

Supreme Court of Wisconsin  
Planning and Policy Advisory Committee (PPAC)  
Effective Justice Strategies Subcommittee (EJS)

Phase II: Progress and Accomplishments  
November 13, 2013

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PPAC EJS Subcommittee membership

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## 2013 PPAC Effective Justice Strategies Subcommittee Membership

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## Summary

In 2004, the Supreme Court’s Planning and Policy Advisory Committee (PPAC) created the Alternatives to Incarceration Subcommittee, now known as the Effective Justice Strategies (EJS) Subcommittee, to: *“explore and assess the effectiveness of policies and programs, including drug and other specialty courts, designed to improve public safety and reduce incarceration.”*

During Phase I, the EJS Subcommittee focused efforts on studying, developing resources, and making recommendations in regard to collaborative problem-solving approaches to the criminal justice system. At the conclusion of Phase I, EJS recommended that PPAC:

- support the development of a criminal justice coordinating council (CJCC) for every county;
- support the Assess, Inform, and Measure (AIM) pilot;
- educate the legislature and public about effective justice strategies;
- support the development of a state-level criminal justice coordinating council (CJCC); and
- support a comprehensive assessment of Wisconsin justice system programming to determine best practices and build state level support for these initiatives.

EJS also identified continued areas of work for Phase II. These included:

- oversight of the AIM pilot project;
- assistance in the development and implementation of the justice programs inventory database in coordination with the Sentencing Commission, University of Wisconsin Law School and other justice system partners;
- identifying programs with successful outcomes, emphasizing those involving drug and alcohol dependency per the direction of the PPAC Critical Issues 2005-2007 plan;
- gaining a comprehensive understanding of programs, practices, and outcome measures currently being utilized in Wisconsin courts related to public safety/problem-solving strategies;
- determining the most effective components of programming and make recommendations for fostering replication of these components and programmatic outcomes;
- gaining an understanding of what circuit courts need and want on a state level to support effective programming and address issues of incarceration, recidivism, and public safety on the local level; and

- recommending educational and outreach strategies to promote further development of best practices statewide.

In the past five years, EJS accomplished the tasks outlined in the goals and has made significant progress in collaborating with multiple agencies to advance evidence-based practices and decision making in the Wisconsin court system. EJS advanced the AIM pilot project, brought in the National Center for State Courts (NCSC) for the production of the *Effective Justice Strategies in Wisconsin: a report of findings and recommendations*, published in early 2012, and worked on the development of Wisconsin standards for problem-solving courts with the Wisconsin Association of Treatment Court Professionals (WATCP). The EJS subcommittee has also been awarded a grant to develop state-wide drug court performance measures, with guidance from the National Center for State Courts, which is the foundation work for a state-wide evaluation on Wisconsin's drug and hybrid courts. The subcommittee has also received a grant from the Department of Justice to develop an evidence-based sentencing curriculum, specific to Wisconsin. EJS continues to work with the local criminal justice coordinating councils, adding two local CJCC coordinators to its membership in 2011. The Office of Court Operations also updates the local CJCC directory and surveyed the local CJCC coordinators on issues such as programming available at the county level, job duties of the coordinators, local CJCC composition, and planned initiatives.

EJS has been diligent to its charge and continues to work toward the implementation of evidence-based policies and practices in the Wisconsin court system and criminal justice system at large.

## **Phase II Accomplishments**

### **Assess, Inform, and Measure**

The Assess, Inform, and Measure (AIM) pilot project began in the fall of 2006, with the goal to provide judges with valid and reliable information to help inform case disposition decisions. The AIM process is based upon principles of risk, needs, and responsivity which are systematically developed and focus judicial attention on evidence-based factors known to be linked to recidivism. The goals of the AIM model are:

- Provide the sentencing court with a valid risk, needs, responsivity and community intervention assessment, while creating a feedback loop that provides information on the success of court dispositions and community interventions in promoting offender success and public safety.
- Put into practice and evaluate a process that offers the court reliable information that will have value in the sentencing process, and may lead to the safe diversion of some persons, who may have otherwise received jail or prison confinement time, to community based supervision and treatment.

