



Wisconsin
Statewide Pre-Charge and Post-Charge
Diversion Program Outcome and Performance Measures

DRAFT

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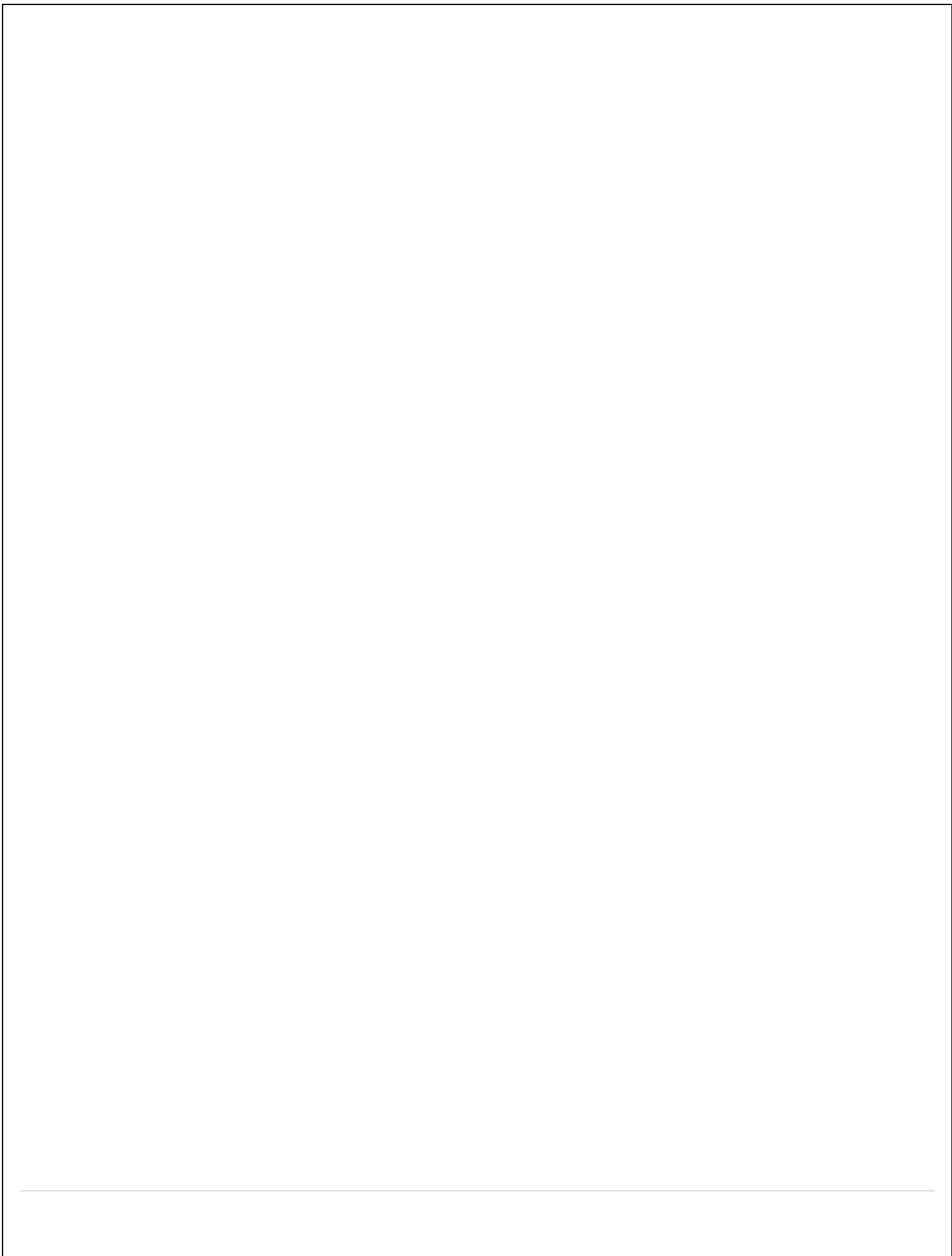


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INTRODUCTION

This document presents suggested outcome and performance measures for pre- and post-charge diversion programs^{1,2} in Wisconsin, as a starting point for programs to track and measure their program outcomes and performance. The measures presented in this document have been primarily adapted from two sources, [Measuring for Results: Outcome and Performance Measures for Pretrial Diversion Field](#)³ and [Wisconsin Statewide Drug and Hybrid Court Performance Measures: A Foundation for Performance Management](#).^{4,5} Outcome measures operate as an indicator of a program's effectiveness in achieving a stated mission or intended purpose. While outcome measures may vary widely across diversion programs, most programs include in their goals or mission the reduction of recidivism and more efficient allocation of resources. Performance measures are a quantitative or qualitative gauge of program performance. As with outcome measures, performance measures may vary across programs, however, most programs share common measures, such as a measure of how many participants successfully complete the program and the average time participants are active in the program.

Due to the wide variety of types of diversion programs, not all measures listed in this document apply to all diversion programs. For example, pre-charge diversion programs are not likely to have as many of the dosage performance measures (e.g., services and requirements) as post-charge diversion programs due to the shorter expected time in program for participants. Alternatively, some diversion programs may benefit from collecting additional data and tracking other measures connected to specific goals and objectives of their programs that are not specifically included in this document. Diversion program stakeholders may benefit from reviewing the measures in this document to identify which measures are most applicable to their diversion programs.

Each of the outcome and performance measures presented in this document includes a description of the measure, a recommended cohort (group of individuals who are tracked from a common starting point over a consistent period of time), required data elements to calculate the measure (indicated with an *), as well as recommended data elements to collect and a sample calculation.

¹ For the purposes of the outcome and performance measures, pre-charge diversion is defined as follows: Following a referral for prosecution, discretion by the prosecution to withhold filing of charges 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 results in charges not being issued and formal complaint is not filed.

² For the purposes of the outcome and performance measures, post-charge diversion is defined as follows: Following the filing of charges, discretion exercised by the prosecution to 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 one or more programs or services). Satisfactory completion of program requirements results in reduced charges or the dismissal of formal charges.

³ Kennedy, Spurgeon and Tara Klute. *Measuring for Results: Outcome and Performance Measures for Pretrial Diversion Field*. 2015. Retrieved from <https://s3.amazonaws.com/static.nicic.gov/Library/029722.pdf>

⁴ Broschius, Courtney E, Ph.D., Fred L. Cheeseman, II, Ph.D, and Matthew Kleiman, Ph.D. *Wisconsin Statewide Drug and Hybrid Court Performance Measures*. National Center for State Courts, March 2016. Retrieved from <https://www.wicourts.gov/courts/programs/docs/ncscperfmasuresreport.pdf>

⁵ The *Adult Drug and Hybrid Court Performance Measures* are relevant to the current document because treatment courts, such as drug and hybrid courts, are part of the continuum of diversion or alternative programs to the traditional criminal justice system.

Additionally, some measures that may be used as an indicator of potential disparities in the program include a note recommending that the measure be broken down by the sex, age, race, and ethnicity of those referred or admitted to the program. We recognize that others are included in the groups of people who have historically been underserved or experienced sustained discrimination or reduced social opportunities, however, data specific to determining if individuals identify with a specific group, such as those based on gender identity or religion, are not typically collected by criminal justice agencies or programs and are often unknown. While differential outcomes do not necessarily suggest bias is present in a program, differences should be closely assessed and attempts should be made to reduce or eliminate disparities in outcomes across groups of individuals who have historically been underserved or experienced sustained discrimination or reduced social opportunities because of their race, ethnicity, sex, sexual orientation, gender identity, physical or mental disability, religion, or socioeconomic status. While most measures should be evaluated to identify disparities or bias, all programs should ensure individuals who have historically been underserved are not denied access to the program and diversion opportunities because of narrowly-defined eligibility criteria or lack of accommodation in program requirements that make participation unduly burdensome. Stakeholders should make a concerted effort to monitor their programs to ensure fair and equal treatment of all people.

