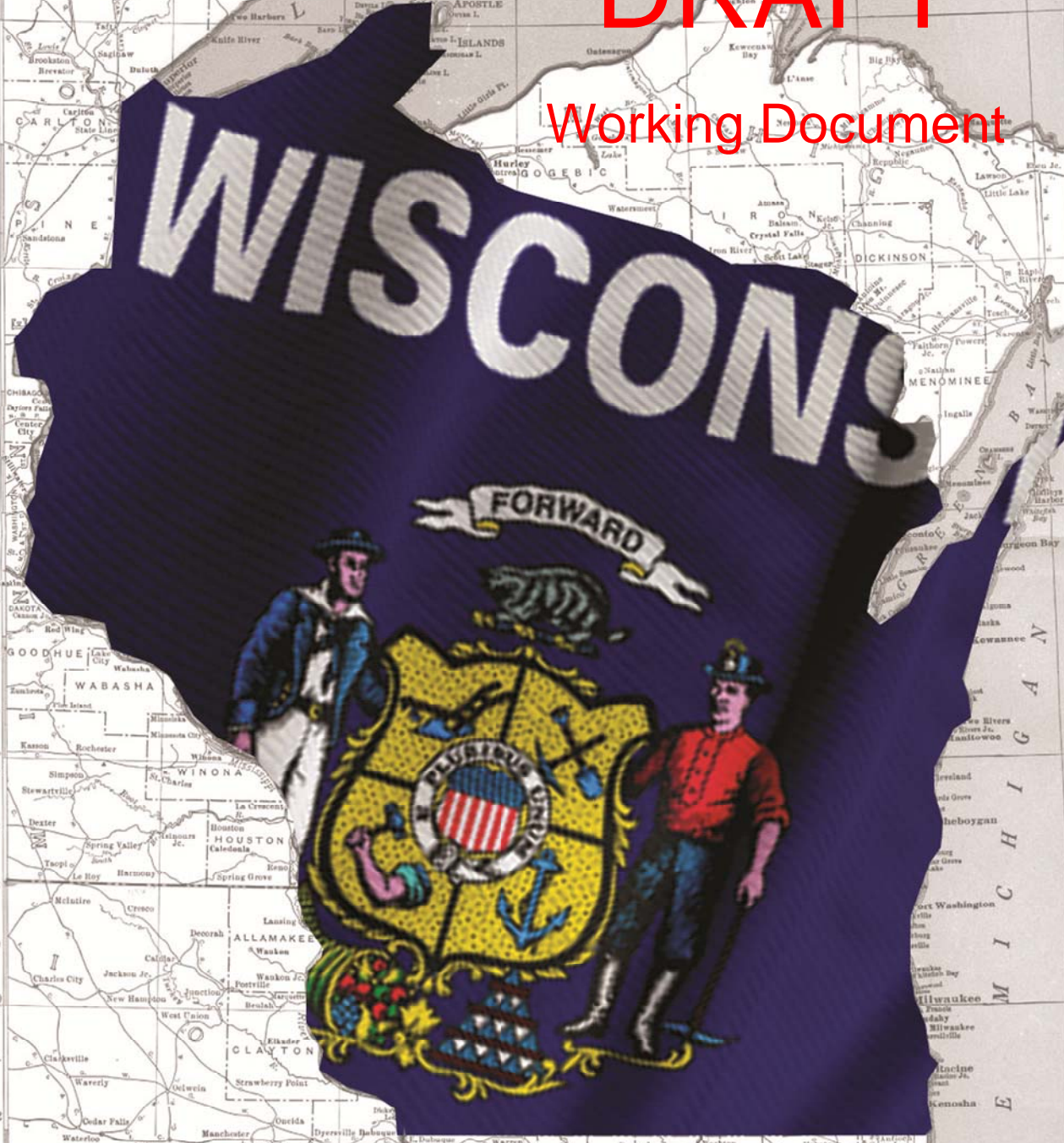


**DRAFT**

**Working Document**



**Wisconsin State EBDM Policy Team  
System Mapping Narrative**

RAND McNALLY  
SCALE 1:2,154,000  
Kilometers  
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## **Introduction**

The following report represents the work of Wisconsin's State Policy Team during Phase V of the Evidence-Based Decision Making (EBDM) Initiative. This report is a compilation of the State Policy Team's discussions as it completed mapping the state's criminal justice system. These discussions represent the State Policy Team's Vision Statement and Values, and are centered on the four EBDM Principles and Decision Points.

For each of the EBDM Decision Points, the State Team addressed the following questions:

- 1.) Why is this Decision Point important?
- 2.) What currently happens at this Decision Point?
- 3.) What guides these Decisions?
- 4.) What does the research suggest for this Decision Point?
- 5.) What should happen at this Decision Point?
- 6.) What data is available or needed at this Decision Point?
- 7.) What are the opportunities for improvement at this Decision Point?

The goal of these discussions and of this report is to analyze opportunities for improvement and ultimately identify focused "change targets" for the criminal justice system. The opportunities for improvement identified through similar discussions and system mapping exercises of the six local Phase V EBDM sites have also been incorporated into this report. Once identified, these change targets will drive the work of the State EBDM Policy Team as it moves forward into Phase V of the EBDM Initiative and beyond.

The State Team's Vision and Values, the four EBDM Principles, and the EBDM Decision Points serve as an introduction to this report.

**Vision:** *The criminal justice system reduces harm, promotes fairness, and contributes to the quality of life in Wisconsin*

***Forward***

**We Value:**

- Public confidence in what we do
- Achieving harm reduction and greater public safety through offender accountability and rehabilitation, and the restoration of victims
- Treating all individuals fairly
- Respecting diversity and eliminating racial disparities
- Timely resolution to cases, with consistency in outcomes
- Competent justice system staff who operate with integrity
- Managing resources in an effective and sustainable manner
- Promoting transparency through the use of evidence-based information to guide decision-making
- Being risk tolerant

# EBDM Principles

**Principle One:** The professional judgment of criminal justice system decision makers is enhanced when informed by evidence-based knowledge

**Principle Two:** Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction

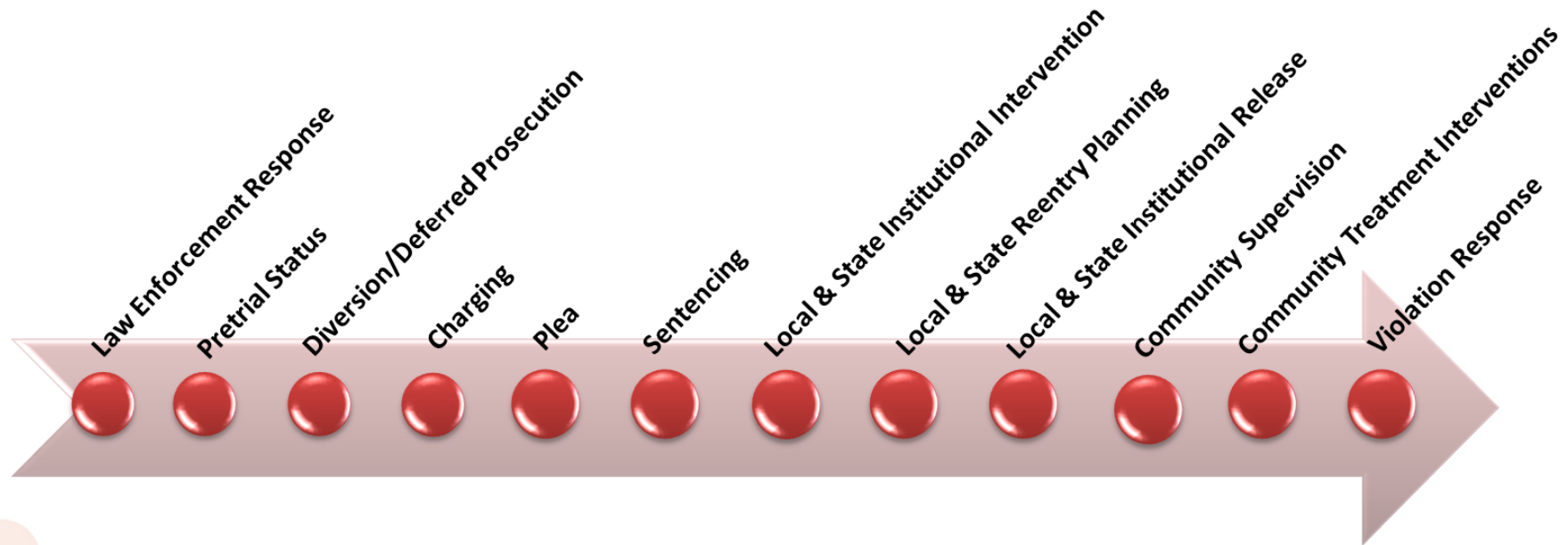
**Principle Three:** Systems achieve better outcomes when they operate collaboratively

