any given time. The program targets drug addicted or drug dependent non-violent offenders who are residents of La Crosse County. Although the program manual's eligibility standards suggest one need be either charged or convicted of a drug related offense it appeared that most if not all participants were convicted, allowing for correctional supervision of their program involvement. Successful program completion would result in a pre-agreed concession; expulsion would return the case to the traditional system.

The La Crosse County Drug Court team consists of Judge John J. Perlich, the drug court coordinator, a probation and parole agent, an evaluator, treatment personnel and representatives from the district attorney's and the public defender offices. Cases are staffed weekly and, depending on the progress of each participant, they are required to appear in court either weekly, biweekly or monthly. At the staffing observed it was apparent each team member had reviewed each case file and was familiar with each participant's situation. When the issue of expulsion arose with one participant Judge Perlich removed himself from the conference room, explaining he would have to preside over an expulsion hearing and believed fairness demanded he recuse himself from the team discussion.

Once in court, each case was reviewed by Judge Perlich. All participants were required to remain for the entire court session. Rewards and sanctions were promptly distributed in the same fashion as other state treatment courts. Although the court did not adjourn until nearly 6:00 p.m. there was no effort to expedite any particular case. Judge Perlich and the team members made sure that all issues were addressed and all participant questions answered.

La Crosse County has no separate drug court advisory board; oversight and data management

is provided by the Criminal Justice Management Council and Justice Sanctions Program staff.

At present, the drug court is supported by a combination of county and private funding. Several team members expressed the view that they had sufficient resources to continue the program into the foreseeable future. Participants are required to pay a fee of \$750 with accommodations for those unable to pay. Corrections provides support by re-allocation of their field staff to allow one agent to supervise all drug court participants.

La Crosse County is committed to expanding its treatment court options. Planning is underway to begin an OWI Treatment Court in the near future; team members have been selected and have participated in training programs. Final program details were being reviewed at the time of the on site visit. There have also been discussions concerning the viability of creating a specialized court focused on mental health issues. As with all local innovations, the new treatment courts are subject to oversight by the Criminal Justice Management Council

#### *Restorative Justice Programs in La Crosse County*

The Victim Impact Panels and Community Service Programs of the Justice Sanctions Program provide a restorative justice element in the La Crosse County system. The former is limited to drunk driving cases; the latter is more widely applied.

The Coulee Region Mediation and Restorative Justice Center is an area non-profit organization that provides additional restorative justice options that complement the Justice Sanctions Program offerings. Established nearly twenty years ago, the center was originally associated with the St. Francis Medical Center but now is connected to the local YWCA. Its independent status has allowed it to maintain a posture of neutrality in dealing with offenders and crime victims. Its independent status has also made its financial stability more tenuous. As its

budget has varied so has the range of programs offered. Over time, the program has offered victim-offender mediation, conflict management skill development groups for youth, training in victim-offender mediation and restorative justice principals, technical assistance to new programs, workshops and seminars for local, state, national and international organizations, and developed new program opportunities within the local community, such as the Employee Assistance Center at Franciscan Skemp Healthcare and a child protection program in connection with the La Crosse County Unified Family Court Project.

### **Marathon County**

Once considered part of the far north of the Wisconsin territory, Marathon County is located in the center of the state. With an area of approximately 1584 square miles it is the largest county in Wisconsin. It became a separate county in February of 1850, formed from what had been part of Portage County. Its current population is slightly more than 126,000, and the largest city and county seat is Wausau, which means “far away” in the native Ojibway language. The county was named by Walter McIndoe, an early settler and legislator, after the plain of Marathon, the site of first Olympiad according to Greek mythology.

#### *Collaborative Efforts in Marathon County*

Marathon County was the first Wisconsin county to establish a criminal justice coordinating committee. Created in 1993, the Marathon County Justice Advisory Committee is a multi-disciplinary group with a stated mission of “striking a cost-effective, rational balance between the need for correctional alternatives and safety of the community.” Its current membership includes the County Administrator, representatives from the district attorney’s office, the public defender, county board, sheriff’s department, community corrections, corporation counsel, the county

social services department, representatives from NCHCF (North Central Health Care Facilities), local circuit court judges, the district court administrator, Laura Yarie, the Justice Alternatives Coordinator as well as citizen members. The Marathon County Justice Advisory Committee has a status similar to the newly formed Eau Claire County Criminal Justice Committee - it has been formally recognized - but is an advisory rather than policy setting body. Its statement of purpose states as much in providing, “[t]he mission of Justice Programs is to develop recommendations which will be developed by consensus of a multidisciplinary committee for a wide range of programs that address the needs of the criminal justice system within Marathon County.” Under the Marathon County structure it appears that the ultimate decision on various recommendations is made by the Planning, Law Enforcement and Judiciary and Finance and Property Committees of the County Board of Supervisors.