As noted above, the measures include a recommended cohort. In most cases, we recommend that an admission cohort be used when calculating the measures so that the group being analyzed entered and completed the program under similar conditions. An admission cohort includes all participants admitted to a program within a specified period of time (e.g., all participants admitted to a program in a period of six months or calendar year). In order to obtain complete information for certain measures, all individuals within an admission cohort must be tracked until they are discharged from the program. Post-charge diversion programs may elect to use discharge cohorts (e.g., all participants discharged in a given period of time) in order to avoid some delays in measurement collection, however, we recommend admission cohorts in most cases when possible. The parameters of a cohort must be clearly defined and the cohort size (N) must be large enough to be meaningful. An individual should only be counted once in a cohort. We recommend reporting the performance measures as both raw numbers and percentages, particularly with small cohorts.

Wisconsin does not currently have established performance targets for each of the various measures. This document presents recommendations for what data may be collected and what measures may be calculated, however, similar to the measures, the performance targets for diversion programs vary widely depending on a number of factors, including target population and services available. After staff of diversion programs have established program goals and objectives, and identified ways to ensure data quality and reliable, consistent collection, performance targets may be established using a variety of sources. In some cases, the goals and objectives of the program may set a minimum expectation for performance. In other cases, evaluations of similar types of diversion programs may be available and can be used as a baseline to establish performance targets. If applicable external information is unavailable, stakeholders within a jurisdiction may use the SMART (Specific, Measurable, Achievable, Realistic, and Time-bound) method to identify and establish performance targets.

OUTCOME MEASURES

1. In-Program Recidivism Rate

Outcome Measure: The percentage of participants in an annual admission cohort who are arrested, charged, or convicted for a new criminal offense that carries the potential of incarceration with an offense date occurring while the individual was participating in diversion programs or services. The recidivism measure depends on the type of diversion program and the data available.

Calculate in-program recidivism based on what recidivism event (arrest, charge, conviction) data is most reliable and available and is most appropriate for your diversion program. If possible, track and calculate recidivism using multiple points of measuring recidivism events. See [Appendix A](#) for more information about how to measure recidivism.

Recommended Cohort: Admission

Data Elements:

- Demographics of Program Participants (Sex, Age at Admission, Race, Ethnicity)
- Date of Program Admission*
- Date of New Offense*
- Severity of New Offense
- Category of New Offense ([see Appendix B](#))
- Date of New Arrest/Law Enforcement Contact if Measuring Using Arrest*
- Date of New Case Filing if Measuring Using Charge*
- Severity of New Charge
- Category of New Charge ([see Appendix B](#))
- Date of New Conviction if Measuring Using Conviction*
- Date of Program Discharge*
- Type of Program Discharge

$$\text{In – Program Recidivism} = \frac{\text{\# of Participants who Recidivated during Program Participation}}{\text{\# of Participants}} \times 100$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in outcomes across groups should be further analyzed to determine if changes to the program may need to be made to address disparities.

2. Post-Program Recidivism Rate

Outcome Measure: The percentage of participants in an annual admission cohort who are arrested, charged, or convicted for a new criminal offense that carries the potential of incarceration during a specific period of time after program discharge. Common post-program recidivism measurement periods are six months, one year, two years, and three years.

Calculate post-program recidivism based on what recidivism event (arrest, charge, conviction) data is most reliable and available and is most appropriate for your diversion program. If possible, track and calculate recidivism using multiple points of measuring recidivism events. See [Appendix A](#) for more information about how to measure recidivism.

Recommended Cohort: Admission

Data Elements:

- Demographics of Program Participants (Sex, Age at Admission, Race, Ethnicity)
- Date of Program Admission*
- Date of New Offense*
- Severity of New Offense
- Category of New Offense ([see Appendix B](#))
- Date of New Arrest/Law Enforcement Contact if Measuring Using Arrest*
- Date of New Case Filing if Measuring Using Charge*
- Severity of New Charge
- Category of New Charge ([see Appendix B](#))
- Date of New Conviction if Measuring Using Conviction*
- New Charge Classification and Severity*
- Date of Program Discharge*
- Type of Program Discharge

$$\text{Post – Program Recidivism} = \frac{\text{\# of Participants Charged who Recidivated after Program Discharge}}{\text{\# of Participants}} \times 100$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in outcomes across groups should be further analyzed to determine if changes to the program may need to be made to address disparities.

3. Case Processing and Resource Utilization

If your diversion program includes goals and objectives related to using criminal justice resources more effectively, you may want to include measures that consider case processing specific outcomes that examine the potential impact of the program, such as the percentage of cases by type that are disposed year-over-year and the case age at disposition, as well as resources utilization specific outcomes such as jail bed days averted. These can provide a high-level indication of changes in case disposition and processing over time, which may be associated with the implementation of diversion programs.

3.1 Cases Disposed by Case Type

Outcome Measure: The percentage of cases disposed by case type (Felony, Misdemeanor, and Criminal Traffic) over multiple calendar years.

The Wisconsin Court System publishes on their website annual circuit court statistics of case disposition summaries by case type (Felony, Misdemeanor, and Criminal Traffic).⁶ The "Disposition Summary" report, which can be viewed as a statewide summary or by county and district, details the number of cases disposed by case type (Felony, Misdemeanor, and Criminal Traffic).

Recommended Cohort: None, Use Calendar Year

Data Elements:

Date of Case Disposition*

Case Type*

Total Number of Cases Disposed in Calendar Year*

$$\% \text{ of Cases of Case Type Disposed} = \frac{\# \text{ of Cases of Case Type Disposed}}{\# \text{ of Cases Disposed in Calendar Year}} \times 100$$

3.2 Cases Disposed by Offense Type

Outcome Measure: The percentage of cases disposed by offense type over multiple calendar years.

The Wisconsin Court System publishes on their website annual circuit court statistics of case disposition summaries by offense category.⁷ The "Felony Disposition Summary," "Misdemeanor Disposition Summary," and "Traffic and Forfeiture Disposition Summary" reports, which can be viewed as a statewide summary or by county and district, detail the number of cases disposed by a variety of offense categories, such as Battery, Sexual Assault, Retail Theft (Shoplifting), and Criminal Damage.

Recommended Cohort: None, Use Calendar Year

Data Elements:

Date of Case Disposition*

Offense Type*

Total Number of Cases Disposed in Calendar Year*

⁶ <https://www.wicourts.gov/publications/statistics/circuit/circuitstats.htm>

⁷ <https://www.wicourts.gov/publications/statistics/circuit/circuitstats.htm>

$$\% \text{ of Cases of Offense Type Disposed} = \frac{\# \text{ of Cases of Offense Type Disposed}}{\# \text{ of Cases Disposed in Calendar Year}} \times 100$$

3.3 Case Age at Disposition by Case Type

Outcome Measure: The percentage of cases disposed by case type (Felony, Misdemeanor, and Criminal Traffic) at specified intervals over multiple calendar years.

The Wisconsin Court System publishes on their website annual circuit court statistics of case age at disposition by case type (Felony, Misdemeanor, and Criminal Traffic).⁸ The “Age at Disposition” report, which can also be viewed as a statewide summary or by county and district, details the number of cases disposed at the following intervals: 0-90 days, 91-120 days, 121-180 days, 181-360 days, 361-420 days, 421-540 days, 541-720 days, and 721+ days.

Recommended Cohort: None, Use Calendar Year

Data Elements:

- Date of Case Filing*
- Date of Case Disposition*
- Case Type*
- Total Number of Cases Disposed in Calendar Year*

$$\% \text{ of Cases of Case Type Disposed at Specified Interval} = \frac{\# \text{ of Cases of Case Type Disposed at Specified Interval}}{\text{Total \# of Cases Disposed in Calendar Year}} \times 100$$

3.4 Use of Jail/Prison Resources

Outcome Measure: The estimated number of jail or prison bed days averted as the result of reduced incarceration due to participation in the diversion program by an annual admission cohort over a calendar year.

