



## MEMORANDUM

TO: Members of the Legislative Council Study Committee on Problem-Solving Courts, Alternatives, and Diversions

FROM: David Callender, Government Affairs Associate *DC*

DATE: August 20, 2014

SUBJECT: Considerations for the Committee Regarding Memo No. 1

As the committee has heard in recent presentations, Wisconsin's counties have been at the forefront of efforts to create evidence-based diversion programs and problem-solving courts for years. County leaders across the state have made a commitment to evidence-based decision-making, on their own initiative at first, then in partnership with the state through programs such as the Treatment, Alternatives and Diversion (TAD) grants, and most recently in Eau Claire and Milwaukee counties with the assistance of the National Institute of Corrections.

The Wisconsin Counties Association (WCA) appreciates the support the Legislature, the Governor, and the Supreme Court have given these county programs, particularly with the substantial increase in TAD grant funding enacted in the current biennium. This investment has allowed the number of counties receiving grants for treatment courts and TAD programs to increase from nine counties to 34 counties in less than one year.

This major expansion of TAD sites offers the opportunity to promulgate evidence-based decision-making programs, such as pre-trial diversion and specialty courts, in virtually every corner of the state. It also presents a number of challenges, many of which have been identified in testimony before the committee. Chief among these challenges is going from what had been a small-scale program supported by staff from several state agencies on a largely ad-hoc basis to increasing its scope to more than triple the number of participating counties.

County officials are eager to embark on these programs, but their efforts must be guided by the principles of effective treatment courts and evidence-based decision-making that speakers have emphasized before the committee. In order to replicate the successes of the first group of TAD recipients, new programs must adhere to the same level of program integrity as the initial programs. This will require an ongoing commitment of resources at both the state and local level.

**Statewide Criminal Justice Coordinating Council:** The best vehicle for coordinating these efforts and ensuring that TAD and other evidence-based criminal justice programs receive adequate resources is the statewide Criminal Justice Coordinating Council (CJCC). The council offers a forum for the same multidisciplinary approach to criminal justice issues that county criminal justice coordinating councils have employed for years. This approach breaks down traditional barriers between the courts, human service providers, prosecutors, defense counsel, law enforcement, victims' advocates, local officials, and other stakeholders and enables them to work together to meet the goals of protecting the community and rehabilitating offenders. Establishing the state Criminal Justice Coordinating Council in statute, rather than by the current executive order, would provide a more permanent foundation in state government for these efforts.

One additional option the committee may wish to explore is for the CJCC and its staff to coordinate and provide a single set of recommendations for the Legislature, the Governor, and other state officials regarding the allocation of resources to promote diversion programs, problem-solving courts, and other evidence-based decision-making programs. For example, it may be much more comprehensible for lawmakers if they could consider a package of resources allocated to TAD programs as a whole, even if the items are still specific agency allocations, rather than having to sort through agency requests one-by-one.

The statewide CJCC also provides the means for coordinating the ongoing evaluation and educational efforts needed to ensure program integrity. WCA supports the staff memo's option to "create a state-administered certification process whereby problem solving courts [and diversion programs] can be certified as adhering to evidence-based standards," which could be established as part of the criteria for TAD grants, as well as to "establish a state-level clearinghouse ... for counties to access information on evidence-based practices." The CJCC could readily serve both functions.

WCA believes that establishing the statewide Council in statute and formally delegating these new responsibilities to it would also help accomplish many of the goals identified by the National Institute of Corrections (NIC) in the next phase of its Evidence-Based Decision-Making Initiative. As the committee may be aware, the NIC is in the process of selecting one or more state CJCCs to partner with to provide technical assistance to advance evidence-based decision-making on a statewide basis. One of the objectives NIC has identified as key to the next phase of the project is to align existing local diversion programs and problem-solving courts with a statewide framework for education and evaluation so that knowledge and experience gained in one county can be shared with others.

**Program Evaluation:** WCA also supports the memo's option to continue funding TAD program evaluations and to provide funding for the evaluation of other existing and pending treatment courts and diversion programs. The committee has heard ample testimony that evaluation is the key to success. Simply put, it is impossible to engage in evidence-based decision-making without the necessary evidence.

Currently, such evaluations and related services are provided under a contract with the UW Population Health Institute. The Department of Justice has indicated that it can perform these evaluations internally with additional Department staff. WCA agrees that the Department should perform many components of the evaluation process, such as data collection, technical assistance, and preliminary analysis. However, WCA believes that the reason the TAD program has the level of confidence it now enjoys is due to the fact that the results have been confirmed by independent evaluation. WCA recommends that at least some portion of the evaluation process remain independent in order to guarantee program integrity.

**Diversion Programs:** The memo offers a number of options that identify only problem-solving courts for additional resources or changes. WCA urges the committee to consider these options for both problem-solving courts **and diversion programs**, except for the options that are specific to the operation of problem-solving courts.

WCA thanks the committee for its consideration of these comments. Please feel free to contact WCA for additional information.