



# TREATMENT ALTERNATIVES AND DIVERSION

## 2022 PROGRESS REPORT: ADMISSION COHORT STATUS UPDATE

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## 2 HIGHLIGHTS

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- This report includes information about participants admitted to treatment courts and diversion programs in 2022 across Wisconsin who were funded by the Treatment Alternatives and Diversion program and entered into the DOJ CORE Reporting System. Only the 2022 admission cohort is included; for example, the status outcomes are out of the participants admitted to programs in 2022, regardless of their discharge date.
- Defense attorneys were the largest referral source for participants admitted to treatment courts (43%), whereas referrals for diversion program participants came predominantly from district attorneys (81%).
- More diversion participants admitted in 2022 discharged from their programs 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 2022 admissions who are still active in their program.
- Those who graduated were in their programs for substantially longer periods of time compared to those who were terminated.
- Treatment court participants who completed the 2022 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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## 3 INTRODUCTION

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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 admitted to treatment courts and diversion programs in 2022 and entered into the Comprehensive Outcome, Research, and Evaluation (CORE) Reporting System.

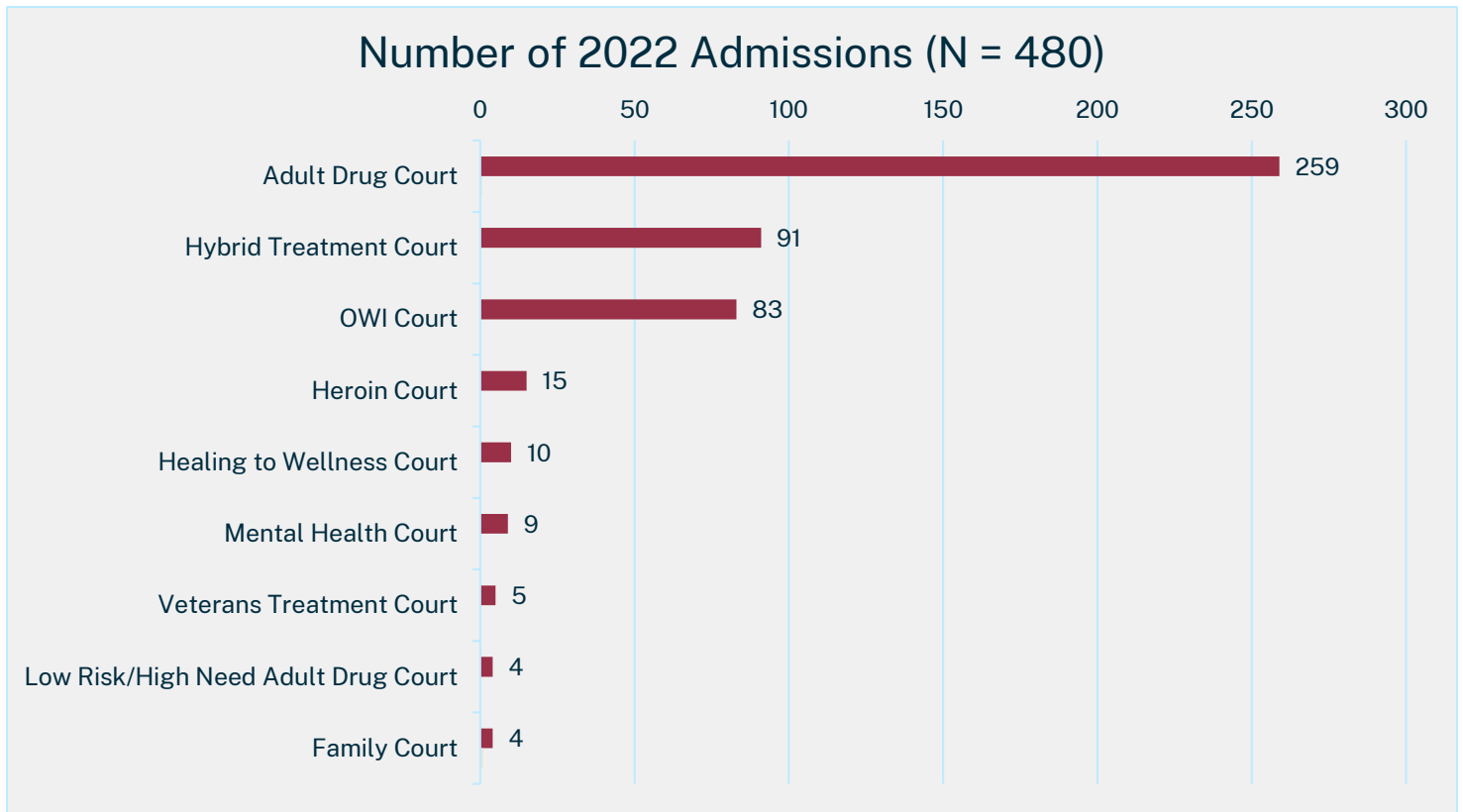
The CORE Reporting System was introduced in 2018 as a uniform mechanism to collect participant level data for treatment courts and diversion programs across Wisconsin, starting at the point of referral and following participants through the entirety of their programs. This secure, web-based system supports 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.