Recommended Cohort: Admission

Data Elements:

- Number of Jail Bed Days Averted*
- Number of Prison Bed Days Averted*

$$\# \text{ of Jail Bed Days Averted} = \text{Sum of \# of Jail Days Averted for All Participants}$$

$$\# \text{ of Prison Bed Days Averted} = \text{Sum of \# of Prison Days Averted for All Participants}$$

⁸ <https://www.wicourts.gov/publications/statistics/circuit/circuitstats.htm>

4. Restitution

Outcome Measure: The percentage of participants in an annual admission cohort who have paid off their restitution to victims for their current court case or are current with their restitution payment plan at discharge.

Recommended Cohort: Admission

Data Elements:

- Date of Program Admission*
- Restitution Owed at Admission*
- Restitution Owed at Discharge*
- Compliance with Restitution Plan Status at Discharge*
- Date of Program Discharge*
- Type of Program Discharge

$$\text{Restitution} = \frac{\text{\# of Participants in Compliance with Restitution Plan}}{\text{\# of Participants Ordered to Pay Restitution}} \times 100$$

5. Sobriety

If your diversion program includes goals and objectives related to sobriety for participants, you may want to include measures that provide information relating to such outcomes.

5.1 Drug and Alcohol Tests

Outcome Measure: The average percentage of total drug and alcohol tests that are returned positive for illegal, banned, or unapproved substances (e.g., medication without a valid prescription) or otherwise considered positive (no show, refusal, adulterated/diluted/tampered sample, admitted use, shy bladder/unable to provide sample). Positive tests resulting from prescription drugs used for medical purposes with a valid prescription should not be included.

Recommended Cohort: Admission

Data Elements:

- Date of Program Admission*
- Date of Drug Test*
- Result of Drug Test*
- Date of Alcohol Test*
- Result of Alcohol Test*
- Drug of Choice
- Date of Program Discharge*
- Type of Program Discharge

Step 1: Calculate the percentage of positive drug or alcohol tests for each participant in the cohort who received drug or alcohol testing.

$$\% \text{ Positive Drug or Alcohol Tests per Participant} = \frac{\# \text{ of Drug or Alcohol Positive Tests}}{\# \text{ of Drug or Alcohol Tests}} \times 100$$

Step 2: Use the “% Positive Drug or Alcohol Tests per Participant” result from Step 1 for each participant in the cohort to calculate the average percentage of positive tests across the cohort for all participants who received drug or alcohol testing.

$$\text{Average \% of Positive Alcohol or Drug Tests} = \frac{\text{Sum of \% Positive Drug or Alcohol Tests per Participant}}{\# \text{ of Participants Receiving Drug or Alcohol Tests}}$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by drug of choice to evaluate if different groups of individuals have different outcomes.

5.2 Continuous Monitoring (CM)

Outcome Measure: The average percent of days on which a participant had a positive result or otherwise considered positive result (adulterated/diluted/tampered sample, admitted use) on a continuous monitoring (CM) alcohol test.

Recommended Cohort: Admission

Data Elements:

- Date of Program Admission*
- Type of Continuous Monitoring*
- Date of Continuous Monitoring Start*
- Date of Continuous Monitoring End*
- Date of Positive Result*
- Date of Program Discharge*

Step 1: Calculate the percentage of days with positive continuous monitoring tests for each participant in the cohort who had continuous monitoring.

$$\% \text{ of Days with Positive CM Tests per Participant} = \frac{\# \text{ of Days with a Positive Test}}{\# \text{ of Days on CM}} \times 100$$

Step 2: Use the “% of Days with Positive CM Tests per Participant” result from Step 1 for each participant in the cohort to calculate the average percentage of positive drug tests across the cohort for all participants who had continuous monitoring.

$$\text{Average \% Positive CM Tests} = \frac{\text{Sum of \% Days with Positive CM Tests per Participant}}{\# \text{ of Participants on CM}}$$

5.3 Time between Last Positive Drug or Alcohol Test and Program Discharge

Outcome Measure: The average number of days between the last positive drug or alcohol test or otherwise considered positive drug or alcohol test (no show, refusal, adulterated/diluted/tampered sample, admitted use, shy bladder/unable to provide sample) and program discharge. The number of days between each event should be tracked for each individual and averaged.

Recommended Cohort: Admission

Data Elements:

- Date of Program Admission*
- Date of Last Positive Drug or Alcohol Test*
- Drug of Choice
- Date of Program Discharge*
- Type of Program Discharge

Step 1: Calculate the average length of time in days between the last positive drug or alcohol test and program discharge for each participant in the cohort who received drug or alcohol testing.

Time between Last Positive Test and Discharge per Participant = Discharge Date – Date of Last Positive Test

Step 2: Use the “Time between Last Positive Test and Program Discharge” result from Step 1 for each participant in the cohort to calculate the average time in days between last positive drug test and program discharge across the cohort for all participants who received drug or alcohol testing.

Average Time between Last Positive Test and Discharge
= $\frac{\text{Total Time between Last Positive Test and Program Discharge for All Participants}}{\text{\# of Participants Who are Tested for Drugs or Alcohol}}$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by drug of choice to evaluate if different groups of individuals have different outcomes.

PERFORMANCE MEASURES

Processing and Admission Measures

1. Average Processing Time

Performance Measure: The average processing time between important referral and admission events in number of days. The number of days between each event should be tracked for each individual and averaged.

The average processing time is measured between:

- Arrest/Law Enforcement Contact and Referral for Screening
- Referral and Eligibility Determination
- Eligibility Determination and Admission
- Admission and First Treatment Episode

Not all diversion programs need to track processing time for each of the periods noted above. For example, if your diversion program does not include substance use or mental health treatment, you do not need to track the time between admission and the first treatment episode.

1.1 Time between Arrest/Law Enforcement Contact and Referral for Screening

Recommended Cohort: Referral

Data Elements:

- Date of Arrest/Law Enforcement Contact*
- Date of Program Referral*

Step 1: Calculate the processing time between arrest/law enforcement contact for each referral to your diversion program in the cohort.

$$\begin{aligned} \text{Processing Time between Arrest(Law Enforcement Contact) and Referral for Screening} \\ = \text{Date of Referral for Screening} - \text{Date of Arrest(Law Enforcement Contact)} \end{aligned}$$

Step 2: Use the "Processing Time between Arrest (Law Enforcement Contact) and Referral for Screening" result from Step 1 for all referrals in the cohort to calculate the average time to referral for screening for all referrals in the cohort.

$$\text{Average Time to Referral for Screening} = \frac{\text{Total Time from Arrest(Law Enforcement Contact) for All Referrals}}{\text{\# of Referrals}}$$

1.2 Time between Referral for Screening and Eligibility Determination

Recommended Cohort: Referral

Data Elements:

Date of Program Referral*

Date of Eligibility Determination*

Step 1: Calculate the processing time between referral for screening and eligibility determination for each referral to your diversion program in the cohort.

$$\begin{aligned} & \textit{Processing Time between Referral for Screening and Eligibility Determination} \\ & = \textit{Date of Eligibility Determination} - \textit{Date of Referral for Screening} \end{aligned}$$

Step 2: Use the "Processing Time between Referral for Screening and Eligibility Determination" result from Step 1 for all referrals in the cohort to calculate the average time to eligibility determination for all referrals in the cohort.

$$\begin{aligned} & \textit{Average Time from Referral to Eligibility Determination} \\ & = \frac{\textit{Total Time from Referral to Eligibility Determination for All Referrals}}{\textit{\# of Referrals}} \end{aligned}$$

1.3 Time between Eligibility Determination and Admission

Recommended Cohort: Referral

Data Elements:

Date of Program Referral*

Date of Eligibility Determination*

Date of Program Admission*

Date of Program Discharge

Type of Program Discharge

Step 1: Calculate the processing time between eligibility determination and admission for each referral to your diversion program in the cohort.

$$\begin{aligned} & \textit{Processing Time between Eligibility Determination and Admission} \\ & = \textit{Date of Admission} - \textit{Date of Eligibility Determination} \end{aligned}$$

Step 2: Use the "Processing Time between Eligibility Determination and Admission" result from Step 1 for all referrals to calculate the average time to referral for screening for all referrals in the cohort.

