



Treatment Alternatives and Diversion (TAD) Program Evaluation and TAD Project Progress Update July 2013

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For
The Wisconsin Office of Justice Assistance
The Wisconsin Department of Corrections
The Wisconsin Department of Health Services

Introduction

This progress report provides an update on the implementation of the **Treatment Alternatives and Diversion (TAD)** projects in nine counties. TAD has been collaboratively implemented by the WI Office of Justice Assistance (OJA), the WI Department of Corrections (DOC), and the WI Department of Health Services (DHS), and the University of WI Population Health Institute (PHI) is contracted to conduct the evaluation of TAD through December 31, 2014.

Ongoing data collection for the evaluation includes review of project materials (i.e., quarterly reports, applications for funding, etc.) and analysis of participant-level admission, service, and discharge data provided by TAD sites. The participant-level information is collected through a Microsoft Access database maintained by the TAD sites and submitted to PHI monthly for data quality monitoring.

Past Year Policy Highlights and Events

Transfer of OJA to Department of Justice

The primary functions of OJA have been transferred to the WI Department of Justice (DOJ) Bureau of Training and Standards as of July 1, 2013. It is anticipated that all former OJA staff and contracts will be transferred to DOJ with no lapse in agency activity.

Use of TAD Evaluation Results to Impact WI Treatment and Diversion Efforts

The evaluation results reported in the 2011 TAD Outcomes Report submitted to the Wisconsin legislature in December 2011 (<http://uwphi.pophealth.wisc.edu/about/staff/van-stelle-kit.htm>) continued to be widely disseminated on the local, state, and national levels during the past year.

PHI and OJA were invited to present TAD information and evaluation results to a joint meeting of the Statewide Criminal Justice Coordinating Council Problem-Solving Courts and Evidence-Based Practices Subcommittees on April 14, 2013. This discussion resulted in a unanimous recommendation to the full Council to support the TAD model – the first recommendation of any type to be made by any of the subcommittees. As a result, PHI was asked to present the TAD evaluation results to the full Council on April 30, 2013. This led to the resulting unanimous motion:

- *“Consideration of support for the expansion of Wisconsin’s Treatment Alternative and Diversion Program (from CJCC Evidence-Based Practice and Problem-Solving Courts Subcommittees) -- Motion was made by Director John Voelker and seconded by Mark Abeles-Allison to support and encourage efforts that have been undertaken by subject matter experts to expand the eligibility, criteria, and research-based practice fundamentals of the Treatment Alternatives and Diversion program in Chapter 16 of the Wisconsin Statutes.”*

Tony Streveler, Ray Luick, and Lila Schmidt were invited as representatives of the TAD state partner agencies to provide informational testimony to the State Assembly Corrections Committee in May 2013. PHI was also invited to be present to address questions as needed. Jeff Altenburg (Milwaukee County Deputy District Attorney) also provided information about Milwaukee TAD and Jerome Dillard represented WISDOM at this informational session.

The evaluation results were also utilized in a variety of other ways during the past year. The Joint Committee on Finance used the cost-benefit results in their state biennial budget decision-making and the Pew Center on the States included the Wisconsin TAD model as an example of how evaluation and cost-benefit analyses are used in decision-making by stakeholders in their “Results First” report due for release in August 2013. In addition, the TAD evaluation findings were used extensively for a health impact assessment entitled “Treatment Instead of Prison” that was used in a campaign by Health Impact Partners, Inc. and the WISDOM movement to reduce incarceration levels.

TAD Expansion

A multi-pronged effort by diverse stakeholder groups to advance the impact of the TAD model resulted in a motion to Governor Walker's recently proposed biennial state budget. This motion to expand alternatives to incarceration in Wisconsin was worded as follows:

"Move to provide \$1,000,000 GPR annually for the Treatment Alternatives and Diversion (TAD) grant program. Further, move to provide \$500,000 annually to a new GPR annual county drug courts appropriation to provide funding for county drug courts. Require the Department of Justice (DOJ) to provide the grant funding to counties that do not currently have a drug court program."