Gaining control over an ever-increasing jail population has been the primary yet elusive goal of the Justice Advisory Committee since its inception. Nearly twenty years ago, in 1987, a new facility was built with a capacity of 143. Less than six years later the facility was at capacity and an outside consultant recommended an expansion to 435 beds. The county board rejected this plan, and instead chose to focus on less costly alternatives. A full-time Justice System Alternatives Coordinator was hired in 1994 and the following year the Justice Advisory Committee’s composition was modified to include all justice system actors. A range of alternatives were developed and continue to be explored - a Community Service Program whereby offenders can reduce their sentences by work performed in the community; Electronic Monitoring and a Day Reporting Program for both defendants facing trial and sentenced offenders and Intensive Supervision for high risk traffic offenders. Program oversight has been

largely provided by Attic Correctional Services, a non-profit agency that has contracted with Marathon County. Yearly reports from the Attic agency indicate a substantial number of offenders have been diverted from the jail population. Nonetheless, although 100 new beds were added to the jail capacity in 2000 the county is again considering how to respond to the chronic problem of jail overcrowding.

A related problem in Marathon County is the length of time necessary to resolve pending cases. Recent statistics suggest that the average time to disposition in Marathon County is among the longest in the state. A subcommittee of the Law Enforcement and Judiciary Committee of the County Board is considering strategies to expedite case processing. Among the alternatives under review is a pre-charge diversion program in which low risk offenders would have their cases informally resolved thereby removing them altogether from the formal process.

Several Marathon County system shareholders candidly volunteered that consensus has not been easily achieved given deep-seated disagreements between certain Justice Advisory Committee members. The fact of differing viewpoints in itself is not surprising. Indeed, given the distinct perspectives and responsibilities of various system shareholders it would seem more unusual were there no disagreements. Indeed, a central purpose of a coordinating committee is to develop a mechanism to resolve just this sort of conflict by consensus. At least for the present it appears that the Marathon County group is struggling to achieve this objective. Certain of the shareholder disagreements have been aired in public contexts outside of the committee process and at least two elected system shareholders - the district attorney and sheriff - face opposition in the fall elections. Notwithstanding these challenges all members of the Justice Advisory Committee believed in its value and continuing potential.

### *Pretrial Release and Diversion Programs in Marathon County*

The Day Report, Electronic Monitoring and Intensive Supervision Programs provide options to pretrial incarceration while providing a level of supervision, and, in some instances, treatment services while the offender's case is pending. As noted, administration of the programs is provided by Attic Correctional Services with costs underwritten by Marathon County.

In a further effort to respond to the backlog of pending referrals and cases the district attorney's office is exploring the implementation of a more formal diversion program for low level offenses.

### *Marathon County Treatment Courts*

There are no operating treatment courts in Marathon County nor are there plans to develop such a court. Local shareholders gave two explanations for this choice. First, jail overcrowding and system delays needed to be addressed before consideration of any new programs. Second, at least some believed Marathon County lacked adequate treatment services within the county government structure or the community at large to make a treatment court viable.

### *Restorative Justice Programs in Marathon County*

The Marathon County Restorative Justice Program is sponsored in part through the county Department of Social Services and supported in part through a Juvenile Accountability grant administered through the Office of Justice Assistance. It focuses on juvenile offenders and provides victim-offender conferencing, family group conferences, oversight for restitution and community service projects by juvenile offenders and educational programs focused on drinking and shoplifting behaviors. Several programs charge a nominal fee to defray program costs. During the past calendar year nearly one hundred juveniles cases were referred to the program.

## **Portage County**

Portage County was named after the overland trail between the Fox and Wisconsin Rivers in central Wisconsin, a major early thoroughfare. When first established in 1836, Portage County covered a substantial portion of central Wisconsin. As other counties were established it was reduced to its current size. In fact, the portage which serves as the county's namesake is near the city of Portage in what is now Columbia County. Portage County's county seat and largest city is Stevens Point. The county presently covers slightly more than 806 square miles and has a population of approximately 70,000.

