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

## **2009 Annual Site Progress Report**

### *Executive Summary*

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# Treatment Alternatives and Diversion (TAD) Program 2009 Annual Site Progress Report

## *Executive Summary*

This evaluation report examines the individual outcomes of offenders who participated in the seven **Treatment Alternatives and Diversion (TAD)** projects in Wisconsin from project start in 2007 through August 31, 2009. The purpose of this report is to provide feedback to TAD sites for the purpose of program improvement; it is not intended as a final evaluation of the grant program required by statute 16.964 (12)(k). Wisconsin Act 25 statutorily created TAD in 2005 and the grant program was established in 2007 through collaboration among the WI Office of Justice Assistance (OJA), the WI Department of Corrections (DOC), and the WI Department of Health Services (DHS). The evaluation of TAD required by statute is funded by OJA, DOC, and DHS, and is being conducted by the University of Wisconsin Population Health Institute (PHI).

Data collection for the current effort included review of project materials (i.e., quarterly reports, applications for funding, etc.), participant-level admission, service, and discharge data provided by TAD sites, project team interviews, and individually identifiable electronic outcomes data from state data systems. With extensive cooperation from state agencies, PHI received individually identifiable outcomes data on 1,515 TAD admissions in October 2009 from the Circuit Court Automated Program (CCAP) and DOC administrative data systems. These data were summarized using simple descriptive statistics, chi-square, one-way analysis of variance and ordinary least squares regression for continuous measures, and logistic regression analysis for categorical measures. Regression models were estimated to predict charges for new offenses, project completion, and days to first new offense. Models were calculated for the entire sample utilizing the predictor measures best correlated with the outcomes measures, and separately (when appropriate) for Milwaukee TAD and for non-Milwaukee TAD sites as a group due to differences in overall project model and design.

### BRIEF OVERVIEW OF TAD PROJECTS

The seven TAD project sites in Wisconsin utilize a variety of project models to divert non-violent offenders from incarceration and provide treatment services (Table 1). All of the projects were fully operational by July 2007 after a January 1, 2007 funding start. **There were a total of 1,515 project admissions and 1,313 project discharges as of August 31, 2009.** There were 783 project completions/graduates, 530 terminations/drop-outs, and 202 offenders active in the projects as of August 31, 2009.

<b>Table 1: Brief Overview of TAD Project Implementation Through August 31, 2009</b>			
	<b>Project Model</b>	<b>Annual Capacity</b>	<b># Admissions To Date</b>
<b>Burnett County (With St. Croix Tribe)</b>	Drug Court	8-10	25
<b>Washburn County</b>	Drug Court	8-10	18
<b>Dane County</b>	Multiple Approaches	20-25	80
<b>Milwaukee County</b>	Pre-Trial Diversion	800	906
<b>Rock County</b>	Multiple Approaches	110	191
<b>Washington County</b>	Diversion and ATR	40	240
<b>Wood County</b>	Drug Court	40-50	55

## SUMMARY OF RESULTS

This examination of the outcomes of offenders discharged from the seven Treatment Alternatives and Diversion (TAD) Programs in Wisconsin suggests that **the projects provide an effective alternative to prosecution and incarceration for non-violent criminal offenders who abuse alcohol or other drugs. Continued funding for TAD projects at current or enhanced levels will allow counties to continue to develop and improve the effectiveness of the projects.**

The results indicated that **60% of offenders discharged from TAD completed the projects**, having an average length of stay of 177 days (5.9 months). **The Wisconsin TAD graduation rate of 60% exceeds the national drug court graduation rate estimated at 50%** (Sanders, Richardson, & Mosley, 2006). Completion rates varied by project site, ranging from 43% in Rock County to 81% in Burnett County. Although males comprised the majority of TAD admissions, females were significantly more likely to complete the projects after admission. TAD graduates were more likely to be older, white, have a high school diploma or GED/HSED, or be employed at the time of admission. They were also more likely than terminations to have alcohol as their drug of choice. Graduates were also significantly older than terminations at the time of their first arrest and had lower criminal risk ratings. Logistic regression models indicated that offenders with fewer prior substance abuse treatment episodes who were employed at the time of project discharge and were older at the time of their first adult arrest were significantly more likely to complete the projects.