**Principle Four:** The criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information



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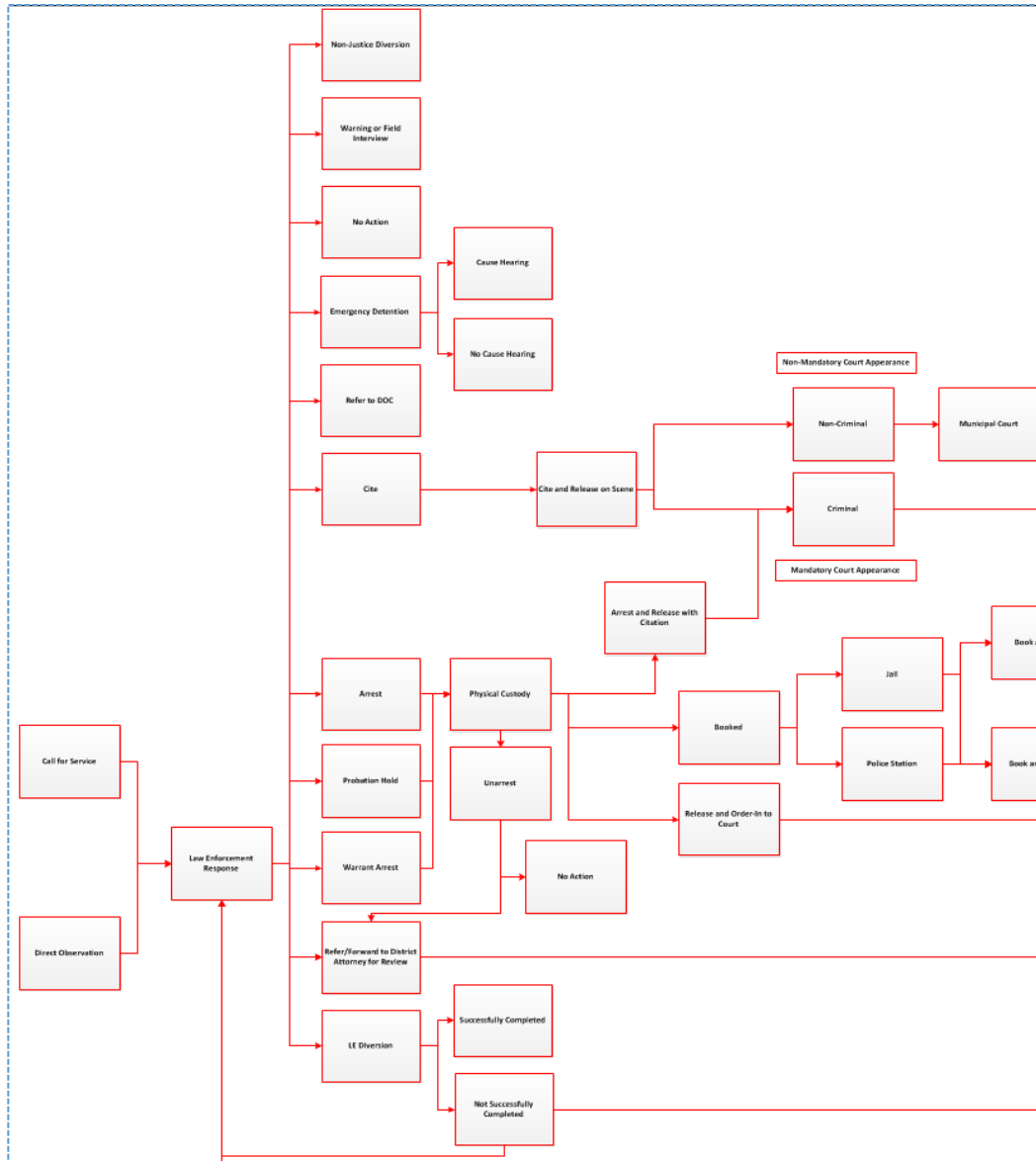
# Key Justice System Decision Points: Wisconsin State and Local Level EBDM



EBDMONELESS.ORG  
NICIC.GOV/EBDM



# Decision Point #1: Law Enforcement Response



## Why is it important?

- The law enforcement contact decision point is the beginning of the criminal justice process. As such, there is an opportunity at this very early stage to determine whether an individual will be brought into or diverted from the system.
- This decision point represents both the overall interaction between citizens and law enforcement, as well as the decision to arrest or take other action.
- This decision point has significant short-and long-term impact on the individual and their family, the victim and their family, community safety, and the public trust and confidence in the justice system.
- Decisions made at the arrest/law enforcement response stage have significant economic impact in terms of workload and operational costs for police, correctional staff (for custodial arrests), defense attorneys, district attorneys and court personnel.



### ***How does it currently work?***

- Officers either observe potential criminal behavior or respond to calls for service by dispatch. There are varying levels of dispatch service across the state. Some agencies have MOUs which are tied into the main dispatch system, the 911 system and radio communications and frequencies. There are no statewide MOUs and therefore dispatch is handled differently from locality to locality. There are no statewide standards/training/funding for dispatchers, but there are state regulations that stipulate management of and responses to some calls. A variety of factors influence the Officer's decision to:
  - Take no action (discretionary, due to lack of probable cause, or non-criminal case)
  - Take other action such as refer for services
  - Issue warning
  - Issue citation(s)
  - Arrest
- Non-mandatory Court Appearance punishable by forfeiture
- Mandatory Court Appearance
  - Custodial Arrest
    1. Cite & Release
    2. Book and Release
    3. Hold for Bond Hearing
    4. Order-in to court
  - Booked in Police Station
    - Usually just the booking process - then typically transported to jail, but can book or cite and release based on whether bond is required
  - Booked in Jail – In some jurisdictions, arrests go to jail for booking due to limited resources, such as small law enforcement agencies.

### ***What Guides this Decision?***

- The decision to cite, arrest or not arrest is guided by:
  1. Suspected Criminal Behavior – Elements of the crime are met
  2. Individual
    - a. Known to LE
    - b. Attitude, demeanor, behavior, criminal history, knowledge of individual/family in smaller areas
  3. Statutory Requirements
    - a. Individual is a threat to harm self or others
    - b. Domestic Violence requires mandatory arrest
    - c. If arrested, any felony offense requires hearing in front of judge
  4. Local Political Decisions and Local Policy of DA's Office and LE Departments
  5. Assessment of situation (volatility of the situation)
  6. Criminal History - run NCIC, CCAP & PROTECT (eventually)
  7. Officer's Position & Mode of Transportation - will affect their ability to take someone into physical custody
  8. Risk Assessment Level
- The relationship between law enforcement and the DA's office. Law enforcement practices are influenced by the priorities of the DA's office, while the DA's Office can only charge based upon what law enforcement acts upon and provides evidence of.
- Some counties "flag" individuals who have mental health concerns, others do not.
- 1st OWI is non-criminal – how is this handled across jurisdictions?: Local Policy - DA's Office and LE Departments.



### **What should happen at this decision point?**

1. Dispatchers consistently collect information, identify the appropriate parties to respond to the situation and relay pertinent information to responders.
2. Responding officers have as much information as possible as quickly as possible to support effective decision making (i.e., for calls for service, information about the behavior that occurred that precipitated the call; information about what has happened before the officer's arrival; whether previous calls for service were made).
3. Responding officers approach the parties with respect and an 'unbiased lens,' and with the knowledge and skills to identify/assess/respond effectively to safety concerns as well as situations where trauma or mental illness may be a factor.
4. Crisis Intervention Training (CIT) and techniques are utilized where appropriate.
5. Responding officers are equipped to effectively support and respond to victims' concerns and needs.
6. Responding officers have available and use structured objective criteria (i.e., a risk assessment tool; structured decision making tool) to inform their decision about how to respond. These criteria are applied throughout the state, ensuring consistent, fair and equitable practices.
7. Responding officers make fair and evidence-based arrest or diversion decisions.
8. Responding officers have a range of diversion options available to them for those instances where penetration into the formal justice system is not necessary.
9. Responding officers consistently document the facts and circumstances surrounding citizen contact, and actions taken (including those contacts that demonstrate service that does not result in a citation/summons/arrest/etc.).

### **What does the research suggest?**

- Police officer's conscientiousness in treating criminal suspects in a procedurally fair manner may have crime reducing effects. *Primary Citation: Paternoster, Bachman, Brame, & Sherman (1997)*
- Consistent with research indicating that criminal justice contact can increase offending risk (e.g., Loughran et al., 2009), both caution and intervention diversion programs were more effective in reducing general recidivism compared to the more restrictive traditional forms of criminal justice processing (i.e., incarceration and probation). *Primary Citation: Wilson & Hoge (2013a)*
- Low risk youths are more likely to benefit from caution programs, while moderate to high risk youths are more likely to benefit from intervention programs (namely, CBT-based interventions). *Primary Citation: Wilson & Hoge (2013a)*
- Pre-booking diversion options for adult offenders with serious mental illness is associated with fiscal savings. *Primary Citation: Cowell, Hinde, Broner, & Aldridge (2013)*
- The introduction of objective actuarial risk assessment tools (e.g., ODARA) into police decision-making tasks can support the identification of higher risk individuals. *Primary Citation: Hilton, Harris, & Rice (2007)*

### **Data Available**

- Call for service data is maintained by local law enforcement agencies
- Arrest and citation information is available in combination through the Uniform Crime Reporting (UCR) program for all reporting agencies statewide
- Some arrest data is available in other systems, such as fingerprint-based arrest records in the criminal history database
- Citation data is collected and maintained by local agencies (through TRACS) and is also sent on to the district attorneys and courts (PROTECT and CCAP)
- More complete arrest and citation data is available from local law enforcement agencies.

