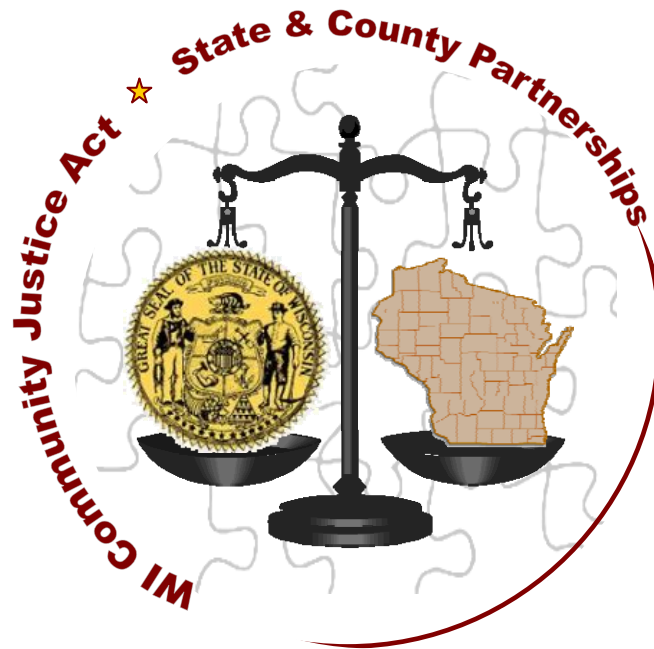


Committee on Effective Strategies for Community Justice



Setting the Framework for a **WISCONSIN COMMUNITY JUSTICE ACT**

June 2008



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EXECUTIVE SUMMARY

In late 2007 a non-partisan, multi-agency committee was brought together to study current best-practices and lessons learned from other states where the intent was to affect strategic and fiscally sound policy changes designed to address the burgeoning costs of corrections (jails and prisons) in their respective state. The committee, chaired by the Honorable Judge Michael Malmstadt (retired) and co-chaired by the Honorable Judge Elliott Levine, was comprised of representatives from the judiciary, prosecution, public defender, county sheriffs, police, counties association, departments of corrections and health and family services, office of justice assistance, legislators, community providers and criminal justice advocates. A major focus of the committee was studying over 30-years of experience of other states who have enacted Community Corrections

A Community Corrections Act (CCA) is a statewide strategy, authorized by legislation, through which funds are granted to local units of government and community agencies in order to plan, develop, deliver and evaluate correctional sanctions and services at the community level. The fundamental purpose of a CCA is to maximize the use of limited criminal justice resources by establishing a State and Local partnership to implement a continuum of intermediate sanctions that will increase efficiencies and result in decreased costs associated with the state and county criminal justice systems.

Acts (CCA) as part of their strategy to address out of control corrections costs, drawing upon 'lessons learned' and 'what works' in these states, while creating a model that would work for Wisconsin.

Work of the committee included in this report involves a number of fundamental principles of an effective CCA model along with recommendations to construct a Wisconsin-specific Criminal Justice Community Act (WI-CJA). A WI-CJA is intended to build off the strengths of the WI criminal justice system, while designing a system that blends a

number of existing initiatives that promotes a community-based strategy predicated on public safety, increased personal accountability, breaking the cycle of crime, providing restoration to the victim and the community, and advancing fiscally-responsible policies that are intended to control, or curb, escalating jail and prison costs.

Key Issues Confronting the State of Wisconsin: In the 1990s, the Wisconsin prison population increased dramatically, almost tripling by the year 2000 (7,142 to 20,508 ADP). County jail ADP rose over 125%, going from 6,276 to 14,258 over the same time period. During that time, the state was building or opening a new prison an average of every two years, increasing prison the bed capacity by over 5,600 beds. In 2000,



Wisconsin led the country in the number of inmates housed in out-of-state facilities, having over 5,000 inmates in five states. Currently, the DOC has over 700 inmates in contract county jail beds, with an estimate of having up to 1,000 by the end of this biennium. Adult prison population forecasts estimate a modest increase of 1.3% per year for the next few years. Additionally, the minority over-representation in the criminal justice system remains a key issue of focus in Wisconsin. African-Americans comprise only 6 percent of Wisconsin's population but account for 45 percent of all inmates in Wisconsin adult correctional facilities.

The Wisconsin Department of Corrections (DOC) is a unified correctional system, including adult and juvenile institutions and community corrections. The DOC share of the total state general fund has increased substantially over the past decade, now comprising 7.8% of the entire state budget. The DOC total fiscal year (FY) 2007 budget exceeded \$1.2 billion. Major cost drivers for the increase in corrections spending include staff wages and benefits, healthcare, and the increase of the offender population. In fiscal year (FY) 2000, staff wages and benefits accounted for 47.2% of the total budget. These costs now account for 58.5% of the FY 2008 budget. Healthcare costs for the DOC account for approximately \$120 million annually. With an aging inmate population and increasingly complicated medical conditions of persons entering the prison system, healthcare for inmates is responsible for half of these expenditures.

In 2007, revocation of community supervision without a new sentence accounted for over 36% of the total adult prison admissions, or almost 2,500 admissions. The DOC conducted a study on recidivism for offenders released from prison during the period of 1980 through 2003. The data showed that more than 38 percent of those offenders released from prison committed a new crime within three years of their release, resulting in a new criminal conviction. Almost 30 percent of offenders placed on any form of supervision (probation parole, etc...) committed a new crime within 3 years of their intake to community supervision. Additionally, in an average three-week period, local jails have contact with as many people as state and federal prisons do in an entire year.¹

Addressing the rising rate of incarceration and the increasing costs associated with this climb is a tremendous challenge facing Wisconsin. Currently the state is facing a budget shortfall of over \$415 million with the DOC having a \$16.5 million deficit at the

¹ "Life after Lockup: Improving Reentry from Jail to the Community," by Amy L. Solomon, Jenny W. L. Osborne, Stefan LoBuglio, Jeff Mellow, and Debbie Mukamal. Urban Institute Justice Policy Center, May 2008: http://www.urban.org/UploadedPDF/411660_life_after_lockup.pdf



beginning of this fiscal year. The issues briefly articulated above, along with the commitment of the Governor and leaders of the Legislature, provide a unique opportunity for Wisconsin policymakers to thoroughly examine current criminal justice policies, and study and implement strategies that are proven to control the growing costs of corrections, while holding offenders accountable for their behaviors and maintaining public safety.

Complementary Initiatives in Wisconsin: Wisconsin brings a wealth of strengths, assets, along with a criminal justice reforms

and commitment to the retreat and subsequent involvement with the project. Under Governor Doyle's administration, and supported by the legislature, a number of initiatives have been launched that are specifically designed to manage the increasing inmate and offender populations, including: doubling the capacity of alcohol and drug treatment in adult corrections; implementing a system-wide initiative on offender reentry; strengthening community corrections by establishing specialized high risk supervision units, opening day report centers, expanding the number of half-way house and temporary living beds, and increasing funding for community-based alcohol and drug treatment; expanding sentencing options for the judiciary by implementing and expanding the capacity of earned release programs; and creating the Treatment Alternative and Diversion program, designed to decrease jail and prison admissions through the expansion of alternative community-based treatment and sanctions.

