

**Data Sharing Report / March 2020**

*A report of data collection and data sharing, including recommendations to enhance and improve, among criminal partners, as outlined in Executive Order #41.*



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# State of Wisconsin Criminal Justice Coordinating Council (CJCC) Data Sharing Report 2020

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## Executive Summary

Under Executive Order #41, the Wisconsin Statewide Criminal Justice Coordinating Council (CJCC) is charged with a variety of data-related initiatives, including making recommendations regarding “improving data collection and data sharing across criminal justice system partners” (Executive Order #41, 8(g)(i)). **This report provides a brief overview of data sharing efforts among key criminal justice agencies, illustrates the challenges to data sharing, describes the current focus of the CJCC Data Sharing Subcommittee, and provides initial recommendations regarding the sharing of criminal justice-related data to advance research and analysis and to aid data-driven decision making.**

Data sharing focused on research and analysis between different parties within the criminal justice system would enhance the system’s structure, function, and outcomes, and would provide a way to better track key performance indicators. Much progress has been made in this area in recent years, including significant efforts to share data for operational purposes. In addition, the development and enhancement of research and analysis capacity within key Wisconsin criminal justice agencies and the work completed by the CJCC’s Data Sharing Subcommittee have laid the foundation for development of a sustainable approach to integrating criminal justice data for analytic and research efforts.

However, there are still many challenges to sharing data within and outside of the criminal justice system. For example, due to the sheer volume of data available, defining and limiting the scope of data sharing projects is important, and can be difficult. Furthermore, a primary challenge is the lack of resources, both economic and human, available to initiate and sustain data sharing efforts. Another challenge is related to the fact that most criminal justice data systems are designed to support operational or administrative needs of agencies and are not designed to collect data for research and analysis. The quality, completeness, reliability, and validity of data is often affected, making it difficult to use and share data for analysis. Additionally, the security and privacy of any data that is shared requires significant attention, and steps must be taken to ensure that Data Use Agreements (DUAs) or related governing documents are established to ensure protection of data and compliance with public records law. Finally, any data that is shared must be clearly defined and documented to ensure appropriate and accurate research and analysis are achieved.

**The 11 recommendations the CJCC puts forward for data collection and sharing are summarized below:**

***New legislation or Executive Order supporting and removing barriers to data sharing; state funding for long-term sustainability of data sharing efforts; development of a research agenda to address racial and ethnic disparities in the criminal justice system; support from leadership to facilitate data sharing across agencies and to use data to inform current practices; prioritize educating end users and agencies about the value of standardization of data for research, analysis, and evaluation; identify critical gaps in data collection, availability, or analysis; develop standard DUAs for data sharing across state agencies; define how data sharing fits within public records law with a consistent model to be used by all criminal justice agencies; use Justice Reinvestment Initiative (JRI) project funding to develop a framework for broader data sharing efforts; and, further refine the scope, purpose, and expectations of data sharing efforts for criminal justice research, analysis, and evaluation work.***

These recommendations build the foundation for the work of the CJCC Data Sharing Subcommittee, to support data-driven decision making in the criminal justice system at the state and local level.

## Introduction

This report is intended to provide background, current status, and initial recommendations for the efforts of the Wisconsin State Criminal Justice Coordinating Council (CJCC) Data Sharing and Outcomes, Trends, and Indicators (OTIs) Subcommittee (herein “Data Sharing Subcommittee”). Under Executive Order #41, the CJCC is charged with a variety of data-related initiatives, including making recommendations regarding “improving data collection and data sharing across criminal justice system partners” (Executive Order #41, 8(g)(i)). The CJCC supports the sharing of criminal justice-related data and information to advance research and analysis and to aid data-driven decision making both within and beyond the criminal justice system.<sup>1</sup> Executive Order #41 states “...to improve our criminal justice system, we must use data and sound, evidence-based practices to focus our resources on programs that are effective” and furthermore indicates that the CJCC shall “identify gaps in data collection and analysis in the criminal justice system and recommend solutions to address these gaps” (Executive Order #41, 8(b)).

There are both statewide and local systems that collect a variety of data related to criminal justice system activities at various decision points that are part of, or are connected to, the criminal justice system, from initial contact with law enforcement to arrest, prosecution, court processing, corrections, reentry to the community, as well as treatment and other services at various points in the process. Additionally, there are a number of non-criminal justice data sources that if shared could provide valuable insights into issues that are significant for justice-involved individuals. For example, employment data from the Wisconsin Department of Workforce Development could be used to track employment outcomes for individuals who participated in employment programming in prison, or hospital visits and opioid overdose data from the Wisconsin Department of Health Services could be used to examine the effectiveness of various initiatives targeting reduction in overdoses and overdose fatalities.

There is a need to continue enhancing or improving the collection of data at various points in the process, in part to develop more standardization in collecting operational data to increase the utility for research and analysis, as well as establishing additional data collection points or processes where data is not currently available. In addition, there is a need to remove some of the data silos and integrate data both within and outside of the system to enhance the ability to conduct more robust research and analysis work and be better positioned to address key questions regarding the Wisconsin criminal justice system. There has been significant effort in the state over a multi-year period to share data for operational purposes, and the focus has now turned to bringing data together and enhancing existing processes to support analyzing data to address a variety of questions across the criminal justice system, and to ensure data is used to drive policy. The focus in terms of challenges is on sharing data for research or analytical use, which differs from focusing on sharing data primarily for operational or administrative purposes.