### *Collaborative Efforts in Portage County*

Portage County is among the earliest and most impressive examples of local shareholders working together to improve their justice system. The movement toward a collaborative model of local decision-making began ten years ago, based in part on the recommendations of the National Institute of Corrections that a broad-based coordinating committee would allow for more effective responses to local problems. Jail space problems triggered the initial outside review of Portage County. The report and recommendations followed a three year NIC study of justice systems in Portage and Wood Counties. A committee, the Portage County Justice Coalition, was formed in 1997, with more than thirty members from the county justice system, local government agencies and the private community.

As originally conceived, the Justice Coalition was not, and still is not, an officially recognized committee of the County Board although its membership does include several county board members. When first created its membership believed an informal status without public meetings would encourage openness and cooperation between its members. It now adheres to a policy of

transparency, with open - even televised - meetings and works closely and publicly with those county board committees with overlapping areas of concern.

Three years after its creation the county established the position of Justice System Administrator to guide and manage the efforts of the Justice Coalition. Kathy King, a former corrections field supervisor with extensive criminal justice experience, was hired as the administrator and has held that position since its creation. At present, the county has established a Justice Programs Department, including King and one additional full-time assistant. They are subject to the oversight of the existing Planning and Zoning and Public Safety Committees as well as the new Portage County Executive.

Several basic tenets of collaborative decision-making have gained a strong foothold in Portage County. Interviews with several county shareholders suggest a shared belief in the Justice Coalition as the primary mechanism to discuss and resolve local public safety issues. Problems brought to the Justice Coalition are discussed referred to an appropriate subcommittee for additional review and assessment. Although the Coalition is an advisory board its recommendations are typically given great weight. Its responses are not *ad hoc* - members seek to examine proposals from the perspective of how they fit within current policy and planning and whether anticipated benefits merit implementation. Once implemented, data is collected and progress tracked to seek to determine if outcomes created the intended value.

Belief in the value of data is evident in Portage County. In many counties shareholders lament the lack of hard data upon which to make policy and planning decisions and assess results. Yet in very few is there a bona fide effort to gather even available data for planning or outcome evaluations. Portage County is different. Shareholders seek and value information. Over time the

county has developed what a recent study called a “legitimate and sophisticated” data collection system that permits regular collection and analysis of a broad range of information including individual offender assessments, system case flow data and population trends in various county programs. This information is regularly used to evaluate outcomes and explore means of more effectively deploying county resources. Efforts to apply and benefit from evidence-based best practices is evident in all aspects of the local system’s operational decisions. Because of the adequacy of its own data collection and retrieval system Portage County is not a participant in the statewide CCAP system. According to local shareholders to do so would create more work with little if any benefit. Nonetheless, Portage County is in the process of joining CCAP, more for the benefit of other counties than itself.

Virtually every justice system-related project initiated in Portage County in the past ten years has been considered, proposed, or improved by the imprint of the county Justice Coalition. Now, as the county faces the need for a new jail and courthouse the same informed, detailed and meticulous process is evident. A comprehensive *Justice System Needs Assessment Study & Plan* prepared earlier this year by a private consulting firm , notes the strong foundation in place to effectively respond to current and future justice system needs.

#### *Pretrial Release and Diversion Programs in Portage County*

Portage County has a number of programs that allow for intervention both prior to and following conviction. The services are provided by a combination of county, state, private and volunteer organizations. A unique feature of Portage County is its effort to screen and assess each prospective participant to determine their unique treatment needs, level of risk and appropriate placement options. The initial assessment and several of the available intervention services are

provided by contract with Attic Correctional Services. Development of a more detailed and effective Case Management System is among the improvements currently under consideration.

Pretrial interventions include an OWI Intensive Supervision Program, similar to that in place in several other counties and supported in part by the Department of Transportation. Focused primarily on offenders with at least three prior drunk driving convictions it seeks to provide intensive treatment and supervision as soon as possible following arrest. Approximately sixty offenders are involved in the program.

The Day Reporting Program is also available for offenders awaiting trial who are need not be confined in jail but who require a certain level of supervising and monitoring for drug or alcohol abuse.

The Court Date Reminder System, operated jointly by the Justice System Administrator and Clerk of Courts, seeks to reduce missed court appearances by a system of written and phone reminders.