The WI court system has developed and promoted effective justice strategies by supporting the expansion of problem-solving courts, encouraging the formation of local community justice coordinating councils, developing and implementing the Assess, Inform and Measure (AIM) project, and implementing a strategy to provide the sentencing court with information based on evidence-best practices in assessment.

These initiatives are consistent with evidence-based strategies that support our efforts in managing our prison, jail and community corrections populations, while expanding the scope of interventions to assist offenders in leading a crime-free life style. Many of these initiatives can be leveraged or expanded as part of a comprehensive strategy to advance fiscally-sound, data-driven policies on sentencing and corrections in Wisconsin.

Considering all of the recent advances in the Wisconsin criminal justice system over the recent past, there still remains a need to further involve and engage the community in the further construct and implementation of the local strategy in addressing issues reducing criminal activity and dispensing justice at the local level – which has an impact on all levels of the criminal justice system – including community safety, offender



accountability and system responsiveness and cost-effectiveness. The issues of reducing crime, responsibly decreasing correction and criminal justice costs, and increasing community confidence in the criminal justice system all require a collaborative approach across the legislative, judicial and executive branches of government, in addition to the many county and local stakeholders. The proposed Wisconsin Community Justice Act is designed to support and empower community-based intervention strategies and intermediate sanctions to expand judicial, prosecutorial, and corrections options that will address the needs of offenders who can be safely maintained in the community while providing a counter-factor for the increasing costs for confinement, which should be reserved for those who pose the greatest risk to the community.

A Wisconsin Criminal Justice Act (WI-CJA) signifies the next step in an overall state-wide strategic plan to implement a fiscally sound and responsible process to provide a balanced cost-efficient means to address the mushrooming costs of corrections while maintaining public safety as the central objective of the criminal justice system. To this end, the committee recommends the following framework in developing a comprehensive state/community-based criminal justice partnership.

State-County Partnership – Principles of the Proposed WI Criminal Justice Act

Purpose: Construct a Wisconsin-specific model for the design, development, implementation and evaluation of an effective community-driven, evidence-based continuum of graduated sanctions and treatment intervention strategies. The intent of the Act is to promote public safety, increase personal accountability, break the cycle of crime, provide restoration to the victim and the community, and improve the welfare of others by addressing the assessed needs of persons involved at any level of the criminal justice system.

- **Public Safety** – All elements of the WI-CJA are based on the fundamental principle that public safety is the number one objective of the Act.
- **Decentralization** – County/Local and community-based decision-making and program design are critical to the success of the WI-CJA. The Act must be designed to empower and allow sufficient flexibility for local governments to plan, implement and evaluate a continuum of community-based intervention strategies and programs.



- **Community-based** – Provide individuals involved in the criminal justice system with community-based treatment, education, employment training and other needed services and intermediate sanctions that are intended to reduce their risk to commit a new crime.
- **Evidenced-based** – Local continuum of intermediate sanctions, intervention strategies and services are to be predicated on research that has demonstrated effectiveness in reducing new criminal behavior and victimization.
- **Justice Sanctions Continuum** – Enhance the scope of criminal sanctions, offender accountability, and maximize the efficient use of local/state criminal justice resources by encouraging the development of a wide array of community-based graduated or intermediate sanctions and intervention strategies.
- **Cost-Effectiveness** – Well designed and implemented community-based intermediate sanctions and treatment interventions will increase efficiencies with expected decreased costs associated with the state and county criminal justice systems. If persons involved in the criminal justice system are successful in turning their lives around we can avoid new crimes, new victims, and consequently experience reduced costs to the state, county and local units of government.
- **Shared Responsibility and Accountability** – A single state, county or local unit of government cannot effectively achieve community safety in isolation. An effective WI-CJA ensures the commitment and involvement of key justice system agency officials, officials of local government agencies, and the direct involvement of community service providers, faith-based organizations and the general public.
- **Evaluation** – Establishing measurable performance standards and outcomes to evaluate the effectiveness of a WI-CJA is a central and critical component of the Act. The initial and continued acceptance by the local criminal justice system, community stakeholders, general public and the legislature is dependent upon establishing a means to objectively measure and report on the ongoing impact and effectiveness of the Act.

Committee Recommendations:

- **Fiscal Administration**: Similar to the Treatment Alternatives and Diversion (TAD) program, it is recommended that the Office of Justice Assistance (OJA) be



the fiscal administrator for the WI-CJA. The OJA plays a central role for the state in receiving and administering funds for criminal justice initiatives.

- **State Level Governance and Administration:** It is recommended that a formal multi-agency, state/county/community Community Justice Board be formed having the authority and overall responsibility to provide coordinated leadership that is necessary to establish cohesive policies; engage in strategic planning; institute project standards and performance measures; and oversee project monitoring and evaluation activities; and regularly report results and effectiveness of the WI-CJA to the legislature and leaders of the criminal justice system. The Board will be responsible to operationally define the enabling legislation to set the foundation for implementing and managing the WI-CJA.
- **Local Level Governance and Administration:** Consistent with the Treatment Alternative and Diversion legislation, it is recommended that a formal multi-agency, multi-disciplinary Criminal Justice Coordinating Committee (CJCC) be formed with the authority and overall responsibility to provide leadership that is necessary to establish cohesive policies, strategic planning, project guidelines, standards, monitoring and evaluation – consistent with the policies and standards set forth by the State Community Justice Board and the enabling legislation. It is also recommended that this committee include public representation, consistent with many current CJCCs memberships.
- **Evaluation and Monitoring:** Establishing a solid foundation to evaluate, measure and report on the impact and effectiveness – by participating county and across all counties – is a critical component of the Act. Ensuring accountability across all levels of the program is central to sustaining funding and maintaining public confidence in the effectiveness of the Act.
- **Pilot Implementation:** It is recommended that the WI-CJA be initially implemented in a sufficient number of pilot counties to properly measure the impact and effectiveness of the Act, while ensuring there is representation of diverse population centers and geographic areas across the state – such as those counties who have active Criminal Justice Coordinating Committees and/or are involved in TAD or AIM projects. Involvement in the pilot should be voluntary and will be based on a Request for Application (RFA) process to conform to open competition and selection processes. Term of the pilot should be at least 3-5 years, allowing time for initial start-up and allowing enough time to adequately measure the effectiveness of the various programs and the Act, as a whole.



- **Funding Concept:** Recommend that funding for the WI-CJA be based on performance-based outcomes, (i.e., reduced repeat criminal behavior), and not be predicated on any incentive/disincentive-based formula that is solely contingent upon the reduction of state prison or county jail beds. Proper implementation, monitoring and evaluation of a sound program design - based on best and promising practices - will lead to the desired results of reduced need or reliance on confinement, and will meet the primary goal of turning individual's lives around, avoiding new crimes, new victims, and ultimately effecting reduced costs to the state, county and local units of government.

The goal of this paper is to provide a proposed framework that sets the stage for continued and informed dialog among decision makers and leaders in the criminal justice system.