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<sup>1</sup> Throughout this document, the term “criminal justice system” is utilized, but should be understood to broadly represent the numerous state, local, and tribal adult criminal justice systems that operate across Wisconsin. It is important to recognize that there are differences in both structure and function of the various criminal justice systems across jurisdictions and between the adult and juvenile criminal justice systems. Wisconsin has the benefit of having a number of statewide systems for operational criminal justice data, but as discussed further below under the “Challenges of Data Sharing” the way these systems are utilized at the local level can lead to inconsistencies and differences in the data. The focus on data, definitions, and measures can help to identify those differences, but also develop commonalities for the reporting and analysis of key criminal justice-related data.

Data sharing focusing on research and analysis between different parties within the criminal justice system, and with non-criminal justice partners that impact or are affected by the criminal justice system, would enhance the system's structure, function, and outcomes, and would provide a way to better track key performance indicators. Importantly, such analysis should be possible at the system-wide and individual level, allowing decision makers and practitioners to operate with more complete and higher-quality information. Overall, there has been heightened attention to using data and evidence-based practices within the Wisconsin criminal justice system, as indicated by the development of the state and local CJCCs, increased funding for specific evidence-based programs such as the Treatment Alternatives and Diversion (TAD) program, which supports alternatives to incarceration through treatment courts and diversion programs, and the focus on the National Institute of Corrections' Evidence-Based Decision Making (EBDM) Initiative.

A major development in recent years has been the development or enhancement of research capacity within key Wisconsin criminal justice agencies, including the Department of Corrections (DOC), Department of Justice (DOJ), and Director of State Courts Office. The Research and Policy Unit at DOC, Bureau of Justice Information and Analysis at DOJ, and Research and Justice Statistics Unit at the State Courts, among others, are now established research and analysis functions within these state agencies and need enhanced data to carry out their missions and take their work to the next level. Local counties and agencies have also increased their data analysis capabilities, and using data to inform decision making is a hallmark of many of the local CJCCs. Enhancing the quality and availability of the data across the system supports both state and local research, evaluation, and analysis activities for criminal justice planning and decision making.

There is consensus among policy-makers, practitioners, and researchers that good policy and practice is evidence-based. Without sufficient data access, data linkages, analytic capacity, or interpretive support, informed solutions can prove elusive. Organizing and presenting administrative data to further innovation in policy and service delivery offers the potential to improve life outcomes for families and communities in Wisconsin. These data can provide professionals with the tools necessary to address questions from executive leadership, legislators, researchers, and community members alike. Access to rich, timely, accurate, linked data, including analysis and interpretation, can transform the way Wisconsin identifies and evaluates innovative responses to the criminal justice challenges faced at the state and local levels. Making data available responsibly, and ensuring data quality and security, is an investment in Wisconsin's future.

### *Subcommittee Purpose*

The State CJCC Data Sharing Subcommittee has historically worked to *map existing criminal justice data systems and identify opportunities for data sharing that enhance system efficiency or facilitate reporting of benchmarks or other key criminal justice performance measures*. The subcommittee's goal is to identify data gaps in Wisconsin's criminal justice system and plan for data sharing opportunities to enhance system efficiency and public safety. Under this charge, the subcommittee has worked to identify key criminal justice-related data systems, identify and implement system changes, often by seeking and supporting various federally-funded grant projects, as described further below. To meet these goals, the Data Sharing Subcommittee also acts as the advisory body for federal justice information sharing/records improvement grants. In addition, the Subcommittee has also worked to provide some data analysis and reporting across the criminal justice system, as well as provide input into definitions, performance and outcome measures, and key indicators. In the past year, the Subcommittee has also engaged in some specific data sharing initiatives to develop a proof of concept for both the value and feasibility of sharing data across the system for research and analysis. The expectation is that this fundamental purpose will continue under the current CJCC and new Executive Order, but with an enhanced focus on developing a longer-term data sharing strategy for analytic and research purposes.

## *Agencies Involved*

The Data Sharing Subcommittee is a multidisciplinary team with data representatives from key public safety and criminal justice-related agencies. Historically, the Data Sharing Subcommittee has involved multiple state criminal justice agencies that act as the primary direct contributors of data related to the adult criminal justice system at the state and local level. In addition, membership has also included representatives from local jurisdictions to provide insight from the local perspective as to how data is collected and utilized, as well as what data-related support at the state level is beneficial to local criminal justice systems. Additional state agencies and research partners have also been invited to join the Data Sharing Subcommittee as both their data and work intersects with various aspects of the criminal justice system, and they have the potential to contribute to discussing the process, challenges, and benefits of sharing various data, as well as how the data should be used and interpreted.

