



TREATMENT ALTERNATIVES AND DIVERSION

2020 PROGRESS REPORT:
ADMISSION COHORT STATUS UPDATE

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1 HIGHLIGHTS

- This report includes information about participants admitted to treatment courts and diversion programs in 2020 across Wisconsin who were funded by the Treatment Alternatives and Diversion program and entered into the DOJ CORE Reporting System. Only the 2020 admission cohort is included; for example, the status outcomes are out of the participants admitted to programs in 2020, regardless of their discharge date.
- Defense attorneys were the largest referral source for participants admitted to treatment courts (41%), whereas referrals for diversion program participants came predominantly from district attorneys (79%).
- Diversion programs discharged a larger percentage of their 2020 admissions compared to treatment court programs, likely due to diversion programs typically lasting a shorter period of time than treatment court programs. Conversely, treatment court programs have a larger percentage of 2020 admissions who are still active in their program.
- Those who graduated were in their programs for significantly longer periods of time compared to those who were terminated.
- Treatment court participants who completed the 2020 procedural fairness survey, on average, agreed they were being treated fairly across the five different dimensions measured.

For data requests or questions, please contact the Bureau of Justice Information and Analysis

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2 INTRODUCTION

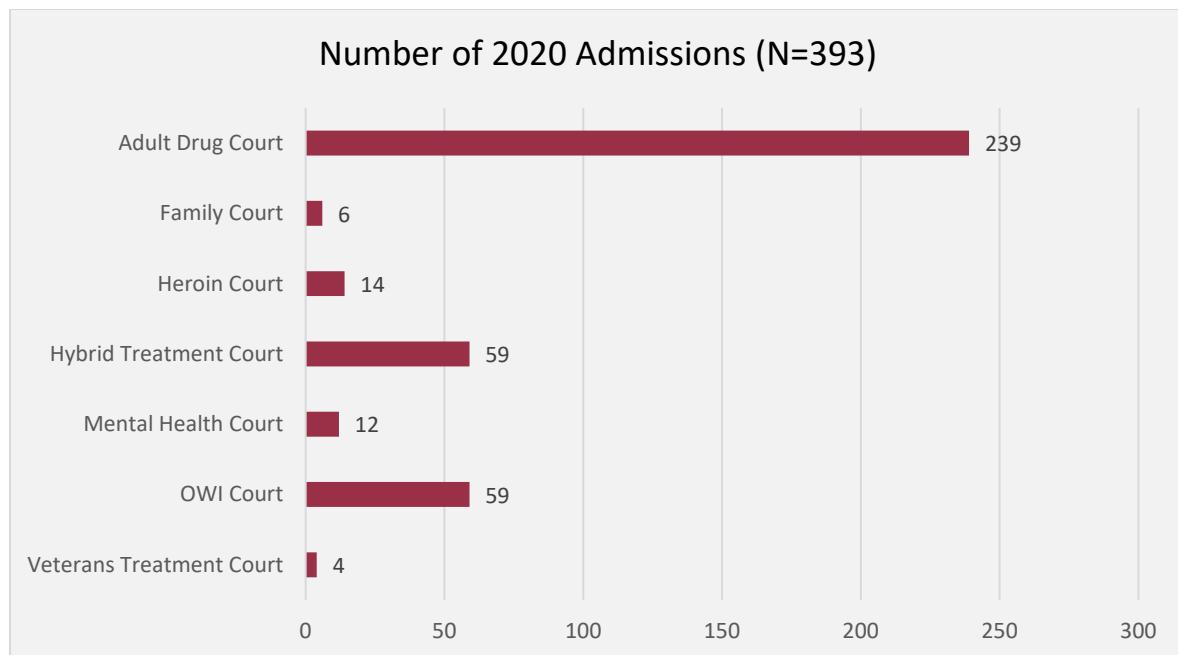
Wisconsin treatment courts and diversion programs that receive Treatment Alternatives and Diversion (TAD) funding are statutorily required, under Wis. Stat. §165.95, to submit participant data to the Wisconsin Department of Justice. The purpose of this report is to provide an overview of TAD-funded participants who were admitted to treatment courts and diversion programs in 2020 and entered into the Comprehensive Outcome, Research, and Evaluation (CORE) Reporting System.

The CORE Reporting System was introduced in 2018 as a uniform mechanism to collect participant level data for treatment courts and diversion programs across Wisconsin, starting at the point of referral and following participants through the entirety of their programs. This secure, web-based system supports expansive data collection and reporting on participants, including tracking key participant characteristics such as education, employment, housing stability, and child support status, both at the time of admission and discharge from the program. It also supports collection of various indicators such as demographics, risk level, drug/alcohol use, and related factors. In addition, the system tracks ongoing interventions throughout the program such as the frequency and results of alcohol and drug testing, participant attendance at status hearings, use of incentives and sanctions in response to behavior, attendance at treatment or other services, and changes in key areas such as education and employment.