### **Data Needed**

- Since data is most complete at the local level, differences in definitions, data collection practices, and CAD/RMS systems can make comparisons difficult
- UCR data is limited in that it only includes arrests/citations based on UCR criteria, for the highest charge as defined by law enforcement, and arrests and citations cannot be separated for all agencies
- Criminal history arrest data only contains fingerprint based arrests, for certain types of offenses
- Statewide definitions and measurement guidelines may assist in bringing some consistency to how the data is collected and compiled



### *What are the opportunities for improvement?*

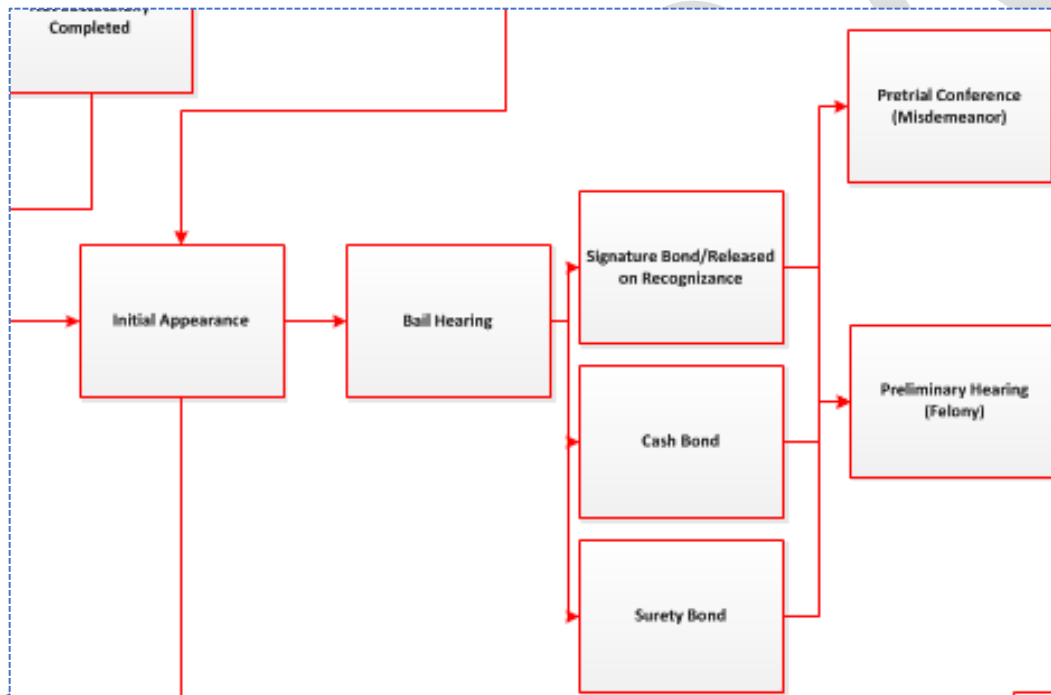
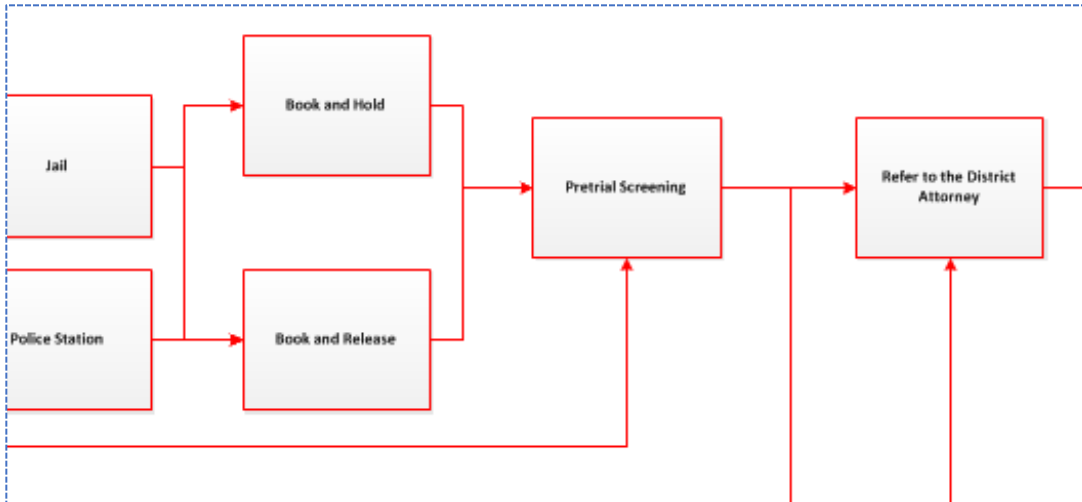
1. Articulate principles for evidence-based law enforcement conduct/practice (“the golden rules”), through the following:
  - Establish a consistent training protocol for dispatchers.
  - Examine training standards for law enforcement.
  - Identify best practices and establish standardized criteria for law enforcement responses to promote consistent, fair, and equitable decision-making.
  - Identify expectations in terms of services provided by law enforcement (such as mental health) and when law enforcement can divert a person versus arrest and hold them in custody/jail due to lack of available services through other resources.
2. Create the capacity for 24/7, telephone and/or in-person consultation as a response to particular types of incidents (e.g., interactions with persons with serious mental illness, disabilities, etc.).
3. Assure equal access to a full range of diversion options for every law enforcement agency.
4. Link databases across all law enforcement agencies and with mental health agencies to ensure responding officers have the information that they need to respond effectively. Standardize data collection regarding law enforcement responses, and what happens as the case progresses through the system.
5. Identify methods to incentivize departments to implement evidence based law enforcement practices.
6. Establish model protocols for responding to victims and develop victim crisis teams to enhance responses to victims.
7. Enhance participation of local law enforcement on local CJCCs and build stronger relationships between the community and criminal justice system, including community outreach efforts. Consider establishing community review committees (following the model of homicide review committees, where appropriate).

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## Decision Point #2: Pretrial



### Why is it important?

- An individual's ability to remain free prior to a determination of guilt is made at this decision point.
- The consequences of being held pretrial can be significant and may include, among others: loss of benefits, employment, and/or housing; removal of children from their home and placement in foster care; and jeopardizing one's prosocial influences.
- At the same time, the release of individuals at high risk for pretrial misconduct jeopardizes public safety.
- Local jails typically hold a significant number of pretrial defendants (individuals who have not yet been convicted of a crime). Pretrial custody rates have a direct fiscal impact on jail staffing levels, facility needs, and operating costs.
- Perceptions of bail and pretrial release are important to the public's trust and confidence in the justice system.



### *How does it currently work?*

- An individual arrested on a criminal charge is eligible for release into the community pending trial, with few exceptions.
- Many individuals eligible for pretrial release are unable to meet the financial requirements for release.
- Aside from the statute against unnecessary detention pending trial, appropriate considerations of the court in contemplating pretrial release include the ability of the defendant to afford bail, the severity of the offense and potential penalty, prior criminal record, the strength of the evidence presented to the judge, and past history of bail forfeiture or violation of a condition of release.
- At initial appearance, the first option that judges in Wisconsin have is to release defendants on “signature bond” without financial bail; the defendant is released upon a promise to return.
- Defense counsel is appointed promptly, whether retained or appointed by the state.
- If conditions are determined to be necessary to assure appearance in court or assure public safety, the court may attach conditions to release. These may include restrictions on travel, prohibitions against association with codefendants/victims/witnesses, restrictions around possession of weapons, or other conditions as may be deemed reasonable to ensure the appearance of the defendant in court and the safety of the community.
- Conditional release may also involve monitoring by a pretrial release agency, if these services are available in the locality.
- A judge may alternatively set a bond amount and require the defendant to sign an unsecured appearance bond or, in rare circumstances, require the defendant to secure the bond with sufficient property to cover the amount set.
- If the defendant subsequently fails to appear for court, or violates their release conditions, they may be held liable for the entire bond amount and a bench warrant may be issued for their arrest and return to custody.
- Various forms of financial pretrial release are also used. In the case of cash bail, the defendant pays the full bail amount set by the court to secure their release.
- Defendants may also be released on a surety bond, which is used when a third party agrees to cover the amount of the bond if the defendant fails to appear for court.
- In some Wisconsin counties, pretrial screening is provided. Funding and level of interest are the likely determinants of whether a locality has pretrial screening available. Jail population and jail capacity are key determinants as well.
- In those cases where pretrial screening is available, defendants are screened prior to Initial Appearance.
- Pretrial screening may occur with or without the use of a validated risk assessment; these practices vary across the state.
- Pretrial screening generally occurs following jail intake, although in some cases may be conducted prior to detention (i.e., at police booking stations).
- In those counties where pretrial screening is not available, individuals remain incarcerated pending their bond hearing unless they are able to post bail.
- In those jurisdictions where pretrial screening is available only to those who are detained in jail, pretrial release may occur based upon the defendant’s ability to post bail prior to pretrial screening, regardless of their risk to the community or likelihood to appear in court.
- Some individuals held on pretrial may also have a hold placed on them for investigative/law enforcement/DOC purposes; regardless of their ability to meet pretrial release conditions, these individuals will be held in detention for other purposes.
- Pretrial violations are handled differently by individual counties. Violations and sanctions can range from a verbal admonition to new charges being filed.
- Presently there is no formal system of communication that enables law enforcement to determine if an individual is in the community on pretrial release and, if so, the conditions of their release (short of contacting the District Attorney’s Office).