Wisconsin Community Justice Act (WI-CJA or “the Act”)

1. Purpose, Guiding Principles and Goals

Purpose: Construct a Wisconsin-specific model for the the design, development, implementation and evaluation of an effective community-driven, evidence-based continuum of graduated sanctions and treatment intervention strategies. The intent of the Act is to promote public safety, increase personal accountability, break the cycle of crime, provide restoration to the victim and the community, and improve the welfare of others by addressing the assessed needs of persons involved at any level of the criminal justice system.

Guiding Principles and Goals:

- **Public Safety** – All elements of the WI-CJA are based on the fundamental principle that public safety is the number one objective of the Act.

The Act will ensure that offenders receive intermediate sanctions in the least restrictive setting consistent with the gravity of the criminal behavior, while taking into account the need for public safety and ensuring accountability to their victim(s) and the community. The foundation of the criminal justice system is based on individual accountability and personal responsibility. However, the intent of the WI-CJA is to strive for a coordinated system that challenges and motivates individuals to change, and provides them with the opportunity and skills to do so. The public is best served if persons involved in the criminal justice system are not only held accountable for their actions, but also have the opportunity to become law abiding and successful members of the community.

- ✓ *To protect the community and promote efficiencies, economy, availability and delivery of local intermediate sanctions and service.*
- ✓ *To advance personal accountability through the use of a range of locally developed sanctions, such as involvement community service, payment of restitution, involvement in restorative justice efforts, among others.*
- **Decentralization** – County/Local and community-based decision-making and program design are critical to the success of the WI-CJA. The Act must be designed to empower and allow sufficient flexibility for local governments to plan, implement and evaluate a continuum of community-based intervention strategies

A Community Corrections Act (CCA) is a statewide strategy, authorized by legislation, through which funds are granted to local units of government and community agencies in order to plan, develop, deliver and evaluate correctional sanctions and services at the community level. The fundamental purpose of a CCA is to maximize the use of limited criminal justice resources by establishing a State and Local partnership to implement a continuum of intermediate sanctions that will increase efficiencies and result in decreased costs associated with the state and county criminal justice systems.



and programs. Local communities are in the best position to define their own needs and, in partnership with the state and consistent with the enabling legislation, to develop means of meeting those needs.

- ✓ *To promote the development of community-based programs that are tailored to the specific needs of each participating county, counties or tribal consortia and give local units of government the authority to establish programs that address local criminal justice needs.*
- **Community-based** – Provide individuals involved in the criminal justice system with community-based treatment, education, employment training and other needed services and intermediate sanctions that are intended to reduce their risk to commit a new crime.
 - ✓ *To address gaps in local service delivery and availability of graduated sanctions by expansion of existing resources, development of new programs and intervention strategies to address the scope of service needs of persons involved in the criminal justice system.*
- **Evidenced-based** – Local continuum of intermediate sanctions, intervention strategies and services are to be predicated on research that has demonstrated effectiveness in reducing new criminal behavior and victimization.
 - ✓ *To implement community-based treatment and other services that are specifically intended to reducing a persons risk to engage in future acts of criminal behavior.*
- **Justice Sanctions Continuum** – Enhance the scope of criminal sanctions,

State policymakers interested in developing effective and affordable sentencing policies have turned in recent years to intermediate sanctions as part of a menu of sentencing choices that better match the severity of punishment to the seriousness of the crime. Intermediate sanctions are also intended to permit more rational allocation of correctional and sanctioning resources to safely supervise minor offenders in community programs while confining serious offenders behind bars.

– Intermediate Sanctions, National Institute of justice, January 1997

offender accountability, and maximize the efficient use of local/state criminal justice resources by encouraging the development of a wide array of community-based graduated or intermediate sanctions and intervention strategies. The WI-CJA is designed to increase options for law enforcement, prosecutorial and judicial decision-making. It is not intended to supplant, restrict, or infringe upon the discretion of the court system or others in determining the most fair and appropriate disposition of a case.

- ✓ *To increase the range and availability of community-based intermediate sanctions that offer a greater array of options for officers in the criminal justice system to safely foster the limited use of incarceration, offering alternative means to hold the person accountable proportionate to risk to the community and*



with the person's assessed motivation to actively engage in change.

- **Cost-Effectiveness** – Well designed and implemented community-based intermediate sanctions and treatment interventions will increase efficiencies with expected decreased costs associated with the state and county criminal justice systems. If persons involved in the criminal justice system are successful in turning their lives around we can avoid new crimes, new victims, and consequently experience reduced costs to the state, county and local units of government.

Effective collaboration also protects the leaders essential to successful change. All public system reform requires risk taking on the part of its leaders. The justice system operates in a politically charged environment. . . . Maintaining the status quo is much easier and certainly the path of least resistance. It is safer, but it is sometimes wrong . . . but no leader can or should be expected to bear all the risks. A collaborative body involving all the system's actors provides a context for leadership to emerge and offers the protection of collegial support and policy consensus when controversy — a predictable by-product of real change — eventually arises.

– Kathleen Feely, Collaboration and Leadership in Juvenile Detention Reform, The Pathways to Juvenile Detention Reform Series (a project of the Annie E. Casey Foundation), 1999, p. 12.

- **Shared Responsibility and Accountability** – A single state, county or local unit of government cannot effectively achieve community safety in isolation. An effective WI-CJA ensures the commitment and involvement of key justice system agency officials, officials of local government agencies, and the direct involvement of community service providers, faith-based organizations and the general public. This can be accomplished by forming a **State Community Justice Board** (Board) and requiring **local Criminal Justice Coordinating Committees** (CJCCs) working in tandem. The work of the Board and local CJCCs can produce many benefits, including: promote greater understanding of crime and criminal justice problems statewide and in specific regions or jurisdictions; increase greater cooperation among

state/county agencies and units of local government; establish a common vision with shared goals and objectives; and collectively strive for more effective use of limited resources, while continually increasing quality and effectiveness of criminal justice programs.

Collectively, the Board and local CJCCs are intended to establish a systemic framework for coordination, communication, oversight and accountability between the state and counties/jurisdictions that are part of implementing the Act. An intended result of this coordinated effort is to increase public confidence in, and support for, the goals, objectives and operations of the WI-CJA from a state and local level.

- **Evaluation** – Establishing measurable performance standards and outcomes to evaluate the effectiveness of a WI-CJA is a central and critical component of the Act. The initial and continued acceptance by the local criminal justice system, community stakeholders, general public and the legislature is dependent upon establishing a means to objectively measure and report on the ongoing impact



and effectiveness of the Act. Without sufficient evaluation capacity to thoroughly monitor and evaluate the outcome of the WI-CJA efforts, future funding, acceptance by the local criminal justice system and the community could be seriously jeopardized.

The above principles of the proposed Act are not to be taken lightly or compromised. The reason for articulating these principles is to establish a solid foundation for the formation of the Wisconsin Community Justice Act. As experienced in many states with a community corrections act, any deference to the underlined importance of these principles, collectively or independently, will have a significant impact on the overall intended effectiveness, impact and ultimate acceptance of the Act.

Figure 1 (page 19) provides a visual representation of the interconnectedness of the principles that are intended set the foundation for the development and ongoing implementation of the WI-CJA.