3 TREATMENT COURTS

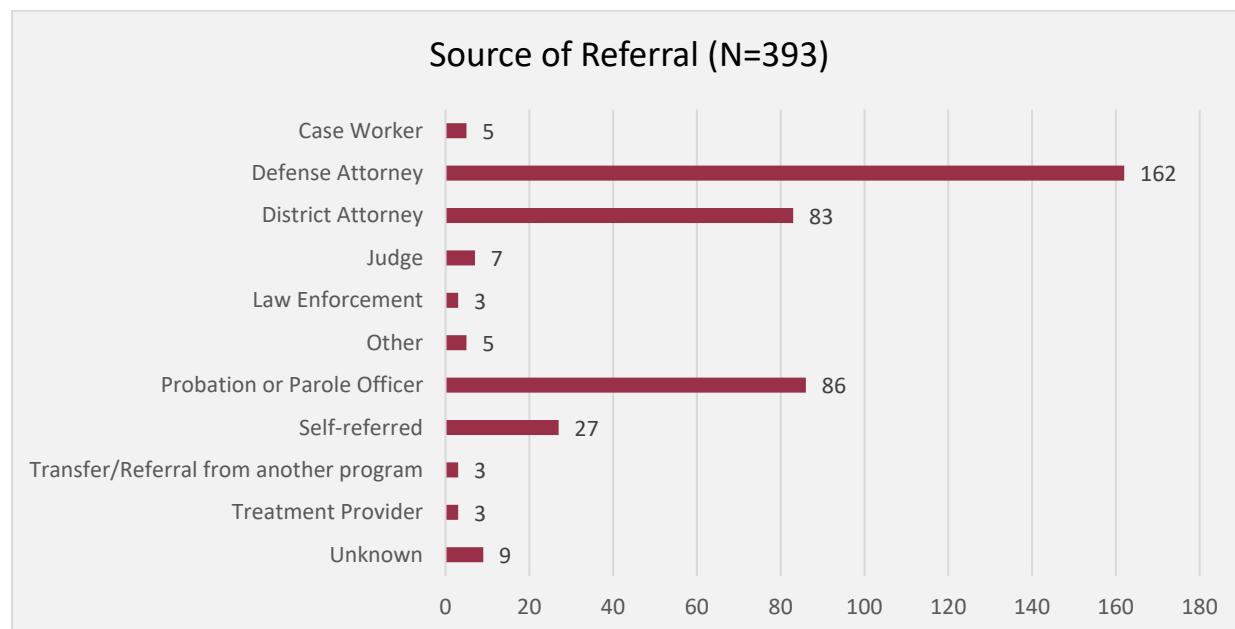
Treatment courts are an alternative model to the formal prosecution process and divert justice involved individuals into programs of supervision and services based on established criteria and a screening or assessment process. They are intended to provide a high level of monitoring and treatment interventions for participants to meet identified criminogenic risk and need factors. Participants who successfully complete a program receive a beneficial outcome such as a reduction in charges, dismissal of charges, or averted incarceration. Treatment courts include a range of courts such as Adult Drug Courts, OWI Courts, Hybrid Courts (combination of drug and OWI), Mental Health Courts, Veterans Courts, and Tribal Healing to Wellness Courts.

A total of 393 TAD-funded participants were admitted to 54 different treatment court programs across Wisconsin in 2020 based on data entered into the CORE Reporting System. More than half (61%) of 2020 treatment court admissions were in adult drug court programs. An additional 15% were in hybrid courts, and 15% were in OWI courts.



3.1 SOURCE OF TREATMENT COURT REFERRALS

Defense attorneys referred about 41% of participants admitted in 2020, and probation officers referred about 22% of the admissions. Another 21% of referrals came from district attorneys.



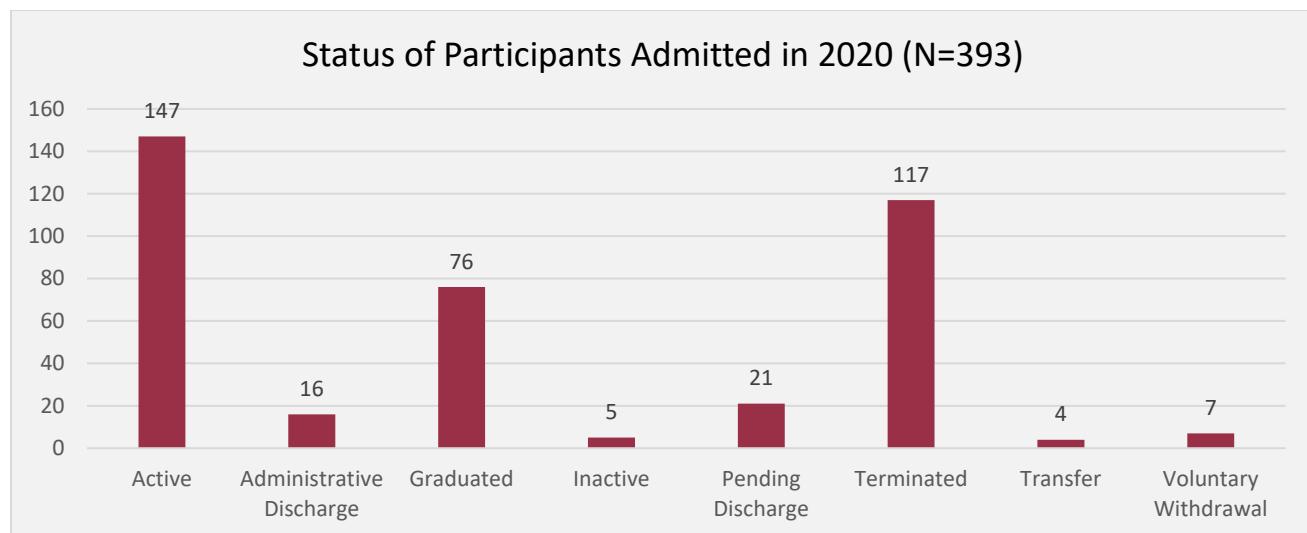
3.2 DEMOGRAPHICS OF 2020 TREATMENT COURT ADMISSIONS

