

PPAC
Effective Justice Strategies Subcommittee
(formerly Alternatives to Incarceration)

Phase I: June 2004-June 2007
Insights and Recommendations

Planning and Policy Advisory Committee (PPAC)
of the
Wisconsin Supreme Court

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PPAC Effective Justice Strategies Subcommittee Membership

2004-2007

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Milwaukee County Circuit Court

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Iowa County Circuit Court

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Waukesha County Clerk of Courts

Mr. Steve Grohmann

WI Office of Justice Assistance

Mr. Scott Johnson*

District 9 Court Administrator

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Portage County Justice Advisory

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Mr. Elliot Levine

La Crosse County Public Defender

Mr. Ray Luick

WI Office of Justice Assistance

Mr. Richard Manke

Waukesha County Board Supervisor

Mr. Mort McBain

Marathon Co. Justice Advisory Committee

Mr. William McReynolds

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Mr. Gregg Moore

District 10 Court Administrator

Hon. Diane Nicks*

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Hon. Bill Stewart*

Dunn County Circuit Court

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Mr. Michael Tobin*

WI State Public Defender's Office

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Brown County District Attorney

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*Denotes current or former PPAC Members

I. Summary

In 2004, PPAC created the Alternatives to Incarceration Subcommittee, now known as the Effective Justice Strategies 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.”*

What are Effective Justice Strategies?

Justice system programs, practices and/or strategies that...

1. Promote public safety
2. Reduce costs, incarceration and recidivism
3. Address criminal and addictive behaviors

Why are Effective Justice Strategies important?

1. Escalating costs of prisons, jails and justice system.
2. Overcrowding of prisons and jails
3. Increased accountability and need to manage resources effectively
4. Impact on family and community

Four main areas of subcommittee focus in Phase I:

1. Criminal Justice Councils (CJC's)
*More than 24 formal and informal CJC's in Wisconsin.
2. Problem Solving Courts in Wisconsin
*11 adult drug courts
*2 alcohol/OWI courts
*1 juvenile court
*More than 23 teen and peer courts
*1 domestic violence court
3. Other effective justice system programs and practices
*OWI Intensive supervision, day report centers, electronic monitoring, bail monitoring, restorative justice, home detention, community service programs, etc.
4. Assess, Inform, Measure (AIM) Pilot
*Five counties: La Crosse, Marathon, Portage, Iowa, Eau Claire

II. Overview and Background

Courtrooms are laboratories for community problem-solving. Judges are faced with issues of substance abuse, divorce, domestic violence, sexual assault, child abuse, mental health, truancy, and more on a daily basis. Public safety, offender accountability and appropriate responses to criminal behaviors are all factors that judges must weigh when sentencing. The tangible costs of criminal justice system responses to these problems are difficult to measure as is the human and societal costs of ineffective responses.

Wide-spread interest in effective justice strategies in Wisconsin has been driven by fiscal concerns, incarceration rates, recidivism rates and other signs that indicate a lack of success in the current methods of dealing with the underlying problems resulting in criminal behavior. As many of these issues come to light in courtrooms, communities naturally look to judges and the courts to play a role in effectively addressing such problems.

In 2004, the Planning and Policy Advisory Committee (PPAC) of the Wisconsin Supreme Court identified the overcrowding of jails and prisons and alternatives to incarceration as critical issues to be addressed. In response, PPAC formed a subcommittee on Alternatives to Incarceration with a mission to *“explore and assess the effectiveness of policies and programs, including drug and other specialty courts, designed to improve public safety and reduce incarceration.”*

Chaired by Judge Carl Ashley of Milwaukee County, this subcommittee, now re-named the Effective Justice Strategies Subcommittee (EJSS), consists of justice system professionals both inside and outside of the court system. The change in name to “Effective Justice Strategies” reflected an evolution of the subcommittee in understanding policies and processes related to improving public safety and reducing recidivism. Specifically, the subcommittee recognized these issues go beyond the scope of “alternatives to incarceration” and must not only involve the courts, but also other necessary players throughout the entire justice system working in collaboration for common outcomes. To date, the EJSS has focused its efforts on studying, developing resources, and making recommendations in regard to collaborative problem-solving approaches to criminal justice.

III. Subcommittee Focus

The growing rates of incarceration have placed enormous financial and social burdens on Wisconsin and its counties. The justice system is being forced to confront these burdens and consider new methods of intervention to break the cycle of substance abuse, addiction and recidivism and address the needs of offenders with mental health-related issues.