Average Time from Eligibility Determination to Admission

$$= \frac{\text{Total Time from Eligibility Determination to Admission for All Referrals Admitted}}{\text{\# of Referrals Admitted}}$$

The calculation should be completed for all participants by each discharge type to evaluate if there may be a relationship between processing time and discharge type.

1.4 Time between Admission and First Treatment Episode

This measure only applies if your diversion program has an emphasis on substance use or mental health treatment.

Recommended Cohort: Admission

Data Elements:

- Date of Program Referral*
- Date of Program Admission*
- Date of First Treatment Episode*
- Date of Program Discharge
- Type of Program Discharge

Step 1: Calculate the processing time between admission and the first treatment episode for each participant in the cohort.

$$\text{Processing Time between Admission and First Treatment Episode} = \text{Date of First Treatment Episode} - \text{Date of Admission}$$

Step 2: Use the "Processing Time between Admission and First Treatment Episode" result from Step 1 for all referrals in the cohort to calculate the average time between admission and the first treatment episode for all participants in the cohort.

$$\text{Average Time from Admission to First Treatment Episode} = \frac{\text{Total Time from Admission to First Treatment Episode}}{\text{\# of Participants Attending Treatment}}$$

The calculation should be completed for all participants by each discharge type to evaluate if there may be a relationship between processing time and discharge type.

2. Screening Rate

Performance Measure: The percentage of individuals referred to the diversion program who are screened for eligibility in the diversion program.

Recommended Cohort: Referral

Data Elements:

Referrals to the Diversion Program*

Demographics of Individuals Referred to the Diversion Program (Race, Ethnicity, Sex, Age)

Program Referrals Screened for Diversion Program*

Demographics of Program Referrals Screened (Race, Ethnicity, Sex, Age at Referral)

Date of Program Referral*

$$\text{Screening Rate} = \frac{\text{\# of Referrals Screened for Diversion Program}}{\text{\# of Individuals Referred to Diversion Program}} \times 100$$

The calculation should be completed for all individuals screened for the diversion program in the referral cohort and then by sex, age at referral, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in outcomes across groups may suggest disparities are present in some aspect of the program's referral and screening process and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

3. Eligibility Rate

Performance Measure: The percentage of individuals screened for the diversion program who are found eligible for the diversion program.

Recommended Cohort: Referral

Data Elements:

Program Referrals Screened for Diversion Program*

Demographics of Program Referrals (Sex, Age at Referral, Race, Ethnicity)

Program Referrals found Eligible for Diversion Program*

Demographics of Referrals found Eligible for Diversion Program (Sex, Age at Referral, Race, Ethnicity)

Date of Program Referral*

Type of Referral Source

Severity of Referral Offense

Category of Referral Offense ([see Appendix B](#))

Reason(s) Found Ineligible

$$\text{Eligibility Rate} = \frac{\text{\# of Referrals Found Eligible Diversion Program}}{\text{\# of Referrals Screened for Diversion Program}} \times 100$$

The calculation should be completed for all individuals screened for the diversion program in the referral cohort and then by referral sex, age at referral, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in outcomes across groups may suggest disparities are present in some aspect of the program's screening process and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities. Collecting additional information such as "Reason(s) Found Ineligible" may help to identify some of the driving factors of such disparities.

4. Admission Rate

Performance Measure: The percentage of individuals found eligible for the diversion program who are admitted to the diversion program.

Recommended Cohort: Referral

Data Elements:

Program Referrals found Eligible for Diversion Program*

Demographics of Referrals found Eligible for Diversion Program (Sex, Age at Referral, Race, Ethnicity)

Program Referrals Admitted to Diversion Program*

Demographics of Program Referrals Admitted to Diversion Program (Sex, Age at Referral, Race, Ethnicity)

Date of Program Referral*

Reason(s) Not Admitted

$$\text{Admission Rate} = \frac{\# \text{ of Referrals Admitted to Diversion Program}}{\# \text{ of Referrals Found Eligible for Diversion Program}} \times 100$$

The calculation should be completed for all referrals found eligible for the diversion program in the referral cohort and then by referral sex, age at referral, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in outcomes across groups may suggest disparities are present in some aspect of the program's admission process and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities. Collecting additional information such as "Reason(s) Not Admitted" may help to identify some of the driving factors of such disparities.

5. Screening and Assessment - Risk/Needs Level Determination

Performance Measure: The percentage of participants who score in each of the risk/needs categories as determined by a validated risk-needs tool.

Recommended Cohort: Admission

Data Elements:

Date of Program Admission*

Criminogenic Risk Score Category*

Criminogenic Needs Score Category*

$$\% \text{ of Participants in a Risk - Needs Category} = \frac{\# \text{ of Participants in a Risk - Needs Category}}{\# \text{ of Participants}} \times 100$$

Risk-Needs tools commonly report criminogenic need and criminogenic risk as low, medium, or high. If the validated tool you select is different, modify the reporting grid below as necessary.

		Criminogenic Risk		
		Low	Medium	High
Criminogenic Need	Low	22 (31%)	12 (17%)	1 (1%)
	Medium	19 (26%)	6 (8%)	5 (7%)
	High	5 (7%)	2 (3%)	0 (0%)

6. Discharge Type

Performance Measure: The percentage of participants discharged from the program by the type of discharge (completion/graduation, termination, voluntary withdrawal, administrative discharge). If not all participants in the admission cohort have been discharged, include an active/not yet discharged type.

Recommended Cohort: Admission

Data Elements:

Demographics of Program Participants (Sex, Age at Admission, Race, Ethnicity)

Date of Program Admission*

Date of Program Discharge*

Type of Program Discharge

$$\% \text{ of Participants in Discharge Type} = \frac{\# \text{ of Participants in Discharge Type}}{\# \text{ of Participants}} \times 100$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in outcomes across groups may suggest disparities are present in some aspect of the program and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

7. Average Time in Program

Performance Measure: The average length of time between program admission and discharge in number of days. The measure excludes time in days that a participant was not active as a result of events such as incarceration for reasons not related to program participation, residential/inpatient treatment, medical condition, absconding, or any other event that prevents active program participation by the participant.

Recommended Cohort: Admission

Data Elements:

- Demographics of Program Participants (Sex, Age at Admission, Race, Ethnicity)
- Date of Program Admission*
- Number of Days Inactive during Program*
- Date of Program Discharge*
- Type of Program Discharge

Step 1: Calculate the length of stay for each participant in the cohort.

$$\text{Time in Program} = [(\text{Discharge Date} - \text{Admission Date}) + 1] - \# \text{ of Days Inactive}$$

Step 2: Use the "Time in Program" result from Step 1 for all participants in the cohort to calculate the average time in program for all participants in the cohort.

$$\text{Average Time in Program} = \frac{\text{Total Time in Program for All Participants}}{\# \text{ of Participants}}$$

The calculations should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in outcomes across groups may suggest disparities are present in some aspect of the program and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

Dosage Measures

The dosage measures relevant to your diversion program may vary based on the type of diversion program and the criminogenic risk and need levels of participants, as well as resources that are available locally. As a result, some of the performance measures detailed below in this section may not apply to your specific diversion program. Additionally, based on research and evidence some other types of services may be provided by your program. If so, you may need to modify some of the measures to appropriately measure the service.

8. Frequency of Behavior Response

Behavior response includes both a response to a violation, a sanction, and a response to a positive or pro-social behavior, an incentive. The types of sanctions and incentives administered by diversion programs may vary widely depending on program type and resources available. The table below provides some common examples of sanctions and incentives used to modify behavior of participants in diversion programs. The lists are not exhaustive.