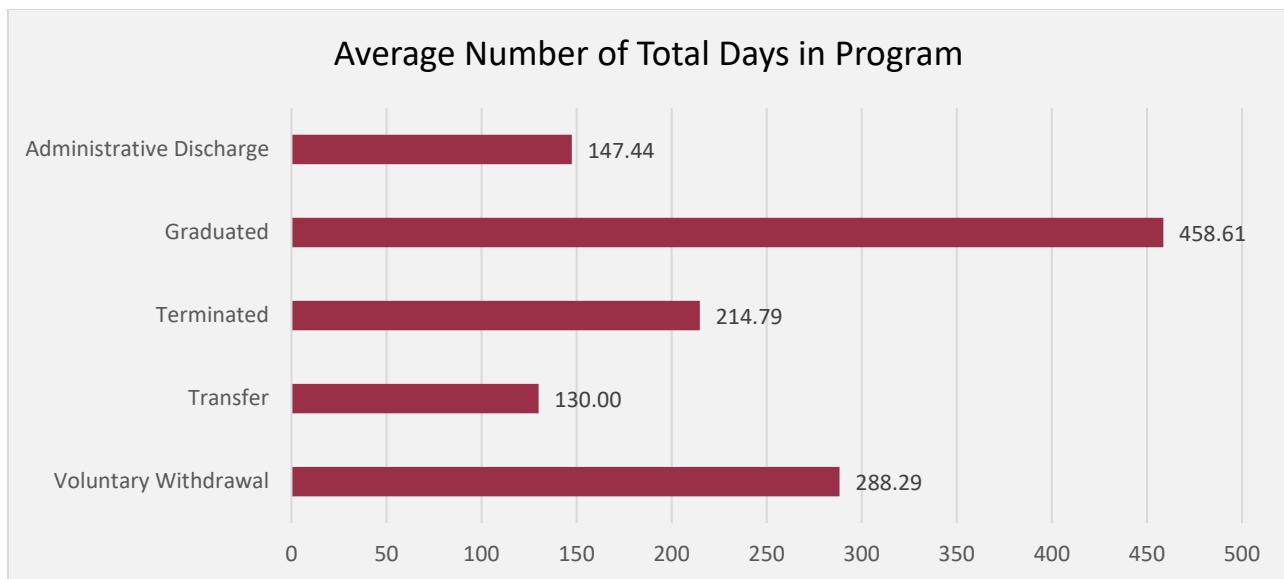
About 62% of 2020 admissions were male, and about 87% were white. A table of referral source by race of admitted participants is included as Appendix A.

Race	Sex		
	Female	Male	Total
African American/Black	8	13	21
American Indian/Alaskan Native	12	6	18
Asian	3	1	4
Other	1	2	3
Unknown	3	1	4
White	124	219	343
Total	151	242	393

3.3 STATUS OF 2020 TREATMENT COURT ADMISSIONS

Approximately 30% of the 2020 admission cohort were terminated from their program (mostly due to either non-compliance or absconding), and 19% have graduated. Another 37% are still active in their program. Those listed as pending discharge have been discharged, but their official status has not been finalized within CORE by their program staff. Of the 16 participants administratively discharged, five were due to the death of the participant, one was determined to be ineligible after they were admitted, one was due to a medical issue, one moved, and the remaining eight were for other reasons.





Terminated participants spent an average of 215 days in their program before termination, while those who graduated were in their programs for a significantly longer period of time ($M = 459$ days). The total days in program referenced in this report may include days participants were inactive in their programs (e.g. not attending regularly scheduled status hearings, drug testing, or treatment sessions). Participants can have inactive periods for reasons which include physical or mental health concerns that temporarily prevent program participation, incarceration periods where the individual is not actively participating in the program, or when a participant absconds from the program. Please see Appendix B for more details.