As a result of the tangible and intangible costs of addressing criminal behavior, there is considerable momentum in Wisconsin focused on developing effective justice strategies that utilize problem-solving approaches to criminal justice issues. These programs are varied and responses occur at different points within justice system processes. Programs involve law enforcement, corrections, courts, county human services, and all potential partners in the system. Based on measures and outcomes identified locally, many communities are reporting “success”

in their problem-solving approaches and others are looking for guidance to address similar issues and to replicate sound practices that “work.”

Criminal Justice Councils (CJC)

Each year more Wisconsin counties are developing criminal justice councils, also referred to as coordinating councils, collaborating committees, management councils, etc., to problem solve around justice system and public safety issues in their communities. A CJC can bring about improvements and new initiatives that cannot be achieved by a single agency or organization (i.e. problem solving courts, utilization of risk assessment tools, community service programs, restorative justice, etc.). Criminal justice councils provide the necessary foundation for communities to fully assess the needs of the local criminal justice system and develop programming and practices in response to these needs.

Judges play a critical role in these councils by convening the appropriate players and offering a unique perspective of the system and its impacts from an objective and neutral vantage point. Less than two decades ago there were no formal CJC's in Wisconsin. Today, at least 24 formal and informal CJC's have been organized to improve local justice system approaches. The EJSS believes that CJC's provide the foundation for the development of effective justice strategies and has created a web site with resources to assist counties in learning more about them to help promote their formation.

Problem-Solving Courts (PSC's) and other justice strategies

The problem-solving court approach is one that had been rapidly growing nationwide throughout the justice system over the last few decades. The most commonly known problem-solving court is the drug-treatment court, but a wide range of specialized courts including mental health, juvenile, domestic violence, reentry, etc., are being developed to specifically address the underlying issues related to criminal behavior. These courts work across disciplines and with other institutions to deploy interventions that treat offenders while also holding them accountable for criminal actions.

The EJSS surveyed the counties and created an online directory of the Wisconsin PSC's that includes type of court, contact information, funding sources, and a summary. Currently, there are 11 adult drug courts, 2 OWI courts, one juvenile court, more than 23 teen and peer courts, and one domestic violence court in Wisconsin. All of this information along with the “key components of the drug court model” and other studies and useful resources are posted on the online web site created by the subcommittee. During Phase I, the group read many studies about the effectiveness of problem solving courts and established a preliminary goal to make this information available and easily accessible to the judiciary.

Many innovative justice system practices and strategies are taking place throughout Wisconsin in addition to problem solving courts. In many cases, the court system plays an integral role in this programming. On her 72-county tour, Chief Justice Abrahamson has learned about many of these promising practices such as: day report centers, domestic abuse programming, victim impact panels, electronic monitoring programs, and many more. The EJSS is currently working in partnership with the Sentencing Commission and other justice system entities to help catalogue and create a comprehensive inventory database of these practices and programs. In Phase II, the subcommittee will continue to develop this database and work toward identifying best practices.

On the state level, the court system and EJSS recommends a comprehensive assessment of Wisconsin justice programs and strategies be conducted to develop support for those proven to be fiscally sound and effective in enhancing public safety, reducing recidivism, and addressing criminal behaviors. The Phase II Subcommittee will continue researching the effectiveness and viability of PSC's and other alternative programming and formulate recommendations about best practices and outcomes.

Assess, Inform, Measure (AIM)

Many judges voice concern in regard to not knowing the full range of dispositions appropriate and/or available for a specified offender. The EJSS 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. They found that critical to this determination is the nature and value of the information provided to the court in advance of a sentencing decision. The subcommittee developed a process model titled AIM (Assess, Inform, and Measure) which is intended to enhance the quality and scope of information provided to the court about a specified target population. The model includes the following elements:

- **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).
- **Summary of available community-based treatment programs** that address needs and reduce the offender's risk to the community.

In addition to providing information to the court in advance of sentencing, the other key component of the AIM model includes the development of a **"feedback loop."** The feedback loop provides aggregate process and outcome data back to the court and local criminal justice system about the AIM cases. This process will serve as a means to continually measure outcomes on the success/failure rates (recidivism) of offenders targeted for this project.

AIM has the following goals:

- Provide the court with a valid risk, needs, responsivity and community intervention assessment, while creating feedback loop that provides information on the success of court dispositions and community interventions in promoting offender success and public safety.
- Provide the court with valid and reliable information, based on current evidence-based practices, which will add value in the case disposition process.
- Create a process and outcome feedback loop that provides information on the value of the information being provided to the court and validation of the assessment process.