## 4 TREATMENT COURTS

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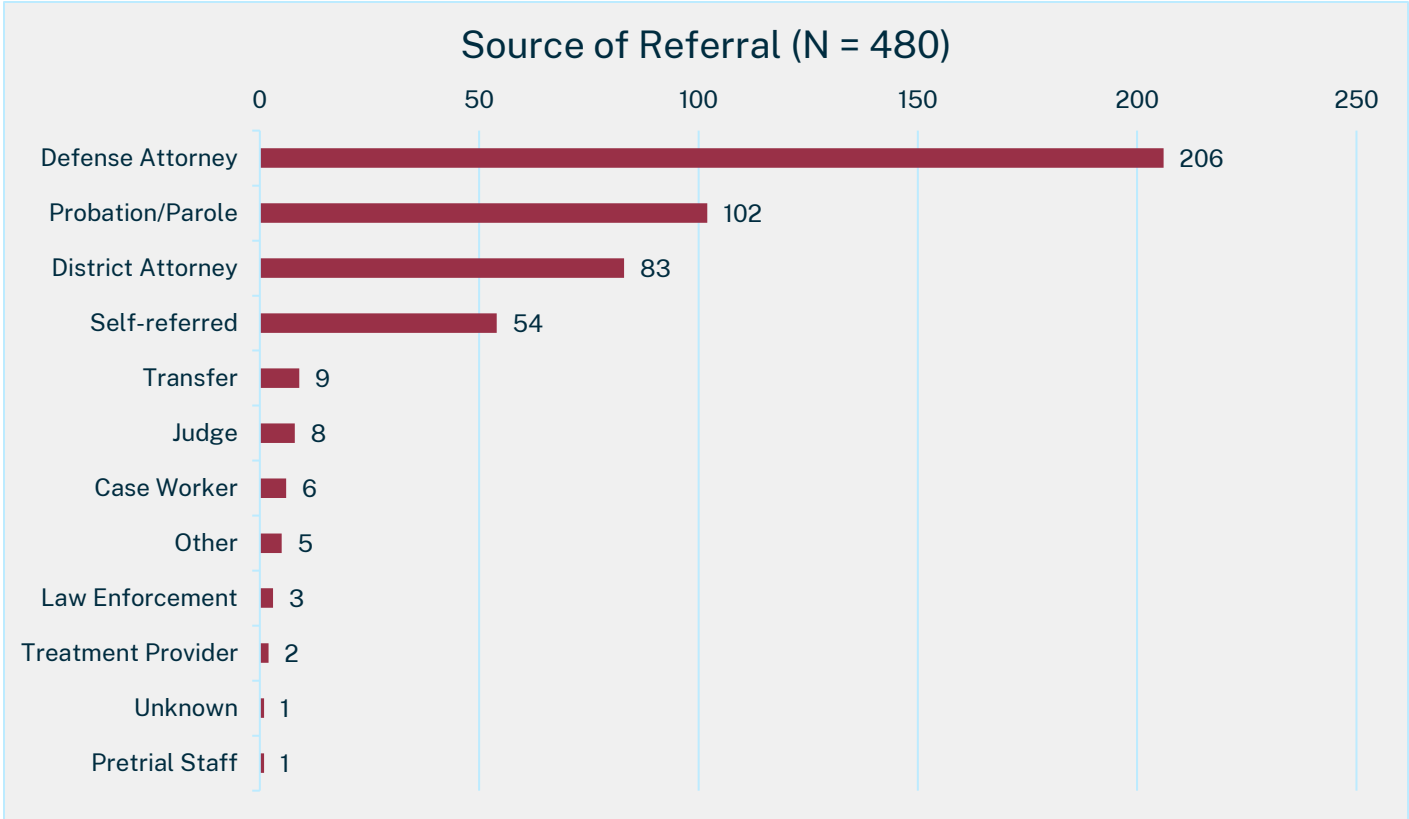
Treatment courts are an alternative model to the formal prosecution process and divert justice involved individuals into programs of supervision and services based on established criteria and a screening or assessment process. They are intended to provide a high level of monitoring and treatment interventions 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 480 TAD-funded participants were admitted to 61 different treatment court programs across Wisconsin in 2022 based on data entered into the CORE Reporting System. More than half (54%) of 2022 treatment court admissions were in adult drug court programs. An additional 19% and 17% were in hybrid and OWI courts, respectively.



## 4.1 SOURCE OF TREATMENT COURT REFERRALS

Defense attorneys referred about 43% of participants admitted in 2022, with probation/parole officers having referred about 21% and district attorneys having referred about 17% of the admissions.