During the June 2013 meeting, the TAD Advisory Committee identified several issues to be clarified:

- There should not be a distinction between \$1 million TAD expansion dollars and the new \$500,000 for "drug courts" – these should be combined into one diversionary effort;
- Although the motion specifies funding for only "drug courts," the effort should include all types of problem-solving courts in \$500,000. However, the term "drug" court is broadly used nationally to include all types of problem-solving courts (i.e. mental health courts, OWI courts, veteran's courts, etc.);
- Motion language specifies \$500,000 only for new drug courts. However, Public Defender's Office, State Courts Office, DOC, and DOJ all requested a line-item veto of "to counties that have not established a drug court" from the current language in order to allow expansion of treatment courts to any eligible county or tribal nation that wishes to apply for funding.
- Should the WI Office of State Courts be added as a fourth TAD agency partner?
- Does prior legislative language still apply to other aspects of TAD program? Will 25% match still be required by counties?

Proposed Revisions to TAD Legislative Language

Several Wisconsin State Representatives and the Wisconsin Counties Association (WCA) are interested in discussions related to revising the TAD language. State entities present at the June 2013 TAD Advisory Committee meeting expressed support for these discussions. WCA representative David Callendar offered to take the lead on contacting the appropriate policy makers after the state budget process was completed.

A multi-disciplinary collaboration has occurred to expand the impact of the TAD program by revising portions of the original legislative language related to TAD. TAD projects were originally designed through 2005 Wisconsin Act 25 (SECTION 90m. 16.964) to target non-violent offenders where a violent offender is defined as "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. (Section 90m. 16.964 (12)).*

In addition to other suggested revisions, the revised language proposes revision to eliminate the exclusionary criteria related to the existence of a past violent offense as defined by statute (#2 above). Elimination of this criteria could allow TAD to increase admission of offenders with mental health issues, those with an assaultive offense in their distant past, and African American offenders who are currently at lower risk of recidivism without jeopardizing public safety.

Revisions to Wis. Stat. Section 16.964 (12) have been drafted as a result of a collaborative effort by Hon. Carl Ashley, Milwaukee County Circuit Court, Br. 26; Milwaukee County District Attorney John Chisholm; Jane Klekamp, Manager-Human Services, Chemical Health and Justice Sanctions, La Crosse County; Debra Kraft, Deputy Director and Counsel - Community Advocates Public Policy Institute; Niki Leicht, Special Projects Manager-Office of Court Programs; Hon. Elliott Levine, La Crosse County Circuit Court, Br. 2; Ray Luick, Office of Justice Assistance; First Assistant Public Defender Tom Reed; Tony Streveler, Executive Policy Initiatives Advisor, Department of Corrections; and Marilyn Walczak.

This subcommittee is part of a larger group that has been meeting for the last 2 ½ years whose membership additionally includes: Wisconsin Counties Association Legislative Associate, David Callender; Eau Claire County Community Justice Coordinator, Tiana Glana; Winnebago County D.A., Christian Gossett; District X Court Administrator, Scott Johnson; Milwaukee County Chief Deputy D.A., Kent Lovern; Hon. Richard Sankovitz, Presiding Felony Judge, Milwaukee County Circuit Court, Branch 29; Wisconsin Department of Corrections Executive Assistant, Dennis Schuh; University of Wisconsin Law School Clinical Professor, Ken Streit; and State Public Defender, Kelli Thompson.

Other Evaluation Issues/Activities

Dual Reporting – Need for Integrated Approach to Data Collection: In May 2013 it was brought to the attention of PHI that three TAD projects had received additional funds from OJA through the Justice Assistance Grant (JAG) program. As a requirement of funding award TAD projects must submit participant-level data for the ongoing TAD evaluation and JAG-funded projects are required to submit participant-level data through the new “eValueate” web-based reporting system. TAD sites contacted PHI staff with inquiries about these duplicate reporting requirements and requested that an integrated approach be developed to reduce local staff reporting burden.

In June 2013, PHI requested a meeting with OJA evaluation and grant administration staff to discuss the “eValueate” system components and initiate a discussion about integrating multiple data systems. The discussion centered on the possibility of integrating the two data collection systems to leverage the best aspects of each one into an integrated system in the near future. The web-based structure of the “eValueate” system is more user-friendly and links directly to the CCAP system, while the TAD database gathers more detailed participant-level data with more structured responses that makes data analysis easier to conduct and results easier to interpret. This discussion was continued during the June 2013 TAD Advisory Committee meeting because any further statewide expansion of TAD would likely compound this issue as additional counties receive multiple funding streams for treatment and diversion projects (OJA is currently funding 18 sites with JAG dollars). Some TAD Advisory Committee members suggested utilizing the TAD database for all problem-solving court and diversion programs, while others suggested developing a hybrid system. OJA indicated that they do not want to compromise the JAG project evaluation as the required reporting is in grant award documents. The Statewide Problem-Solving Courts Coordinator also indicated that the National Council on State Courts

is developing performance measures for Wisconsin problem-solving courts and also plans to develop a common database. While their goal is uniform data collection of performance measures, they don't want to create yet another level of duplication and they plan to collaborate with others by reviewing the TAD database, "eValueate" data system, Bureau of Justice Assistance quarterly reporting data system, etc.