Although there is no formal diversion or first offender program in the district attorney's office, local prosecutors seek to resolve certain minor matters without formal charges, including issuance of worthless check cases and non-aggravated retail thefts. Some other matters are resolved informally on a case-by-case basis.

A number of Portage County interventions also serve convicted offenders. Perhaps the most frequently used is the Home Detention Program, operated by the Sheriff's Department. Low risk offenders are allowed to serve their sentences subject to electronic monitoring. Between 100 - 130 offenders each year discharge their sentences in this fashion. Often offenders involved in Home Detention are also subject to cooperate with other county programs, such as day reporting. Local

authorities note a success rate of nearly 95% as evidence that the program is both saving limited jail space and managing risk. Portage County also has a Community Service Work Crew Program whereby participants satisfy part of their sentence through supervised community work.

At least two facilities, Portage House and Oxford House, provide housing and aftercare to offenders with substance abuse problems.

Portage County's information systems appear to provide more current and complete data about all aspect of their justice system and intervention programs than is available in most other counties. Authorities regularly track populations, successes and failures of programs and risk assessment tools, and trends for each of their intervention programs.

#### *Portage County Treatment Courts*

County authorities have applied for a training grant for an Alcohol and Drug Court. Also under consideration is the viability of offering specialized treatment to offenders with mental health problems. If implemented, it is projected to serve up to twenty persons a year with substance abuse problems or dual diagnoses of substance abuse and mental health problems. The amount of time necessary to operate a treatment court may hasten the need for an additional court in Portage County, which currently has but three circuit judges.

#### *Restorative Justice Programs in Portage County*

With the establishment of Justiceworks, Inc., Portage County has among the most creative and ambitious approaches to restorative justice in the state. The non-profit organization boasts a broad-based membership, including representatives from county justice agencies, the Justice Coalition, law enforcement, the private bar, the university, the faith community and the local business community.

Judge Fred Fleishauer, the primary force behind the Justiceworks program, has worked to develop a foundation of community involvement, support and direction to complement the traditional services of the local justice system. As the focal point to develop and implement community programs Justiceworks can avoid duplication of services and more effectively utilize available resources. At present, Justiceworks has developed a number of programs. Several other are under consideration.

One of them, Volunteers in Probation Program is designed to use volunteer mentors for offenders found guilty of certain minor offenses. Successful completion of the mentoring program will entitle the offender to vacation of the their pleas and dismissal of charges.

The PRISM jail ministry is also a part of Justiceworks programming. Its focus is assisting offenders returning to the community with housing needs.

Justiceworks also hopes to become involved in local schools and develop court programs to help the unrepresented in family law and small claims matters. A mediation project is also under development. A common theme with all Justiceworks programs is involvement of community resources to improve system fairness and public safety. It has relied almost completely on volunteer work and external grants.

### **Waukesha County**

Located in southeastern Wisconsin, Waukesha County is the third most populated county in the state. Recent census figures show a population of more than 360,000 persons. It covers more than 567 square miles and has thirty-seven municipalities within its borders. The county seat and largest city is Waukesha, its name taken from the Potawatomi word for the Fox tribe of Indians that inhabited the areas - "Waukt-shaw".

### *Collaborative Efforts in Waukesha County*

The movement towards collaborative decision-making in Waukesha County had a similar beginning as other Wisconsin communities - the recommendations of the National Institute of Corrections following a study of jail space problems. In late 2002 a group of Waukesha County shareholders visited Cincinnati, Ohio, a community roughly similar to Waukesha, to learn about their experiences with a county-wide coordinating committee. Impressed by what they saw, the Waukesha County Criminal Justice Collaborating Council was created by county ordinance in October of 2002. Its stated mission is "to enhance public safety in Waukesha County through community collaboration by ensuring offender accountability, providing rehabilitation programs and supporting the rights and needs of victims." The enabling ordinance provided that the Council's membership should include the Chief or Presiding Judge, the County Executive, the County Board Chair, the Sheriff, the District Attorney, the Clerk of the Circuit Court, the Mayor of the City of Waukesha, the First Assistant Public Defender, the Director of the county Health and Human Services Department, the Community Corrections regional chief and a representative from the Waukesha County Police Association, an organization which represents each of the many police agencies within the county.

Circuit Court Judge Kathryn Foster chaired the Council from its inception until recently, guiding it through its early stages of development. Several system shareholders volunteered that the energy and leadership of Judge Foster was critical to the Council's early successes and its establishment as a model for collaborative decision-making. Recently leadership of the Council has been transferred to Judge Mac Davis, the county's new Chief Judge.