2. Operational Framework

The recommended operational framework for the WI-CJA involves three critical and interrelated components of the Act, including State Fiscal Administration; State- and Local-Level Governance and Administration (see Figure 2, page 20, for a visual representation of this framework)

Failure to fund Community Corrections Acts legislation, or providing only token funding, creates problems beyond the obvious one of lack of operating funds for needed community programs. Delays between legislative authorization of CCAs and legislative appropriation of funds to support community corrections programs can have a chilling effect on local planning activities. Especially troubling is the fact that lack of state funding for a reasonably phased implementation process has exacerbated fears on the part of local officials that state support will not be sustained even if funds are provided for program initiation.

— M. Kay Harris, Author
Trends and Issues in Community Corrections Acts

a. Fiscal Administration: Similar to the Treatment Alternatives and Diversion (TAD) program, it is **recommended** that the Office of Justice Assistance (OJA) be the fiscal administrator for the WI-CJA. The OJA plays a central role for the state in receiving and administering funds for criminal justice initiatives.

Connection with State and Local Operations: The OJA would be responsible for overseeing the fiscal management of the Act; providing regular updates and reports on the fiscal status of the program, expenditures; promulgating, in conjunction with the State Community Justice Board (Board) - consistent with the enabling legislation, grant solicitations, application

review and selection process, and providing grantee progress reports to the Board.

- Funding will need to be dedicated for staff to accomplish this function and responsibilities within OJA.



- b. **State Level Governance and Administration:** It is recommended that a formal multi-agency, state/county/community **Community Justice Board** be formed having the authority and overall responsibility to provide coordinated leadership that is necessary to establish cohesive policies; engage in strategic planning; institute project standards and performance measures; and oversee project monitoring and evaluation activities; and regularly report results and effectiveness of the WI-CJA to the legislature and leaders of the criminal justice system. The Board will be responsible to operationally define the enabling legislation to set the foundation for implementing and managing the WI-CJA.

Key element of this recommendation is that oversight of the Act implementation does not fall under one state agency, but is a collaborative effort among multiple agencies and stakeholders, under the authority allowed by the enabling legislation.

State-Level Roles, Responsibilities and Authority of the Board

- Administrative responsibilities including the adoption of standards, rules and regulations of counties, jurisdictions or tribal consortia receiving grant funding under the Act;
- Entering into contracts or providing grant funding for the planning and operation of community-based correctional programs;
- Reviewing and approving local plans and awarding contracts/grants;
- Monitoring compliance with contract or grant awards;
- Arranging technical assistance and training opportunities to entities receiving funding;
- Conducting public education and serving as a statewide information clearinghouse regarding the WI-CJA;
- Establishing a process and implementation plan to inform and engage community stakeholders in the WI-CJA;
- Setting project evaluations standards and reporting evaluation results of projects funded under the WI-CJA;

EXAMPLE STATE-LEVEL STAFFING INFRASTRUCTURE

There will need to be sufficient staffing for: - OJA Fiscal Oversight; - Criminal Justice Board Oversight and Support; - Centralized Database Design, Local Data Entry Interface and Maintenance; - Project Reporting Module(s); - Data Analysis and Reporting; - IT Project Monitoring, Technical Assistance and Training. These staff needs are needed regardless of the number of pilot sites identified. The basis of this work and infrastructure will apply to an expansion from the initial pilot sites to a state-wide program.

NOTE: This is just an example and is not intended to be a definitive staffing analysis for the State-based staffing needs for the project. A more thorough task and subsequent staffing needs analysis will need to be conducted.



- At least semiannually, submit reports to all circuit judges, and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees, containing information on the impact and effectiveness of the Act.

Membership of the Board may include representation from the general public, service providers, legislators, judiciary, public defender, district attorney, attorney’s general, law enforcement, counties association, county executive, county human services, county criminal justice coordinators, crime victims and crime victim advocacy agencies, and the departments of corrections, workforce development and health and family services.

Appointment to the Board could be patterned after, as subsequently adapted for the specific purpose of the WI-CJA, existing statutory language

In the world of limited resources and increased demands for system accountability, criminal justice coordinating committees provide forums for the key players within the justice system to work together, leaving their traditionally adversarial relationship behind in the courtroom. By working together toward the larger goal of improving service for the public, it is likely that criminal justice system leaders will also improve the functioning of their individual agencies.

– Mark Cunniff, Executive Director,
National Association of Criminal
Justice Planners

that officially establishes a number of multidisciplinary boards, such as § 15.105. Key here is that the membership and authority of the board be articulated in the enabling CJA legislation, and that the Board is not to be considered temporary or ad hoc.

Funding will need to be dedicated for staff to provide the necessary oversight and support for the operations of the Board; to establish a centralized means for project evaluation, data collection, analysis and reporting; to provide on-site project monitoring and offering training opportunities for counties involved in the WI-CJA.

c. Local Level Governance and

Administration: Consistent with the TAD legislation (see Addendum A), it is **recommended** that a formal multi-agency, multi-disciplinary **Criminal Justice Coordinating Committee** be formed with the authority and overall responsibility to provide leadership that is necessary to establish cohesive policies, strategic planning, project guidelines, standards, monitoring and evaluation – consistent with the policies and standards set forth by the State Community Justice Board and the enabling legislation. It is also **recommended** that this committee include public representation, consistent with many current CJCCs memberships.

A citizens’ advisory committee maybe formed, as part of the local plan, for the purpose of providing community input into the development and implementation of the Act. The committee may provide assistance in arranging or conducting public education activities regarding the WI-CJA and the local project. Key element here is to establish a relationship and communication linkage the



members of the community (employers, advocacy groups, neighborhood watch groups, etc...) to all involvement and buy-in with operations of the WI-CJA at the local level. The idea is that when citizens help guide and shape programs and policies through direct participation, they then have a stake in the results.

Membership of the Local CJCC should encompass broad representation of city, county, and state levels of government operating within the geographic boundary of a county or region. A CJCC generally includes four categories of members: (a) justice officials, (b) officials of local units of government, (c) officials of related non-justice agencies, and (d) community representation. Example membership may include:²

- state court judge
 - police chief
 - county sheriff
 - county district attorney
 - public defender or defense attorney
 - community corrections
 - juvenile corrections
 - county administrator or executive
 - city manager or another city representative
 - county health/mental health director
 - city council member or mayor
 - at least one member of the community
- Each county or jurisdiction that participates in the WI-CJA will be required to identify and justify operational/administrative staffing needs as part of the grant application process. Sufficient funds will need to be made available to ensure necessary
 - resources fund a local administrative structure, while not compromising the availability of funds for direct client services.

EXAMPLE COUNTY-LEVEL STAFFING INFRASTRUCTURE

There will need to be sufficient staffing for: - fiscal oversight; - criminal justice coordinating committee oversight and support; - and local data collection, quality assurance, data entry, data analysis and reporting. Each county or jurisdiction that participates in the WI-CJA will be required to identify and justify operational/administrative staffing needs as part of the grant application process.

NOTE: This is just an example and is not intended to be a definitive staffing analysis for the County-based staffing needs for the project. A more thorough task and subsequent staffing needs analysis will need to be conducted by the respective county based on the proposed program and target population needs.