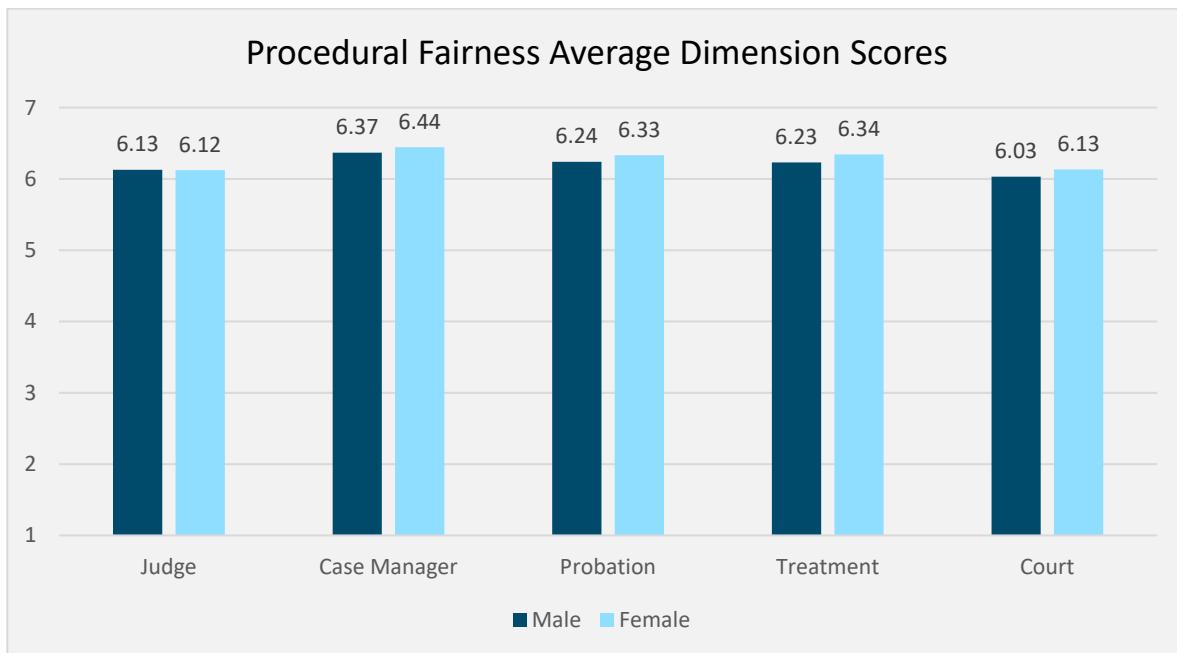
3.4 2020 TREATMENT COURT PROCEDURAL FAIRNESS

Beginning in 2019, a procedural fairness survey was implemented for treatment court programs on an annual basis. The survey is administered by sites to participants active in their program at the time of the data collection and contains 30 Likert-type questions measuring participants' perception of how fair their interactions have been with various staff during their time in the program. The survey measures five different dimensions using six questions each: judge, case manager, probation, treatment provider, and court in general. The highest score possible for each dimension is 7 (strongly agree/positive perception), and the lowest score possible is 1 (strongly disagree/negative perception). The performance target for procedural fairness is an average of at least 4.0 on all dimensions. For more information about performances measures and targets for Wisconsin treatment courts, see the [Wisconsin Adult Drug and Hybrid Performance Measures](#) (Cheesman, Broscious, & Kleiman, 2016). A copy of the survey is included as Appendix C.

In 2020, the survey was administered in November 2020 through an anonymous survey link sent to treatment court providers, who sent the link to program participants. Paper copies were made available upon request. All participants who completed at least 4 items on at least one of the five dimensions are included in the 2020 results, but not all respondents are included in every metric (e.g. those who did not answer at least 4 items on a dimension do not have a score for that dimension). All respondents are

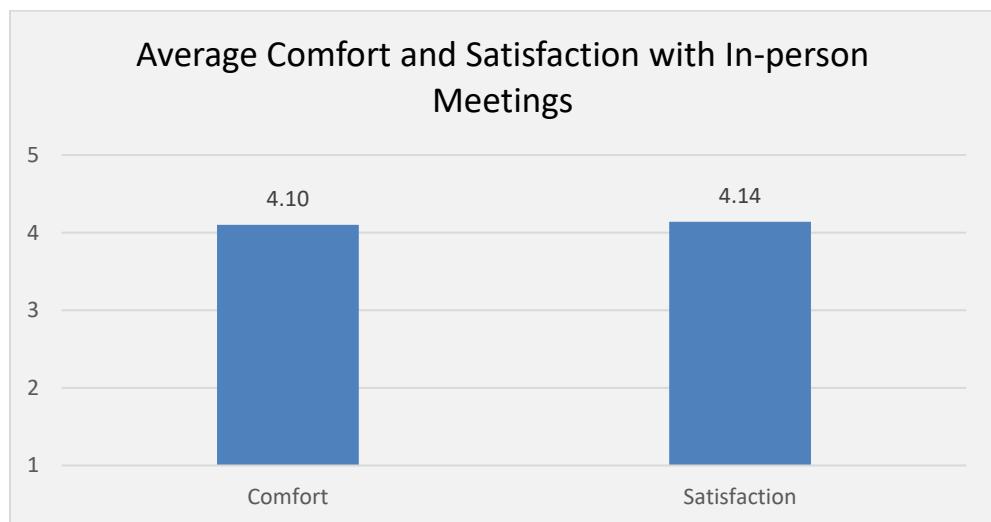
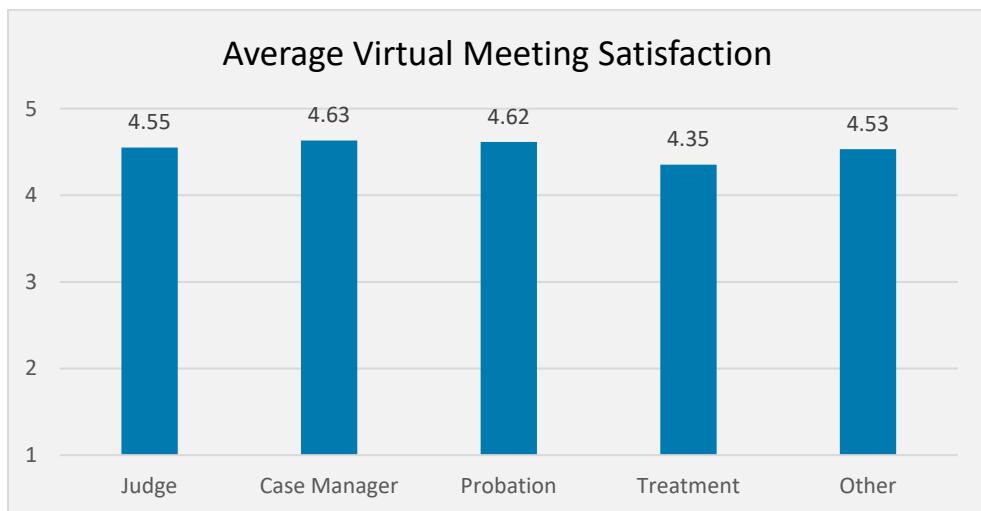
included in the judge dimension, but one respondent, 18 respondents, three respondents, and seven respondents are not included in the case manager dimension, probation dimension, treatment provider dimension, and court overall dimension, respectively. A copy of the survey is included as Appendix C.