Figure 1 illustrates significant differences in case outcomes between project completers and terminations. **Offenders who completed TAD were significantly more likely to have their case diverted** (charges dismissed, charges reduced, or alternative to revocation completed) than those who were terminated from TAD. Ninety-eight percent of the completers were diverted, compared to just three percent of the project terminations. Only two percent of the completers were not diverted (charged, prosecution reinstated, supervision revoked, ordered to another program, or other/unknown), compared to 97% of the terminations. Only two percent of the completers were not diverted (charged, prosecution reinstated, supervision revoked, ordered to another program, or other/unknown), compared to 97% of the terminations.

**Figure 1: Case Diversion by Reason for Discharge**

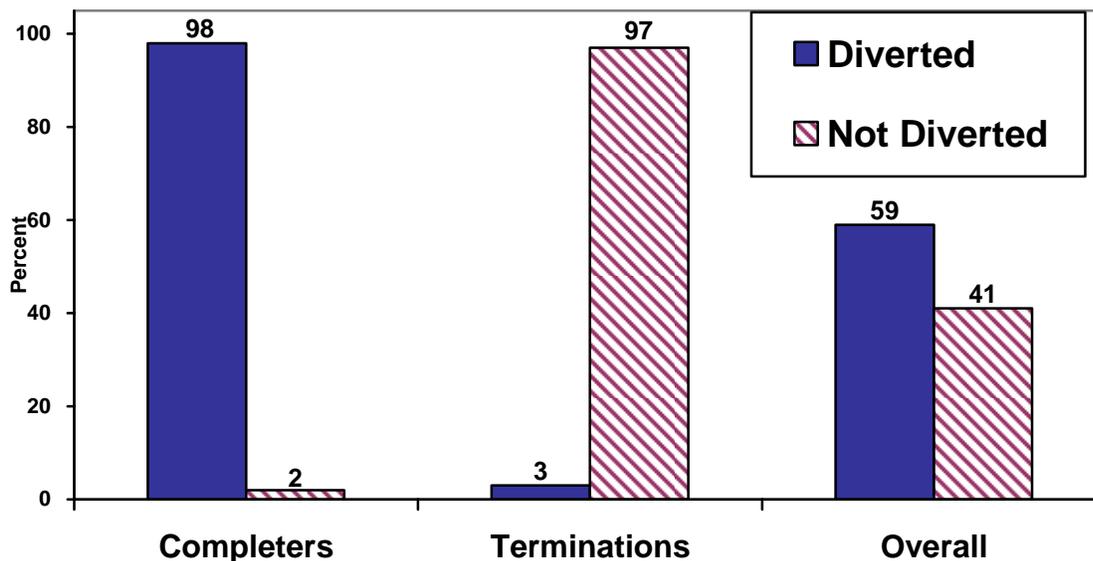
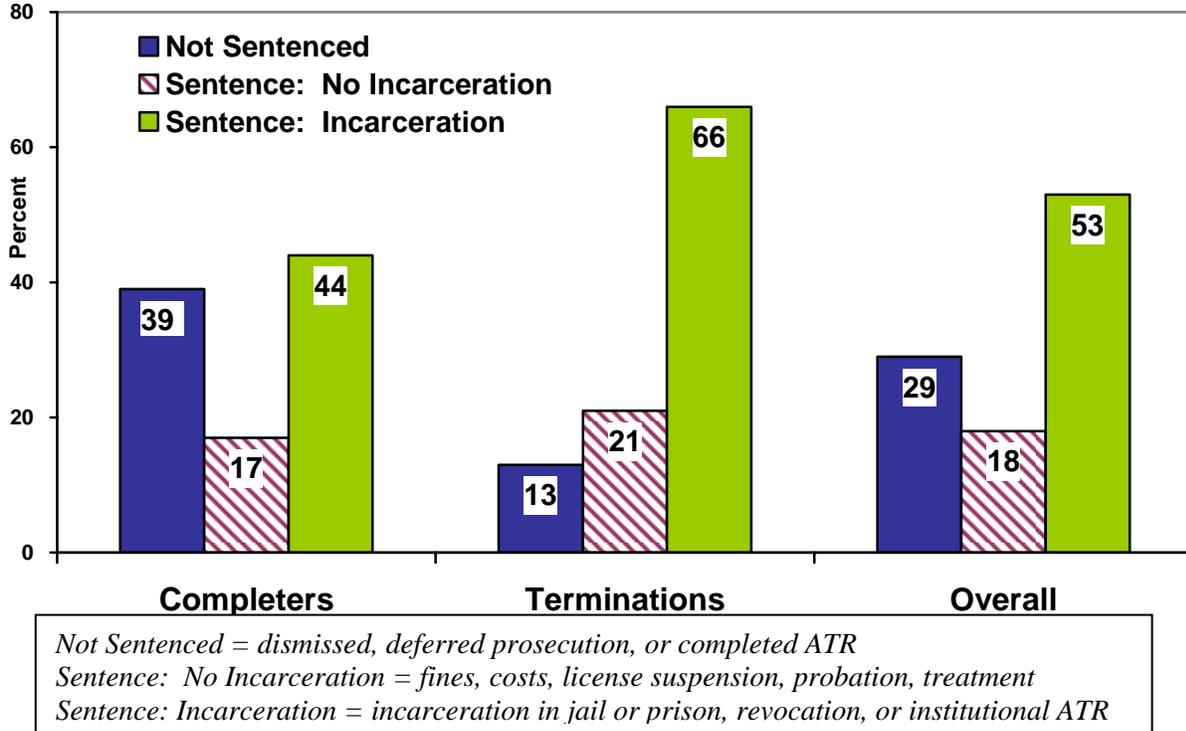