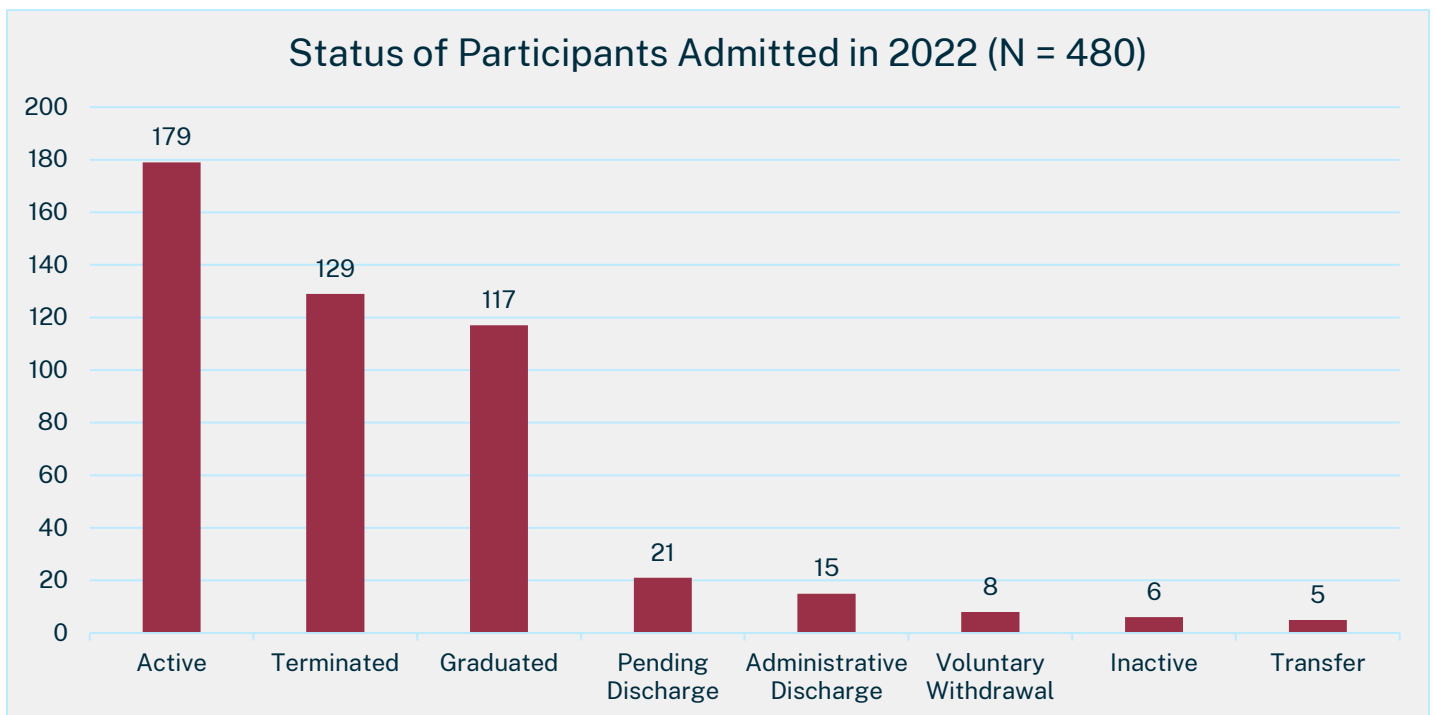
## 4.2 DEMOGRAPHICS OF 2022 TREATMENT COURT ADMISSIONS

About 63% of 2022 admissions were male, and about 86% of admissions were white. A table of referral source by race of admitted participants is included as Appendix A.

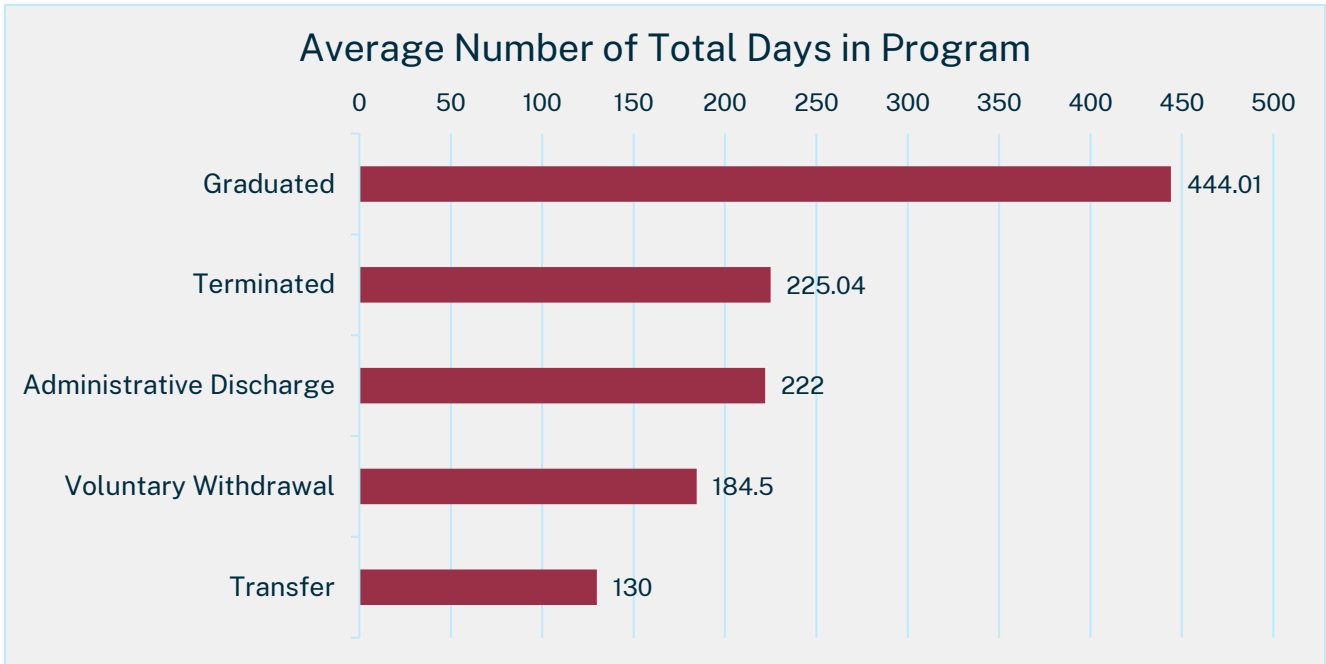
| Race                                      | Sex        |            | Total      |
|---|------------|------------|------------|
|   | Female     | Male       |            |
| African American/Black                    | 9          | 19         | <b>28</b>  |
| American Indian/Alaskan Native            | 14         | 10         | <b>24</b>  |
| Asian                                     | 1          | 2          | <b>3</b>   |
| Native Hawaiian or Other Pacific Islander | 0          | 1          | <b>1</b>   |
| Other                                     | 5          | 3          | <b>8</b>   |
| Unknown                                   | 1          | 0          | <b>1</b>   |
| White                                     | 146        | 269        | <b>415</b> |
| <b>Total</b>                              | <b>176</b> | <b>304</b> | <b>480</b> |

### 4.3 STATUS OF 2022 TREATMENT COURT ADMISSIONS

Approximately 27% of the 2022 admission cohort were terminated from their program (mostly due to either non-compliance or absconding), and 24% 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 15 participants administratively discharged, four were determined to be ineligible after they were admitted, three were due to the death of the participant, one moved, and the remaining seven were for other reasons.