The current or planned agencies for participation include the following:

- Department of Justice (DOJ)
- Department of Corrections (DOC)
- Director of State Courts Office
  - Consolidated Court Automation Program (CCAP)
  - Research and Justice Statistics
- District Attorney's Information Technology (DA IT)
- State Public Defender's Office (SPD)
- Department of Transportation (DOT)
- Medical College of Wisconsin (MCW)
- Department of Health Services (DHS)
- Local CJCC coordinator
- Department of Workforce Development (DWD)
- State Patrol
- Local law enforcement (*potential addition*)

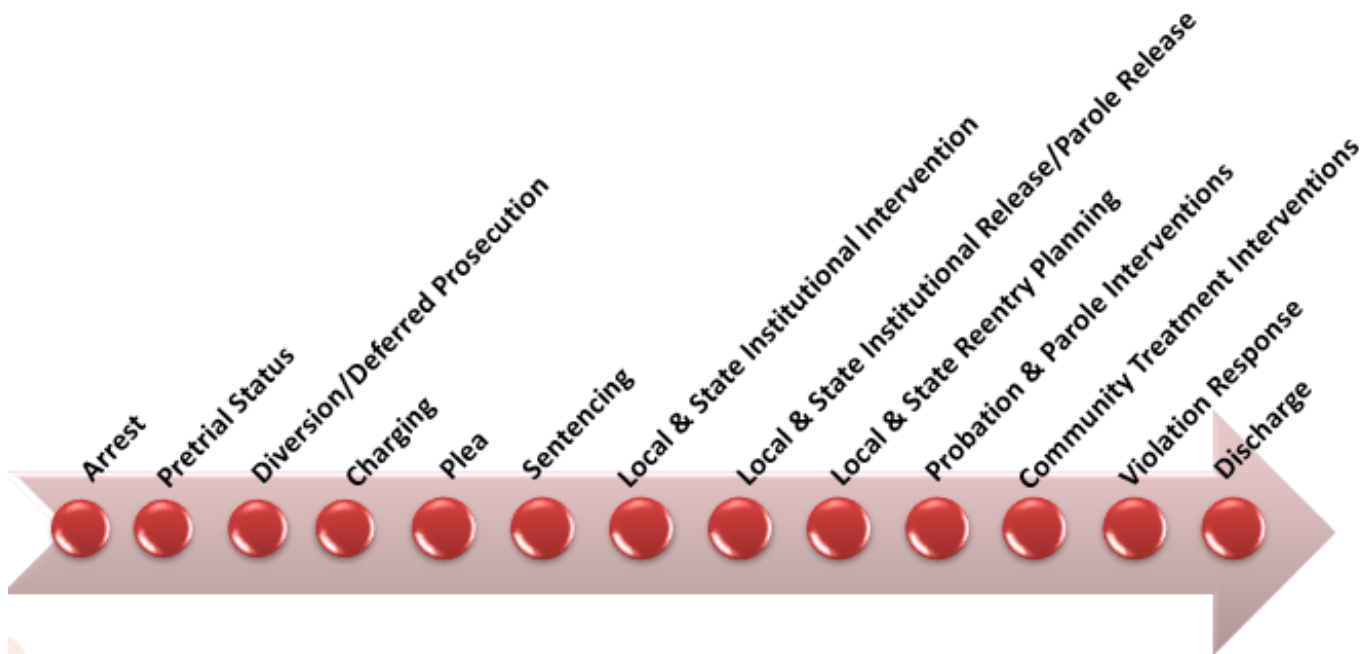
These agencies provide expertise and knowledge that is critical to the direction and efforts of both the Subcommittee and the overall CJCC. It is essential to engage these representatives at every stage of development and operation to: achieve high ethical standards; ensure compliance with applicable regulations and laws; design and maintain a governance structure and process; identify and overcome barriers to implementation and successful operations; and promote sustainability.

## Current Status and Efforts to Improve Criminal Justice Data

Wisconsin has long been a leader in innovative solutions to criminal justice data collection and sharing. The development of multiple state-level systems, as well as numerous specific efforts to both improve the collection and sharing of operational criminal justice data, have been a focus area over multiple years. The former Wisconsin Office of Justice Assistance and the Department of Justice have been awarded grants over the years to support projects that have enhanced information sharing in the criminal justice system. Examples of both the state-level systems and some of the data and data sharing improvement efforts are presented in Appendix A.

Each agency and key decision point within the criminal justice system has unique information needs for operational purposes. Law enforcement (including municipal, county, state, and tribal), prosecution, defense, courts, corrections, treatment, service providers, and related agencies all have a variety of data that they collect and manage to carry out their functions and operations. The visual below demonstrates some of the key decision points within the system where data is collected and managed by various agencies. Wisconsin is fortunate in having statewide implementation of multiple administrative systems that maintain a significant portion of the key criminal justice data. Currently, there are many processes in place to share operational data across these parts of the system. For example, there are ongoing interfaces between the Prosecutor Technology for Case Tracking (PROTECT) system, Consolidated Court Automation Programs (CCAP), and Centralized Criminal History (CCH) to share case information, status, and disposition among other details between arrest and the final outcome of a particular case. A recent effort has resulted in ongoing data sharing between DOJ and DOC for CCH data to help provide criminal history information for operational use by DOC staff.