After discussion, the TAD Advisory Committee recommended moving this issue forward by involving the Statewide CJCC Data Sharing subcommittee, Performance Measurement subcommittee, or Evidence-Based Practices subcommittee. It was unclear to the group what organization or committee would have the authority to make this decision, but OJA indicated that if the discussion was continued that they would consider integrating the data systems.

TAD Advisory Committee: Since the last progress report in July 2012, the TAD Advisory Committee convened on December 14, 2012, March 7, 2013, and June 21, 2013. The TAD Advisory Committee has been an integral part of the implementation of the TAD program and the ongoing feedback of the committee members has been essential to program development, implementation, enhancement, and evaluation. The TAD Advisory Committee is currently comprised of 23 members, including three individuals who are also members of the Wisconsin Statewide Criminal Justice Coordinating Council (CJCC) created in May 2012 and numerous members who also serve on CJCC subcommittees.

DWD Employment Data: The effort to discuss collaboration with the Department of Workforce Development (DWD) to obtain employment data for the TAD outcomes evaluation has been delayed. DWD and DOC successfully executed an interagency agreement to share data in June 2013 after an 18-month effort. With that separate agreement in place, PHI and the TAD state agency partners plan to move forward with the collaboration request for TAD in the coming months.

TAD Project 2013 Reapplication Requirements: Reapplications for TAD funding for CY 2013 included new requirements to (a) describe their plans to increase admission of moderate and high risk offenders and (b) to describe how fidelity to an EBP specifically for criminal justice populations currently implemented was being ensured (sites continued to be required to utilize EBPs for all program components).

Technical Assistance Provided to TAD Sites: UWPHI staff provided ongoing technical assistance to all nine TAD sites throughout the past year, consulting with local site staff on issues related to program implementation, admission/discharge criteria, and program improvement. In addition, UWPHI coordinated and facilitated the annual all-site meeting in November 2012 that promoted networking among site staff, provided updated data related to program progress, and obtained site feedback and input on TAD policies and practices.

UWPHI worked closely with Ashland and Bayfield TAD (the two sites that were newly funded in 2012) to provide technical assistance regarding program implementation, integration of evidence-based practices, and program processes. UWPHI staff collaborated with state agency partners to assist the Ashland and Bayfield TAD projects with program development and implementation issues. UWPHI continues to collaborate with Ashland and Bayfield TAD as well as provide ongoing technical assistance to all TAD sites as issues arise.

Update on TAD Site Activity

The TAD program is currently operational in nine Wisconsin counties. Four TAD adult drug treatment courts are currently operating in Burnett, Rock, Washburn and Wood counties. The TAD treatment courts utilize a standard adult drug treatment court model and admitted 615 participants between 1/1/2007-6/30/2013. Five TAD diversion projects are operational in Ashland, Bayfield, Dane, Milwaukee, and Washington counties. The TAD diversion projects utilize a variety of different project models to divert offenders from incarceration and provide treatment and monitoring services. Dane County offers pre-trial bail diversion, Milwaukee County offers pre-charging diversion and deferred prosecution, Washington County serves offenders charged with operating while intoxicated (OWI) and those offered an alternative to revocation (ATR) of community correctional supervision, and Ashland and Bayfield Counties are developing bail diversion and deferred entry of judgment projects. The TAD diversion projects admitted 2,297 participants between 1/1/2007-6/30/2013.

Project Activity and Participant Demographics

Table 1 shows that TAD projects have admitted a total of 2,912 participants since program inception (6 ½ years of TAD admissions). TAD projects have discharged a total of 2,717 participants, with an average length of stay for of 189 days (about six months). There is a significant difference in the average length of stay between TAD treatment courts and TAD diversion projects due to the variation in program models/approaches. A more detailed description of admissions for each site is available in a separate document.