Terminated participants spent an average of 225 days in their program before termination, while those who graduated were in their programs for a significantly longer period of time (M = 444 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.



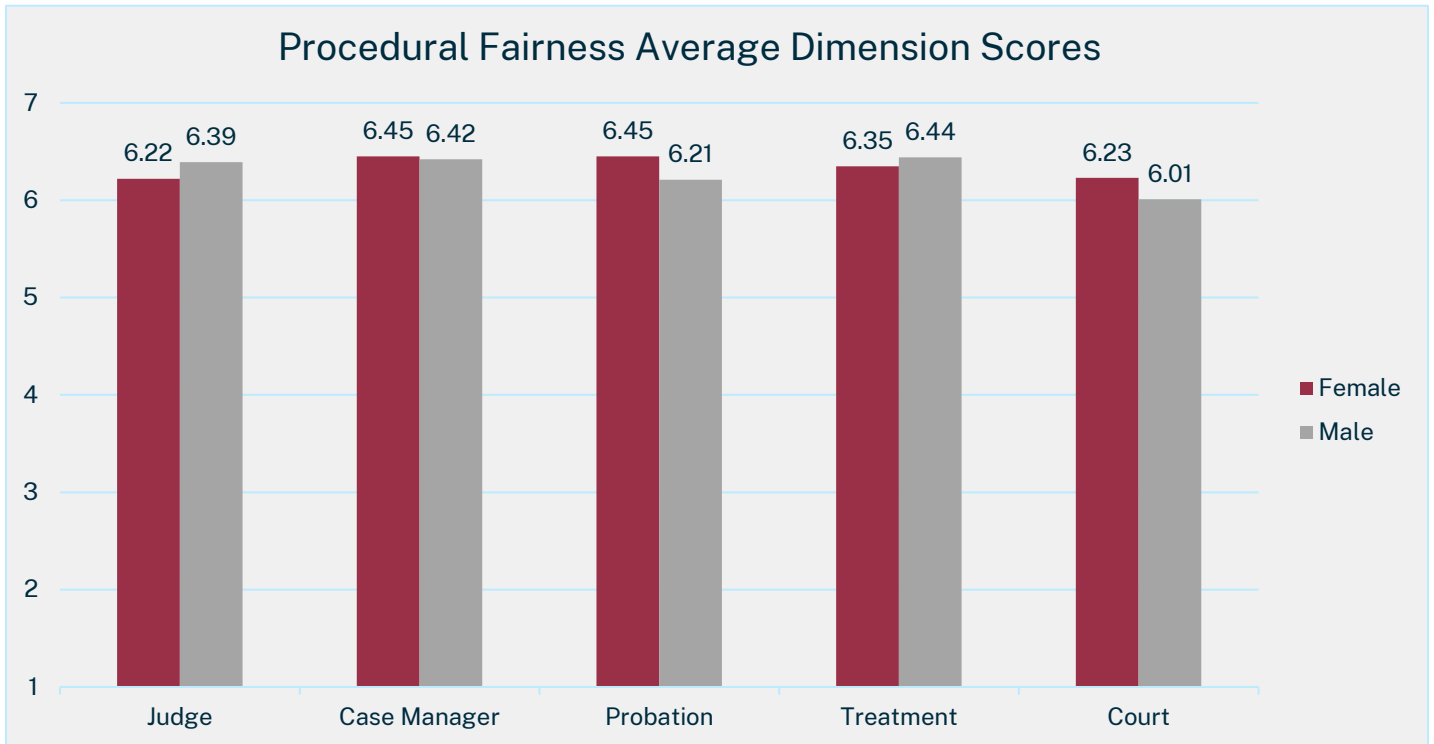
#### 4.4 2022 TREATMENT COURT PROCEDURAL FAIRNESS

Treatment court programs implemented a procedural fairness survey on an annual basis beginning in 2019. Program staff administer the survey to active participants in their program at the time of the data collection, and it contains 30 Likert-type questions measuring participants’ perceptions 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 performance measures and targets for Wisconsin treatment courts, see the [Wisconsin Adult Drug and Hybrid Performance Measures](#) (Cheesman, Broscious, & Kleiman, 2016). All participants who completed any part of the survey are included in the demographic totals, but only those who answered all six questions are included in the dimension totals. A copy of the survey is included as Appendix C.

A total of 361 participants took the survey. The sample was about 40% female and 59% male (1% identified as Other), with approximately 87% of participants being white, 2.8% African American/Black, and 4% American Indian. At the time the survey was distributed, the active participants were about 88.5% white, 3.6% African American/Black, and 5.2% American Indian, indicating people of color may be slightly 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 2022 TAD admission cohort. Instead,



all participants who participated in the survey (regardless of their admission year) are included in the chart below.



There is a significant ( $p < 0.05$ ) positive correlation between age and average scores pertaining to judges; generally, the older the participant is, the more likely they are to rate their judge more positively.

Months in program have a significant ( $p < 0.05$ ) *negative* correlation with case manager scores (i.e. the less time a participant is in the program, the more negatively they are likely to rate their case manager). Additionally, months in program have a significant ( $p < 0.05$ ) *positive* correlation with probation/parole officer scores (the more time in program, the more likely a participant is to more positively rate their probation/parole officer).