### What Guides this Decision?

- WI Stat § 969.01: Before conviction, except as provided in ss. [969.035](#) and [971.14 \(1r\)](#), a defendant arrested for a criminal offense is eligible for release under reasonable conditions designed to assure his or her appearance in court, protect members of the community from serious bodily harm, or prevent the intimidation of witnesses. Bail may be imposed at or after the initial appearance only upon a finding by the court that there is a reasonable basis to believe that bail is necessary to assure appearance in court. In determining whether any conditions of release are appropriate, the judge shall first consider the likelihood of the defendant appearing for trial if released on his or her own recognizance.
- Chapter 969 of the statute states:
  - Include mandatory detention for some classes of offenses (i.e., Domestic Violence).
  - Permit local jurisdictions to establish Forfeiture and Misdemeanor (including traffic and Municipal Court) Bail Schedules and Guidelines that address misdemeanor offenses, traffic offenses and municipal citations. Considerations for the establishment of bail in these cases includes proper identification, ties to the community, risk to self or others, prior failures to appear, and/or the need for detention for legitimate investigative purposes.
  - Provides for preventive detention but is rarely used.

### What should happen at this decision point?

- Pretrial policies and practices reflect that individuals are presumed innocent until proven guilty.
- The opportunity for pretrial release is equally afforded to all persons, regardless of race, gender, socio-economic status and related factors.
- Pretrial release decisions are informed by evidence-based risk assessment tools and processes that support the accurate identification of those who are at risk of pretrial misconduct, but also allow for professional discretion and consideration of victim and community concerns.
- A prosecutor and defense attorney are present and actively engaged in pretrial hearings of detained individuals.
- Evidence-based pretrial release conditions are developed and tailored to individual needs, and, where necessary, appropriately applied to mitigate risk of pretrial failure, consistent with assessed risk. Such conditions may include, among others, pretrial supervision and court appearance reminder systems.
- Pretrial supervision, if so required, shall be determined based upon the defendant's assessed level of risk.
- An effective preventative detention statute is available to provide the ability to detain those (limited number of persons) who pose such a high risk that appropriate safeguards for pretrial release cannot reasonably be imposed.
- Policies and practices are guided by ABA and NAPSA Standards.
- Conditions should be the least restrictive necessary.
- Pretrial programs are not limited to those with the ability to pay for them.

### What does the research suggest?

- Use of standardized risk assessment tools is recommended at the pretrial stage to appropriately gauge a defendant's risk level and to subsequently guide release decisions. Use of structured protocols serves to minimize the decisionmaker's biases, appropriately place offenders based on their actual level of risk, and improve the allocation of scarce criminal justice resources. *Primary Citation:* Cadigan & Lowenkamp (2011a)
- Structured and empirically validated risk assessment protocols should be incorporated into the pretrial decision making process. Risk assessment tools should be validated on the specific population being served. *Primary Citation:* Lowenkamp, Lemke, & Latessa (2011)
- By assessing risk, decisionmakers are able to base the use of pretrial detention and release conditions on level of risk. *Primary Citations:* VanNostrand (2003); VanNostrand & Keebler (2009)
- Defendants released at the pretrial stage experience more desirable outcomes at later stages of criminal justice processing (i.e., lower recidivism rates) compared with those who are detained in custody. *Primary Citation:* Cadigan & Lowenkamp (2011b)
- Identifying and addressing gender-responsive needs at the pretrial stage via structured assessments and interventions may contribute to more successful outcomes for women. *Primary Citation:* Gehring & Van Voorhis (2014)



### **Data Available**

Basic pretrial outcome data includes the following and may be available at the local level:

- Appearance Rate: The percentage of supervised defendants who make all pretrial scheduled court appearances (by risk level). (CCAP)
- Safety Rate: The percentage of supervised defendants who are not charged with a new offense during prior to trial (by risk level).
- Concurrence Rate: The ratio of defendants whose supervision level or detention status corresponds with their assessed risk of pretrial misconduct (by risk level).
- Success Rate: The percentage of released defendants (by risk level) who (1) are not revoked for technical violations of the conditions of their release, (2) appear for all scheduled court appearances, and (3) are not charged with a new offense during the pretrial period.
- Pretrial Detainee Length of Stay: The average length of stay in jail for pretrial detainees (by risk level).
- Release Rate: The percentage of pretrial defendants who are eligible for release who secure release (by risk level).
- Recommendation Adherence Rate: The frequency with which the court follows risk assessment results when determining pretrial release or detention (by risk level).
- Pretrial Detention Rate: The proportion of pretrial defendants who are detained throughout pretrial case processing (by risk level).
- Basic pretrial data may also be available through the jails on the average daily population of pretrial detainees and average length of stay.

### **Data Needed**

- Data at this decision point is not centralized; if collected, data regarding this decision point is primarily collected at the local level. Data needs to be more uniform for statewide analysis.
- Data collection, systems, and definitions vary by local jurisdiction.
- Statewide definitions and measurement guidelines may assist in bringing some consistency to how the data is collected and compiled.

### **What are the opportunities for improvement?**

1. Implement the use of empirically-based pretrial risk assessment to review release/supervision determinations and revise the current cash bail system, including a review of current statutory language regarding preventive detention.
2. Expand evidence-based supervision resources.
3. Increase access to pretrial release information for law enforcement and victims, and establish methods to collect and share information about pretrial and pretrial practices, both statewide and by county.
4. Review and explore legislative changes to ensure an offender's government benefits are not terminated while they are in custody.

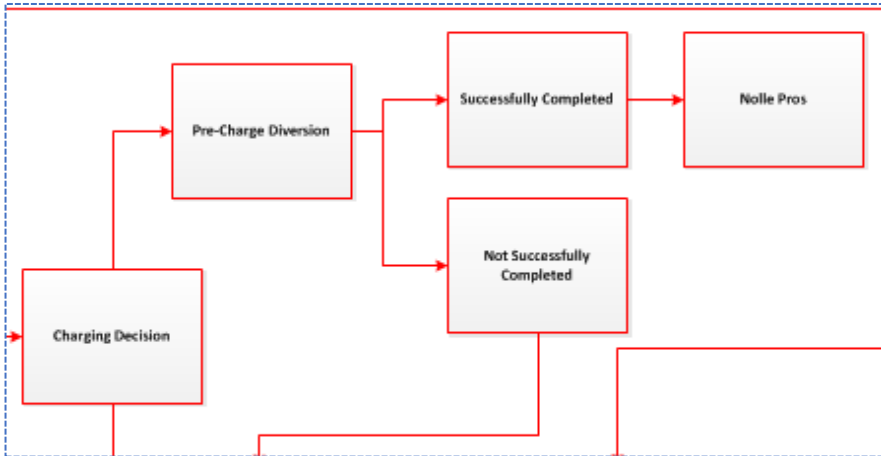
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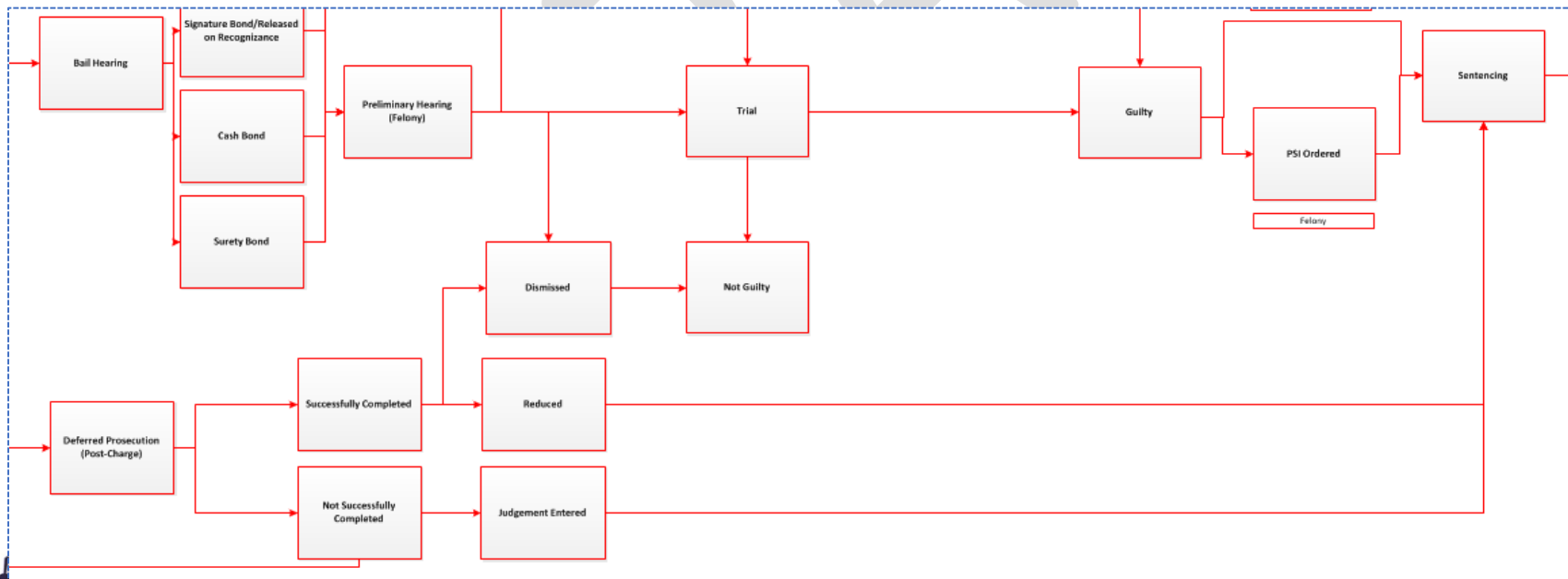