A total of 325 participants from 50 different treatment court programs are included in 2020 results. The sample was about 44% female and 56% male, with approximately 89% of participants being white, 5% being American Indian/Alaskan Native, 3% African American/Black, and 3% Other. At the time the survey was distributed, the active participants were about 87% white, 5% African American/Black, and 5% American Indian, indicating people of color may be underrepresented in the results. Additionally, due to the survey being anonymous and distributed to all active participants, it is not possible to analyze only the responses from the 2020 TAD admission cohort. Instead, all participants who participated in the survey (regardless of their admission year) are included in the chart below.



There were no significant relationships between procedural fairness ratings and sex, age, or months in the program. Due to the sample being mostly white, it was not statistically possible to test for racial differences in procedural fairness. See Appendix D for more detail on low individual dimension scores.

The 2020 survey included additional questions regarding virtual options due to the COVID-10 pandemic. A majority (94%) of respondents indicated they did attend at least one virtual meeting as part of their treatment court program in 2020, and 4% indicated they did not; 2% did not answer the item. Respondents were also asked how satisfied they were with the virtual meeting(s) they attended with the judge, case manager, probation, treatment provider, and other meetings on a 1-5 scale (5 = very satisfied). Respondents were also asked how comfortable and how satisfied they were overall with their in-person meetings (5 = very comfortable/very satisfied).



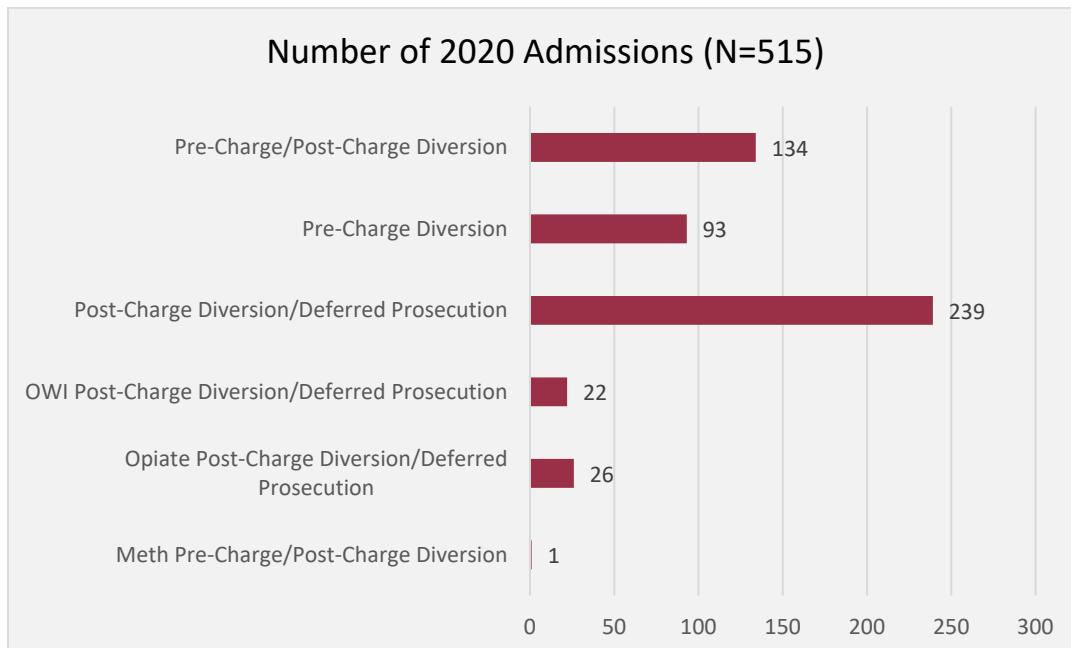
About 45% of respondents indicated a preference to participate in their program with a mix of in-person and virtual meetings, whereas about 23% indicated a preference for virtual only and 29% preferred in-person only participation. About 4% of respondents did not answer the item.