In the spring of 2006, the EJSS developed and recommended the AIM concept to PPAC and the Committee of Chief Judges and received support to move forward. Interested counties willing to test this model were asked to come forward, bearing in mind there would be no additional funding available to integrate this idea in their processes. After a year of planning and development, five county interdisciplinary teams with representatives from the courts, county

human services, corrections, and others have agreed to pilot the AIM concept and will be moving forward with implementation of this process. AIM is a collaborative effort that has both state level participants (State Courts, Department of Corrections) and local level participants (judges, county human services, etc.)

To date, the EJSS and volunteer county teams have done extensive work to plan and support the AIM concept to prepare for implementation. As previously referenced, those agreeing to pilot the AIM process -- Eau Claire, Marathon, Iowa, La Crosse and Portage counties -- are doing so at this time with no additional funding in their local budgets. A majority of the pilot counties already do assessment as part of their post-conviction process; they are attempting to adapt AIM earlier in this process. Six additional counties originally expressed interest in AIM but were unable to continue into the project implementation phase, mainly because of lack of resources.

The AIM pilot counties are currently working to identify common data elements they will track and report, so that the long-term outcomes of AIM can be analyzed and long-term impact can be understood. Data is needed to show the aggregate outcomes of these pilot projects, which will assist in developing a case in the future for potential permanent funding on the state and county level. If outcomes prove effective in this pilot phase, AIM has the potential for state-wide impact. Collecting valid, useful and understandable data to make this case is essential. The Phase II Subcommittee will continue to oversee the AIM pilot project.

State Level Action

As a result of the local ground swell, a clearer understanding of effective justice strategies and their potential fiscal and public safety impact is beginning to form on the state level.

In its 2007-09 budget submission to the Governor, the Supreme Court requested funding for a state level full-time permanent justice initiatives coordinator position to implement and sustain recommendations of the EJSS and other PPAC recommendations related to substance abuse and alternative programming in the courts. The Governor approved this request and included it in the overall state budget proposal to the Legislature. Governor Doyle has also shown support for the AIM pilot project by allocating grant funding in his state budget proposal for implementation of AIM in the county with the highest violent crime rate (Milwaukee County).

The Wisconsin Treatment Alternatives and Diversion (TAD) grant program was developed for counties through 2005 Wisconsin Act 25, the Biennial Budget for 2005-2007. The program provides grants to counties to develop treatment and diversion alternatives to jail and prison sentences for non-violent offenders with drug and alcohol problems. Administratively, the program is a joint effort involving the Office of Justice Assistance (OJA) as the granting agency, in program collaboration with the State Departments of Health and Family Services and Corrections. An ongoing advisory committee has been created, with representatives from state and local agencies, including the court system, and treatment providers and consumers. The advisory committee assisted in defining program parameters and requirements, and will continue to assist in program guidance, monitoring and evaluation.

Although small in scope and capacity for impact, the creation of the TAD program by the Legislature symbolizes the beginning of a state level culture shift on these issues.

Outreach and Collaboration

The EJSS has embraced the major themes of outreach and collaboration outlined in the PPAC “Critical Issues” planning report. The subcommittee itself is a collaborative effort composed of many justice system professionals within and outside of the court system. The subject matter and priorities of the subcommittee require that it be interdisciplinary in nature.

Subcommittee members have also been dedicated to spreading the word about the resources that have been created and the recommendations of the EJSS. Members have put on sessions about effective justice strategies at the Judicial Conference, Criminal Law and Sentencing Institute, the Legislature and the Clerk of Court Conference.

IV. Phase I Recommendations to PPAC

1. Support the development of a criminal justice council for every county.
2. Support the Assess, Inform and Measure (AIM) pilot.
3. Educate the legislature and public about effective justice strategies.
4. Support the development of a state-level criminal justice council.
5. Support a comprehensive assessment of Wisconsin justice system programming to determine best practices and build state level support for these initiatives.
6. Support the development of permanent state level funding mechanisms for effective justice strategies.

Work to be continued by Phase II Subcommittee:

- Oversee AIM pilot, support pilot counties, and begin analysis of feedback loop data.
- Assist 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.
- Identify programs that “work”, emphasizing those involving drug and alcohol dependency per the direction of the PPAC Critical Issues 2005-2007 Plan.
 - Gain a comprehensive understanding of programs, practices and outcome measures currently being utilized in Wisconsin courts related to public safety/problem solving strategies.

- Determine the most effective components of programming and make recommendations for fostering replication of these components and programmatic outcomes.
- Gain 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.
- Recommend educational and outreach strategies to promote further development best practices state-wide.

V. Web site

Can be found by going to:

1. www.wicourts.gov
2. Click on “About the Courts” tab
3. Click on “Court Programs”
4. Click on “Effective Justice Strategies”

Direct Link:

<http://www.wicourts.gov/about/organization/programs/alternatives.htm>