# Decision Point #3: Diversion and Deferred Prosecution



## Why is it important?

- Diversion and deferred prosecution options are less resource intensive than traditional court case processing.
- Diversion and deferred prosecution options can result in expedited collection of restitution, contributing to victim restoration.
- Diversion and deferred prosecution options offer the ability to avoid or reduce some of the collateral consequences of justice system involvement (e.g., entry of charges and/or judgment of conviction into CCAP, Wisconsin’s court case management system) (i.e., offer a harm reduction potential).
- Diversion and deferred prosecution options can result in individuals receiving needed services sooner, thereby contributing to community safety.
- By reducing a portion of cases flowing through traditional case processing, greater attention can be afforded to those cases that are processed through traditional means.



### ***What currently happens?***

- There are two methods to divert individuals from traditional case processing: pre-charge diversion and deferred prosecution (post-charge diversion).
- In pre-charge diversion cases, the District Attorney (DA) will withhold the filing of charges if the individual satisfactorily meets the terms of the diversion agreement. In pre-charge diversion cases, charges are not entered into CCAP.
- In deferred prosecution cases, the DA files charges but a conviction is withheld if the defendant satisfactorily meets the terms of the deferred prosecution agreement. Upon satisfactory completion, a finding of judgment is entered into CCAP as “Dismissed,” “Reduced” or “Judgment Vacated.”
- Deferred prosecution is authorized in Chapter 971 of Wisconsin Statutes and criteria are set forth for various case types. Diversion does not have a uniform definition statewide.
- Policy and practice around the use of diversion and deferred prosecution varies across the state. For instance:
  - Localities differ in terms of whether diversion and/or deferred prosecution are available options.
  - Localities may or may not have clear eligibility criteria for diversion and/or deferred prosecution; where criteria exist, they differ from county to county.
  - There is local variation regarding who identifies/screens cases for eligibility.
  - Eligibility screening entails the use of an empirically-based risk assessment tool in some but not all jurisdictions.
  - Localities vary in terms of in-program requirements.
  - Requirements for satisfactory completion may vary.
  - Time to completion varies as well; some localities have “floating end dates.”

### ***What Guides these Decisions?***

- State statutes that guide negotiations (e.g., mandatory minimum sentences such as OWI offenses)
- Nature and severity of the charges
- Risk tolerance of system stakeholders regarding who should be in diversion programs
- Local prosecutorial policies and practices, including the use of risk assessments and prior record
- The availability of local resources (for eligibility screening, programmatic intervention, staff, etc.) may determine whether these options are used.
- State/Federal grant language (e.g. Treatment Alternatives and Diversion legislation, federal grant language regarding requirements for program participation, such as identified substance abuse needs or violent offender status.)



### What does the research suggest?

- Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services. *Primary Citation:* Andrews (2007)
- The majority of services and more intensive supervision should be directed to higher risk offenders. *Primary Citation:* Lowenkamp & Latessa (2004)
- Transfer of juveniles to adult criminal court has the potential to aggravate short-term recidivism rates. *Primary Citation:* Bishop, Frazier, Lanza-Kaduce, & Winner (1996)
- Diversion of non-violent drug offenders into substance abuse treatment as opposed to incarceration produces long-term cost savings. *Primary Citation:* Anglin, Nosyk, Jaffe, Urada, & Evans (2013)
- Drug court participants should be selected based on risk level (i.e., the risk principle holds in drug court settings; drug court is most effective with high risk individuals). *Primary Citation:* Marlowe et al. (2006)
- Validated risk assessments have been demonstrated to effectively identify risk and criminogenic needs. *Primary Citation:* Gendreau, Goggin, & Little (1996)
- The success of diversion programs is contingent on quality of program design and implementation. Diversion programs that include family-based interventions and demonstrate a high level of fidelity monitoring are especially promising insofar as reducing recidivism rates among juvenile offenders. *Primary Citation:* Schwalbe, Gearing, MacKenzie, Brewer, & Ibrahim (2012)

### What should happen at this decision point?

1. There is statewide availability of diversion and deferred prosecution options, resulting in fair and equitable treatment for all, regardless of race, religion, or socio-economic status.
2. Communities are risk tolerant.
3. Input from victims is considered in determining if diversion is appropriate and in determining conditions; victims are informed of outcomes.
4. Sufficient time and resources are available to properly assess options for individual cases.
5. Defendants are properly prepared by counsel to assure informed decisions.
6. Assessments of defendants' ability to understand the options presented are made.
7. Prosecutors and defense counsel have the necessary information to guide appropriate use of diversion/deferred prosecution, including risk and needs assessments.
8. The least restrictive option available to achieve public safety and harm reduction goals is pursued.
9. The decisions that are made provide the best opportunity for the defendant to change their behavior, thereby increasing the likelihood of reduced recidivism.
10. Defendants are appropriately held accountable for their actions.

### Data Available

- Participant Outcome data may be available for local diversion and deferred prosecution programs.
- Data would typically include number of diversion cases or deferred prosecution agreements, number by charge type and felony/misdemeanor, who did and did not successfully complete the program, and recidivism after discharge from the program.

### Data Needed

- PROTECT, the prosecutor case management system, is used by all District Attorney Offices statewide. PROTECT data is available on a county-by-county basis.
- While PROTECT is used by all District Attorney Offices statewide, the diversity among jurisdictions regarding the ways in which PROTECT is utilized and diversion and deferred prosecution options are defined and operationalized results in challenges in collecting, analyzing and comparing data across localities on the use of these options and their outcomes.
- Statewide definitions and measurement guidelines may assist in bringing some consistency to how the data is collected and compiled.
- TAD program expansion/CORE Reporting System will improve consistency in data collection for those counties that use the system.



### *What are the opportunities for improvement?*

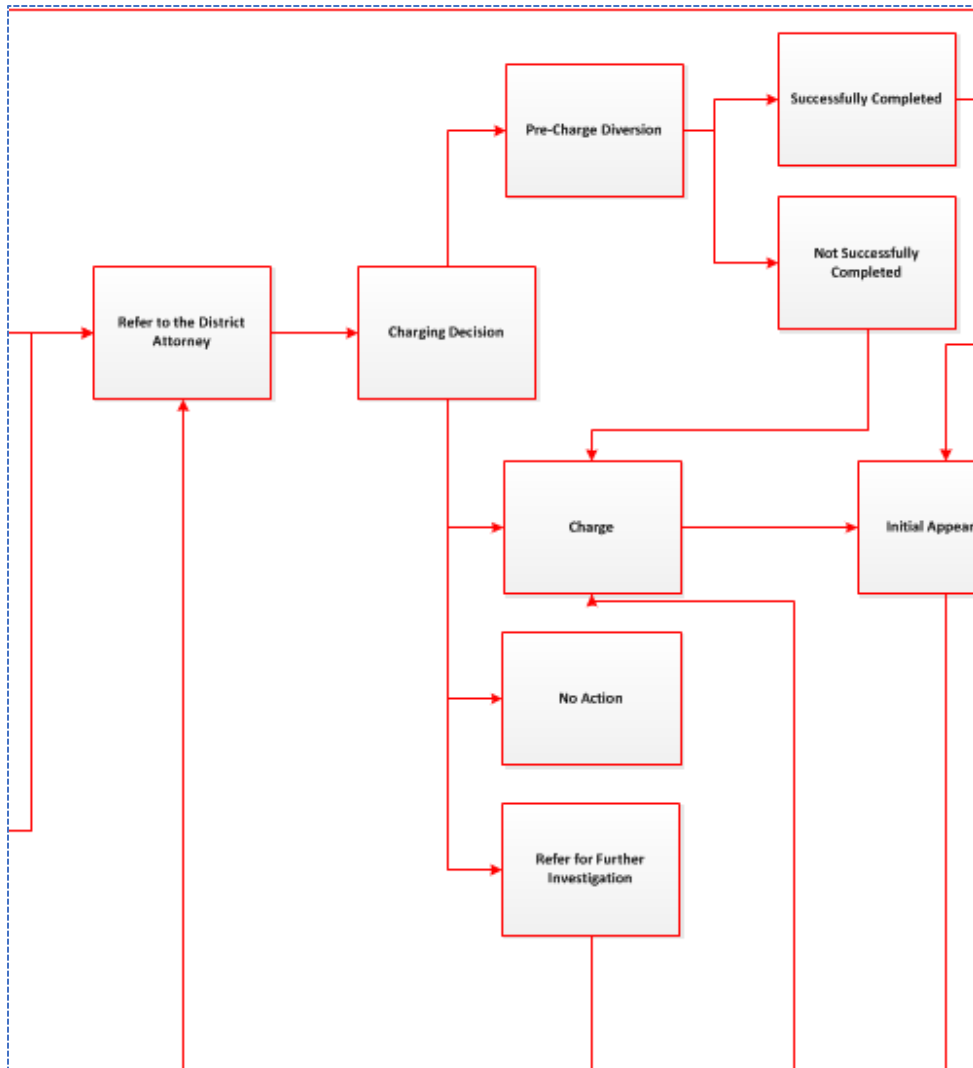
1. Ensure jurisdictions throughout the state have adequate resources to effectively implement diversion and deferred prosecution options.
2. Create uniform definitions (in state statute) of diversion and deferred prosecution, and develop model criteria for counties to define eligibility based on national standards for diversion/deferred prosecution and programmatic interventions.
3. Establish standard definitions and methods for data collection and analysis on the use and impact of these options.
4. Explore legislation to allow the removal of successfully completed Deferred Prosecution Agreements from CCAP.