The Waukesha council has a full-time coordinator, Michelle Cyrulik, whose responsibilities include scheduling meetings, preparation of agendas, coordination and evaluation of existing and proposed county projects and representation of the council at state and national conferences. It also has dedicated funding from the county board, much of which is devoted to the operational costs of programs overseen by the Council rather than the operational costs of the Council itself.

There are certain features of the Waukesha council that make it unique in Wisconsin. During the course of preparation of this report a number of system shareholders in various communities expressed skepticism that collaborative efforts that seemed so effective in some locations could work in larger communities. The problems of larger communities were too complex, the crimes too serious, the number of shareholders too great and the resources too limited to support this model. Waukesha County's experience is evidence to the contrary. Although still in a period of development, the successes and ambitious goals of the Waukesha council demonstrate the viability and promise of collaboration on a larger scale. Its approach to collaborative decision-making may provide helpful guidance to other larger counties.

One adaptation to the size of the community is an expanded subcommittee structure. There are at least thirteen subcommittees of the Waukesha County Criminal Justice Collaborating Council, each with a specialized focus. This invites participation and contributions from a larger number of shareholders while keeping the Council as a focal point for oversight on how individual programs fit into the county's overall justice system objectives. It can also help avoid duplication of efforts and ensure the efficient use of county resources.

Also of note, the Council is in the process of developing and refining a county-wide database - the Criminal Justice Data Warehouse. As initially envisioned, it would combine data

from the circuit court, the district attorney and sheriff and provide for broader interface, access and use of the combined information than is currently possible. A related project objective is creation of a database of individual treatment and evaluation information, currently accessible only from the particular agency which maintains the records. This database would facilitate the county's movement toward more sophisticated performance and outcome measures. Waukesha's Criminal Justice Data Warehouse suggests improved data systems are a viable and attainable objective even in a large community.

#### *Pretrial Release and Diversion Programs in Waukesha County*

Waukesha County has a variety of pretrial services, most of which are provided through contracts with Wisconsin Community Services. The oldest existing program is the Intoxicated Driver Intervention Program. Similar to the DOT Program in several other counties it focuses upon repeat drunk drivers, seeking to place them in treatment as soon as possible following arrest. It has been combined with the new Alcohol Treatment Court such that all participants in the court program must also participate in the pretrial treatment program.

In 2003 Waukesha County began a Pretrial Screening Program to develop information about each individual arrestee to facilitate informed bail release and treatment referral decisions. Related is the Pretrial Services Program which monitors persons released on bail and provides referrals for treatment, job training and other indicated services. Both projects are administered by Wisconsin Community Services.

For the past two years Waukesha County has had an Operating After Revocation Program. Created in response to an increase in criminal operating after revocation cases following the legislature's criminalization of first offenses, the program was designed to assist offenders regain

their driving privilege, minimize jail usage for operating after revocation and reduce the number of missed court appearances for this population. Since its creation the legislature reversed itself, decriminalizing first-offense driving after revocation. Whether the program will continue in its current or a modified form is under review.

Certain programs in Waukesha target offenders already convicted. At present, there is minimal use of electronic monitoring except as a condition of participation in the Alcohol Treatment Court Program. The possibility of expanding such monitoring is under consideration by the Council as is a Day Reporting Program. There is a Community Service Program whereby offenders may reduce their jail sentences by performing work for approved non-profit agencies in the community. In addition, the county Health and Human Services agency operates the Community Transition Program, providing re-entry services to offenders with substance abuse or mental health problems. The Salvation Army Operation Hope provides similar services.

A Home Detention Program for juvenile offenders is also among the Wisconsin Community Service contract programs.

The Waukesha County District Attorney does not have a formal First Offender or Diversion Program although certain informal practices have the same practical effect. Certain classes of minor offenses are charged as crimes but later reduced to county ordinances if the defendant complies with certain conditions. For example, in worthless check cases the defendant must pay restitution; in minor domestic cases counseling must be completed and in marijuana possession cases the defendant must be evaluated and complete any recommended course of action. These practices are largely self-funded; the offender must pay the costs of any treatment necessary to take advantage of the opportunity.