<i>Table 1: Brief Summary of TAD Project Activity by Project Type (1/1/2007-6/30/2013)</i>			
	Treatment Courts	Diversion Projects	Overall
# Admitted	615	2,297	2,912
# Active/Pending	84	111	195
# Discharged	531	2,186	2,717
Completed/Graduated	297	1,445	1,742
Terminated	225	683	908
Administrative Terminations	9	58	67
Average Length of Stay	316 days	158 days	189 days

TAD has a completion rate of 64%
 66% for TAD diversion projects and
 56% for treatment courts

Both TAD treatment courts and TAD diversion projects admit primarily white males with an average age of 29 years (Table 2). However, diversion projects admit a larger proportion of African American offenders, primarily due to Milwaukee County TAD which serves a large proportion of African American offenders and comprises roughly two-thirds of the entire TAD diversion project sample.

	Treatment Courts	Diversion Projects	Overall
Males	73%	73%	73%
Females	27	27	27
Race/Ethnicity			
Caucasian	82%	61%	65%
African American	13	36	32
Native American	4	2	2
Other	1	1	1
Ethnicity			
Hispanic	2%	6%	6%
Non-Hispanic	98	94	94
Average Age (in years)			
	28 years	30 years	29 years

Drug of Choice and Co-Occurring Disorders

Offenders admitted to TAD use primarily marijuana or alcohol (Table 3). Treatment court admissions are more likely to use marijuana, while diversion project admissions use marijuana, alcohol, and/or opiates. Table 4 shows that 19% of all TAD admissions had a co-occurring mental health disorder.

	Treatment Courts	Diversion Projects	Overall
Drug of Choice:			
Marijuana	54%	33%	38%
Alcohol	14	30	26
Opiates	20	23	22
Amphetamines	1	0	<1
Cocaine/crack	7	13	12
Methamphetamine	3	<1	1
Other/not assessed	1	1	1

	Treatment Courts	Diversion Projects	Overall
% with Co-Occurring Disorder	12%	21%	19%
Mental Health Diagnosis			
None	88%	79%	81%
Depression	4	7	7
Bi-polar disorder	1	4	4
ADHD/ADD	3	2	2
Schizophrenia/schizoaffective	1	3	2
Mood/anxiety disorder	2	3	2
Other	1	2	2

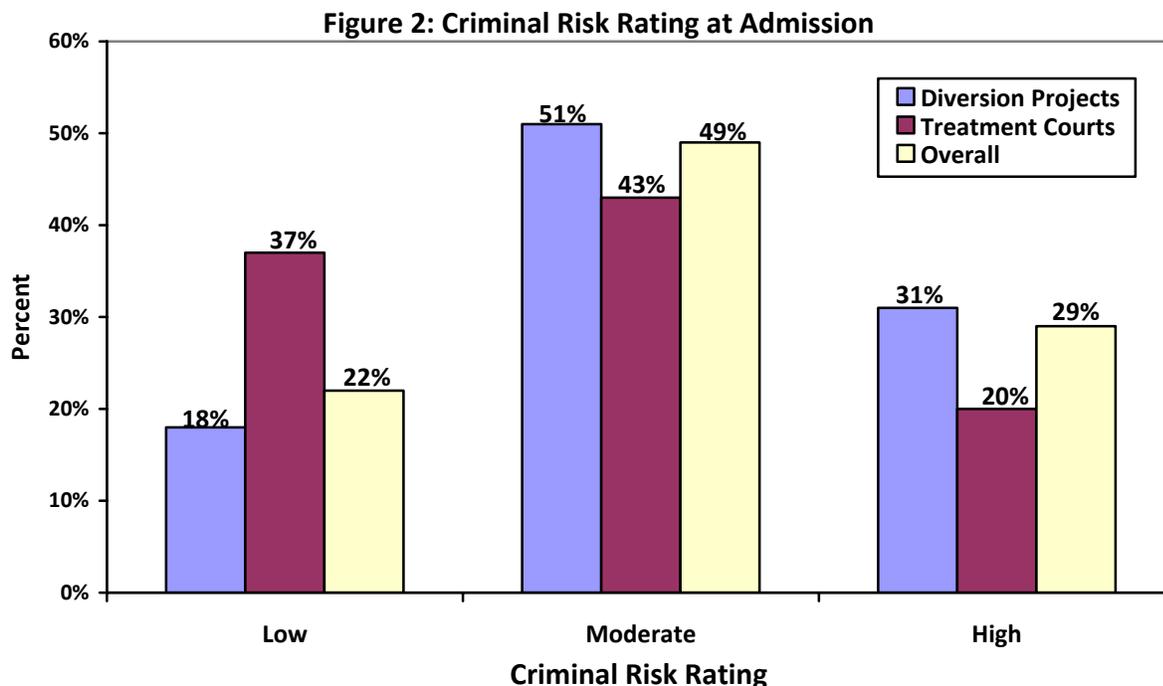
Offense at Admission and Criminal Risk

The TAD projects serve different target populations, with treatment courts more likely to admit offenders with drug-related offenses such as drug possession, manufacture, and delivery (Table 5).