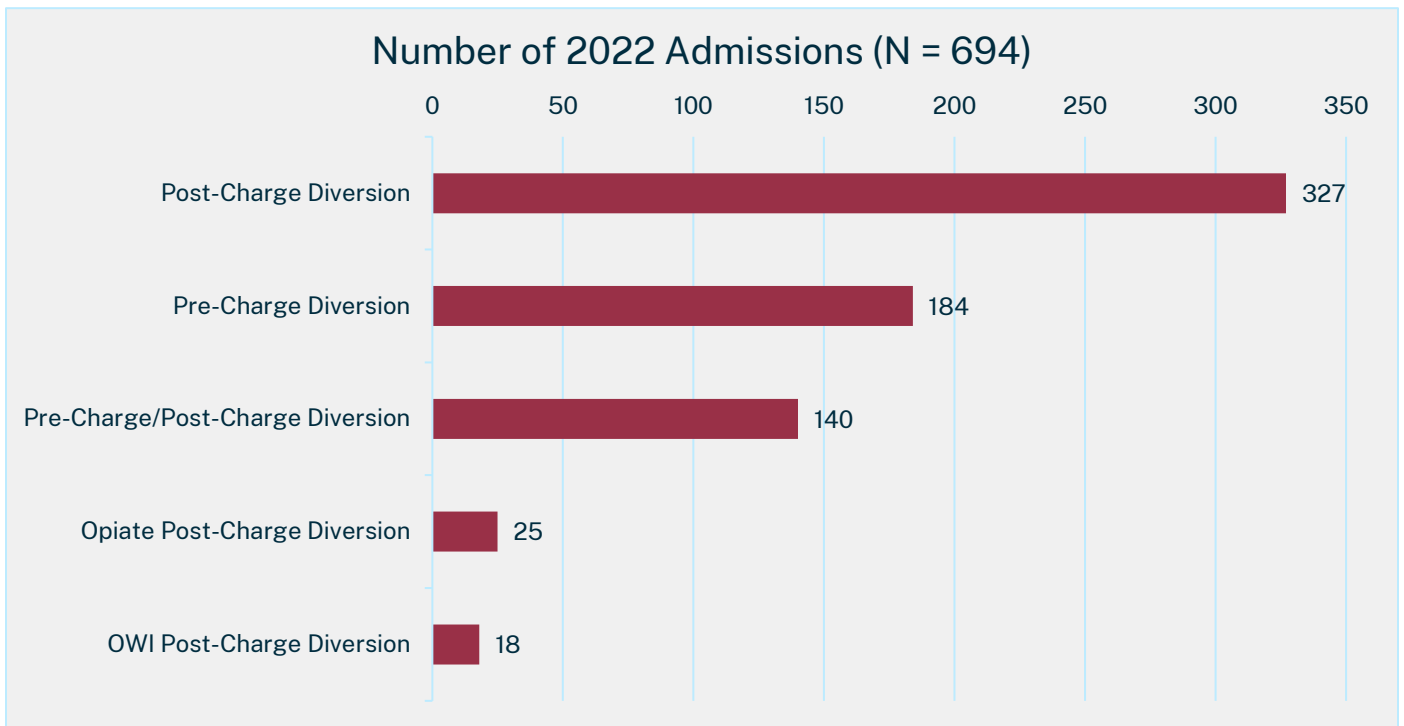
There were no significant differences based on sex or phase of program. Due to the sample being mostly white, it was not statistically possible to test for racial differences in procedural fairness. See Appendix D for more detail on low individual dimension scores.

## 5 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,

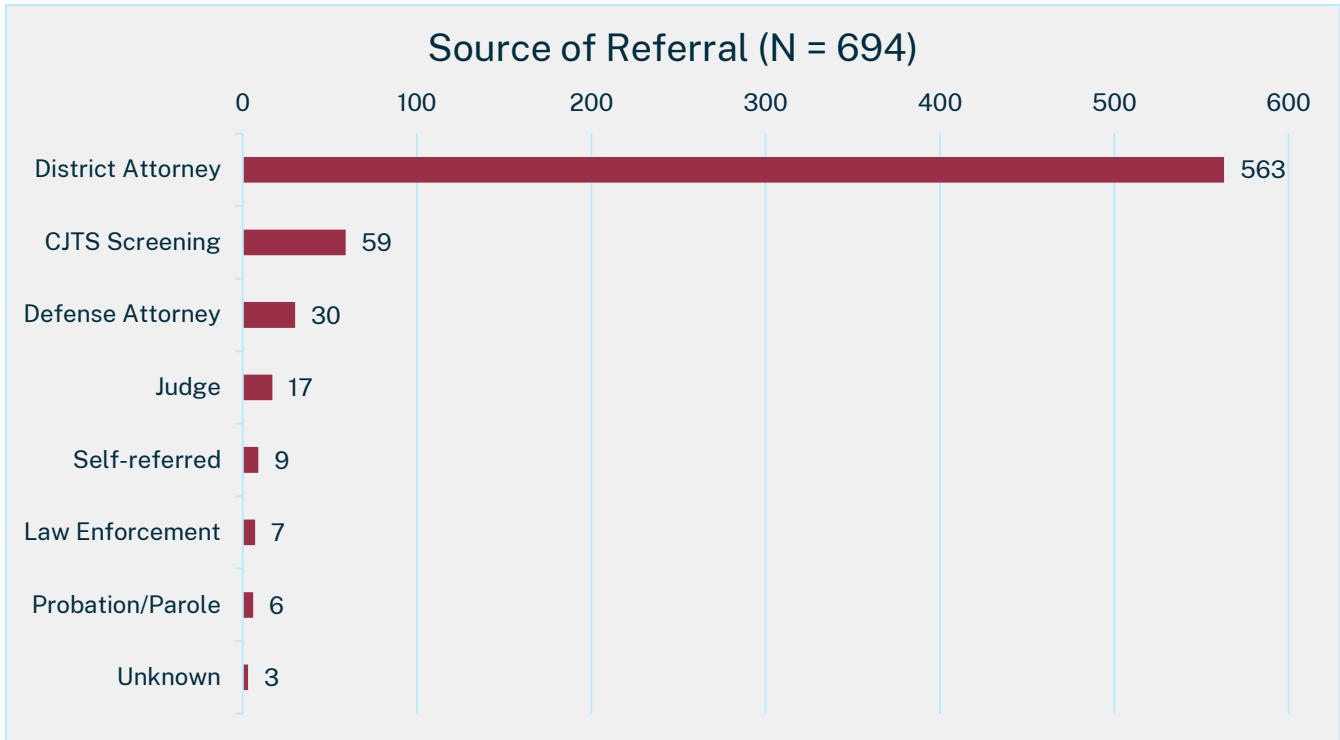
participate in education classes, complete community service, receive an assessment for treatment needs). Satisfactory completion of program requirements may result in charges not being issued, reduced charges, or the dismissal of formal charges.