Figure 2 illustrates significant differences in original sentence outcomes between project completers and terminations *excluding those cases for which original sentence dispositions were not available*. Offenders who completed TAD were significantly more likely to have received a disposition of dismissed, deferred prosecution, or completed ATR or a sentence that did not include incarceration than those who were terminated from TAD. **Fifty-six percent of the completers had a non-incarceration sentence outcome for their original offense, compared to 34% of the project terminations.** Forty-four percent of the completers received sentences that included incarceration -- primarily OWI offenders with mandatory jail time included in their sentences.

**Figure 2: Original Sentence Outcome by Reason for Discharge**



**Incarceration Days Avoided**

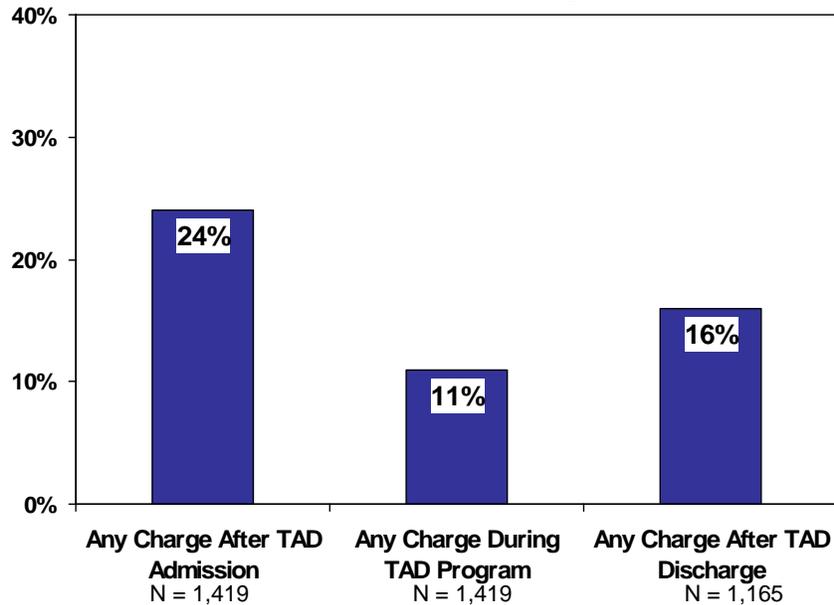
According to the estimates *provided by each TAD site* for each TAD discharge, **an estimated 90,743 incarceration days were saved through TAD as of August 31, 2009.** An average of 111 incarceration days were avoided per discharged offender through participation in TAD, and an average of 115 incarceration days were avoided for each project graduate.