3. Assess, Inform and Measure (AIM)

Recommended that the WI-CJA include *AIM* as a component of the Act (reference 2007 State Budget Bill, Act 20 – see Addendum B). The purpose of *AIM* is to

² Adapted from: Cushman, Robert C., Guidelines for Developing a Criminal Justice Coordinating Committee. National Institute of Corrections (Washington, DC), 2002. <http://www.nicic.org/pubs/2002/017232.pdf>. Also see Addendum A - § 16.964(12)(e) for example of CJCC membership requirements of TAD.



provide information to decision-makers in the local criminal justice system, based on evidenced-based practices in the areas of risk, needs and community intervention assessment. The intent of this assessment information is to provide the judge, prosecutor or other case decision-maker - at any decision-point (pre-charging, pre-trial, pre-sentencing, etc...) - with information that will assist in the disposition of the case. Additionally, consistent with the **evaluation, monitoring and accountability** principle of the Act, the *AIM* model includes the development of a “feedback loop” that is designed to provide evaluation data to continually validate the accuracy of the risk and needs assessment process, and assist in measuring the effectiveness of community-based intervention strategies.

4. Evaluation, Monitoring and Accountability

Establishing a solid foundation to evaluate, measure and report on the impact and effectiveness – by participating county and across all counties – is a critical component of the Act. Ensuring accountability across all levels of the program is central to sustaining funding and maintaining public confidence in the effectiveness of the Act.

- Developing of a means to monitor appropriate use of funding;
- Creating and maintaining a centralized database and developing a common, secure data entry interface to be used by all participating counties;
- Creating and implementing data collection standards and monitoring protocols based on established performance measures;
- Creating reporting modules and a means to provide a ‘feedback loop’ to the participating counties (see *AIM* Concept Paper – Addendum B);
- Implementing on-site monitoring, technical assistance and training opportunities; and,
- Submitting reports to all circuit court judges and the Legislature at least semi-annually, containing statistics and information on the effectiveness of the Act.

5. Pilot Implementation

Recommended that the WI-CJA be initially implemented in a sufficient number of pilot counties to properly measure the impact and effectiveness of the Act, while ensuring there is representation of diverse population centers and geographic areas across the state – such as those counties who have active Criminal Justice

Coordinating Committees and/or are involved in TAD or *AIM* projects (see table below). Involvement in the pilot should be voluntary and will be based on a Request



for Application (RFA) process to conform to open competition and selection processes. Term of the pilot should be at least 3-5 years, allowing time for initial

start-up and allowing enough time to adequately measure the effectiveness of the various programs and the Act, as a whole.

COUNTY	Assess, Inform, and Measure	Treatment Alternative & Diversion	Criminal Justice Coordinating Committee
Bayfield			X
Brown			X
Columbia			X
Dane		X ^a	X
Door			X
Dunn			X
Eau Claire	X		X
Iowa	X		X
Jackson			X
Kenosha			X
La Crosse	X		X
Manitowoc			X
Marathon	X		X
Milwaukee	X ^b	X ^a	X
Monroe			X
Outagamie			X
Portage	X		X
Racine			X
Rock		X ^a	X
Taylor			X
Trempealeau			X
Washburn			X
Washington			X
Waukesha			X
Winnebago			X
Wood		X ^a	X
Washburn/Burnett & St. Croix Tribe		X ^a	X

It is further **recommend** that individuals determined to be part of the WI-CJA will be determined by the respective county, counties or tribal consortia who choose to be part of implementing the Act. Rationale for this recommendation reflects the need to

^a County is receiving funding for the project. ^b County will be receiving funding in 2009

ensure that the WI-CJA is responsive to the unique criminal justice needs and issues facing each jurisdiction across the state. Setting one standard for persons who may be involved in the WI-CJA does not take into account the differences between rural and urban areas, distinctive offender populations, or the unique capacity of the community to provide services and intermediate sanctions designed to reduce an offender’s risk to the community. The WI-CJA should be designed to leave as much ground for local decision-making as is feasible, consistent with the expressed **decentralized** and **community-based** principles of the Act.



Recommend that funding for the WI-CJA be based on **performance-based outcomes**, (i.e., reduced repeat criminal behavior), and not be predicated on any