Eight counties joined the AIM pilot project: Bayfield; Dane; Eau Claire; Iowa; La Crosse; Marathon; Milwaukee; and Portage. Although each project was structured a little differently in order to fit local needs, the overall purpose of the project spanned the eight counties. The following explains the implementation in each of the pilot counties:

***Bayfield County:*** Bayfield was the 6<sup>th</sup> county to join the pilot project, and used the LS-CMI as their risk/assessment tool. They focused on repeat offenders with multiple misdemeanor convictions and those with a medium/high risk profile.

***Dane County:*** The Planning committee decided that the AIM process should occur prior to the plea process in criminal cases. The implementation of AIM really assisted with identifying where gaps in the system are occurring and what services are lacking in the community.

***Eau Claire County:*** Eau Claire had previously adopted COMPAS in 2009 to serve as their County's risk/needs assessment (RNA) tool, so the AIM report system was only used for the Alternatives to Incarcerated Mothers' treatment court participants and for those defendants in other courts for whom the Judge had specifically requested that they be entered into the AIM system. Going forward, AIM will be used only for participants in the AIM court, with all other criminal court defendants being evaluated using COMPAS, which will determine what court each defendant should be referred to.

***Iowa County:*** Iowa County currently uses the LSCI for its screening tool, in conjunction with AIM. While there were some initial growing pains regarding identification of community

resources, procedures are now in place to help people get into treatment within a week. The recidivism feature of AIM has been influential in gaining county support.

***La Crosse County:*** AIM was useful for sentencing in low level felonies, when a pre-sentence investigation (PSI) would not be ordered but judges still wanted information. La Crosse County has recently transitioned to COMPAS for pre-trial assessment at the county level in a partnership with the Department of Corrections.

***Marathon County:*** The AIM project had county support from the very beginning of the process. Marathon County has been using the LSI-R assessment for the past 17 years, and continues to have a strong commitment to risk, needs, and responsivity assessments.

***Milwaukee County:*** The AIM project assisted Milwaukee County in accepting the use of validated risk assessments. Because of the work in integrating AIM into the Milwaukee system, Universal Screening has been implemented and Milwaukee is interested in using the COMPAS at the county level.

***Portage County:*** The AIM project went well in Portage County and the county is likely to use similar metrics for the adult system in coming years, possibly with the addition of the COMPAS assessment.

AIM was the impetus for integrating risk, needs, and responsivity assessments at the court level. Due to the groundwork laid with the AIM projects, counties are more open to the utilization of validated assessments to determine risk and needs. During the AIM pilot project, the Department of Corrections began the implementation of COMPAS across the agency. COMPAS is an assessment tool, case management system, and data collection system which allows the department to have validated and consistent client information across their divisions. The Department of Corrections also began reaching out to counties, first Eau Claire and La Crosse as their pilot sites, to implement COMPAS at the county level. Eau Claire and La Crosse, as AIM pilot sites, were already well versed in the benefits of risk assessment and have been able to structure a working relationship with the Department of Corrections to complete pre-trial assessments and utilize COMPAS at no additional cost to the counties. This also allows for the sharing of client COMPAS information between the state and the counties. Portage and Bayfield counties are now also using COMPAS through the Department of Corrections and Milwaukee and Dane counties have begun discussions about the possibility.

In the past 5 years, evidence-based practices in Wisconsin have gained strides in their use and understanding, particularly in the area of risk, need, and responsivity assessment implementation, because of the work and promotion of AIM.

## National Center for State Courts Report

The National Center for State Courts published *Effective Justice Strategies in Wisconsin: A Report of Findings and Recommendations* in early 2012. The report identifies court related evidence-based strategies that enhance public safety, reduce recidivism, and address criminal and addictive behaviors. The report also provides recommendations related to the court system's role in fostering state-wide support and replication of the identified strategies. The report focuses on three primary areas: the use of risk and needs assessments in judicial decision making; problem-solving courts as a treatment and supervision response to certain groups of offenders; and collaborative justice system planning.

The report is the product of two years of collaboration with the National Center for State Courts in which programs and practices in Wisconsin were researched on both the local and state levels. This research allowed NCSC to provide EJS with specific recommendations to enhance evidence-based practices in the court system and to expand the conversation about effective justice strategies.

Risk, Needs, Responsivity (RNR) assessment recommendations:

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

Problem-solving court related recommendations:

- A full-time, state-level position should be dedicated to coordinating efforts and providing technical assistance to problem-solving courts in Wisconsin.
- A full-time, state-level position should be dedicated by the court system to provide technical assistance and training regarding evidence-based practices.
- Special attention should be given to OWI courts to ensure that they are based on the most recent evidence-based practices literature.
- An interagency problem-solving courts oversight committee should be formed for the purpose of establishing guidelines and base criteria for problem-solving courts.
- Courts that currently have problem-solving courts, as well as those who are developing problem-solving courts, should ensure that appropriate and varied treatment is available to meet the needs of the targeted population.