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# Decision Point #4: Charging Decision



**Why is it important?**

- The charging decision serves as a starting point to the formal adversarial process; as such, it has significant impact on defendants, victims, and on state/local resources.
- Charging decisions have permanent consequences for defendants (e.g., criminal charges are added to CCAP, Wisconsin’s court case management system). They have the potential to either increase or reduce harm.
- Decisions at this point directly impact both court calendar workload as well as prosecutor/defense workloads.



### *What currently happens?*

- District Attorneys (and Assistant District Attorneys) review the facts of the case as presented by law enforcement.
- The charging decision is highly discretionary and DAs/ADAs may select to respond in a variety of ways including gathering further information (i.e., Refer for Further Investigation), declining to prosecute, granting pre-charge diversion, or proceeding with charging.
- With regard to training, the Attorney General's Office provides training to DAs and ADAs. Prosecutors are required to participate in 30 hours of continuing education every two years.
- Turnover among prosecutors is a major issue statewide. Discussions with District Attorneys and Assistant District Attorneys indicate that workload, salary levels, pay progression, lack of support staff, working conditions, and increased benefit costs are key elements leading to high turnover among District Attorneys and Assistant District Attorneys. In most cases, these are experienced attorneys leaving highly complex positions and being replaced by inexperienced attorneys who face a steep learning curve and, in many cases, limited training opportunities.

### *What Guides this Decision?*

A variety of factors influence the DA/ADA/s final charging decision:

- The strength of the evidence (i.e., the ability to prove the charge, including the victim's input and willingness to cooperate)
- The defendant's criminal history
- In some jurisdictions, the availability of risk assessment data and diversion programs
- The presence of, and expertise within, specialty prosecution units (e.g., gang units, gun units)
- Local prosecutorial policies and practices, including the degree of discretion afforded prosecutors within an individual DA's office
- The level of education/experience/training of DAs and ADAs





### What does the research suggest?

- Low risk youth are more likely to benefit from caution programs, while moderate to high risk youth are more likely to benefit from intervention programs (namely, CBT-based interventions). *Primary Citation: Wilson & Hoge (2013a)*
- Transfer of juveniles to adult criminal court has the potential to aggravate short-term recidivism rates. *Primary Citation: Bishop, Frazier, Lanza-Kaduce, & Winner (1996)*
- Pre-booking diversion options for adult offenders with serious mental illness is associated with fiscal savings. *Primary Citation: Cowell, Hinde, Broner, & Aldridge (2013)*
- Consistent with research indicating that criminal justice contact can increase offending risk (e.g., Loughran et al., 2009), both caution and intervention diversion programs have been shown to be more effective in reducing general recidivism compared to the more restrictive traditional forms of criminal justice processing (i.e., incarceration and probation). *Primary Citation: Gendreau, Goggin, & Little (1996)*
- Validated risk assessments have been demonstrated to effectively identify risk and criminogenic needs. *Primary Citation: Gendreau, Goggin, & Little (1996)*
- Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services. *Primary Citation: Andrews (2007)*

### What should happen at this decision point?

1. Decisions are transparent, fair, and consistent.
2. Decisions are informed by information specific to the defendant and the victim, to ensure appropriate charging practices (i.e., use of person-specific information to guide diversion, rather than charges alone).
3. Decisions are informed by substantive knowledge regarding specific areas of concern (e.g., mental illness, trauma informed care, persons with disabilities).
4. Decision makers have cultural competency to ensure fair and equitable outcomes for all persons regardless of race, religion, or socio-economic status.
5. Decisions support the broad goals of making the victim whole but also preventing future victimization through evidence-based risk reduction strategies, resulting in the achievement of harm reduction for the victim, the defendant, and the community as a whole.
6. The least restrictive option available to achieve public safety and harm reduction is pursued.
7. Prosecutors are supported and incentivized to invest the time and effort necessary to conduct 'harm reduction' charging decisions.
8. Resources are made available to enable prosecutors to make the best possible charging decisions.
9. Community education is essential to supporting prosecutors to make effective, evidence-based charging decisions.
10. Ensure defense counsel has appropriate training and knowledge of providing ethical and zealous representation within an evidence-based framework.

### Data Available

- Charging information is available on a county-by-county basis and includes:
  - Number of referrals
  - Demographic information on victims and defendants
  - Information on referred charge(s) from law enforcement, filing charge(s), disposition charge(s), and modifications
  - Charge details such as severity/class, statute, penalty enhancers or modifiers
  - Charge disposition information
- Data is available through the following sources:
  - PROTECT (Prosecutor's case management system)
  - CCAP (Court's case management system)
- Through these systems, charging outcomes can be tracked by reviewing the summary of referred charge, filing charge, disposition charge and modifications.

### Data Needed

- While this data is available in these systems, resources and increased accessibility is needed to complete more complex comparative analyses of charging outcomes.
- While PROTECT is used by all District Attorney Offices statewide, the diversity among jurisdictions regarding the ways in which PROTECT is utilized results in challenges in collecting, analyzing and comparing data across localities to compare charging data. Statewide definitions and measurement guidelines may assist in bringing some consistency to how the data is collected and compiled.



### *What are the opportunities for improvement?*

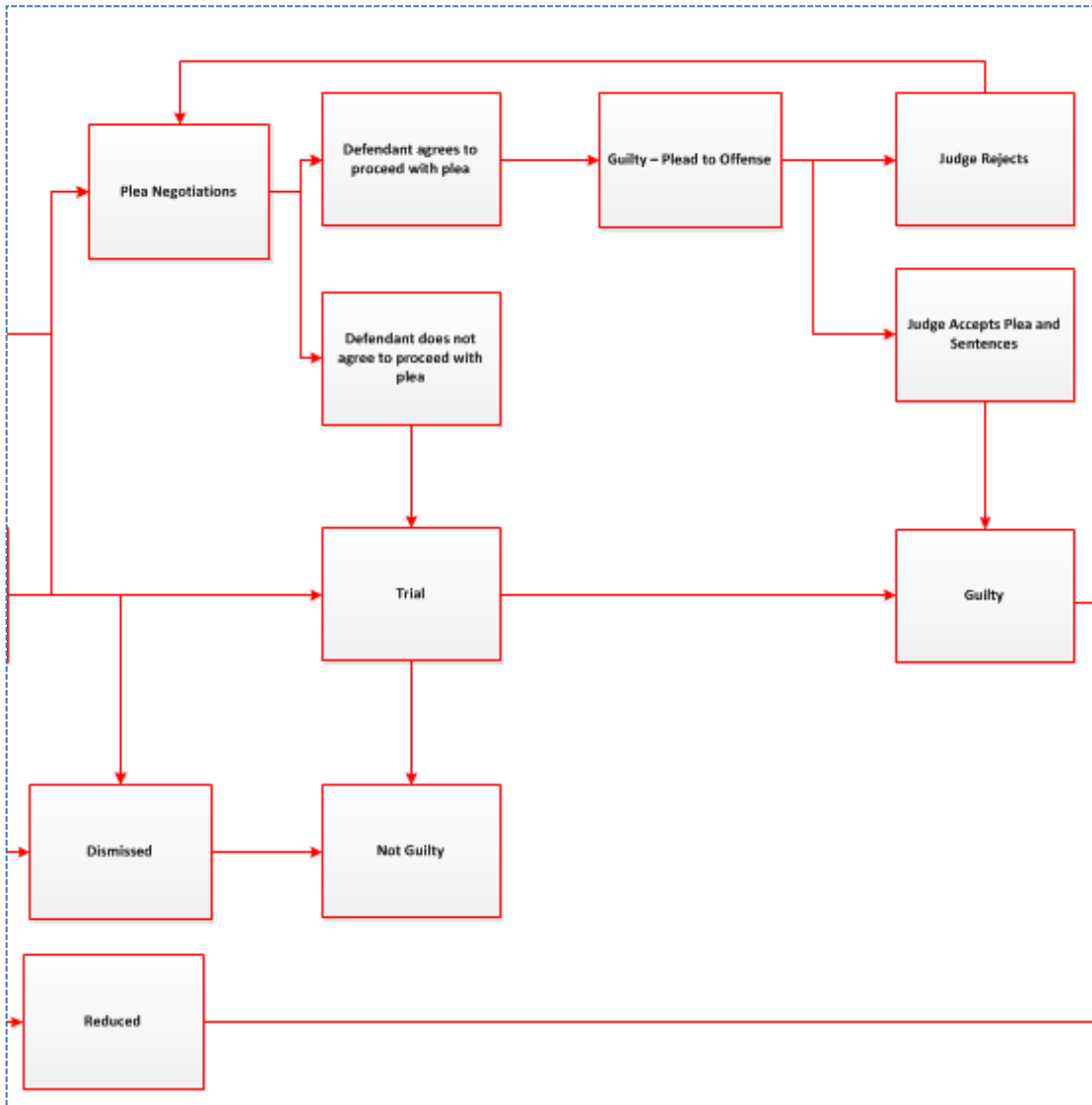
1. Provide specialized training for prosecutors and public defenders on risk reduction (increased community safety) based upon the application of evidence-based principles, with a focus on risk/needs assessment tools, mental health, cultural competency, and available community resources.
2. Increase the availability of risk/needs assessments to inform charging decisions.
3. Promote/support funding/retention of experienced DAs and ADAs.
4. Increase community education of issues related to crime prevention through the application of evidence-based practices.