In the last year, the District Attorney piloted the Enlight Program. Minor property offenders were referred without charges; if recommended conditions were met they could completely avoid the issuance of a criminal charge. Underlying the pilot was a concern that even the fact of a charge later dismissed could harm future employment and educational opportunities. An expanded Deferred Prosecution Program is now under consideration. Funding for such a pilot program is in part the basis for the county's current application for TAD funding.

#### *The Waukesha County Alcohol Treatment Court*

The Waukesha County Criminal Justice Collaborating Council received a federal training grant in 2004 to assist in the development of the first alcohol treatment court in Wisconsin. Additional grant funds support the court's current operating costs and will allow expansion of the program to accommodate up to seventy-five participants.

The court began operation in early 2006. It targets third offense drunk drivers - offenders with serious alcohol dependency problems and at least two prior drunk driving convictions. It is a post-judgment program; offenders who participate are convicted but allowed to reduce the length of their mandatory jail sentences through successful completion of the program's four stages. Given that probation is not a viable statutory option for this class of offense participants are not on probation and corrections is not involved as they are in other state treatment courts. Should the statute or target population change so to would correction's role in the treatment court.

The Waukesha County Alcohol Treatment Court team consists of Judge Kathryn Foster, treatment personnel from Attic Correctional Services and a representative from the public defender's office. Several local actors noted that Judge Foster's leadership role with the Council and the respect she enjoys throughout the community helped the treatment court quickly gain

support and acceptance.

Cases are staffed regularly, and, depending on the progress of each participant, they are required to appear in court either weekly, biweekly or monthly. Each case is reviewed by the court. Judge Foster demonstrated a remarkable knowledge of the specific facts and nuances of each case as the various offenders appeared before her. The participants' interactions with the court and their demeanor reflected a significant level of respect for and trust of the court and the demands she imposed. It seemed that participants wanted to succeed not only for themselves and to avoid the consequences of failure; they wanted to show Judge Foster that the faith she demonstrated in their potential was warranted. So to, there was no hint of adversariness among the team members - the shared goal was to do all possible to facilitate successful completion of the program's requirements. Extensive treatment records are maintained on each participant both to accurately monitor their progress and to comply with federal grant requirements. With time, these records are intended to provide a basis to assess to long term value of the treatment court approach.

The Waukesha County Alcohol Treatment Court was the only treatment court observed with no prosecutor presence or involvement. When asked, the district attorney said involvement was unnecessary because the participants were already convicted. More value was seen by assigning assistant prosecutors to other courts. The lack of adequate prosecutor staff was decried as political punishment by the current state administration.

Oversight of the Alcohol Treatment Court is provided by the Council through one of its thirteen subcommittees.

## *Restorative Justice Programs in Waukesha County*

Restorative Justice initiatives in Waukesha County currently focus primarily on juvenile offenders, such as the Juvenile Service and Restitution Program administered by Wisconsin Community Services. Victim Impact Panels are available in adult drunk driving cases. Local actors reported no other ongoing restorative justice programs.

### **Concluding Thoughts**

During the past three months I had the opportunity to spend one or more days in seven Wisconsin counties selected for an inventory of innovations in local Wisconsin justice systems. In each I was humbled by the welcome I received and the cooperation and good will extended. Without exception I was given access to all aspects of each local justice system. I listened and observed to understand how these local systems worked, how their shareholders worked to make their communities safe. Each community was different; in its demographics, its size, its resources and its problems. But each had several things in common, strengths which combined to create new partnerships, new ways of thought and new solutions to pre-existing problems. Undoubtedly, there are projects and successes in these counties that may have evaded mention or detailed description. Responsibility for any errors or omissions is mine alone. However, if this report is seen less as an exhaustive directory of every program that is or ever was and more as evidence of the potential of collaborative creativity it will have achieved its purpose. Lessons learned include the following.

#### *Leadership*

Each of the seven communities visited was blessed with strong leadership, one or more persons who had the respect and trust of other shareholders, persons who were not satisfied with

the status quo, who saw not simply problems but opportunities to draw upon the strengths of the community and who were not afraid to try something new and different and even fail. Typically, but not always, these leaders were judges. In others they were justice system coordinators, standing tall in the midst of legally trained shareholders who sometimes doubted their advice and commitment to fact-based collaborative strategies. In all counties, these leaders tirelessly and patiently worked to bring together the different factions in their communities to find common ground rather than reasons for disagreement.