Table 5: Criminal Offense Information for TAD Admissions			
	Treatment Courts	Diversion Projects	Overall
Type of Offense:			
Drug-related	72%	58%	61%
OWI	5	19	16
Property/fraud	16	13	14
Criminal damage/ endangering safety	1	2	2
Disorderly conduct	1	3	2
Bail jumping	2	1	1
Other	3	4	4

Many of the TAD sites work closely with probation and parole agents in their counties. Seven of the TAD projects admit participants as formal Alternatives to Revocation (ATRs), with the exception of Bayfield and Milwaukee counties. The treatment courts have admitted 95 ATRs and the diversion projects have admitted 175 ATRs since program inception.

TAD diversion projects admit primarily offenders rated as moderate or high criminal risk, while treatment courts admit primarily low or moderate risk offenders (Figure 2). These differences can be attributed in part to the variation in criminal risk assessment tools that are used. For example, the majority of the TAD treatment courts use a version of the Level of Service Inventory (LSI) which measures the risk of criminal recidivism, while Milwaukee County has used a tool that measures the risk of failure to appear in court (although they have recently begun to utilize the LSI).



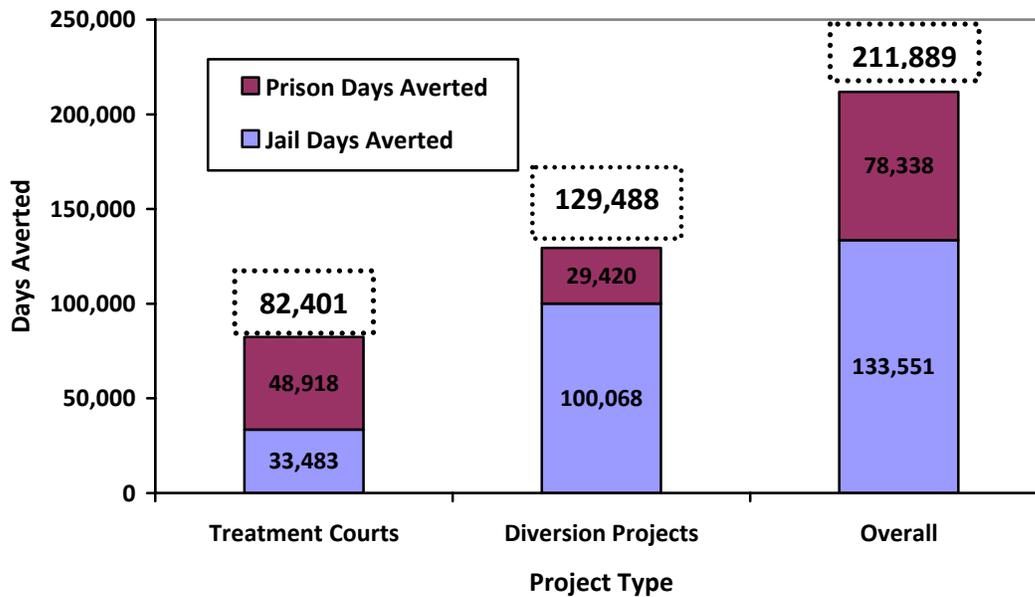
Case Outcomes and Incarceration Days Averted

Overall, 55% of TAD discharges had positive case outcomes of case dismissal, reduced charge(s), or completing the requirements of their ATR (Table 6). Graduates are significantly more likely than terminations to have their case dismissed, charge reduced, or complete the requirements of their ATR, with 85% of graduates averted from further justice system processing. There were no differences in case outcomes between TAD diversion projects and TAD treatment courts.

	Graduates (N=1,742)	Terminations (N=975)	Overall (N=2,717)
Case Outcomes:			
Case Dismissed	45%	0%	29%
Reduced Charge	34	<1	22
Completed ATR	6	1	4
Did Not Complete ATR	0	11	4
Case Charged/ Prosecution Reinstated	9	76	33
Other/DPA Remains	6	12	8

After 6 ½ years of operation, TAD projects have successfully averted TAD participants from 211,889 incarceration days (Figure 4). TAD projects have averted offenders from 133,551 jail days and 78,338 prison days. The TAD program overall averts an average of 78 days per TAD discharged participant, an average of 155 days for treatment court participants and an average of 59 days for diversion projects.

