

APPENDIX B – NEW DIVERSION AND TREATMENT COURT PROGRAMS

New Diversion Programs:

In addition to the general requirements addressed in the primary TAD Grant Application, existing TAD grantees proposing new Diversion Programs must address the following:

The goal of diversion in Wisconsin is to reduce crime and improve the operation of the criminal justice system. For the purpose of this application, diversion encompasses pre-charge and post-charge diversion programs that provide an alternative to the formal prosecution process and divert certain offenders into voluntary programs of supervision and services. Participants who successfully complete the program will not be charged or, if charged, will have the charges against them either dismissed or reduced. Unsuccessful participants are returned to the formal prosecution process.

Only individuals assessed to be appropriate for the program's activities and level of support should be admitted into the program. In keeping with current evidence-based principles and avoiding unnecessary expenditures, the services provided need to be directly linked to the assessed risk and need level of the individual.

Diversion programs have wide ranging benefits:

- Public safety is improved when low-risk and medium-risk individuals are diverted from custody and provided appropriate services and support, which reduces recidivism.
- Crime victims benefit through a restorative justice system that holds the participant accountable while facilitating and enforcing reparative agreements, including restitution.
- Participants benefit by receiving the services necessary to avoid repeat offenses and negative consequences associated with a criminal conviction.
- Local justice systems benefit from additional time to focus its limited resources on more serious crimes and criminal behaviors.
- Taxpayers benefit from savings realized in reduced court, jail and corrections costs.

Funds available through this grant will allow counties and tribes to develop and staff diversion programs in collaboration with the County District Attorney's Office or Tribal Prosecutor's Office. Applicants for diversion under this solicitation should specifically reference the [Wisconsin Diversion Standards](#) document, published by the State CJCC's Evidence-Based Decision Making Subcommittee.

Specific activities expected of a successful applicant include:

- Assessing actuarial risks/needs.
- Verifying criminal history, treatment needs and history, social service needs and personal information for potential participants.
- Developing a diversion plan tailored to the participant's needs and circumstances and the needs of the community, such as restitution for the victim and other evidence-based practices.
- Securing necessary services for the participant that will enhance chances of success.

- Modifying diversion plan based on performance that could range from service provider referral to termination from the program based on non-compliance.
- Reporting successful completion or non-compliance to the prosecutor and defense counsel.
- Collecting and reporting participant-level data necessary for program evaluation using the CORE Reporting System (access provided by DOJ).

New Treatment Court Programs:

In addition to the general requirements addressed in the primary TAD Grant Application, existing TAD grantees proposing new Treatment Court programs must address the following:

Problem-solving or treatment courts, with the most common being adult drug courts, operate on the same basic set of principles including the use of frequent status/court hearings, regular but random drug testing, regular treatment with qualified providers, and a range of sanctions and incentives to motivate offenders to change their behavior and thus become less likely to recidivate. In addition to the accepted [Ten Key Components](#) for effective drug courts, strong scientific evidence indicates that some practices are more effective than others. Specifically, applications for treatment courts must incorporate the following eight widely accepted, evidence-based principles:

1. Assessing actuarial risks/needs
2. Enhancing intrinsic motivation
3. Targeting interventions appropriately
4. Using cognitive behavioral treatment methods
5. Increasing the use of positive reinforcement
6. Engaging ongoing support in natural communities
7. Measuring relevant processes/practices
8. Providing measurement feedback

Treatment courts should also utilize the [Wisconsin Treatment Court Standards – Revised 2018](#), which was adopted by the Wisconsin Association of Treatment Court Professionals in 2018.

Additionally, Drug Court programs that incorporate a mental health component should consider the [Ten Essential Elements of a Mental Health Court](#).

Drug Court programs that utilize the Tribal Healing to Wellness Court model should incorporate the [Ten Key Components of Tribal Healing to Wellness Courts](#).

Operating While Intoxicated courts should incorporate the [Ten Guiding Principles for DWI Courts](#).

Programs that propose a general Problem-Solving Court approach that addresses multiple specialty areas should specify the strategy to be used to maintain the integrity of each specialty.

Treatment courts must also work to ensure that treatment providers are following evidence-based practices, as well as striving to incorporate the National Standards for Culturally and Linguistically Appropriate Services in Health and Healthcare ([National CLAS Standards](#)). Additional resources on this issue are available in the [NADCP Adult Drug Court Best Practice Standards Vol. 1 – Standard II](#).