A total of 694 TAD-funded participants were admitted to 20 different diversion programs across the state in 2022, based on data entered into the CORE Reporting System. About 53.3% of the 2022 admission cohort were admitted to post-charge diversion/deferred prosecution programs, and about 26.5% were admitted to pre-charge diversion programs.



## 5.1 SOURCE OF DIVERSION PROGRAM REFERRALS

The majority (81%) of participants admitted to diversion programs in 2022 were referred by the district attorney. Referrals sourced from defense attorneys accounted for 4.3% of participants. Criminal Justice Treatment Services (CJTS) is a referral source specific to Outagamie County that pre-screens individuals arrested for their second and third OVI offenses for eligibility into their Post-Charge Diversion program; these screenings accounted for approximately 8% of all participant admissions to diversion programs in 2022.



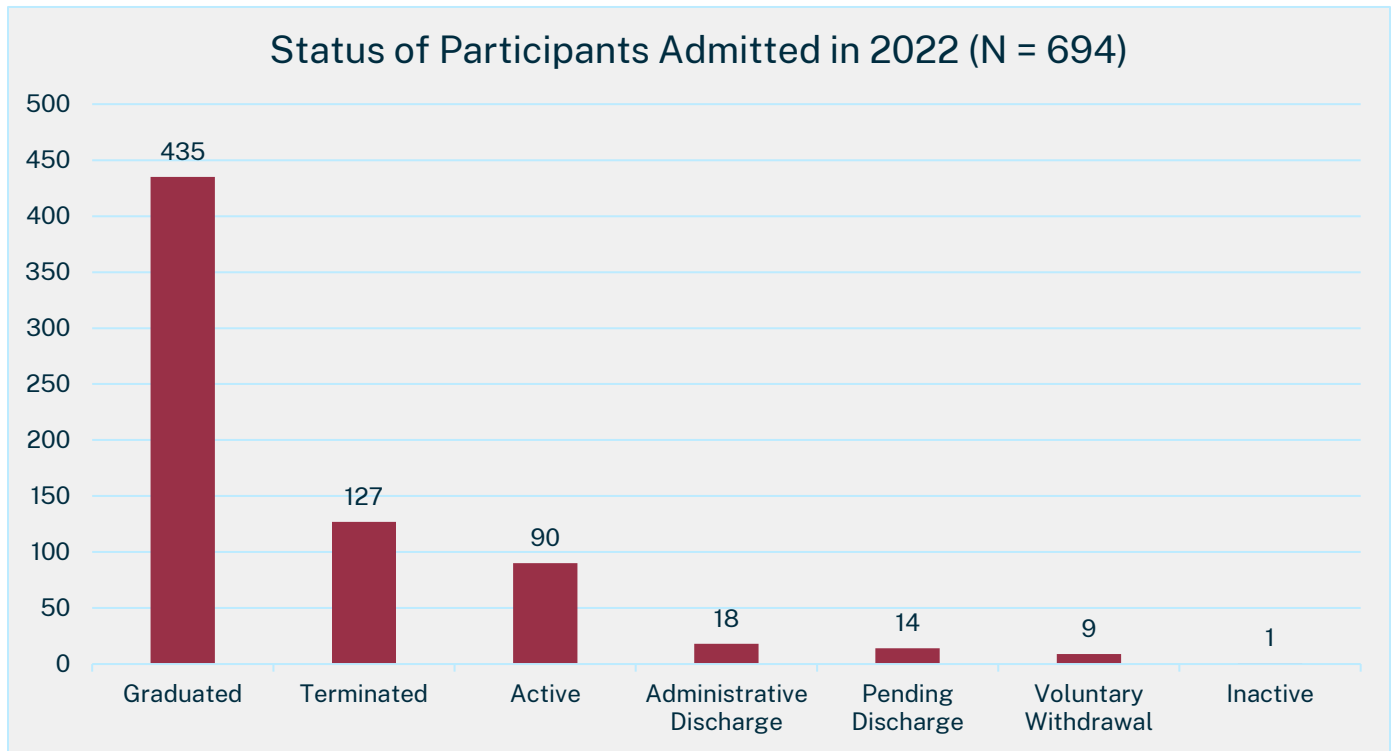
## 5.2 DEMOGRAPHICS OF 2022 DIVERSION PROGRAM ADMISSIONS

About 64% of 2022 diversion program admissions were male, and about 77.7% were white. A table of referral source by race of admissions is included in Appendix A.