### Key Justice System Decision Points

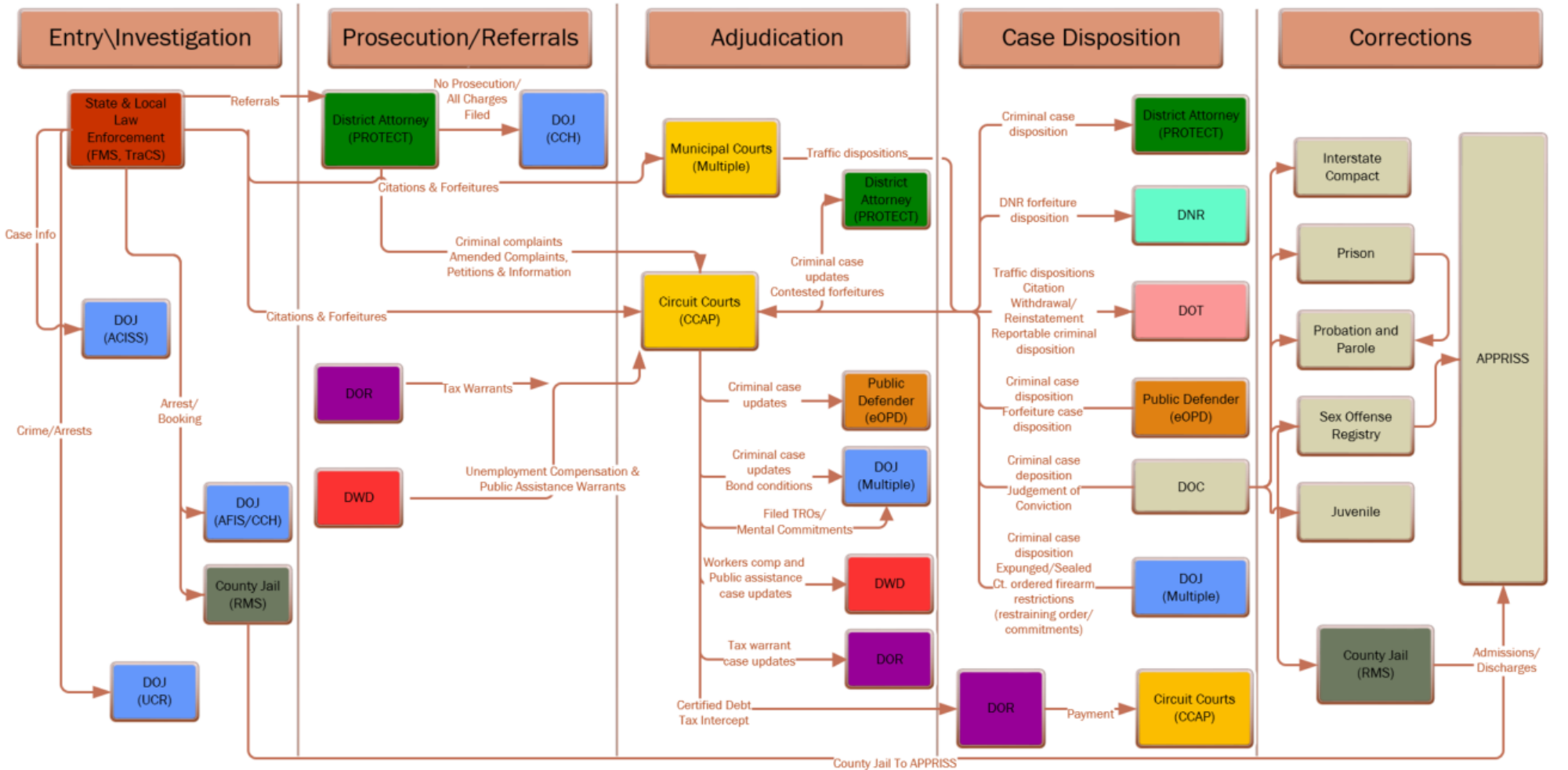


The overall flow of information across aspects of the criminal justice system and the primary points of data collection were mapped by the original Data Sharing Subcommittee of the CJCC. A copy of the initial version of the map is shown below and demonstrates the complexity of data and information across the criminal justice system. As part of the 2020 efforts of this Subcommittee, this data flow map will be updated to reflect more recent system and process changes. This map primarily outlines the flow of data across administrative or operational systems at various decision points in the process. The Data Sharing Subcommittee also engaged in multiple efforts to identify specific gaps in how information operationally flows or is shared across the system. This effort helped support some of the improvement efforts and grant applications outlined in Appendix A, and impacted the development of specific data sharing initiatives. Many of these initiatives helped improve the operational data flow across the system.



# Criminal Justice Electronic Data Flow 2016

## Electronic Data Flow



Although considerable progress has been made in both data collection and information sharing, and much data is shared across agencies on an operational level, which has been the focus of many of the improvement efforts, answering key criminal justice research questions across the system continues to elude criminal justice partners and stakeholders. Having data shared for operational purposes does not necessarily address or support the need for having data that is consolidated for the research purposes, analysis, or evaluation efforts. Most current analysis efforts are handled at the individual agency level based on the data housed within that agency rather than analyzing data at multiple points in the process, or even connecting to non-criminal justice data that is also critical to understanding criminal justice processing and outcomes.

For example, DOC primarily focuses on data available through in-house systems to look at the flow of individuals into and out of DOC institutions and community corrections. The courts primarily focus on CCAP data for understanding charging, sentencing, case flow, and related patterns within the circuit court system. DOJ primarily utilizes UCR and criminal history data to analyze trends in reported crimes, arrests, and related information. These

**Data Sharing Use Case**

*A common question received by DOC is whether individuals on community supervision have been charged with a new criminal offense when they are revoked for alleged criminal behavior. Without linking DOC data with PROTECT or CCAP data, this question cannot be accurately answered.*

agencies would benefit from having access to data and documentation across the system, from initial law enforcement contact through charging, case disposition, correctional supervision, and reentry. It would significantly expand the capability of the research and analysis functions across these state agencies, as well as at the local level, if the data from these systems was collated and integrated for

use in tracking the path of individuals across the system, as well as developing aggregate analysis that is connected across the system. Thinking even more broadly, integrating other non-criminal justice data sources, such as public health and education, could further expand the possibilities for how data could be analyzed.