### CJCC Recommendations:

- The Wisconsin court system, to the extent permissible under the Code of Judicial Conduct, should encourage judges who are not active in their local CJCCs to become involved.
- Where local CJCCs do not exist, the Wisconsin court system leaders should encourage judges to meet with local justice partners and weigh the benefits of creating one.
- Criminal justice leaders in all three branches of state government in Wisconsin, in collaboration with related criminal justice stakeholders, should work together to determine whether sufficient interest and commitment exists to create a state-level CJCC.

### Recommendations to facilitate the implementation of the previous recommendations:

- Focus offender supervision and treatment resources toward community oriented evidence-based practices.
- Create a statewide CJCC.
- Encourage criminal justice system program performance measures and evaluation.

EJS has been working on implementing these recommendations over the past year. Governor Walker has created a statewide CJCC, and many members of EJS sit on the subcommittees of the state council. The members of EJS participate on these subcommittees as another way to expand the conversation regarding effective justice strategies and evidence-based practices. The Director of State Courts Office has hired a full-time statewide problem-solving court coordinator, which has allowed for a full-time position to be dedicated to evidence-based practices. EJS also has many on-going projects related to the recommendations of the NCSC report. A summary of the on-going projects can be found in the next section of this report, all relating back to the recommendations of the NCSC report and the mission of the EJS subcommittee.

### **Treatment Alternatives and Diversion (TAD) Expansion**

EJS has been involved with TAD since the inception of the program. Members of EJS sit on the TAD Advisory Committee and have assisted with the grant review and selection process for local projects.

In 2012, members of EJS collaborated with other criminal justice system professionals in writing draft language for expanding the TAD program beyond substance abuse programs. The expansion of the legislation included the recommendations from the evaluation of the TAD program by the UW Population Health Institute. Expanding the TAD program in scope allows for the inclusion of more evidence-based initiatives at the local level.

EJS subcommittee members participated in the TAD Symposium to promote the expansion of TAD and encourage counties to apply for the additional TAD money which was added to the state budget. Subcommittee members participated in the planning group for the symposium and also presented at the event.

EJS continues to play an active role with the TAD program and promoting effective and evidence-based programming at the local level.

## **Current projects**

### **COMPAS**

Due to the valuable lessons learned from the AIM pilot project and the growing evidence surrounding the need for a validated risk, needs, and responsivity assessment tool, the Department of Corrections' implementation of COMPAS has been a timely addition to the evidence-based tools available in Wisconsin.

Dunn, Eau Claire, and La Crosse counties have been piloting the use of COMPAS at the county level with the Department of Corrections (DOC). Many more counties are interested in partnering with the DOC in order to implement COMPAS at the pre-trial level. The Director of State Courts Office has partnered with the DOC and the pilot counties to create an oversight group for COMPAS implementation at the county level. The group, County Risk Assessment Implementation Network (CRAIN), meets quarterly to review business processes in the implementation of COMPAS and to assist counties interested in joining DOC in the use of the COMPAS. Four of the AIM counties have begun use of the COMPAS at the pre-trial level and have had success with the implementation.

Members of EJS are also working with the DOC to create an integrated pre-sentence investigation report and COMPAS report. This will allow for the identified criminogenic needs, as well as the risk level to be incorporated into the standard pre-sentence investigation report that the judges receive.

### **Problem-Solving Court Standards**

EJS subcommittee members are working with members of the Wisconsin Association of Treatment Court Professionals (WATCP) to develop statewide standards for problem-solving courts. The standards are models for research based and effective problem-solving court operation. They are based on national and other state level standards. The standards were released in draft form at the 2013 WATCP conference in April and have been vetted across the state.

Having standards in place will assist local problem-solving courts in identifying areas for improvement and for aligning themselves with the current research on evidence-based practices in the problem-solving court model.