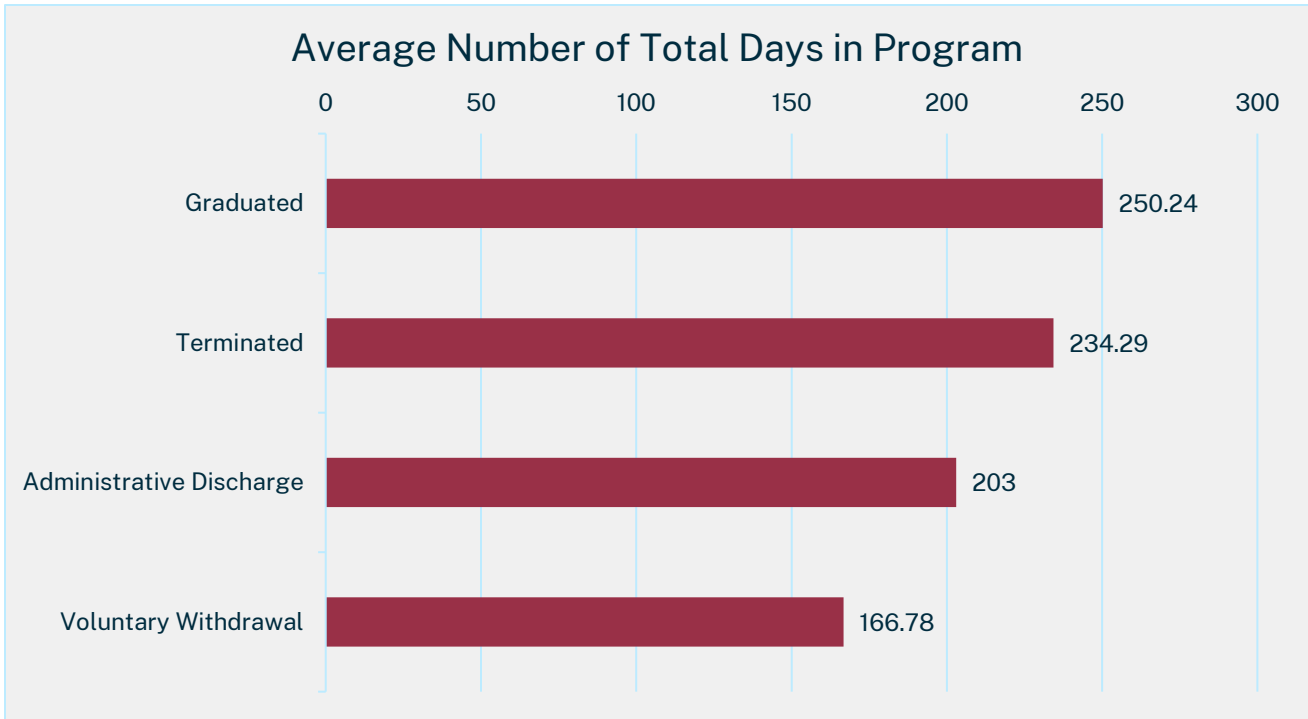
| Race                             | Sex        |            | Total      |
|----------------------------------|------------|------------|------------|
|                                  | Female     | Male       |            |
| African American/Black           | 21         | 61         | <b>82</b>  |
| American Indian/Alaskan Native   | 20         | 16         | <b>36</b>  |
| Asian                            | 4          | 12         | <b>16</b>  |
| Native Hawaiian/Pacific Islander | 1          | 0          | <b>1</b>   |
| Other                            | 4          | 9          | <b>13</b>  |
| Unknown                          | 3          | 4          | <b>7</b>   |
| White                            | 197        | 342        | <b>539</b> |
| <b>Total</b>                     | <b>250</b> | <b>444</b> | <b>694</b> |

### 5.3 STATUS OF 2022 DIVERSION PROGRAM ADMISSIONS

About 63% of participants admitted to a diversion program in 2022 graduated, and 13% are still active in their program; about 18% of the 2022 admission cohort were terminated from their program, mostly due to either non-compliance or absconding. Those listed as pending discharge have been discharged, but their official status has not been finalized within CORE by their program staff. Of the 18 participants administratively discharged, three were due to the death of the participant, one was determined to be ineligible after they were admitted, and the remaining 14 were discharged for other reasons.



Those who graduated were in their diversion program for an average of 250 days, while those terminated participated in their program for an average of 234 days. See Appendix E for more detail on program length.



## 6 DATA NOTES AND LIMITATIONS

The information in this report only includes data 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 2023 and is updated and subject to change daily. Sites are responsible for entering complete and accurate information in CORE. As a reminder, the data presented in this report are based on the 2022 admission cohorts only, regardless of discharge date; the figures are not based on discharge cohorts.

## APPENDIX A

Race of 2022 Admissions by Source of their Referral to Treatment Courts

| Source             | Race                   |                                |          |   |          |          |            | Total      |
|--------------------|------------------------|--------------------------------|----------|---|----------|----------|------------|------------|
|                    | African American/Black | American Indian/Alaskan Native | Asian    | Native Hawaiian or Other Pacific Islander | Other    | Unknown  | White      |            |
| Case Worker        | 1                      | 0                              | 0        | 0   | 0        | 0        | 5          | 6          |
| Defense Attorney   | 19                     | 12                             | 2        | 1   | 6        | 0        | 166        | 206        |
| District Attorney  | 2                      | 1                              | 0        | 0   | 1        | 1        | 78         | 83         |
| Judge              | 0                      | 0                              | 0        | 0   | 0        | 0        | 8          | 8          |
| Law Enforcement    | 0                      | 0                              | 0        | 0   | 0        | 0        | 3          | 3          |
| Other              | 0                      | 0                              | 0        | 0   | 0        | 0        | 5          | 5          |
| Pretrial Staff     | 0                      | 0                              | 0        | 0   | 0        | 0        | 1          | 1          |
| Probation/Parole   | 1                      | 11                             | 0        | 0   | 1        | 0        | 89         | 102        |
| Self-referred      | 5                      | 0                              | 1        | 0   | 0        | 0        | 48         | 54         |
| Transfer           | 0                      | 0                              | 0        | 0   | 0        | 0        | 9          | 9          |
| Treatment Provider | 0                      | 0                              | 0        | 0   | 0        | 0        | 2          | 2          |
| Unknown            | 0                      | 0                              | 0        | 0   | 0        | 0        | 1          | 1          |
| <b>Total</b>       | <b>28</b>              | <b>24</b>                      | <b>3</b> | <b>1</b>                                  | <b>8</b> | <b>1</b> | <b>415</b> | <b>480</b> |