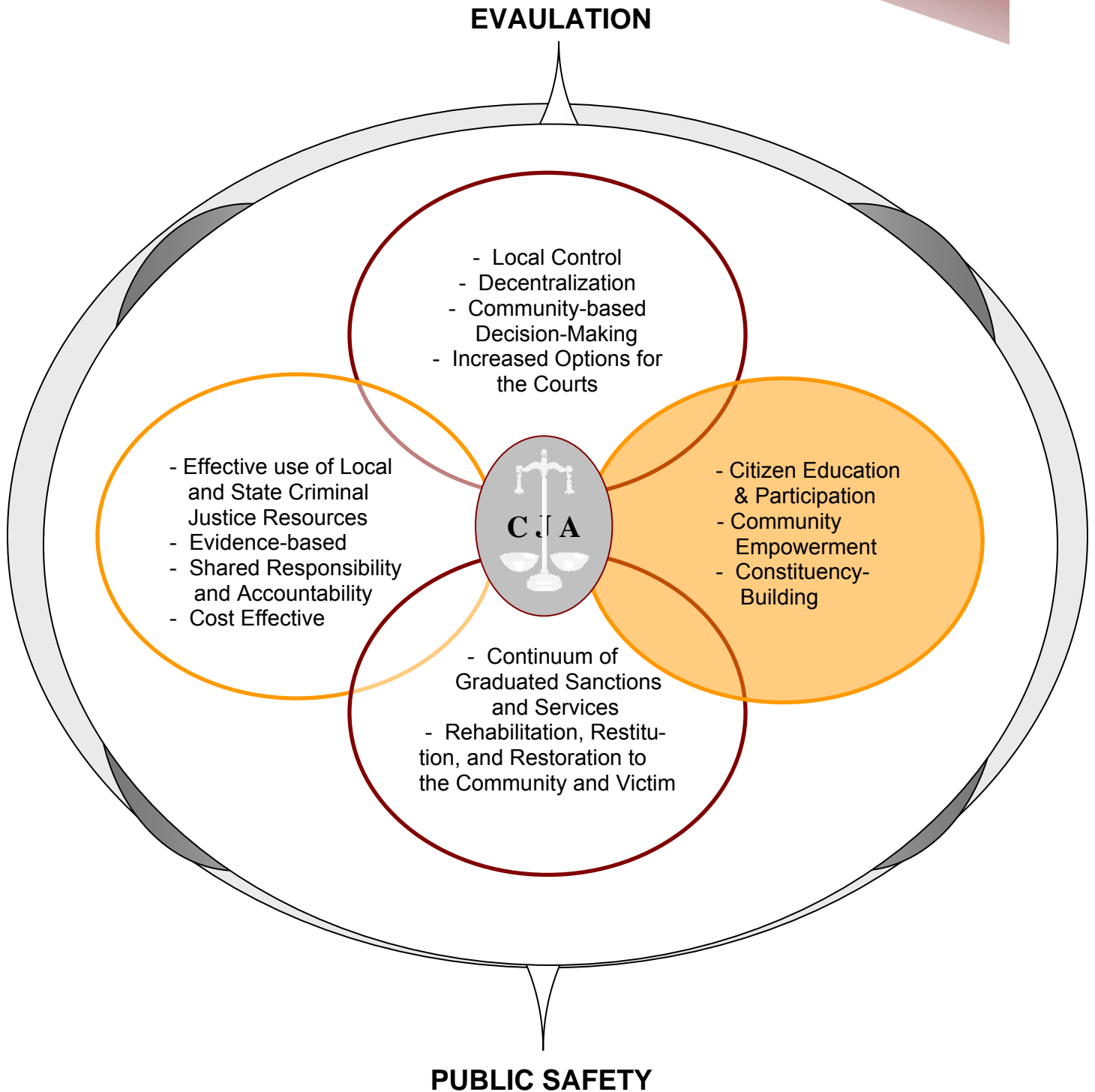
- 16 -

Incentive / disincentive-based formula that is solely contingent upon the reduction of state prison or county jail beds. Proper implementation, monitoring and evaluation of a sound program design - based on best and promising practices - will lead to the desired results of reduced need or reliance on confinement, and will meet the primary goal of turning individual's lives around, avoiding new crimes, new victims, and ultimately effecting reduced costs to the state, county and local units of government.





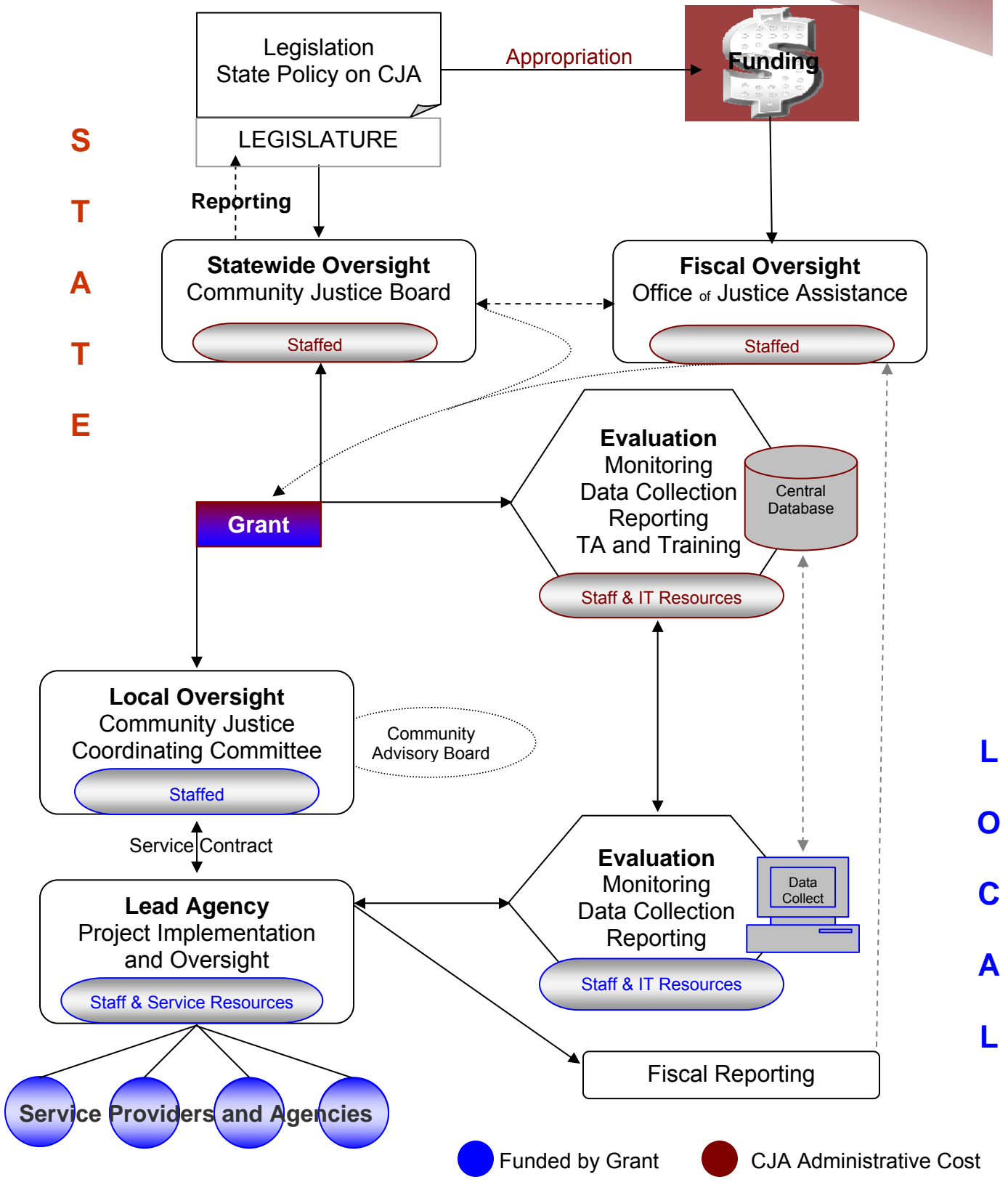
FIGURE 1: Core Components of the WI Community Justice Act³



³ Adapted from M. Kay Harris, Trends and Issues In Community Corrections Acts. National Institute of Justice, Crime and Research Institute, (July 1995)



FIGURE 2: Operational Framework for the WI Community Justice Act





ADDENDUM - A

Treatment and Alternatives Diversion (TAD)

Enabling Legislation



2005 WISCONSIN ACT 25

Commonly Referred to as the “Roessler Bill” Provision of the 2005 Budget Act

SECTION 90m. 16.964 (12) of the statutes is created to read:

16.964 (12)

(a) In this subsection, “violent offender” means a person to whom one of the following applies:

1. The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm.

2. The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

(b) The office shall make grants to counties to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. The office shall make the grants from the appropriations under s.20.505 (6) (b) and (ku). The office shall collaborate with the departments of corrections and health and family services in establishing this grant program.

(c) A county shall be eligible for a grant under par. (b) if all of the following apply:

1. The county’s program is designed to meet the needs of a person who abuses alcohol or other drugs and who may be or has been charged with or who has been convicted of a crime in that county related to the person’s use or abuse of alcohol or other drugs.

2. The program is designed to promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, and improve the welfare of participants’ families by meeting the comprehensive needs of participants.

3. The program establishes eligibility criteria for a person’s participation. The criteria shall specify that a violent offender is not eligible to participate in the program.

4. Services provided under the program are consistent with evidence-based



practices in substance abuse and mental health treatment, as determined by the department of health and family services, and the program provide intensive case management.