## **Drug Court Performance Measures**

The Director of State Courts Office received a grant from the Bureau of Justice Assistance to partner with the National Center for State Courts(NCSC) to develop performance measures for Wisconsin's drug courts. This grant is a direct result of work from members of the EJS subcommittee. The performance measures will identify key indicators to determine outcomes for the drug and hybrid courts. A group of problem-solving court stakeholders met in January 2013 with NCSC and EJS subcommittee members to determine the best indicators for successful courts in Wisconsin. NCSC is now in the process of drafting the performance measures.

The next step of the project is to determine a database for collecting these performance measures from the drug and hybrid courts. Then, NCSC will train local courts on the database and on the reporting of performance measures for their courts. This project will lay the data collection groundwork for a full statewide evaluation of Wisconsin's drug courts.

## **Evidence-Based Practices Training**

EJS created a small workgroup of subcommittee members tasked with developing a Wisconsin specific evidence-based sentencing curriculum for teams of judges, district attorneys, defense counsel, and other interested criminal justice system professionals. The training is titled *Effective Sentencing Practices: From Theory to Reality* and the goal is to increase the ability of local criminal justice systems to effectively use evidence-based practices in sentencing decisions. The curriculum is very hands on and informative on the local resources available for evidence-based programming. The training also allows for Wisconsin-based trainers to be available for local jurisdictions to call upon for follow up technical assistance. The training begins with an overview of the theory and research behind evidence-based practices, and then looks at how evidence-based practices fit with the current sentencing laws in Wisconsin. The Department of Corrections also presents on how they are implementing evidence-based practices in the Division of Community Corrections and the Division of Adult Institutions. The participants of the training get individual assignments, group assignments, and also have time at the end in their county teams in order to develop implementation plans for moving forward with evidence-based practices in their local jurisdictions.

The training was completed for the ten judicial administrative districts with a grant from the Wisconsin Department of Justice. The response from the participants was positive and the teams will be receiving follow-up technical assistance to help implement their plans.

## **Criminal Justice Coordinating Councils**

The EJS subcommittee continues to have involvement at the local CJCC level, as well as involvement on the subcommittees of the statewide CJCC. Encouraging the development of CJCCs at the county level helps to increase the amount of evidence-based practices employed across the state. EJS also continues to update the directory of local CJCCs which provides

contact information for the local councils. Two local CJCC coordinators are also members of the EJS subcommittee. Many members of EJS also sit on the various state CJCC subcommittees, which include evidence-based practices, problem solving courts, data, and outreach/communication. Involvement at the state level helps to advance the evidence-based practices conversation and allows for the opportunity to advocate for effective evidence-based policy.

### **Results First Initiative**

The Pew-MacArthur Results First Initiative, a project of The Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, works with states to implement an innovative cost-benefit analysis approach that helps them to invest in policies and programs that are proven to work.

EJS has long envisioned an agency such as the Washington State Institute for Public Policy, which evaluates programs adherence to evidence-based practices and analyzes their benefits against the costs of the programs. The technical assistance from Results First would assist with the implementation of Washington's cost/benefit analysis model in Wisconsin. EJS had initial conversations with Results First and recommended to the evidence-based practices subcommittee of the state CJCC, that they make a presentation to the full council. The presentation by Results First to the full state CJCC took place in October 2013 and discussion with state leaders are continuing in order to encourage the advancement of this initiative.

### **Inventory of Programs Available to the Court**

The *Effective Justice Strategies in Wisconsin* report included an inventory of programs that are available to local courts to use as sentencing options. This inventory outlines programs in all 72 counties. The inventory was completed in 2010 for the report and was updated in the summer of 2013 by EJS.

### **National Institute of Corrections Summit**

The National Institute of Corrections (NIC) is planning a summit in January 2014 to showcase evidence-based decision making (EBDM) at the local level. NIC has been providing technical assistance to Eau Claire and Milwaukee counties, as well as to five other sites across the nation. NIC is hoping to expand EBDM technical assistance to one state in 2014. The purpose of the summit is to present what the current sites have accomplished and plan for what EBDM on a state level would look like.

EJS is involved with the planning of the summit and will work with others at the state level in order to promote and prepare a Wisconsin application for the state technical assistance.

## **Conclusion**

With the guidance and approval of PPAC, EJS will move forward on the current work and continue to promote effective strategies in the courts and the criminal justice system as a whole.

By continuing to provide training and collaborating with our justice system partners in the advancement of evidence-based practices, the Wisconsin court system can maintain our commitment to advancing programs and policies designed to promote public safety and reduce incarceration in the state.