Race of 2022 Admissions by Source of their Referral to Diversion Programs

| Source                   | Race                   |                                |           |                                  |           |          |            | Total      |
|--------------------------|------------------------|--------------------------------|-----------|----------------------------------|-----------|----------|------------|------------|
|                          | African American/Black | American Indian/Alaskan Native | Asian     | Native Hawaiian/Pacific Islander | Other     | Unknown  | White      |            |
| Defense Attorney         | 5                      | 4                              | 0         | 0                                | 0         | 0        | 21         | 30         |
| District Attorney        | 70                     | 28                             | 14        | 0                                | 13        | 7        | 431        | 563        |
| Judge                    | 0                      | 4                              | 0         | 0                                | 0         | 0        | 13         | 17         |
| Law Enforcement          | 1                      | 0                              | 0         | 0                                | 0         | 0        | 6          | 7          |
| CJTS Screening           | 6                      | 0                              | 2         | 0                                | 0         | 0        | 51         | 59         |
| Probation/Parole Officer | 0                      | 0                              | 0         | 0                                | 0         | 0        | 6          | 6          |
| Self-referred            | 0                      | 0                              | 0         | 1                                | 0         | 0        | 8          | 9          |
| Unknown                  | 0                      | 0                              | 0         | 0                                | 0         | 0        | 3          | 3          |
| <b>Total</b>             | <b>82</b>              | <b>36</b>                      | <b>16</b> | <b>1</b>                         | <b>13</b> | <b>7</b> | <b>539</b> | <b>694</b> |

## APPENDIX B

Total Number of Days in Program by Current Status of 2022 Admissions to Treatment Courts

| Status               | N   | Min | Max | Mean      | SD     |
|----------------------|-----|-----|-----|-----------|--------|
| Active               | 179 |     |     | N/A       |        |
| Admin Discharge      | 15  | 17  | 487 | 222.00    | 132.00 |
| Graduated            | 117 | 115 | 749 | 441.74    | 91.59  |
| Inactive             | 6   |     |     | N/A       |        |
| Pending Discharge    | 21  |     |     | See below |        |
| Terminated           | 129 | 13  | 659 | 216.84    | 144.97 |
| Transfer             | 5   | 1   | 233 | 130.00    | 106.39 |
| Voluntary Withdrawal | 8   | 29  | 520 | 184.50    | 184.31 |

Twenty-one participants admitted in 2022 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     |
|------------|----|-----|-----|--------|--------|
| Graduated  | 13 | 339 | 571 | 464.46 | 63.18  |
| Terminated | 8  | 62  | 617 | 357.38 | 204.01 |

## 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.   |



## APPENDIX D

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### 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 of 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 all six items per dimension, their score was not calculated.

| <b>Judge<br/>(8 total)</b> | <b>Total</b> | <b>Race</b>                    |
|----------------------------|--------------|--------------------------------|
|                            | 6            | White                          |
|                            | 1            | American Indian/Alaskan Native |
|                            | 1            | Other                          |

| <b>Case<br/>Manager<br/>(8 total)</b> | <b>Total</b> | <b>Race</b>                    |
|---------------------------------------|--------------|--------------------------------|
|                                       | 5            | White                          |
|                                       | 1            | American Indian/Alaskan Native |
|                                       | 2            | Other                          |

| <b>Probation<br/>(13 total)</b> | <b>Total</b> | <b>Race</b>                    |
|---------------------------------|--------------|--------------------------------|
|                                 | 10           | White                          |
|                                 | 1            | American Indian/Alaskan Native |
|                                 | 2            | Other                          |

| <b>Treatment<br/>Provider<br/>(7 total)</b> | <b>Total</b> | <b>Race</b>                    |
|---|--------------|--------------------------------|
|   | 6            | White                          |
|   | 1            | American Indian/Alaskan Native |

| <b>Court<br/>(8 total)</b> | <b>Total</b> | <b>Race</b>                    |
|----------------------------|--------------|--------------------------------|
|                            | 6            | White                          |
|                            | 1            | American Indian/Alaskan Native |
|                            | 1            | Other                          |

## APPENDIX E

Total Number of Days in Program by Current Status of 2022 Admissions to Diversion Programs

| Status               | N   | Min | Max | Mean      | SD     |
|----------------------|-----|-----|-----|-----------|--------|
| Active               | 90  |     |     | N/A       |        |
| Admin Discharge      | 18  | 36  | 426 | 186.61    | 106.17 |
| Graduate             | 435 | 1   | 639 | 246.45    | 127.82 |
| Inactive             | 1   |     |     | N/A       |        |
| Pending Discharge    | 14  |     |     | See below |        |
| Terminated           | 127 | 22  | 679 | 223.09    | 132.87 |
| Transfer             | -   |     |     |           |        |
| Voluntary Withdrawal | 9   | 19  | 369 | 166.78    | 120.78 |

Fourteen participants admitted in 2022 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                 | 9 | 142 | 505 | 354.11 | 129.33 |
| Terminated               | 4 | 139 | 552 | 298.00 | 185.92 |
| Administrative Discharge | 1 | 366 | 366 | 366.00 | -      |