4 DIVERSION PROGRAMS

Diversion programs are an alternative to the formal charging process. Programs can be pre or post-charge. Prosecutors may withhold filing of charges or suspend formal prosecution and provide an alternative course of action in the form of a diversion agreement including certain program

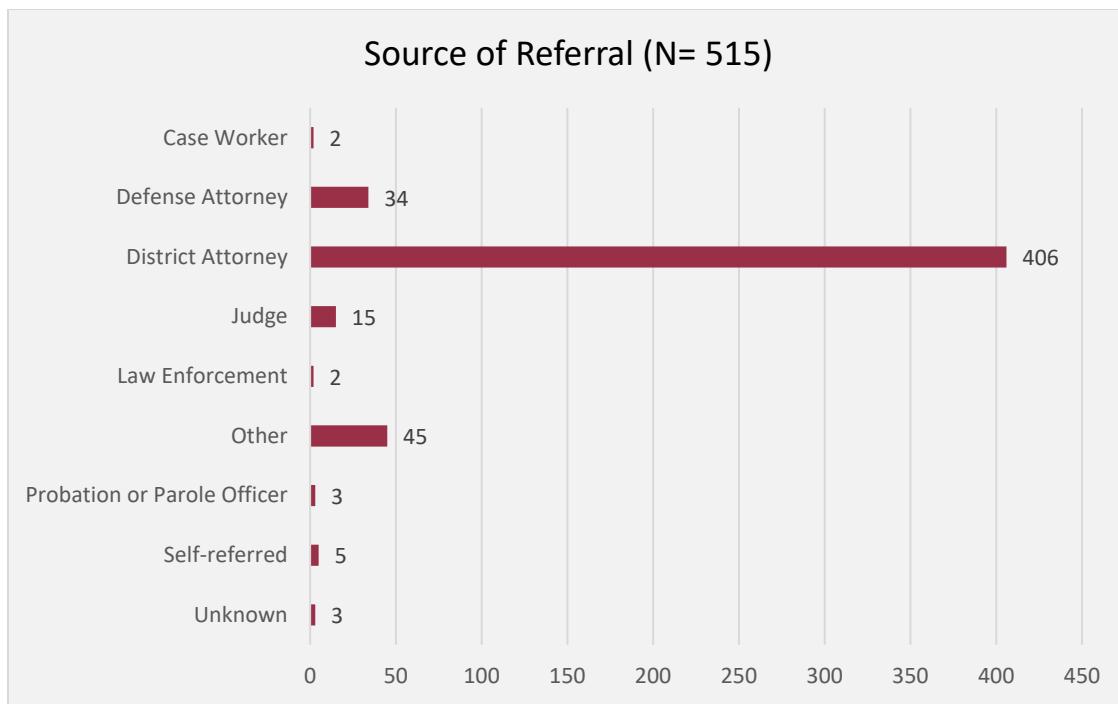
requirements (e.g., do not commit a new crime for a specified period of time, participate in education classes, complete community service, receive an assessment for treatment needs). Satisfactory completion of program requirements may result in charges not being issued, reduced charges, or the dismissal of formal charges.

A total of 515 TAD-funded participants were admitted to 21 different diversion programs across the state in 2020, based on those entered into the CORE Reporting System. About 46% of the 2020 admission cohort were admitted to post-charge diversion/deferred prosecution programs, and about 26% were admitted to pre-charge/post-charge combination diversion programs.



4.1 SOURCE OF DIVERSION PROGRAM REFERRALS

The majority (79%) of participants admitted to diversion programs in 2020 were referred by the district attorney, followed by 9% being referred by someone other than listed, and 7% being referred by their defense attorney.



4.2 DEMOGRAPHICS OF 2020 DIVERSION PROGRAM ADMISSIONS

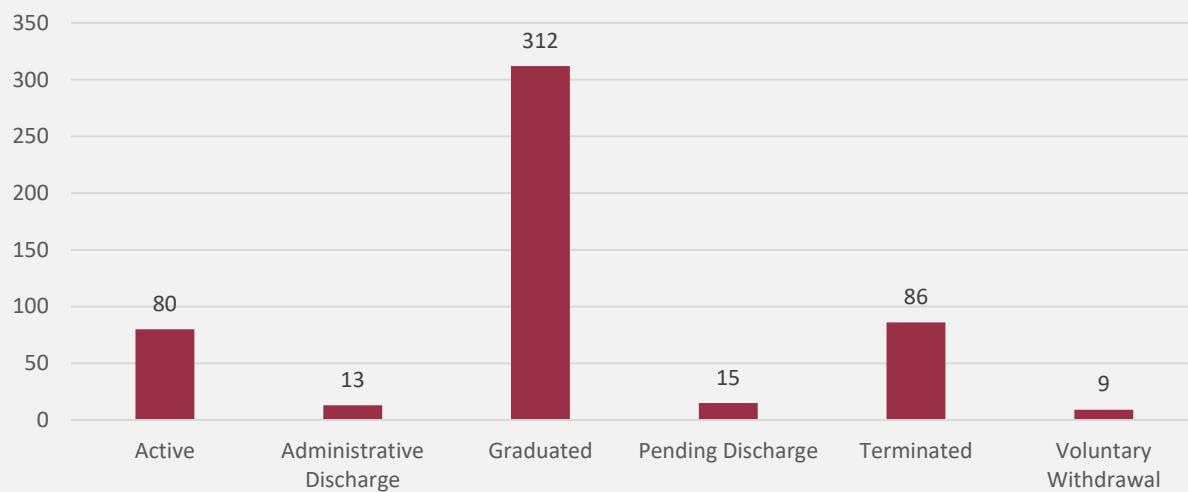
About 65% of 2020 diversion program admissions were male, and about 81% were white. A table of referral source by race of admissions is included in Appendix A.