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# Decision Point #5: Plea Negotiations



## Why is it important?

- Negotiations offer an opportunity to fairly resolve cases by the two parties most knowledgeable about the facts and circumstances surrounding the case, and are ratified by a judge as a neutral third party.
- Negotiations are used to expedite fair and equitable conclusions to the criminal justice process, which can be of benefit to the defendant, the victim, witnesses, the community, and to the justice system.
- Negotiations are critical to managing the workload of the courts, the district attorney's office, as well as the public defender's service. Without these more expeditious and less resource-intensive methods for case processing, the justice system would be unable to effectively manage the volume of cases flowing through the court system and devote resources to the highest risk individuals.



### *What currently happens?*

- Following the charging decision, negotiations take place between the prosecution and defense.
- The defendant may plead “guilty,” “no contest,” “Alford,” “not guilty,” or “not guilty by reason of mental disease or defect.” A plea of no contest has the same effect in a criminal case as a guilty plea, except it cannot be used as an admission of criminal action in a civil case. An Alford Plea is where a defendant does not admit guilt, but admits that the State can prove guilt beyond a reasonable doubt, and results in the defendant being found guilty. The defendant may not enter an Alford Plea or a plea of no contest without approval from the court.
- If the defendant pleads not guilty or not guilty by reason of mental disease or defect, the case proceeds to trial. Alternatively, if the defendant pleads guilty, no contest, or Alford, the court (judge) will sentence the defendant without trial.
- Plea negotiations are required by law to occur between the prosecution and defense (defendant), without judicial involvement.
- Plea agreements address the final charges to be filed and the penalty (sentence) for these charges. The agreement may also include sentence conditions (e.g., fines, restitution, community service, treatment requirements).
- Once the plea agreement is made, it is considered by the court. The judge can reject the negotiated sentence.

### *What guides these decisions?*

- Some state statutes guide plea negotiations (particularly related to OWI and minimum and mandatory sentences)
- Plea negotiations are a matter of information and are impacted by:
  - Timing and context
  - Victim input
  - The weight of the evidence
  - Policies internal to the District Attorney’s Office
  - Information available about the defendant
  - The defendant’s custody status (held in pretrial detention vs. in the community on pretrial release)
  - The effectiveness of involved attorneys
  - The relationship between the negotiating parties (defense and prosecution)
  - The workload of the negotiating parties
  - County norms around sentencing specific types of cases/defendants
  - Individual judges’ sentencing patterns



### What does the research suggest?

- Diversion of non-violent drug offenders into substance abuse treatment as opposed to incarceration produces long-term cost savings. *Primary Citation:* Anglin, Nosyk, Jaffe, Urada, & Evans (2013)
- Drug court participants should be selected based on risk level (i.e., the risk principle holds in drug court settings; drug court is most effective with high risk individuals). *Primary Citation:* Marlowe et al. (2006)
- Drug courts should consider adopting a pre-plea or post-plea model, providing offenders with incentives for completion, and using cognitive behavioral techniques.  
*Primary Citation:* Wilson, Mitchell, & MacKenzie (2006)
- Intermediate sanctions [options between probation and incarceration] should be utilized with recognition of both their ability to achieve certain outcomes and their limitations, such as accountability as opposed to risk reduction. Careful controls should be put in place when implementing intermediate sanctions to avoid unintended net widening. *Primary Citation:* Gendreau, Goggin, Cullen, & Andrews (2001)
- Sanctions on their own do not change offender behavior or reduce recidivism. More severe sanctions (i.e., longer prison sentences) may increase recidivism. *Primary Citation:* Smith, Goggin, & Gendreau (2002); Gendreau & Goggin (1996)
- Stringent supervision conditions tend to produce more technical violations and more incarceration and do not reduce recidivism by themselves. *Primary Citation:* Petersilia & Turner (1993)

### What should happen at this decision point?

1. The uniform application of the law results in fair and equitable outcomes for all persons regardless of race, religion, or socio-economic status.
2. Defendants have as much information as needed to make informed decisions around accepting/rejecting plea offers.
3. Defense attorneys effectively prepare clients to understand the plea process and the terms and consequences of their particular offer.
4. Victim input is sought and earnestly considered.
5. The District Attorney and the defense have the information necessary to make evidence-based plea decisions.
6. Harm reduction principles apply, to include victims, defendants, and the community.
7. Defense and prosecution have “right-sized” workloads that provide for effective decision making regarding pleas.
8. Mentorship and guidance is provided to lawyers around effective and evidence-based plea negotiation practices.

### Data Available

- Some of the basic plea information is available such as:
  - Number of referrals
  - Demographics of defendants (race, sex, age, location/municipality)
  - The number or percent of cases settled by plea
  - Charge details such as severity/class, statute for cases settled by plea
- In aggregate the disposition of cases is available at a statewide and county-by-county level from CCAP
- Data is available through the following sources:
  - PROTECT (Prosecutor’s case management system)
  - CCAP (Court’s case management system)
- Through these systems, outcomes can be tracked by reviewing the summary of booking charge, court filing charge, charge pled to, disposition and modifications.

### Data Needed

- While this data is available in these systems, resources and increased accessibility is needed to complete more complex comparative analyses of outcomes related to Plea Negotiations.
- Needed Analyses include:
  - Original charge vs. the charge pled to
  - Charges dismissed and read-in and charges are dismissed
  - Whether risk/needs assessment information is available at negotiations



### *What are the opportunities for improvement?*

1. Increase professional education for judges, prosecutors and defense attorneys around effective and evidence-based negotiation practices, including the effects of implicit bias on decision making.
2. Increase the availability of risk/needs information; include consideration of risk reduction in the plea negotiation process.
3. Create a process to establish statewide best practice recommendations on plea negotiations that are evidence-based.
4. Analyze current deferred/diversion programs and support those that are evidence-based; and analyze the effect of heavy caseloads of both prosecutors and public defenders on plea negotiations.
5. Increase public education regarding charging and settlement decisions and the effective use of evidence-based principles in reducing the risk of future harm to the community.
6. Analyze the effect of truth-in-sentencing legislation on incarceration rates/sentencing as well as recidivism data.