Figure 4: Incarceration Days Averted



Next Steps

Competitive Applications for CY 2014 Expanded TAD Funding

The TAD Advisory Committee discussed the process of applications for CY 2014 TAD funding at their meeting in June 2013, and made the following recommendations:

- The request for applications (RFA) should be a competitive announcement that allows any county or tribal entity to apply, including existing TAD sites. RFA should include the specific legislative language/motion and allow expansion of existing TAD-funded sites, expansion of other existing diversion projects, funding for problem-solving court coordinators, and creation of new projects across the entire diversion continuum (i.e., pre-trial diversion to alternatives to revocation).
- The RFA and funding criteria should be developed by a multi-disciplinary team.
- The RFA should clearly delineate the requirement that proposed projects be evidence-based. The RFA should solicit projects that are based on evidence-based practices (EBPs), standards for Wisconsin treatment courts currently under development, the recommendations from the 2011 TAD outcomes report, and the proposed revised TAD legislative language. The RFA should emphasize the importance of the use of EBPs, services targeting alternatives to revocation (ATR) of correctional supervision, and jail/prison reentry or transition efforts.
- Develop and release RFA quickly and award grants by September/October 2013 to avoid county staff layoffs for existing programs and to allow counties to plan for 25% funding match as counties are currently developing their budgets.
- A two-year or three-year grant cycle should be utilized for the upcoming RFA because TAD grant funds are awarded on a calendar year rather than a state or federal fiscal year basis and because requiring non-competitive applications every year makes budget planning difficult for counties and is time-consuming for county staff.
- Consider providing a technical assistance package on grant preparation along with the RFA to applicants that do not have the time or expertise to submit an application. The statewide CJCC problem-solving courts subcommittee has an information packet on treatment court implementation and the WATCP also has standards and benchmarks identified that could be used.
- Application Review Process
 - Target date of September 2013
 - Use a jury process with two review teams (to avoid potential conflict of interest) comprised of TAD Advisory Committee members. Should include someone from each role on each team, i.e. Prosecutor, Judge, Public Defender, etc. Consider utilizing a consumer or treatment court graduate on the review panel.
 - Review criteria should have specific targets and processes identified for proposed projects.
 - The original TAD language indicated that all three partner agency heads should approve the sites selected.

TAD Symposium

The Department of Justice Training and Standards area, along with Community Advocates Inc. and the Wisconsin Counties Association as co-sponsors, will be offering a symposium in August 2013 entitled "Treatment Alternatives and Diversion - Effective Criminal Justice Reform through Research Based Practices." The TAD Symposium will describe TAD as a model for justice system improvement and the continuum of alternatives to incarceration, will showcase a variety of places within the pretrial justice segment of the criminal justice system that use risk-based decision making rather than resource-based decision making, and provide an overview of Evidence-Based Decision-Making policies and practices.

Future/Ongoing Evaluation Activities

During the coming year, PHI will continue to have primary responsibility for the evaluation of TAD. PHI staff will continue to provide ongoing implementation support to TAD projects, as well as ongoing collaboration with DOJ/OJA/DOC/DHS stakeholders. PHI staff will also provide evaluation support through continued monthly project data submission/collection and data quality monitoring. In addition, PHI plans to conduct the following activities:

- Present a description of the TAD evaluation at the TAD Symposium on August 23, 2013.
- Participate in the selection of TAD projects and planning for expansion during 2014.
- Coordinate and facilitate the annual TAD project all-site meeting in Fall 2013.
- Participate in the TAD Advisory Committee meetings.
- During the coming year, DOJ and PHI will collaborate to begin the process of requesting employment data from the Department of Workforce Development (DWD) to assess the employment outcomes of TAD participants.
- Planning/Preparation for Future TAD Outcomes Analysis: PHI and the TAD state partners will continue to prepare for the next analysis of post-program recidivism and cost/benefit outcomes currently planned for 2014. These preparations will include selecting a target completion date for the report, identifying appropriate support for future cost-benefit analyses, planning for sharing of Department of Corrections and CCAP data on criminal recidivism outcomes, and sharing of DWD data on employment outcomes.

*Any questions or comments related to this report can be referred to
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