Types of Sanctions	Types of Incentives
Increased supervision reporting	Verbal recognition/praise
Community service	Transportation assistance
Verbal reprimand	Reduced court attendance
Extended time in program	Certificate of recognition
Jail	Reduced fees
Essay/Treatment/Letter assignment	Food/Candy/Treats
Roundtable with team	Gift card/Tickets

8.1 Sanctions

Performance Measure: The average number of sanctions administered to participants during their participation in the program.

Recommended Cohort: Admission

Data Elements:

- Demographics of Program Participants (Sex, Age at Admission, Race, Ethnicity)
- Date of Program Admission*
- Date of Sanction*
- Type of Sanction
- Reason for Sanction
- Date of Program Discharge*
- Type of Program Discharge

$$\text{Average \# of Sanctions} = \frac{\text{\# of Sanctions Received by All Participants}}{\text{\# of Participants}}$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different

groups of individuals have different outcomes. Differences in behavioral responses across groups may suggest disparities are present in some aspect of the program and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

8.2 Incentives

Performance Measure: The average number of incentives administered to participants during their participation in the program.

Recommended Cohort: Admission

Data Elements:

Demographics of Program Participants (Sex, Age at Admission, Race, Ethnicity)
Date of Program Admission*
Date of Incentive*
Type of Incentive
Reason for Incentive
Date of Program Discharge*
Type of Program Discharge

$$\text{Average \# of Incentives} = \frac{\text{\# of Incentives Received by All Participants}}{\text{\# of Participants}}$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in behavioral responses across groups may suggest disparities are present in some aspect of the program and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

8.3 Relationship of Incentives to Sanctions

Performance Measure: The ratio of average number of incentives administered to the average number of sanctions administered.

Recommended Cohort: Admission

Data Elements:

Demographics of Program Participants (Sex, Age at Admission, Race, Ethnicity)
Average Number of Incentive*
Average Number of Sanctions*

$$\text{Ratio of Incentives to Sanctions} = \frac{\text{Average \# of Incentives}}{\text{Average \# of Sanctions}} \times 100$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in the ratio of behavioral responses across groups may suggest disparities are present in some aspect of the program and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

9. Frequency of Treatment Services

Performance Measure: The average number of units of treatment services attended by participants by service type.

The measure is based on actual treatment service attendance, however, it is recommended that missed service dates be tracked as well.

Types of treatment services include:

- Outpatient Treatment for Substance Use or Mental Health
- Residential/Inpatient Treatment for Substance Use or Mental Health

9.1 Outpatient Treatment

Recommended Cohort: Admission

Data Elements:

- Date of Program Admission*
- Date of Outpatient Treatment Service*
- Type of Outpatient Treatment Service*
- No. of Hours Attended*
- Treatment Service Attendance*
- Date of Program Discharge*
- Type of Program Discharge

If the number of hours attended is unavailable, collect the number of sessions attended and then estimate the number of hours attended based on the average amount of time for a typical session of that type of treatment.

$$\text{Average \# of Treatment Hours by Type} = \frac{\text{\# of Treatment Hours Attended by All Participants}}{\text{\# of Participants Receiving Type of Treatment}}$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in participation across groups may suggest disparities are present in some aspect of the program and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

9.2 Residential/Inpatient Treatment

Recommended Cohort: Admission

Data Elements:

- Date of Program Admission*
- Dates of Residential/Inpatient Treatment Service*
- Type of Residential/Inpatient Treatment Services*
- No. of Days in Residential/Inpatient Treatment*

Date of Program Discharge*
Type of Program Discharge

$$\text{Average \# of Days in Residential Treatment} = \frac{\text{Sum of \# of Days in Residential Treatment for All Participants}}{\text{\# of Participants Receiving Residential Treatment}}$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in participation across groups may suggest disparities are present in some aspect of the program and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

10. Frequency of Ancillary Services/Program Requirements

Depending on the type of diversion program, some participants may be expected to attend a variety of services, such as a cognitive thinking, life skills, or parenting class, or community support groups (e.g. AA/NA/12 step), or the diversion program may have additional program requirements such as attend a diversion class or community service. The table below provides some common examples of ancillary services/program requirements used in diversion programs. The list is not exhaustive.

<i>Type of Ancillary Service/Program Requirement</i>	<i>Unit of Count</i>
<i>Diversion Class</i>	One Session
<i>Cognitive Thinking Class</i>	One Session
<i>Community Support Group</i>	One Meeting
<i>Life Skills Class</i>	One Session
<i>Medical Service</i>	One Appointment

Performance Measure: The average number of units of ancillary services/program requirements attended by participants by service/requirement type.

The measure is based on actual treatment service attendance, however, it is recommended that missed service/requirement dates be tracked as well.

Recommended Cohort: Admission

Data Elements:

- Date of Program Admission*
- Demographics of Program Participants (Sex, Age at Admission, Race, Ethnicity)
- Date of Ancillary Service/Program Requirement*
- Type of Ancillary Service/Program Requirement*
- Ancillary Service/Program Requirement Attendance*
- No. of Hours Attended*
- Date of Program Discharge*
- Type of Program Discharge

If the number of hours attended is unavailable, collect the number of sessions attended and then estimate the number of hours attended based on the average amount of time for a typical session of that type of service.

$$\text{Average \# of Hours by Type} = \frac{\text{Sum of \# of Hours of Type of Services/Requirements Attended by All Participants}}{\text{\# of Participants Expected to Attend/Complete Type of Service/Requirement}}$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in participation across groups may suggest disparities are present in some aspect of the program and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

11. Frequency of Status Hearings

Performance Measure: The average number of status hearings attended by the participants over a period of time. Depending on the type of diversion program and the average length-of-stay, the period of time used to construct the performance measure may range from the duration of the program per participant for shorter-term programs to a period of time per month for longer-term programs.

The measure is based on actual status hearing attendance, however, it is recommended that missed status hearing dates be tracked as well.

Recommended Cohort: Admission

Data Elements:

- Date of Program Admission*
- Date of Status Hearing*
- Status Hearing Attendance*
- Date of Program Discharge*
- Type of Program Discharge

Step 1: Calculate the number of status hearings attended per month for each participant in the cohort.

$$\text{\# of Status Hearings Attended per Month per Participant} = \frac{\text{Total \# of Status Hearings Attended by Participant}}{\text{\# of Months in Program}}$$

Step 2: Use the “# of Status Hearings Attended per Month per Participant” result from Step 1 for all participants in the cohort to calculate the average number of status hearings per month for all participants in the cohort.

$$\text{Average \# of Status Hearings Attended per Month} = \frac{\text{Sum of \# of Status Hearings Attended per Month by All Participants}}{\text{\# of Participants}}$$

12. Frequency of Supervision Contacts

Performance Measure: The average number of contacts with the participant for the purpose of supervision over a period of time. Depending on the type of diversion program and the average length-of-stay, the period of time used to construct the performance measure may range from the duration of the program per participant for shorter-term programs to a period of time per month for longer-term programs.

The measure is based on actual supervision attendance, however, it is recommended that missed supervision dates be tracked as well.

Recommended Cohort: Admission

Data Elements:

- Date of Program Admission*
- Date of Supervision Contact*
- Type of Supervision Contact (Participant's Home, Phone, etc.)
- Supervision Contact Person
- Supervision Attendance*
- Date of Program Discharge*
- Type of Program Discharge

Step 1: Calculate the number of supervision contacts attended per month for each participant in the cohort.

$$\text{\# of Supervision Contacts per Month per Participant} = \frac{\text{\# of Supervision Contacts Attended by Participant}}{\text{\# of Months in Program}}$$

Step 2: Use the “# of Supervision Contacts per Month per Participant” result from Step 1 for all participants in the cohort to calculate the average number of status hearings per month for all participants in the cohort.

$$\text{Average \# of Supervision Contacts per Month} = \frac{\text{Sum of \# of Supervision Contacts per Month per Participant}}{\text{\# of Participants}}$$

13. Frequency of Drug and Alcohol Testing

Performance Measure: The average number of drug and alcohol tests per participant per week. Depending on the type of diversion program and the average length-of-stay, the period of time used to construct the performance measure may range from the duration of the program per participant for shorter-term programs to a period of time per month or per quarter in the program for longer-term programs.