Race	Sex			
	Female	Male	Unknown	Total
African American/Black	17	35	0	52
American Indian/Alaskan Native	10	3	0	13
Asian	3	9	0	12
Other	2	4	0	6
Unknown	5	7	5	17
White	141	274	0	415
Total	178	332	5	515

4.3 STATUS OF 2020 DIVERSION PROGRAM ADMISSIONS

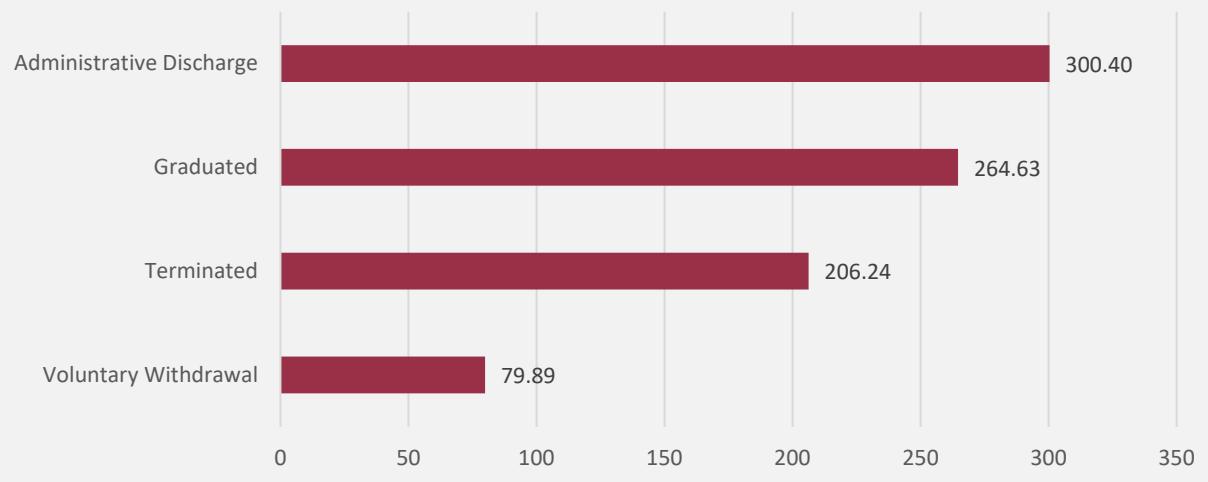
About 61% of participants admitted to a diversion program in 2020 have graduated, and 16% are still active in their program; about 17% of the 2020 admission cohort have been terminated from their program, mostly due to program non-compliance.

Status of Participants Admitted in 2020 (N=515)



Those who graduated were in their diversion program for an average of 265 days, significantly longer than those terminated (206 days). See Appendix E for more detail on program length.

Average Number of Total Days in Program



5 DATA NOTES AND LIMITATIONS

The information in this report only includes participant data that was entered into the Comprehensive Outcome, Research and Evaluation (CORE) Reporting System. Participants whose information was entered into historical, individual program TAD Access databases and not transferred into CORE are not included; therefore, these numbers may not be comprehensive. Furthermore, since programs operate with a variety of funding sources, every program is responsible for indicating how each participant was funded when entering the participant data in CORE. Only those participants for which the program indicated were funded in whole or in part by TAD funds are included in this report, except for the procedural fairness section for treatment courts. The information in this report was extracted in January 2022 and is updated and subject to change daily. Site staff are responsible for entering complete and accurate information in CORE. As a reminder, the data presented in this report are based on the 2020 admission cohorts only, regardless of discharge date; the figures are not based on discharge cohorts.

APPENDIX A

Race of 2020 Admissions by Source of their Referral to Treatment Courts

Source	Race						Total
	African American/ Black	American Indian/ Alaskan Native	Asian	Other	Unknown	White	
Case Worker	0	0	0	0	0	5	5
Defense Attorney	9	8	4	1	2	138	162
District Attorney	5	2	0	1	1	74	83
Judge	0	0	0	0	0	7	7
Law Enforcement	0	0	0	0	0	3	3
Other	1	0	0	0	0	4	5
Probation/Parole	6	4	0	0	1	75	86
Self-referred	0	3	0	0	0	24	27
Transfer	0	0	0	0	0	3	3
Treatment Provider	0	0	0	0	0	3	3
Unknown	0	1	0	1	0	7	9
Total	21	18	4	3	4	343	393

Race of 2020 Admissions by Source of their Referral to Diversion Programs

Source	Race						Total
	African American/ Black	American Indian/ Alaskan Native	Asian	Other	Unknown	White	
Case Worker	0	0	0	0	0	2	2
Defense Attorney	0	0	0	1	1	32	34
District Attorney	51	11	7	5	13	319	406
Judge	0	2	0	0	0	13	15
Law Enforcement	0	0	0	0	0	2	2
Other	1	0	5	0	0	39	45
Probation/Parole	0	0	0	0	0	3	3
Self-referred	0	0	0	0	0	5	5
Unknown	0	0	0	0	3	0	3
Total	52	13	12	6	17	415	515

APPENDIX B

Total Number of Days in Program by Current Status of 2020 Admissions to Treatment Courts

Status	N	Min	Max	Mean	SD
Active	147			N/A	
Admin Discharge	16	1	366	147.44	110.40
Graduate	76	324	650	458.61	87.74
Inactive	5			N/A	
Pending Discharge	21			See below	
Terminated	117	8	619	214.79	127.68
Transfer	4	6	208	130.00	87.88
Voluntary Withdrawal	7	96	613	288.29	208.20

Twenty-one participants admitted in 2020 are currently listed as “pending discharge.” These individuals have a separate discharge status however, the site has not finalized/closed out the participant in the CORE Reporting System. The unofficial discharge status and length of time for these individuals are included below.