***Given the more recent work of the Subcommittee and the direction provided in Executive Order #41, the Subcommittee's current focus is on developing a sustainable approach to integrating criminal justice (and longer term, non-criminal justice) data to support analytic and research efforts at both the state and local level. This is currently a primary gap in terms of the ability to analyze cross-system issues and address key criminal justice questions that would aid agencies, policy makers, and the community. The Subcommittee will also continue to focus on improving data collection efforts both at the state and local level.***

To support this direction a Proof of Concept project was carried out in 2019 to share data between CCH, CCAP, and the Wisconsin Integrated Corrections System (WICS). The partner agencies of DOJ, the State Courts, and DOC agreed on the scope and process for this data sharing effort, technical resources were identified, and a Memorandum of Understanding (MOU) was signed by all agencies. The pilot project focused on a one-time load of data for 2008 through 2018 and the data across these three systems was

**Data Sharing Use Case**

*The CJCC's Framework for Defining and Measuring Recidivism recommends measuring recidivism at multiple points in the criminal justice process (arrest, charge, conviction, etc.). Without data from multiple points in the process, this multi-level recidivism analysis is not possible.*

successfully shared between DOJ, DOC, and the State Courts. The data is currently being reviewed and analyzed by the various agencies to meet specific project needs, but to date it has provided an initial indicator that this type of sharing is possible, and can bring enhanced value to analysis, research, and evaluation efforts.

## Challenges of Data Sharing and Collection

There are multiple challenges to sharing data both within and outside of the criminal justice system. The following section outlines some of the data sharing challenges, but the recommendations also provide suggestions for addressing some of these challenges.

### *Defining Scope, Purpose, and Expectations*

A challenge that the Data Sharing Subcommittee has encountered is defining the scope for any data sharing initiative and clarifying the purpose and expectations for the outcome of that work. There is often a significant difference between sharing data for operational or administrative use and having the data collated, prepared, and made available for research, analysis, or evaluation purposes. In part due to what is outlined in Executive Order #41, and the types of requests often received from various stakeholders, the Subcommittee has determined that focusing on criminal justice data sharing for research, analysis, and evaluation is the current emphasis for the Subcommittee. The proof of concept carried out by DOJ, DOC, and the State Courts was framed on this premise. There is still more work to be done to further define the purpose and specific scope of the next step in this data sharing effort, which is part of the Data Sharing Subcommittee's focus in 2020.

### *Resources*

One of the primary challenges to any data sharing initiative is resources. Effective data sharing efforts involve economic and human costs, including both start-up and ongoing maintenance costs, each of which require some amount of work done by computing and data professionals. Resources are often limited at existing agencies to develop the infrastructure and provide the resources needed to initiate and sustain these types of projects. Efforts to develop criminal justice data sharing networks in other states have been funded by a variety of sources, and multiple options should be considered, such as federal grants and state resources, however, often grants can only be used for one specific purpose, and may not provide funding for an overall solution. Sustainable funding is paramount to the success of an information sharing system over time. As discussed further below, there is some federal funding available to develop an expanded data sharing pilot initiative, the results of which could then be used to develop a more specific recommendation for the resources needed to further develop and enhance criminal justice data sharing efforts in Wisconsin.

### *Utilizing Operational Data for Research and Analysis and Data Quality*

As discussed earlier, most of the systems that collect the primary data for the criminal justice system at the state and local level are operational or administrative in design. They were developed to support the operational needs of particular functions and agencies and were not designed for research, analysis, or evaluation purposes. In addition, some of these systems sit at the local level rather than the state level, where the majority of the data is collected locally and therefore reflects local practices and nuances. For example, most law enforcement agencies have their own records management system (RMS) that is used to manage their reported crime, arrest, investigative, and related information. Jails have individual jail management systems/software (JMS) and often these systems are developed and hosted by different vendors with different designs, specifications, and functions. Even statewide systems such as CCAP and PROTECT are utilized locally, and much of the data is entered at the county, municipality, or tribal level, which can lead to differences in how data is entered, as well as reflect differences in local practices.

In combination, these issues present challenges for utilizing the administrative or operational data for research and analysis, in part because of differences in how the data is collected and defined, which can lead to a variety of issues with the quality, completeness, reliability, and validity of the data. It is critical to look at opportunities to educate agencies and users on the benefits of high-quality and consistent data for research and analysis, modify or develop systems to support the dual purpose of operational and research use, and take steps to increase standardizing data collection systems. This needs to be balanced by making the data more accessible and useful at the local level, while recognizing the impact that changes can have on resources, workflow, and operations at the local level.