Recommended Cohort: Admission

Data Elements:

- Date of Program Admission*
- Date of Drug Test*
- Result of Drug Test
- Date of Alcohol Test*
- Result of Alcohol Test
- Date of Program Discharge*
- Type of Program Discharge

Step 1: Calculate the percentage of positive drug tests for each participant in the cohort who received drug or alcohol testing.

$$\text{Frequency of Drug or Alcohol Tests per Participant} = \frac{\text{\# of Drug or Alcohol Tests per Participant}}{\text{\# of Weeks in Program}}$$

Step 2: Use the “Frequency of Drug or Alcohol Tests per Participant” result from Step 1 for each participant in the cohort to calculate the frequency of drug or alcohol tests across the cohort for all participants who received drug or alcohol testing.

$$\text{Average Frequency of Drug or Alcohol Tests} = \frac{\text{Sum of Frequency of Drug or Alcohol Tests per Participant}}{\text{\# of Participants with Drug or Alcohol Testing}}$$

Satisfaction/Procedural Fairness Measures

A diversion program may benefit from surveying participants and other stakeholders (diversion program staff, treatment providers, victims, prosecutors, and other court staff involved in the program) to determine their level of satisfaction with the program and to identify areas of strengths and opportunities for improvement. A survey presents an opportunity to gauge quality of services and providers, supervision, and other program policies and procedures. The surveys provided to each of the stakeholder groups may vary based on the type of stakeholder and the kind of information they may be able to provide.

A satisfaction survey may be done of all stakeholders at regular intervals (e.g., annually) or a participant survey may be completed only at discharge. The structure and number of questions in the survey may vary depending on the type of diversion program and length-of-stay, however, all questions should be necessary and informative with responses entered into a database or spreadsheet and tracked electronically. Including questions or statements on the survey that stakeholders can respond to using a scale may provide the most useful measure of performance. In general, surveys should be anonymous and voluntary, with all participants and other stakeholders having an equal opportunity to provide program feedback.

14. Satisfaction

Performance Measure: The average level of satisfaction on each of a variety of program elements, including quality of services and providers, supervision, and other program policies and procedures.

Recommended Cohort: Active Participants and Other Stakeholders

Data Elements:

Responses to Survey Questions*

Type of Responder if the Same Survey is Distributed to Various Stakeholders (e.g., Participant, Victim, Diversion Program Staff)*

Calculate the following for each survey question:

$$\begin{aligned} & \text{Average Level of Satisfaction with Type of Program Element} \\ & = \frac{\text{Sum of \# of Stakeholders' Perceptions of Program Element}}{\text{\# of Stakeholders Completing the Survey}} \end{aligned}$$

15. Procedural Fairness

Procedural fairness is a separate, but important measure of the participant's perception of fairness in the program. Depending on the type of diversion program, a participant may have interactions with a variety of individuals such as a diversion coordinator, case worker, district attorney, defense attorney, and judge. A participant's perception of the fairness of decision-making may affect their success and outcomes in the program.

The National Center for State Courts developed a Procedural Fairness Survey for drug courts ([see Appendix C](#)) that asks participants to answer six questions about the judge, case manager, probation, treatment staff, and the court, however, the tool may be modified to cover various court configurations. Based on the structure of your diversion program, the survey may be modified so that participants have an opportunity to report on their perceptions of fairness with regard to their treatment in the program. Demographic information may be collected as long as it is done in such a way as to keep survey responses anonymous.

Performance Measure: The average level of participant perception of how they are treated by key entities they interact with as part of the program such as the prosecutor, judge, treatment provider, case manager, probation officer, or others depending on the structure of the program.

Recommended Cohort: All Active Participants at Time of Survey Administration

Data Elements:

Responses to Survey Questions*

Calculate the following for each set of survey questions:

Step 1: Average the scores in each set of survey questions answered by each participant for individual staff (Staff X) who engage with participants in the diversion program.

$$\text{Participant's Perception of Staff X} = \text{Question 1 Score} + \text{Question 2 Score} + \dots + \text{Question 6 Score}$$

Step 2: Use the "Participant's Perception of Staff X" result from Step 1 for each participant in the cohort to calculate the average perception of staff X across the cohort for all participants who completed the survey.

$$\text{Average Perception of Staff X} = \frac{\text{Sum of Participants' Perceptions of Staff X}}{\text{\# of Participants Completing the Survey}}$$

16. Satisfaction/Procedural Survey Response Rate

16.1 Satisfaction Survey Response Rate

Performance Measure: The percentage of individuals completing the satisfaction survey.

Recommended Cohort: All Active Participants at Time of Survey Administration

Data Elements:

Number of Satisfaction Surveys Completed by Type of Stakeholder*

Number of Satisfaction Surveys Expected to be Completed by Stakeholder Type*

$$\text{Satisfaction Survey Response Rate by Stakeholder Type} = \frac{\text{\# of Stakeholder Type Completing Survey}}{\text{\# of Stakeholder Type Expected to Complete Survey}} \times 100$$

16.2 Procedural Fairness Survey Response Rate

Performance Measure: The percentage of individuals completing the procedural fairness survey.

Recommended Cohort: All Active Participants at Time of Survey Administration

Data Elements:

Number of Procedural Fairness Surveys Completed by Participants*

Number of Active Participants at Time of Survey Administration*

$$\text{Procedural Fairness Survey Response Rate} = \frac{\text{\# of Participants Completing Procedural Fairness Survey}}{\text{\# of Active Participants at Time of Survey Administration}} \times 100$$

Social Measures

If your program has goals and objectives related to the improvement of the education, employment, or residency status of participants, we recommend that you collect data regarding the status of the participant's education, employment, or residency at the time of admission and compare it to that at discharge.

17. Education Status Improvement

Performance Measure: The percentage of participants who improve their education status with the some assistance from the program.

Recommended Cohort: Admission

Data Elements:

- Demographics of Program Participants (Sex, Age at Admission, Race, Ethnicity)
- Date of Program Admission*
- Education Status at Admission*
- Education Status at Discharge*
- Date of Program Discharge*
- Type of Program Discharge

$$\text{Improvement in Education Status} = \frac{\text{\# of Participants with Improved Education Status at Discharge}}{\text{\# of Participants with Identified Need in Education Status Improvement}} \times 100$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in education status improvement across groups may suggest disparities are present in some aspect of the program and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

18. Employment Status Improvement

Performance Measure: The percentage of participants who improve their employment status with the some assistance from the program.

Recommended Cohort: Admission

Data Elements:

Demographics of Program Participants (Sex, Age at Admission, Race, Ethnicity)
Date of Program Admission*
Employment Status at Admission*
Employment Status at Discharge*
Date of Program Discharge*
Type of Program Discharge

Improvement in Employment Status

$$= \frac{\text{\# of Participants with Improved Employment Status at Discharge}}{\text{\# of Participants with Identified Need in Employment Status Improvement}} \times 100$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in employment status improvement across groups may suggest disparities are present in some aspect of the program and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

19. Residency Status Improvement

Performance Measure: The percentage of participants who improve their residency status with some assistance from the program.

Recommended Cohort: Admission

Data Elements:

Demographics of Program Participants (Sex, Age at Admission, Race, Ethnicity)

Date of Program Admission*

Residency Status at Admission*

Residency Status at Discharge*

Date of Program Discharge*

Type of Program Discharge

$$\text{Improvement in Residency Status} = \frac{\text{\# of Participants with Improved Residency Status at Discharge}}{\text{\# of Participants with Identified Need in Residency Status Improvement}} \times 100$$

The calculation should be completed for all participants in the admission cohort by each discharge type and then by participant sex, age at admission, race, and ethnicity to evaluate if different groups of individuals have different outcomes. Differences in residency status improvement across groups may suggest disparities are present in some aspect of the program and such differences should be further analyzed to determine if changes to the program may need to be made to address disparities.