**A total of 60,291 jail days and 30,452 prison days were avoided by TAD discharges through August 31, 2009.** Those who avoided 0-364 incarceration days were defined as having avoided jail incarceration, while those who avoided 365 or more incarceration days were defined as having avoided prison incarceration. While an imperfect measure, it does provide an estimate of the impact on jail and prison bed utilization based on the fact that jail sentences are typically less than one year and prison sentences are typically longer than one year. There was variation by TAD site, with drug treatment court sites (Burnett, Washburn, and Wood) saving a greater number of prison days than jail days. Diversion model sites (Milwaukee, Washington, and Dane) saved a greater number of jail days than prison days.

## Any New Offense During/After TAD Participation

Figure 3 summarizes the proportion of TAD participants charged with a new offense. Overall, 24% of TAD discharges were charged with a new offense at any time after project admission, 11% were charged with a new offense while participating in TAD projects, and 16% were charged with a new offense after TAD discharge.

Figure 3: Percent of TAD Participants Charged with a New Offense

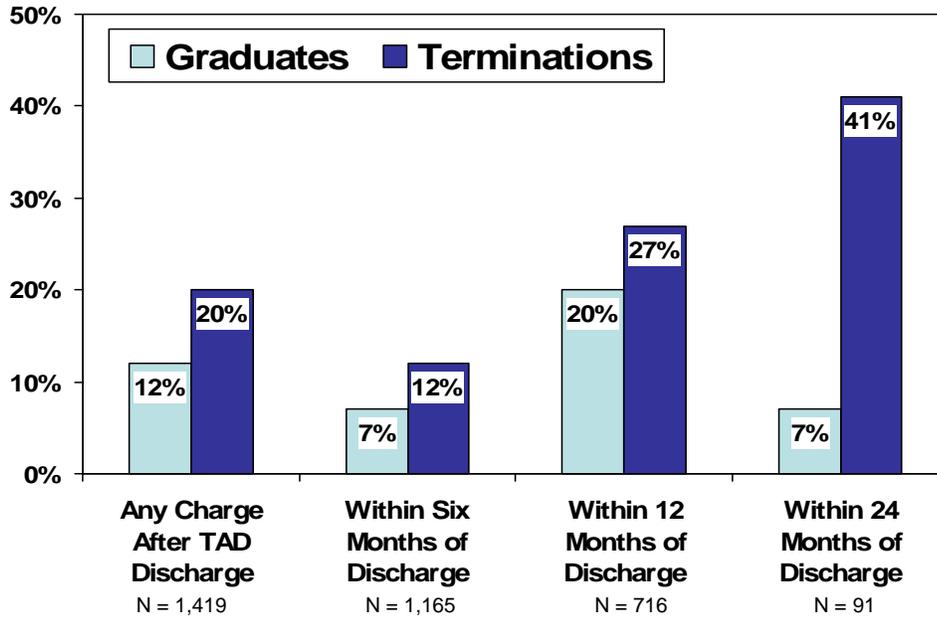


As the evaluation design for TAD does not include random assignment to an experimental control group or the development of a quasi-experimental comparison group of offenders who did not participate in TAD, the research and evaluation literature provides the best benchmark against which to compare the current results. Many evaluations of drug treatment court recidivism have been conducted to assess the effectiveness of drug courts (U.S. Government Accountability Office, 2005, Roman et. al., 2003, Weist et. al., 2007, Rempel, 2003, Finigan et. al., 2007, Carey et. al., 2008, Carey et. al., 2009, King & Pasquarella, 2009). These research and evaluation efforts all measure and report recidivism differently (rearrest, felony conviction, etc.), few studies report post-discharge offenses (most report post-admission reoffense), and many of the studies report only “reductions” in rearrest or reconviction rates rather than the proportion with a new offense.