### *Data Security and Privacy*

Significant attention needs to be given to data security and privacy. Maintaining a watershed of criminal justice information presents a potential target for cyber-attacks and many of the data sources have use and sharing restrictions that would need to be addressed. Differential ownership of the original and/or unified data would dictate different privacy concerns relevant to the associated criminal justice and non-criminal justice agencies, as dictated by law. Steps need to be taken to ensure clear protection of the shared information. It is also critical to clearly define ownership of component parts or address changes that occur once information is shared, to ensure there is clarity surrounding complying with public records law and the release of records.

In part, these issues should be addressed through implementing Memorandums of Understanding (MOUs) and Data Use Agreements (DUAs) across agencies. This is critical for criminal justice-related data, but will further be challenged if additional non-criminal justice data sources are integrated. Using unified data must be clearly defined for the purposes of independent research and data analysis. Such analysis should be directed at understanding the criminal justice system, especially through the framework of Evidence-Based Decision Making (EBDM). Clear definitions and use parameters at both the agency and individual level will help safeguard against inappropriate access and use of the data. Legislative considerations regarding information sharing are required to ensure protection of sensitive, identifiable data, and compliance with public records law.

### *Data Collection, Definitions and Documentation*

Since most of the data being collected is for operational or administrative purposes, and not for purposes of research or analysis, this can cause challenges in terms of differences in definitions and application of various systems. At the local level, variation in how data is collected, how fields are defined, and how processes operate can lead to inconsistencies and differences in the data. This poses a significant challenge in utilizing the data for research or analytical purposes. In addition, each individual data set is complex and nuanced. How records are structured, what makes a unique record within a particular dataset or subset of data, how the data is collected, and how fields are defined are all key to understanding and appropriately utilizing the data (e.g., is one record a person or are there multiple records for a person for each type of event such as a court case or an arrest? How can data be connected from an arrest to a court case when there can be multiple arrests for an individual case?). Discussing how the data is compiled or aggregated and analyzed for key criminal justice metrics is also a critical and challenging step.

As an example, the Data Sharing Subcommittee put work into developing a *Framework for Defining and Measuring Recidivism* (see Appendix B) as one such initiative. This framework was intended to help set fundamental expectations for how recidivism can be defined and measured to develop consistency in the process across projects and agencies. In addition, the Data Sharing Subcommittee also reviewed and provided input into developing a large number of definitions for key criminal justice system terms with a focus on how they are both defined and measured, as part of the Evidence-Based Decision Making (EBDM) Initiative (see Appendix C) Work has also been carried out and has intersected with the Data Sharing Subcommittee and the EBDM Initiative, on developing performance and outcome measures for particular key programs, such as treatment courts and diversion programs. The focus on data, definitions, and measures can help identify those differences, but also develop commonalities for reporting and analyzing key criminal justice-related data. This does, however, require significant expenditure of resources to develop documentation on each individual data source, as well as outlining how various data sources should be utilized in combination with one another.

## Data Sharing Subcommittee Focus Areas

The Data Sharing Subcommittee will focus on several specific areas:

### *Governance*

- Defining the scope and purpose of the initial data sharing effort, the analytical scope, and providing overall direction, input, and oversight of the Justice Reinvestment Initiative (JRI) project (detailed further below);
- Creating a specific plan and set of recommendations for expanded data sharing based on the progress and information learned from the JRI project;
- Assisting in the development of MOUs or DUAs across agencies and recommending a standard format or template for these agreements; and
- Developing a process to approve ad hoc data requests and control of where/how data is accessed.

### *Infrastructure and Collaboration*

- Exploring how other states have successfully shared data among criminal justice and other state agencies for research and analysis, including funding sources and navigating federal and state laws governing confidentiality;
- Researching grants or state funding sources for continued implementation of data collection and sharing improvement efforts, with an emphasis on both technological requirements, as well as analytical resources needed to utilize the data (e.g., research analysts, data scientists); and
- Identifying both criminal justice and non-criminal justice data that may be beneficial for understanding issues that impact the functioning of the criminal justice system or are critical focus areas (e.g., overdose fatalities, impact of traumatic brain injuries).

### *Analytics*

- Creating two or three performance indicators that use a combination of data across systems (such as DOC, DOJ, CCAP data) to demonstrate the analytical value of integrated data; and
- Focusing data sharing efforts on key priorities such as understanding racial and ethnic disparities at various points in the criminal justice system.

### *Documentation*

- Updating the electronic data flow map to show current system status and creating a data flow map to outline the connection between data in key systems;
- Developing a documentation process for individual data sources and connections between data sources and explore the creation of a data catalog; and
- Maintaining a list of challenges and changes encountered through the data sharing efforts undertaken.

The most significant project for the Subcommittee in 2020-2021 is acting as the oversight group for the Justice Reinvestment Initiative (JRI) funding awarded to Wisconsin from the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, which will provide the opportunity for an expanded data sharing pilot for research and analysis. The Wisconsin Department of Justice (DOJ), the State Administering Agency (SAA), in partnership with the Wisconsin Department of Corrections, and Director of State Courts Office, was awarded \$1,250,000 pursuant to Category 2 of the FY18 Justice Reinvestment Initiative: Reducing Violent Crime by Improving System Performance program. This 36-month project will develop a foundation for ongoing and expanded data sharing for research, analysis, and evaluation; utilize this cross-system data to improve and focus efforts to address a number of Wisconsin's key justice issues surrounding opioid and meth use, alternatives to incarceration, violent crime, and pretrial outcomes; and create a platform for sharing data at both the state and local level to increase capacity to support research and analysis efforts. The key challenge and high-cost issue that the JRI project is helping to address is the lack of data sharing and integration both within and outside the criminal justice system.