Appendix A: Framework for Defining and Measuring Recidivism

Framework for Defining and Measuring Recidivism

Wisconsin Criminal Justice Coordinating Council (CJCC)

October 2016

DEFINING RECIDIVISM

Recidivism refers broadly to re-offending, with the most common measurements including re-arrest, re-charge, re-conviction, and/or re-incarceration. Recidivism rates measure the frequency with which individuals re-engage with the criminal justice system within a defined time period.*

Re-arrest recidivism:	recidivism measured on the basis of a new offense that resulted in a new arrest
Re-charge recidivism:	recidivism measured on the basis of a new offense that resulted in new charges being issued by the District Attorney
Re-conviction recidivism:	recidivism measured on the basis of a new offense that resulted in a new conviction and sentence to probation, jail, or prison
Re-incarceration recidivism:	recidivism measured on the basis of a technical violation or new offense that resulted in a return to confinement (jail or prison)

See the Adult Criminal Justice System Key Definitions for definitions of arrest, charge, conviction, and incarceration.

MEASURING RECIDIVISM

FRAMEWORK PRINCIPLES

- Only count and report on data that is routinely and accurately collected.
- Only report on data that is valid, defensible, and can be independently replicated.
- The method for measuring and reporting recidivism should be consistent over time.

POST-RELEASE OR POST-PROGRAM RECIDIVISM

Measures of recidivism starting either at the point of release from incarceration or supervision (post-release) or after the completion of a particular program (post-program) such as a treatment court.

STARTING POINT

- ☑ A **date on which a criminal justice event occurs** that starts the measurement period
 - ☑ Must be defined clearly and measured consistently for all individuals in the cohort.
 - e.g., date of arrest, date of conviction, date of release from confinement, date of admission or discharge from supervision, date of program completion, etc.

COHORT

- ☑ A **group of individuals who are at risk to recidivate**, tracked over a consistent period of time.
 - ☑ The parameters of the cohort must be clearly defined.
 - e.g., all participants who were discharged from drug court during a particular year; all individuals released from DOC custody in a particular year, etc.
 - ☑ The cohort size (N) must be large enough to be meaningful.
 - Often best to report both the raw numbers, particularly with small cohorts.

*Adapted from the Urban Institute, *Measuring Recidivism at the Local Level: A Quick Guide*. Retrieved from http://www.urban.org/sites/default/files/recidivism-measures_final-for-website.pdf

- ☑ Individuals who could no longer recidivate before the end of their follow-up period should be removed from the cohort.
 - e.g., individuals who die, move out of state and are longer followed, are extradited, are incarcerated during the entire follow-up period, etc.
- ☑ An individual should only be counted once in a cohort.

RECIDIVIST EVENT

- ☑ A **criminal justice event during the follow-up period** that can be reliably and validly counted based on official records, and is clearly defined and consistently measured for all individuals in the cohort.
 - ☑ More than one type of recidivist event should be collected when possible. However, each event must be tracked separately for all members of the cohort.
 - e.g., re-arrest, re-charge, re-conviction, and/or re-incarceration
 - ☑ The event must take place during the follow-up period.
 - e.g., if the follow-up period is 3 years, an event that occurs in year 4 would not be included
 - ☑ The event must have an associated date and the date must be collected consistently for all members of the cohort.
 - e.g., offense date should be used if possible, regardless of whether the event is measured based on re-arrest, re-charge, re-conviction, or re-incarceration
 - ☑ The event needs to be clearly defined as to whether it is general or specific.
 - e.g., for sex offenders, measurement may include both overall recidivism for any crime (general), as well as recidivism for sex offenses only (specific)
 - ☑ The events should be identified and counted based on all available sources
 - e.g., local, state, and national as available

FOLLOW-UP PERIOD

- ☑ From the starting point, the **time period** in which the individuals in the cohort have the opportunity to engage in a recidivist event.
 - ☑ Must be the same amount of time for every individual in the cohort, based on their starting point.
 - e.g., if the follow-up period is 1 year, data should be tracked on all individuals in the cohort for 1 year from their individual starting point.
 - ☑ Must be a minimum of 6 months long.
 - ☑ Common measurement periods are 6 months, 1 year, 2 years, 3 years, and 5 years (or longer).
 - ☑ Recidivism is typically calculated as the percent of individuals who engage in at least one recidivist event during the follow-up period, out of the total individuals in the cohort who have completed the follow-up period.
 - ☑ Tracking can include the first or last recidivist event and/or the total number of recidivist events in the follow-up period.

IN-PROGRAM RECIDIVISM

Measures of recidivism during participation in a program such as a treatment court.

STARTING POINT

- ☑ A **date on which a criminal justice event occurs** that starts the in-program measurement period and is clearly defined and consistently measured for all program participants.
 - e.g., admission date to treatment court, entry date to a program, etc.

PROGRAM PARTICIPANTS

- ☑ A **group of individuals who are at risk to recidivate**, during the period of program participation

RECIDIVIST EVENT

- ☑ A **criminal justice event during the program period** that can be reliably and validly counted based on official records, and is clearly defined and consistently measured for all program participants.
 - ☑ More than one type of recidivist event should be collected when possible. However, each event must be tracked separately for all program participants.
 - e.g., re-arrest, re-charge, re-conviction, and/or re-incarceration
 - ☑ The event must take place during the program period.
 - e.g., an event that occurs after the program has ended would not be included
 - ☑ The event must have an associated date and the date must be collected consistently for all program participants.
 - e.g., offense date should be used if possible, regardless of whether the event is measured based on re-arrest, re-charge, re-conviction, or re-incarceration
 - ☑ The event needs to be clearly defined as to whether it is general or specific.
 - e.g., for OWI offenders, measurement may include both overall recidivism for any crime (general), as well as recidivism for OWI offenses only (specific)
 - ☑ The events should be identified and counted based on all available sources
 - e.g., local, state, and national as available

ENDING POINT

- ☑ An **event that ends the in-program measurement period** and is clearly defined and consistently measured among all program participants.
 - e.g., discharge date from treatment court, completion date for a program, etc.
- ☑ The starting and ending points of the program define the time period in which the individual has the opportunity to engage in a recidivist event.
 - Length of measurement period depends on program length
- ☑ In-program recidivism is typically reported as the percent of participants who engaged in a recidivist event during the program time period.

WHAT RECIDIVISM IS NOT

- ☑ In most cases, recidivism does not include:
 - ☑ Non-criminal justice events
 - e.g. treatment episodes/failures, civil violations, ordinance violations, non-criminal traffic violations, etc.
 - ☑ Events that do not result in direct criminal justice action, where there is no arrest, charge, or conviction
 - e.g. contacts with police, positive drug tests, etc.
 - ☑ Absence of an event
 - e.g. failure to appear, failure to submit to a drug test, etc.

DOCUMENTATION

- ☑ All steps of the recidivism analysis should be clearly documented including the starting point, cohort description, recidivist event(s), and follow-up period or ending point
- ☑ Documentation should also include:
 - ☑ Methodology for counting the recidivist events
 - e.g. how arrest, charge, conviction, and/or incarceration events are counted and what is included or excluded
 - ☑ Data source(s) and known limitations
 - ☑ Information that is or is not included in the recidivism analysis
 - e.g. whether the analysis includes out of state arrests or convictions, technical violations or revocations, misdemeanors and felonies, etc.

Appendix B: National Center for State Courts (NCSC) Charge Categories for Criminal Histories/RAP Sheets

The following categorization for criminal records is based upon the FBI's Uniform Crime Reporting (UCR) Program and Black's Law Dictionary. The categorization was developed by the National Center for State Courts for project work specific to problem-solving courts.

Charge Categories for Criminal Histories/RAP Sheets

Person Offenses: refer to offenses against a person defined by the FBI's Uniform Crime Reporting (UCR) Program as those offenses involving force or the threat of force.