Comparing the current results to other efforts reveals that **TAD participants are charged with new offenses at rates equal to or below those found in other drug court studies.** In a recent study of Vermont drug treatment court graduates, 24% of graduates were rearrested within 12 months of program admission, 39% were rearrested within 24 months of program admission, and 23% were rearrested within 36 months of program admission (Carey, 2009). Finegan et. al. 2007) reported that 12% of the graduates of a Florida drug court were rearrested within 24 months and 45% of the graduates of a Missouri drug court were rearrested within 24 months. In a study of national recidivism rates for 17,000 drug court graduates (Roman et. al, 2003) reported that 16% of drug court graduates were charged with a “serious” offense that carried a jail/prison sentence of at least one year. However, comparison of these rates to the current TAD results should be done cautiously as (a) these rates are for drug treatment courts only while the TAD sites utilize a variety of drug court and diversion models, (b) some measure rearrest or charging for a “serious” offense while the current analyses measure charges for offenses that were not dismissed, and (c) most measure reoffense one or two years after program admission rather than after program discharge.

Figure 4 summarizes the proportion of TAD graduates and terminations with a new offense after discharge. These results suggest that **completing TAD projects decreases the likelihood of committing a new offense after project discharge**. Graduates were significantly less likely than terminations to have a new charge after TAD discharge at each time interval examined.

Figure 4: Charged with a New Offense After Discharge From TAD



Note. Excludes cases with disposition data available in CCAP indicating that the charge was dismissed.

Overall, the regression analyses predicting new offense support the finding that **completing TAD projects significantly reduce the likelihood of being charged with a new offense**. Offenders are less likely than terminations to be charged with a new offense if they complete TAD treatment, are older, and have lower levels of criminal risk.

**Incarceration in Wisconsin State Prison After TAD Participation**

Overall, **nine percent of TAD discharges were incarcerated in Wisconsin state prison after TAD discharge**. TAD graduates were significantly less likely than terminations to be admitted to state prison after their discharge from the projects within the time frame of this report.

**Strengths and Challenges For TAD Projects**

Review of project materials/reports and discussions with TAD project teams revealed a variety of system-level and program-level impacts. The following highlights the most frequently discussed project strengths and implementation barriers encountered across the seven sites.

- **Strengths of TAD:**
  - High quality project team collaboration at each site
  - Increased system-level collaboration -- bridging service systems
  - Increased treatment capacity
  - Increased treatment quality and offender monitoring
  - Increased speed of treatment entry for offenders
  - Decreased number of required court appearances in Milwaukee due to TAD

- TAD participation positively impacts case disposition
  - Positive impacts on individual participants
  - TAD projects continue to modify and improve their service models
  - Local community support for TAD
- **Challenges for Sites:**
    - Changes/transitions in drug court judges at some sites
    - Defining “violent offender” for project eligibility
    - Creating success for alternative to revocation (ATR) admissions
    - Impact of current economy on offender employment opportunities
    - Lack of offender transportation for treatment participation, drug testing, etc.
    - Increase in heroin users at some sites
    - Mandatory suspension of driver’s licenses for OWI offenders
    - Mandatory jail time for OWI offenders
    - Project funding – impact of annual funding uncertainty on staffing and services

**The overall pattern of results suggest that TAD programs are effective in providing substance abuse treatment, monitoring, and supportive case management services that improve the criminal justice outcomes of non-violent offenders who graduate from the program. TAD graduates are less likely than terminations to be charged with a new offense or be incarcerated in state prison after discharge from the program.**

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