5. The program uses graduated sanctions and incentives to promote successful substance abuse treatment.
 6. The program provides holistic treatment to its participants and provides them services that may be needed, as determined under the program, to eliminate or reduce their use of alcohol or other drugs, improve their mental health, facilitate their gainful employment or enhanced education or training, provide them stable housing, facilitate family reunification, ensure payment of child support, and increase the payment of other court ordered obligations.
 7. The program is designed to integrate all mental health services provided to program participants by state and local government agencies and other organizations. The program shall require regular communication among a participant's substance abuse treatment providers, other service providers, the case manager, and any person designated under the program to monitor the person's compliance with his or her obligations under the program and any probation, extended supervision, and parole agent assigned to the participant.
 8. The program provides substance abuse and mental health treatment services through providers that are certified by the department of health and family services.
 9. The program requires participants to pay a reasonable amount for their treatment, based on their income and available assets, and pursues and uses all possible resources available through insurance and federal, state, and local aid programs, including cash, vouchers, and direct services.
 10. The program is developed with input from, and implemented in collaboration with, one or more circuit court judges, the district attorney, the state public defender, local law enforcement officials, county agencies responsible for providing social services, including services relating to alcohol and other drug addiction, child welfare, mental health, and the Wisconsin Works program, the departments of corrections and health and family services, private social services agencies, and substance abuse treatment providers.
 11. The county complies with other eligibility requirements established by the office to promote the objectives listed in subds. 1. and 2.
- (d) In implementing a program that meets the requirements of par. (c), a county department may contract with or award grants to a religious organization under s. 59.54 (27).
- (e) 1. A county that receives a grant under this subsection shall create an oversight committee to advise the county in administering and evaluating its program. Each committee shall consist of a circuit court judge, the district attorney or his or her



designee, the state public defender or his or her designee, local law enforcement official, a representative of the county, a representative of each other county agency responsible for providing social services, including services relating to child welfare, mental health, and the Wisconsin Works program, representatives of the departments of corrections and health and family services, a representative from private social services agencies, a representative of substance abuse treatment providers, and other members to be determined by the county.

2. A county that receives a grant under this subsection shall comply with state audits and shall submit an annual report to the office and to the oversight committee created under subd. 1. regarding the impact of the program on jail and prison populations and its progress in attaining the goals specified in par. (c) 2. and 6.
- (f) Two or more counties may jointly apply for and receive a grant under this subsection. If counties submit a joint application, they shall include with their application a written agreement specifying each county department's role in developing, administering, and evaluating the program. The oversight committee established under par. (e) 1. shall consist of representatives from each county.
 - (g) Grants provided under this subsection shall be provided on a calendar year basis beginning on January 1, 2007. If the office decides to make a grant to a county under this subsection, the office shall notify the county of its decision and the amount of the grant no later than September 1 of the year proceeding the year for which the grant will be made.
 - (h) The office shall assist a county receiving a grant under this subsection in obtaining funding from other sources for its program.
 - (i) The office shall inform any county that is applying for a grant under this subsection whether the county meets the requirements established under par. (c), regardless of whether the county receives a grant.
 - (j) The office shall enter into one or more contracts with another person for the purpose of evaluating the grant program established under this subsection. The office shall fund such contracts from moneys appropriated under s. 20.505 (6) (b) and (ku) with 1 percent of the amount awarded as grants under par. (b).
 - (k) By December 31, 2011, the office, in collaboration with the departments of corrections and health and family services, shall submit a report to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under section 13.172(3), regarding savings that have been generated through the implementation of the grant program. The report shall also include recommendations regarding how the grant program should be structured in the future.



ADDENDUM - B

Assess, Inform and Measure (AIM)

Enabling Legislation

And

Concept Paper



AIM Excerpt from Act 20, State Budget Bill 2007

From page 632:

(4) ASSESS, INFORM, AND MEASURE GRANT.

(a) By December 1, 2007, the county that has the highest violent crime rate, as reported by the office of justice assistance, shall submit a plan to the office of justice assistance for conducting pre-sentencing assessments for the purpose of providing courts information for sentencing decisions. The plan shall include all of the following components:

1. Identification of a target group of offenders from among persons who are convicted of a Class F, G, H, or I felony or a misdemeanor whom the county shall assess.

2. Assessment of persons in the target group to determine the risk that they will commit further crimes, their needs that are directly related to criminal behavior, the likelihood that they will respond positively to community-based treatment for the assessed needs, as well as an assessment of the availability of community-based treatment programs to serve the offenders.

3. Collection and dissemination of information relating to the accuracy of assessments performed, the value and usefulness of information contained in the assessment reports for purposes of making sentencing decisions, the effectiveness of community-based treatment programs in addressing the assessed needs of offenders, and the effect of the treatment programs with respect to recidivism.

4. Annual evaluation of the plan.

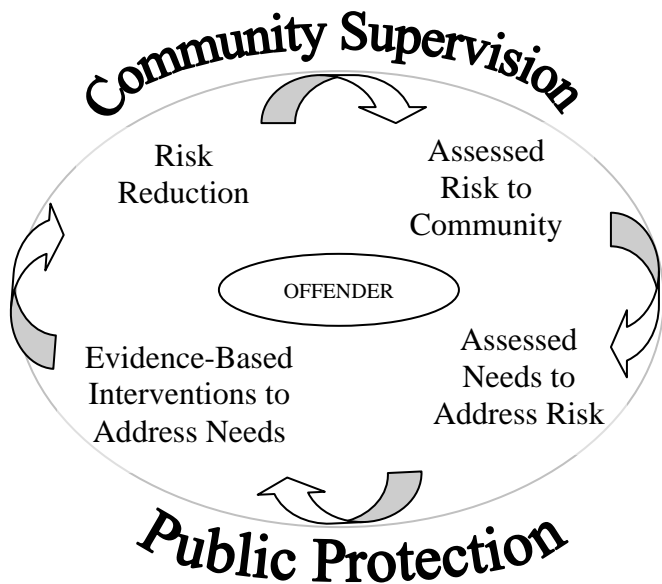
(b) Upon approval of a county plan submitted under paragraph (a), the office of justice assistance shall from the appropriation under section 20.505 (6) (b) of the statutes, as affected by this act, award the county \$500,000 for the calendar year beginning January 1, 2009, to perform pre-sentencing assessments of offenders. At least 50 percent of the assessments performed by a county with funding provided under this subsection shall be of persons subject to sentencing in connection with a felony.



Assess, Inform and Measure (AIM) Pilot Project Overview

PPAC Subcommittee on Effective Justice Strategies

Introduction: Over the past several months the PPAC Subcommittee on Effective Justice Strategies (EJS) membership has dedicated a significant amount of time studying the key factors in determining when or if an individual is appropriate to be safely diverted from a jail or prison sentence. Critical to this determination is the nature and value of the information provided to the court in advance of a sentencing decision.



The EJS proposed implementing a 3-5 county pilot to evaluate the *Assess, Inform and Measure (AIM)* model. This model is intended to enhance the quality and scope of information provided to the court, including: risk assessment (an individual’s risk to commit further crime in the community); needs assessment (assessing criminogenic needs - needs that are directly related to the individual’s criminal behavior); responsivity assessment (taking into account the individual’s motivation to change, learning style, gender and cultural needs); and an assessment of available community-based treatment programs that address the assessed needs and reduce the offender’s risk to the community.

Additionally, the *AIM* model includes the development of a “feedback loop” that is designed to provide evaluation data that continually validates the accuracy of the risk and needs assessment process and measures the effectiveness of community-based intervention strategies. This process would serve as a means to measure outcomes and to increase the reliability and validity of the information (risk, needs, client responsivity and community assessment) provided to the court, as well as provide outcome data on the success/failure rates (recidivism) of offenders targeted for this project.