Murder	Homicide, non-negligent manslaughter, voluntary homicide
Sex offenses	Forcible intercourse, sodomy, penetration with a foreign object, carnal knowledge of minor, internet sex crimes, pornography, nonviolent or non-forcible sexual assault
Robbery	Unlawful taking of anything of value by force or threat of force; armed, unarmed, and aggravated robbery, car-jacking, armed burglary, armed mugging
Assault	Aggravated assault, aggravated battery, assault with a deadly weapon, felony assault or battery on a law enforcement officer, simple assault, and other felony or misdemeanor assaults
Other person offense	Vehicular manslaughter, involuntary manslaughter, negligent or reckless homicide, kidnapping unlawful imprisonment, hit-and-run with bodily injury, intimidation, and extortion
Family violence	Spousal or intimate partner assault or battery, spousal or intimate partner abuse, child abuse or neglect, cruelty to a child, reckless endangerment

Property Offenses: refer to property offenses defined by the FBI's Uniform Crime Reporting (UCR) Program as the taking of money or property, or the damage of property, without the use or threat of force against the victims.

Burglary	Any type of entry into a residence, industry, or business with or without the use of force with the intent to commit a felony or theft. Breaking and entering.
Larceny/theft	Unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Grand or petty theft or larceny, shoplifting, or the stealing of any property or article that is not taken by force and violence or by fraud such as thefts of bicycles, motor vehicle parts and accessories
Motor vehicle theft	Auto theft, conversion of an automobile, receiving and transferring an automobile, unauthorized use of a vehicle, possession of a stolen vehicle, larceny or taking of an automobile
Fraud/Forgery	Forging of a driver's license, official seals, notes, money orders, credit or access cards or names of such cards or any other documents with fraudulent intent, uttering a forged instrument, counterfeiting, possession and passing of worthless checks or money orders, possession of false documents or identification, embezzlement, obtaining money by false pretenses, credit card fraud, welfare fraud, Medicare fraud, insurance claim fraud, fraud, swindling, stealing a thing of value by deceit, and larceny by check
Other property offense	Receiving or buying stolen property, arson, reckless burning, damage to property, criminal mischief, vandalism, criminal trespassing, possession of burglary tools, and unlawful entry for which the interest is unknown

Source: [Wisconsin Statewide Drug and Hybrid Court Performance Measures: A Foundation for Performance Management](#)

Drug Offenses: refer to drug offenses defined by the FBI's Uniform Crime Reporting (UCR) Program as the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

Drug trafficking	Trafficking, sales, distribution, possession with intent to distribute or sell, manufacturing, and smuggling of controlled substance
Other drug offenses	Possession of controlled substances, prescription violations, possession of drug paraphernalia, and other drug law violations
OWI	Driving Under the Influence

Public Order Offenses: refer to public order offenses akin to the public nuisance defined by *Black's Law Dictionary* as any unreasonable interference with rights common to all members of community in general and encompasses public health, safety, peace, morals, or convenience.

Weapons	The unlawful sale, distribution, manufacture, alteration, transportation, possession or use of a deadly weapon or accessory
Driving-related	Driving with a suspended or revoked license, and any other felony in the motor vehicle code. DOES NOT INCLUDE OWI
Other public order	Flight/escape, prison contraband, habitual offender, obstruction of justice, rioting, libel, slander, treason, perjury, prostitution, pandering, bribery, disturbing the peace, indecent exposure and tax law violations

Technical Offense: refers to any other type of offense not otherwise addressed by the categories described above.

Violation of court order Violation of court order resulting in a new charge (violation of a law, e.g., Failure to register as sex offender). Includes violation of probation/parole/commitment order.

Other Offense: refers to any other type of offense not otherwise addressed by the categories described above.

Other criminal offense

**Appendix C: National Center for State Courts (NCSC)
Procedural Fairness Survey for Drug Courts**

Procedural Fairness Survey¹

Thank you for your willingness to complete this survey. We are interested in learning more about your personal experiences with the court staff and services to date. The following four sections specifically target the **judge, probation, treatment staff, and the court generally**. In each section, please consider all of your interactions with the indicated person or persons and indicate how much you agree or disagree with each statement listed in the left hand column. For each statement, please select the response option that **best represents your opinion** by placing an **X** in the corresponding box.

Today's Date: _____

What is the name of the court you are involved in?

What is your current phase in the program?

How long have you been in the program? _____ *months*

¹Measure items were developed by the National Center for State Courts or taken and amended from the following sources:

- Henderson, H., Wells, W., Maguire, E. R., & Gray, J. (2010). Evaluating the measurement properties of procedural justice in a correctional setting. *Criminal Justice and Behavior*, 37, 384-399.
- Skeem, J. L., Eno Loudon, J., & Polaschek, D. (2007). Assessing relationship quality in mandated community treatment: Blending care with control. *Psychological Assessment*, 19, 397-410.
- Tomkins, A. J., Bornstein, B. H., Herian, M. N., & PytlikZillig, L. M. (2011-2014). Testing a three-stage model of institutional confidence across branches of government. Ongoing research project funded by National Science Foundation (SES-1061635).

Section 1: Your Experiences with the Judge

In this section, please consider all of your interactions with the primary judge with whom you have had contact throughout your dealings with the court.

	Strongly Agree (7)	Agree (6)	Somewhat Agree (5)	Neither Agree nor Disagree (4)	Somewhat Disagree (3)	Disagree (2)	Strongly Disagree (1)
1. The judge applies rules consistently to everyone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The judge makes me feel comfortable enough to say how I really feel about things.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The judge gives me a chance to tell my side of the story.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. The judge treats me politely.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. The judge is knowledgeable about my case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. The judge makes decisions about how to handle my problems in a fair way.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 2: Your Experiences with your Case Manager

In this section, please consider all of your interactions with your primary case manager.

	Strongly Agree (7)	Agree (6)	Somewhat Agree (5)	Neither Agree nor Disagree (4)	Somewhat Disagree (3)	Disagree (2)	Strongly Disagree (1)
7. My case manager interacts with me in a professional manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. I know that my case manager truly wants to help me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. My case manager gives me enough of a chance to say what I want to say.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. The way my case manager handles my case is fair.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. My case manager treats all of his or her clients equally.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. I feel safe enough to be open and honest with my case manager.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 3: Your Experiences with Probation

In this section, please consider all of your interactions with your primary probation officer.

	Strongly Agree (7)	Agree (6)	Somewhat Agree (5)	Neither Agree nor Disagree (4)	Somewhat Disagree (3)	Disagree (2)	Strongly Disagree (1)
13. My probation officer interacts with me in a professional manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. I know that my probation officer truly wants to help me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. My probation officer gives me enough of a chance to say what I want to say.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. The way my probation officer handles my case is fair.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. My probation officer treats all of his or her clients equally.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. I feel safe enough to be open and honest with my probation officer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 4: Your Experiences with Treatment

In this section, please consider all of your interactions with your primary treatment provider.

	Strongly Agree (7)	Agree (6)	Somewhat Agree (5)	Neither Agree nor Disagree (4)	Somewhat Disagree (3)	Disagree (2)	Strongly Disagree (1)
19. The treatment staff gives me a chance to tell my side of the story.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. I believe the treatment staff is genuinely interested in helping me with my problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. The treatment staff interacts with me in a professional manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. The treatment staff treats all clients equally.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. I feel safe enough to be open and honest with treatment staff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. The way treatment handles my case is fair.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 5: Your Experiences with the Court in General

In this section, please consider all of your interactions with the staff of the court that have not been specifically mentioned above.

	Strongly Agree (7)	Agree (6)	Somewhat Agree (5)	Neither Agree nor Disagree (4)	Somewhat Disagree (3)	Disagree (2)	Strongly Disagree (1)
25. They treat all people and groups equally.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. They are fair in their dealings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. They care about me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. They treat me with courtesy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. They listen to me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. They are trustworthy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