The JRI project expands the initial data sharing pilot at the state level, including courts, corrections, and criminal history, and the project's intent is to conduct detailed planning, begin integrating, and using the initial data to further develop analytical capability at the state and local level. Building on the pilot project and the Milwaukee DataShare model, this project looks to evaluate criminal justice and non-criminal justice data sources for possible future inclusion in state-level data sharing efforts. The Milwaukee DataShare project is an integrated data system that includes a variety of cross-sector data comprised of public safety (e.g., arrests, incidents, firearms, prosecutions, pretrial, sentencing, and court records), public health, education, and environmental data compiled in a manner that creates a detailed picture of life-course events for individuals. Another example of data sharing across state agencies is the Wisconsin Early Childhood Integrated Data System (ECIDS), that built a knowledge base system across three state agencies to match demographic information and developed an infrastructure to provide deidentified data for analysis. The experience gained by the DataShare and ECIDS efforts in gathering, documenting, and linking data will help inform the development of the plan for this larger state-level data sharing effort, which JRI will initially support. The JRI funding provides resources to expand the initial pilot and potentially move toward automating the data sharing efforts, planning for expansion to include additional data sources, conducting initial analysis, and developing a plan for a longer-term mechanism to share data with state, local, and external stakeholders and researchers. It is important to note that while this grant is a key next step, additional resources and sustainable funding beyond federal grants must be identified to continue and expand this work.

## Recommendations for Data Sharing and Collection for Research and Analysis

The Statewide CJCC **provides the following initial recommendations for short and long-term data collection and sharing efforts**. Additional recommendations will be developed as the work progresses, with a particular focus on what is needed, in terms of resources and funding, to support and sustain longer-term data collection and data sharing needs related to the Wisconsin criminal justice system for research, analysis, and evaluation. The resources now available at DOJ, DOC, and the State Courts, as well as other state and local agencies, in terms of in-house research and analysis capacity, will be strengthened and enhanced through these data sharing and data collection efforts.

1. Consider **potential legislation or Executive Order** to define, support, and remove barriers to data sharing for research, analysis, and evaluation work;
2. Evaluate the potential of **state funding for expansion and long-term sustainability** of data sharing efforts at participating agencies, with a commitment to support the resources necessary to utilize and analyze the data (e.g., research analysts, data scientists);
3. Develop a **research agenda** to address key areas such as racial and ethnic disparities at various points in the criminal justice system;
4. **Build support** from department or agency heads and management teams to implement analysis and research agendas by sharing data to comply with Executive Order #41, which emphasizes the sharing of data across agencies, and by developing plans for how analysis results could inform current practices to support evidence-based decision making;
5. **Support efforts to initiate data sharing efforts** across disparate systems that present particular barriers to obtaining and utilizing the data (e.g., jail data);
6. **Prioritize educating end users and agencies** about the value of data for research, analysis, and evaluation, and emphasizing the importance of standardization in data collection, working collaboratively with the State CJCC Outreach and Education Subcommittee;
7. **Identify critical gaps in data collection, availability, or analysis** that should be emphasized based on CJCC goals, as well as agency and community priorities;
8. **Develop and approve standard Memoranda of Understanding (MOUs) and Data Use Agreements (DUAs)** within and across state agencies for criminal justice data sharing efforts that address data security and compliance with existing federal and state laws on confidentiality and data sharing;
9. Define how **data sharing fits within public records law**, and identify how shared information will be managed and released, with a consistent model to be used by all criminal justice agencies;
10. **Utilize the JRI funding** as an expanded pilot project for the development of a framework for broader data sharing efforts and support recommendations that are developed out of the JRI work in terms of resources needed to expand and sustain data sharing efforts; and
11. **Further refine the scope, purpose, and expectations of data sharing efforts** for criminal justice research, analysis, and evaluation work.

Creating a statewide information sharing system is both challenging and rewarding. Addressing the inevitable challenges this project brings requires constant attention to creating and maintaining an information infrastructure and refining optimal policies and procedures to support it.



## Appendix A: Criminal Justice Data Collection Systems and Improvement Efforts

### Examples of Wisconsin Criminal Justice Data Collection Systems

Over the years many new initiatives have been developed to further the consolidation of criminal justice data and systems in Wisconsin. Below are some examples of data collection systems that form the foundation of criminal justice-related data in Wisconsin.

- Prosecutor Technology for Case Tracking (PROTECT) system:
  - District Attorney Information Technology (DA IT) developed and implemented PROTECT, a comprehensive case management system utilized by all 71 district attorney offices across the state, with data sharing interfaces with courts, law enforcement, DOJ, and DOC.
- Consolidated Court Automation Program (CCAP) system
  - A circuit court case management system developed in 1992 by the State Courts, provides a common data source and platform for circuit courts statewide.
- State Centralized Criminal History (CCH) repository
  - CCH is the criminal history primary system for Wisconsin, managed by DOJ, which contains the fingerprint-based criminal history records for Wisconsin.
- Uniform Crime Reporting (UCR) program
  - The UCR program collects reported crime, arrest, and related information from local law enforcement agencies across the state and is currently in the process of transitioning all law enforcement agencies to more detailed reporting of data through the Incident-Based Reporting (IBR) system.
- Wisconsin Justice Information System (WIJIS)
  - WIJIS was developed and implemented to link law enforcement records for investigative purposes.