### *Independence*

Not once did a local shareholder express the view that public safety in their community was the responsibility of the state or federal government. Local problems and solutions were not categorized as liberal or conservative, Republican or Democrat. Courses of action were taken because of their perceived value rather than the potential for political advantage. There was a quiet confidence that local communities could solve their own problems. At the same time there were examples of valuable external assistance. Most counties saw great value in the work and recommendations of the National Institute of Corrections. Federal grants permitted training to develop and implement treatment court programs, and, in some instances defray operating costs. Community Corrections partnered impressively in several counties to combat the scourge of methamphetamine and other types of substance abuse. Other state agencies, including the Departments of Public Instruction, Health and Family Services and Transportation, have contributed to many local efforts. So to, faculty, staff and students from several University of Wisconsin campuses and Extension offices worked with shareholders on various community problems. Several justice coordinators in counties with established collaborative practices also

tirelessly gave of themselves, driving to other communities and sharing over and over again, their stories, their trials, their tribulations and their visions, to help other counties begin their own collaborative programs.

### *A Commitment to Collaboration*

Best practice guides suggest evidence-based collaborative decision-making as a key to achieving cost effective public safety. Each of the communities visited have embarked on this path. Each was at a different point in the process. A few counties seemed to have fully committed to consensus decision-making; the individual shareholders saw opportunity rather than risk in collaboration; they saw the necessity of improved data collection and analysis capacity to develop plans and assess outcomes and believed in the importance of involvement of the community at large. Some counties were at an earlier stage of development. In some, certain shareholders championed collaboration while others seemed unconvinced, viewing a coordinating committee as just another meeting to attend, an obligation that took them away from familiar surroundings - processing cases in the courthouse, one offender at a time. Time will tell which perspective will prevail. In some counties the inevitable disagreements that occur between shareholders with conflicting interests lead to compromise and creative solutions no one thought possible. In others disagreements became public disputes that compromised the committee's ability to move forward. Even in moments of dysfunction a shared belief in the value of collaboration was evident. New alliances were created with the most creative ideas often emerging from shareholders who had never worked together before. And, the community was seen as a resource and an ally, a partner in all that system actors sought to accomplish.

### *The Next Steps*

Ultimately, criminal justice is largely a matter of local concern. This raises the question of what value can be created at other levels of government to support local community efforts to improve public safety. A few ideas present themselves. There are most certainly others.

Several statutory provisions should be modified. For example, a number of “get tough” provisions of Wisconsin’s drunk driving laws frustrate treatment of offenders with serious alcohol abuse problems. Certain repeat offenders cannot be placed on probation. This has the practical effect of excluding corrections and their resources from partnering with local agencies to manage high needs offenders. Mandatory jail terms with limited flexibility conflict with efforts to quickly place offenders into treatment programs. Restrictions on occupational licenses complicate compliance with treatment plans, particularly in rural areas where there are great distances between the court, treatment facilities and job sites. Narrowly crafted exceptions for offenders accepted into treatment court programs could limit such conflicts.

Circuit Court sentencing authority should be expanded to allow community service for a wider range of purposes than is currently possible under ch. 973 of the statutes. Clarification of a treatment court’s continuing authority over participants both in pre- and post-judgment courts would resolve current ambiguities.

Similarly, both attorney and judicial ethics codes might be revisited to ensure the unique roles the parties assume in treatment courts do not cause inadvertent rule violations.

There are other areas in which the legislature, the Court or the University system could better assist local communities. Wisconsin needs to develop expertise to help counties develop collaborative decision-making mechanisms, to facilitate the creation and developmental stages of

a collaborative criminal justice council. At present, this expertise is available only at the federal level or through the volunteered services of a select few justice coordinators in Wisconsin willing to share their knowledge and expertise. Second, there is a great need to improve the capacity of local justice systems to gather, share and evaluate data. If decisions are to be evidence-based the information necessary to make these decisions must be made more available. State-wide assistance in the development and implementation of improved data collection systems would be of extraordinary value. The need for uniformity between counties suggests the need for a state-wide program. Mechanisms for sharing of information and resources, between counties and the state and counties would also be of great value. Not infrequently shareholders in one Wisconsin community were wholly unaware of programs operating only a few miles away or of resources that could help them better address their own community's problems.

Finally, our state government could provide greater symbolic leadership in encouraging innovations at the local level. Of the three branches of state government only the Court has been a consistent vocal supporter of these efforts. The two most convincing ways for our state to show support for independence and innovation at the local level is to say so publicly and back up there statements with support, financial and otherwise.