Project Status: In the fall of 2006, several project development meetings were held with representatives from 8 counties. At the end of these meetings, five counties agreed to move forward as pilot implement sites, including: Eau Claire, Iowa, La Crosse, Iowa, Marathon, and Portage counties. Implementation phase of the project begins in early 2007.

As part of the Governor’s 2007-2009 budget, and as a component of his Milwaukee anti-crime initiatives, he announced \$750,000 of funding, over the biennium, to support the implementation of *AIM* in Milwaukee County.

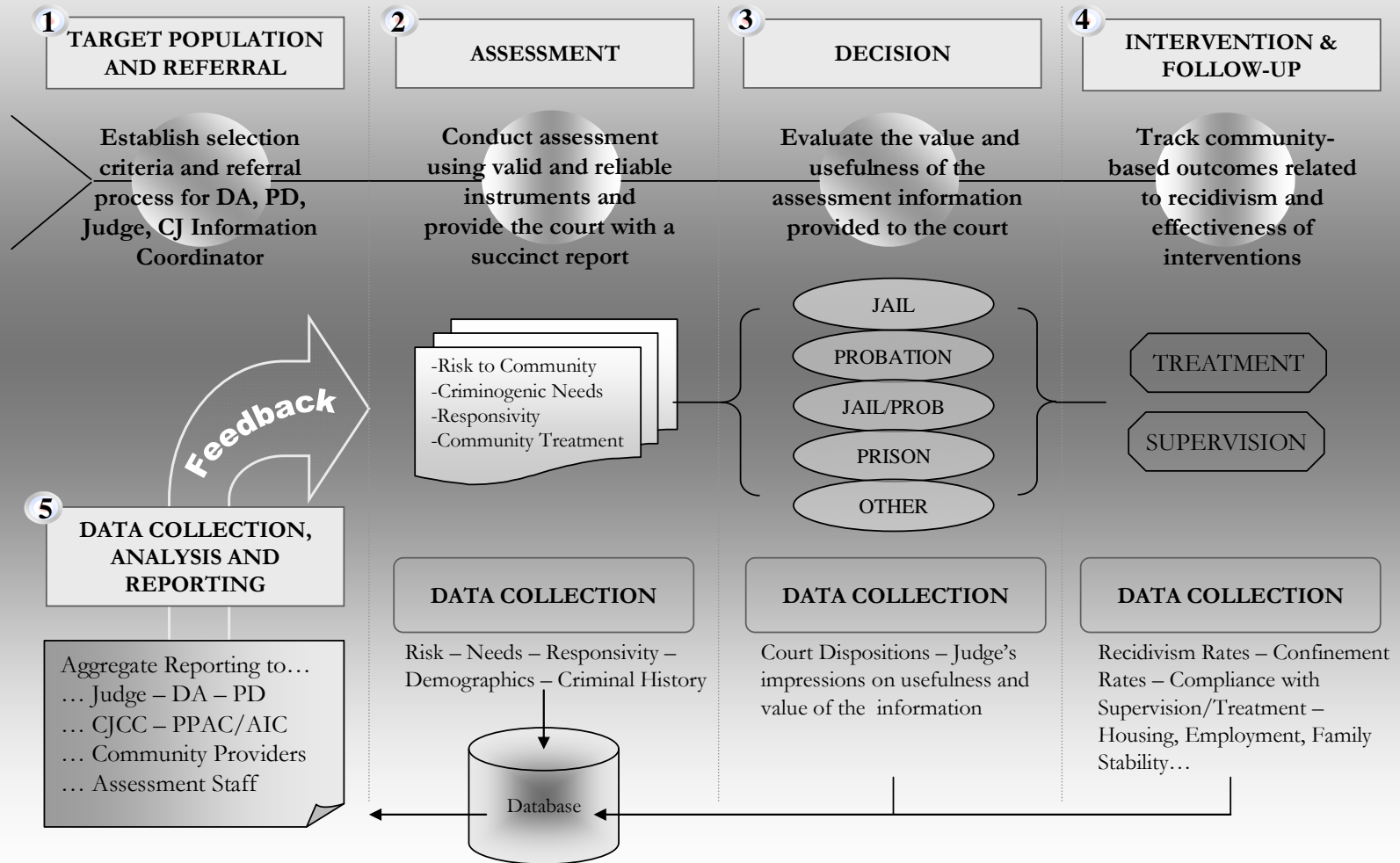


The following page provides a conceptual overview of the *AIM* model - illustrating the enhanced upfront assessment information, connection with court dispositions, unified case planning and community-based interventions, collection of outcome data and feeding this information back to the upfront assessment process information and providing aggregate outcome data back to the court and other criminal justice and community-based organizations.

The remainder of the document includes a visual illustration of the 5 primary components of *AIM*, including specific goals and objects for each phase and a project timeline. Many of the details related to implementation will be developed collaboratively between the AIC and the involved county representatives.



AIM - PROJECT COMPONENTS



AIM Project Goal:

- Provide the sentencing court with a valid risk, needs and community intervention assessment, while creating an outcome feedback loop that provides information on the success of court dispositions and community interventions in promoting offender success and public safety.

Objectives:

Target Population, Referral and Assessment Components

- a. To establish a process to effectively provide the court, prior to sentencing, with reliable and valid assessment information about an offender's presenting risk to the community, the offender's assessed criminogenic and responsivity needs, and the availability of appropriate community-based treatment programs to address the treatment needs and risk.
 - i. Identify criteria for selecting the target population that will participate in the pilot.
 - ii. Create case identification and referral process, and related procedures to involve the Judiciary, District Attorney's office, Public Defender's office and others as determined appropriate.
 - iii. Select a validated risk and needs assessment that will provide the court with reliable information.
 - iv. Design an assessment reporting document that contains all the necessary information for the court that is easy to understand and succinct.
 - v. Designate staff who are qualified and who will undergo specialized competency-based training to accurately complete the assessment document for the court.
 - vi. Ensure process and procedures conform to state law and established court rules.

Decision or Case Disposition Component

- b. To evaluate the value and usefulness of the assessment information provided to the court and make changes, as needed or necessary, to ensure accuracy and effectiveness of the assessment process.
 - i. Develop a process to obtain regular feedback and comments from the judges receiving the assessment and aggregate outcome information.

Community Intervention and Follow-up Phase

- c. To document and track community-based treatment and supervision interventions and measure outcomes related to recidivism.



- i. Develop a process to collect salient information from involved community providers, probation and parole and other sources.

Data Collection, Analysis and Reporting Component

- d. To provide baseline recidivism data to each pilot county based on historical cases that were placed on probation and were ultimately reconvicted of a new crime within three years. Scope of the data will span from 1980 – 2003.
- e. To develop a simple data collection system and repository of data from the DOC, information the assessment document, court dispositions and judge's impressions, and community-based treatment and supervision interventions to measure outcomes related to recidivism.
- f. To establish a protocol for collecting, analyzing and reporting aggregate data addressing format, frequency and distribution of information.
 - i. Establish a protocol for data collection and information sharing that is compliant with established laws, rules and standards.
 - ii. Create a regular information sharing and status reporting system among and between all pilot counties CJCCs, the DOC, PPAC/AIC, community providers and other stakeholders.