### Examples of Wisconsin Criminal Justice Data Sharing Improvement Efforts

2000 - 2005

Automatic electronic posting of circuit court dispositions

Admissions to state prisons are transmitted electronically

A statewide "arrest tracking number" is used to link incident, arrest, prosecution, and court events

Implementation of BadgerNet, a statewide high-speed data network linking many criminal justice agencies

The Prosecutor Case Management System, PROTECT, which files criminal complaints with the court and receives court calendar and case dispositions electronically has been implemented statewide

Dispositions by district attorneys, including "no prosecution," are now posted automatically through a PROTECT interface to DOJ's CCH

Applicant background checks are available through web-based name search system

Implementation of 2 finger search of Automated Fingerprint Identification System (AFIS) database

Creation of Criminal History Improvement Task Force

2006 – 2015

- Data Quality Study of felony arrests
- Electronic referral of police reports to prosecutors
- Implement National Instant Criminal Background Check System (NICS) Prohibited Category codes
- Implement XML versions of rap sheet
- Adopt national standard for interstate transmission of rap sheets
- Place mug shot image on XML version of rap sheet
- Automate forwarding of disposition data to the Interstate Identification Index (III)
- Mental health reporting interface with courts
- Forwarding of mental health information to NICS
- Complete automation of non-automated criminal history record segments
- Installation of live scan devices with minimum of one per county
- Installation of live scan devices in correctional institutions

2016 – present

- eReferral Interfaces between local law enforcement and DA's Offices
- DOC implements State Identification (SID) update for common identifier in the Wisconsin Integrated Corrections System (WICS)
- Installation of live scan devices in counties
- Enhanced State Data Sharing (ESDS) effort to share State Identification (SID) across CCAP, PROTECT, and CCH
- Criminal history data quality study and recommendations for improvement
- Development of the Comprehensive Outcome, Research, and Evaluation (CORE) Reporting System for treatment courts and diversion programs
- Criminal history data sharing between DOJ and DOC
- Sharing of opioid-related data between DOC and DHS
- Proof of concept analysis data sharing effort between DOC, DOJ, and CCAP
- Documents for all case types are now being electronically filed between PROTECT and CCAP

# Appendix B: 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.\*

<b>Re-arrest recidivism:</b>	recidivism measured on the basis of a new offense that resulted in a new arrest
<b>Re-charge recidivism:</b>	recidivism measured on the basis of a new offense that resulted in new charges being issued by the District Attorney
<b>Re-conviction recidivism:</b>	recidivism measured on the basis of a new offense that resulted in a new conviction and sentence to probation, jail, or prison
<b>Re-incarceration recidivism:</b>	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.

\*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](http://www.urban.org/sites/default/files/recidivism-measures_final-for-website.pdf)

Updated: 10/25/16

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- 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.
- ☑ 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 C: Sample of Criminal Justice Evidence-Based Decision Making Definitions

Updated: 5/18/17

### EBDM Adult Criminal Justice System Key Definitions

**DRAFT**

Term	Definition	Notes on Measurement
<b>Evidence-based decision making (EBDM)</b>	The practice of using research findings to inform and guide decisions across the justice system ( <a href="http://info.nicic.gov/ebdm/">http://info.nicic.gov/ebdm/</a> ).	
<b>Evidence-based practices (EBP)</b>	The practice of using research findings to inform and guide decisions across the justice system ( <a href="http://info.nicic.gov/ebdm/">http://info.nicic.gov/ebdm/</a> ).	
<b>Circuit court</b>	Courts that have original jurisdiction in all civil and criminal matters within the state, including probate, juvenile, and traffic matters, as well as civil and criminal jury trials. The Wisconsin circuit courts are the state's trial courts.	
<b>Municipal court</b>	Courts that have exclusive jurisdiction over ordinance violations. If a municipality does not have a municipal court, ordinance violations are heard in circuit court. Cities, villages and towns are authorized to establish municipal courts.	
<b>Law Enforcement Response</b>		
<b>Arrest</b>	Act of detaining a person in legal custody in response to a charge that the person committed an offense in a particular jurisdiction. This includes notification of charges and date and time to appear in court or for processing such as by summons, order-in or citation (when issued by an officer). Arrests are typically not documented until the point of booking or issuance of a citation or summons.	Includes state statutes violations, ordinances that could be criminal, and citations that are criminal. Arrests do not include referrals from LE to the DA to review for potential charges without a booking or citation being issued directly to the individual (until the person is fingerprinted as part of the initial appearance) and warrants that have not resulted in an arrest.
<b>Arrest warrant</b>	A legal order to a law enforcement agency to arrest the person named in the order.	
<b>Bench warrant</b>	A legal order to a law enforcement agency to arrest the person named in the order when a defendant or a witness fails to appear before the court as required, or violates a term of their bond or probation (adapted from Wis. Stat. 968.09)	
<b>Booking</b>	The process of collecting data to detain an individual into custody for criminal or non-criminal offenses or holds. Bookings for criminal offenses involve the collection of photographs, fingerprints, and demographic information. Adapted from Wis. Stats. 165.83(2).	Does not include cite and release that occurs prior to booking.