Status	N	Min	Max	Mean	SD
Graduate	10	336	691	539.60	119.97
Terminated	9	143	652	416.56	168.56
Transfer	2	1	307	154.00	216.38

APPENDIX C

Procedural Fairness Survey Items

For each question, participants are asked to rate each statement on a Likert-type scale ranging from strongly disagree (1) to strongly agree (7). An average score per person per dimension is then scored, and averages per dimension across each program and all programs combined were calculated.

Dimension	Item
Judge	1. The Judge applies rules consistently to everyone.
Judge	2. The Judge makes me feel comfortable enough to say how I really feel about things.
Judge	3. The Judge gives me a chance to tell my side of the story.
Judge	4. The Judge treats me politely.
Judge	5. The Judge is knowledgeable about my case.
Judge	6. The judge makes decisions about how to handle my problems in a fair way.
Case Man.	7. The case manager interacts with me in a professional manner.
Case Man.	8. I know that my case manager truly wants to help me.
Case Man.	9. My case manager gives me enough of a chance to say what I want to say.
Case Man.	10. The way my case manager handles my case is fair.
Case Man.	11. My case manager treats all of his or her clients equally.
Case Man.	12. I feel safe enough to be open and honest with my case manager.
Probation	13. My probation officer interacts with me in a professional manner.
Probation	14. I know that my probation officer truly wants to help me.
Probation	15. My probation officer gives me enough of a chance to say what I want to say.
Probation	16. The way my probation officer handles my case is fair.
Probation	17. My probation officer treats all of his or her clients equally.
Probation	18. I feel safe enough to be open and honest with my probation officer.
Treatment	19. The treatment staff gives me a chance to tell my side of the story.
Treatment	20. I believe the treatment staff is genuinely interested in helping me with my problems.
Treatment	21. The treatment staff interacts with me in a professional manner.
Treatment	22. The treatment staff treats all clients fairly.
Treatment	23. I feel safe enough to be open and honest with treatment staff.
Treatment	24. The way treatment handles my case is fair.
Court	25. They treat all people and groups equally.
Court	26. They are fair in their dealings.
Court	27. They care about me.
Court	28. They treat me with courtesy.
Court	29. They listen to me.
Court	30. They are trustworthy.

Additional Items added to 2020 Survey

- Have you participated in any virtual meetings in your program this year? (Example: status hearings, AA meetings, etc.)
- How satisfied are you (5 = very satisfied, 1 = very dissatisfied) with your program's virtual meetings with:
 - The judge
 - Case manager
 - Probation officer
 - Treatment provider (including AA, NA, etc.)
 - Other: _____
- Have you participated in any in-person meetings this year?
- How safe/comfortable do you feel attending in-person meetings this year?
 - Extremely comfortable
 - Somewhat comfortable
 - Neither comfortable nor uncomfortable
 - Somewhat uncomfortable
 - Extremely uncomfortable
- How satisfied are you with your program's in-person meetings during COVID-19?
 - Very satisfied
 - Somewhat satisfied
 - Neither satisfied nor dissatisfied
 - Somewhat dissatisfied
 - Very dissatisfied

APPENDIX D

Procedural Fairness Details

The performance measure target for procedural fairness is an average of 4 and above for each dimension, indicating either neutral or a degree of agreement that participants feel they are being treated fairly. Average scores across all five dimensions, when calculated in aggregate, were above that threshold. However, due to the small number of people of color, racial differences could not be analyzed. Instead, specific scores below the threshold for each dimension were examined. The tables below show the racial demographics of participants whose scores were below 4, on average, for each dimension. Note that if a participant did not answer at least four items per dimension, their score was not calculated.

Judge (14 total)	Total	Race
	11	White
	2	African American/Black
	1	American Indian/Alaskan Native

Case Manager (9 total)	Total	Race
	7	White
	1	African American/Black
	1	American Indian/Alaskan Native

Probation (8 total)	Total	Race
	6	White
	1	African American/Black
	1	American Indian/Alaskan Native

Treatment Provider (10 total)	Total	Race
	8	White
	2	African American/Black

Court (11 total)	Total	Race
	8	White
	2	African American/Black
	1	American Indian/Alaskan Native

APPENDIX E

Total Number of Days in Program by Current Status of 2020 Admissions to Diversion Programs

Status	N	Min	Max	Mean	SD
Active	80			N/A	
Admin Discharge	5	48	620	300.40	252.65
Graduate	270	30	664	264.63	111.67
Inactive	-				
Pending Discharge	14			See below	
Terminated	70	16	598	206.24	122.97
Transfer	-				
Voluntary Withdrawal	9	13	174	79.89	54.83

Note: N provided in table does not equal 515 due to missing data; only participants with days data were used for days calculations.

Fifteen participants admitted in 2020 are currently listed as “pending discharge.” These individuals have a separate discharge status however, the site has not finalized/closed out the participant in the CORE Reporting System. The unofficial discharge status and length of time for these individuals are included below.

Status	N	Min	Max	Mean	SD
Graduate	12	122	325	219.33	78.99
Terminated	2	169	280	224.50	78.49

Note: One participant listed as “pending discharge” has an unofficial status as administrative discharge but is not included in this table due to missing days data.