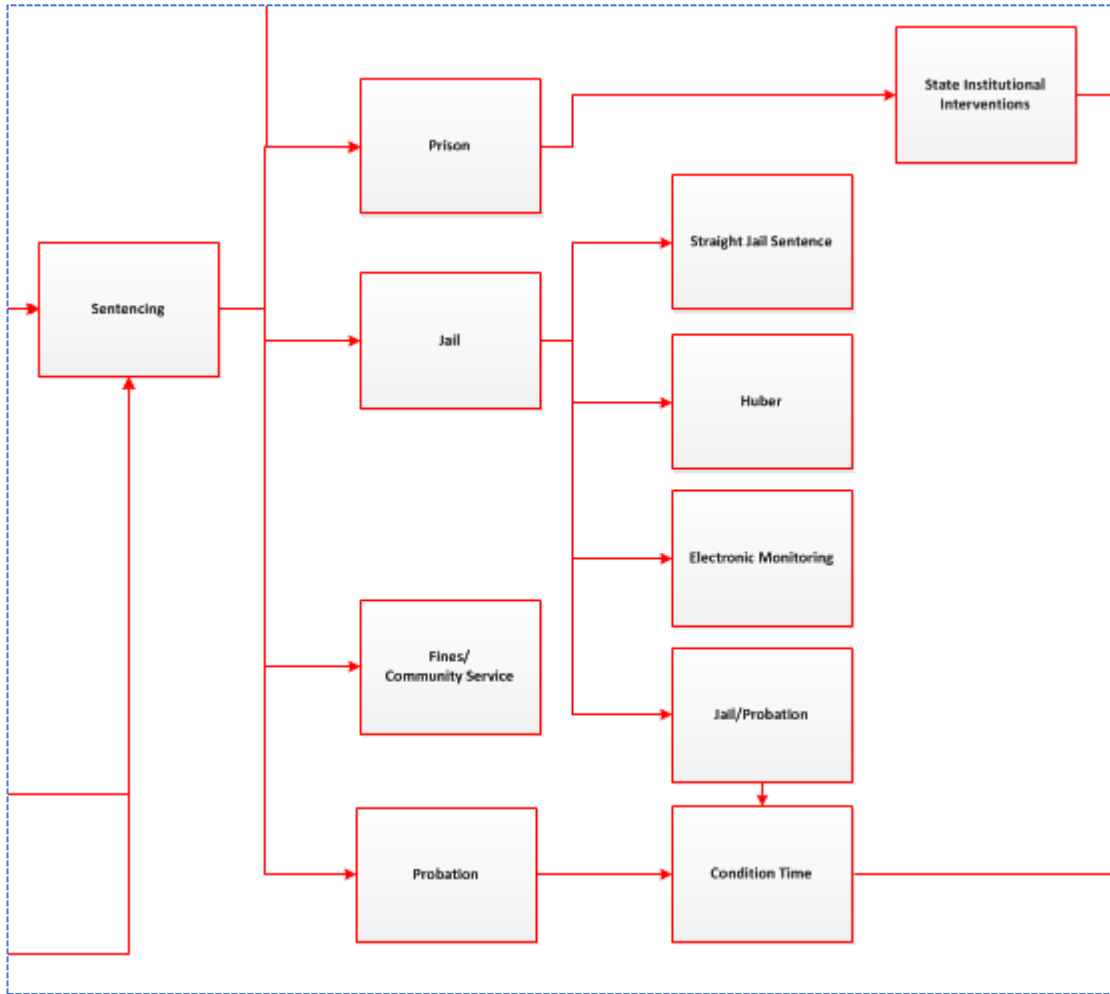
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## Decision Point #6: Sentencing



### *Why is it important?*

- Sentencing decisions have significant impact on the lives of the individuals involved, as well as their families, victims, and the community as a whole.
- Decisions at this point have the potential for harm reduction.
- Sentencing decisions have the potential to increase harm and can produce collateral consequences (e.g., racial, socio-economic and other disparities; financial consequences; licensing, employment, and other restrictions with short and/or long-term consequences).
- Sentencing can result in dispositions that have significant resource implications, including evidence-based programming capacity, community-based resources, and most notably the use of the state's most costly resource, prison.



### *What currently happens?*

- Defendants that plead guilty, no contest, Alford, or are found guilty are sentenced by a judge.
- In determining an appropriate sentence, the judge considers information provided by the prosecution, the defense, victims and/or information contained in a pre-sentence investigation (PSI) report, and information learned at trial.
- Public/media reaction may, but should not also influence judicial decision making.
- There is variation across the state regarding the frequency with which a PSI is ordered. They are most commonly ordered in felony cases where the defendant is facing a prison term. These reports are routinely ordered in felony cases; they are not routinely ordered or provided in misdemeanor cases. Some counties order more PSIs than others.
- PSI reports are prepared by the Department of Corrections (DOC). They provide historical and current information about the defendant's personal/social history, criminal history, victim impact, as well as information derived from a risk/needs assessment. In some PSI requests from the courts, the judge can specifically request that no sentencing recommendation be provided by the DOC.
- Additional information relevant to sentencing can be prepared and submitted by the defendant and counsel.
- The PSI sentencing recommendation has varying degrees of influence on the judge's decision, based upon the individual judge and the type of case. The DOC uses a standard PSI template that includes the following information: current charge description, defendant's statement about the crime, victim and/or community impact statement, defendant's criminal history, defendant's personal history, risk and needs assessment, prior DOC experience and adjustment, and sentencing recommendation, based upon DOC's sentencing grid.
- Although sentencing guidelines are not mandatory, the use of a sentencing grid has made DOC's recommendations more consistent throughout the state. This sentencing grid is based upon formerly used sentencing guidelines; the grid has not been re-evaluated for some time.
- Historically, Wisconsin has been a "Truth in Sentencing" state. This legislation is commonly referred to as "TIS I" and "TIS II," reflecting modifications in the legislation over time. Presently, TIS II is in effect; its provisions include modifications in felony classifications (the ways in which certain criminal behaviors are classified). Under TIS II, offenders may experience shorter periods of incarceration (at least initially) but receive long periods of extended supervision following supervision.
- The term of extended supervision may not be less than 25% of the length of the term of confinement in prison imposed for a classified felony, and is subject to whichever of the following limits is applicable:
  - For a Class B felony, the term of extended supervision may not exceed 20 years.
  - For a Class C felony, the term of extended supervision may not exceed 15 years.
  - For a Class D felony, the term of extended supervision may not exceed 10 years.
  - For a Class E, F, or G felony, the term of extended supervision may not exceed 5 years.
  - For a Class H felony, the term of extended supervision may not exceed 3 years.
  - For a Class I felony, the term of extended supervision may not exceed 2 years.
- Judges have available to them a range of sentencing options. Sentencing options at the least restrictive end of the continuum include fines, restitution, community service, and probation. Additional sentencing options may include day reporting, community based programming with or without some form of supervision, periods of confinement in local jail, and prison (or some combination of these and other options). The availability of resources is jurisdiction-specific; resources and other factors result in some jurisdictions having a broader range of options than others.



### What guides these decisions?

- Several factors guide judicial sentencing decisions. They include:
  - The “Gallion Factors” (see *State of Wisconsin vs. Curtis E. Gallion*): the defendant's prior record; the defendant's history of undesirable behavior; the defendant's character; the results of a presentence investigation; the aggravated nature of the crime; the defendant's degree of culpability; the defendant's demeanor at trial; the defendant's age, education, and employment record; the defendant's remorse, repentance and cooperation; the defendant's need for close rehabilitative control; the rights of the public; the length of pretrial detention; read in offenses; the effect of the crime on the victim.
  - Victim input
  - Presentence Investigation (PSI) results, including DOC’s sentencing recommendations and risk/needs assessment information
  - Community tolerance/public opinion
  - Resource availability

### What does the research suggest?

- The use of prison does not appear to produce a specific deterrence effect. *Primary Citation: Jonson (2011)*
- Lengthier sentences do not have an appreciable effect on recidivism. *Primary Citation: Meade, Steiner, Makarios, & Travis (2012)*
- Offenders sentenced to a term of imprisonment were significantly more likely to recidivate than those referred to a community-based diversion program. *Primary Citation: Bales & Piquero (2012)*
- Sanctions on their own do not change offender behavior or reduce recidivism. More severe sanctions (i.e., longer prison sentences) may increase recidivism. *Primary Citation: Smith, Goggin, & Gendreau (2002); Gendreau & Goggin (1996)*
- Stringent supervision conditions tend to produce more technical violations and more incarceration and do not reduce recidivism by themselves. *Primary Citation: Petersilia & Turner (1993)*
- Treatment programming should be targeted to higher risk offenders and their criminogenic needs, and preferably (though not exclusively) be community-based. *Primary Citation: McGuire (2002)*
- Even among first-time violent offenders, the most effective (and economical) sentencing alternative lies in the least restrictive option (i.e., community supervision). *Primary Citation: Ryan, Abrams, & Huang (2014)*

### What should happen at this decision point?

1. There is an opportunity for the victim, state, defense, and community to be heard.
2. Clear information is provided about the crime, victim, defendant and his/her needs, and restitution.
3. Proper legal standards are followed when making sentencing decisions.
4. Judges have knowledge of, and apply as appropriate, evidence-based principles.
5. Decisions provide the best opportunity for the defendant to change their behavior (i.e., reduce the likelihood of recidivism).
6. Decisions provide the best outcome for the limited resources available and are grounded in evidence-based sentencing practices.
7. Sentencing decisions are fair and equitable, regardless of defendants’ race and socio-economic status.
8. Sufficient options are available to judges at sentencing.
9. Sentence conditions are based on risk/needs and tailored to achieve the best outcomes for the individual and the community.
10. Offenders are not sent to prison just to receive treatment. Sufficient treatment resources are available in the community.



### ***Data Available***

- Sentence information is available such as:
  - Demographics of defendants (race, sex, age, location/municipality)
  - Referral, filing, and disposition charge(s)
  - Sentence type and length
  - Sentence conditions
- Data is available through the following sources:
  - PROTECT (Prosecutor's case management system)
  - CCAP (Court's case management system)

### ***Data Needed***

- While this data is available in these systems, resources and increased accessibility is needed to complete more complex comparative analyses of outcomes related to Plea Negotiations.
- Needed analyses include:
  - Outcomes as they relate to length of sentence, risk, efficiency, and effectiveness
  - Number and type of conditions and whether they relate to needs
  - Comparative analysis of incarceration versus probation sentences and outcomes

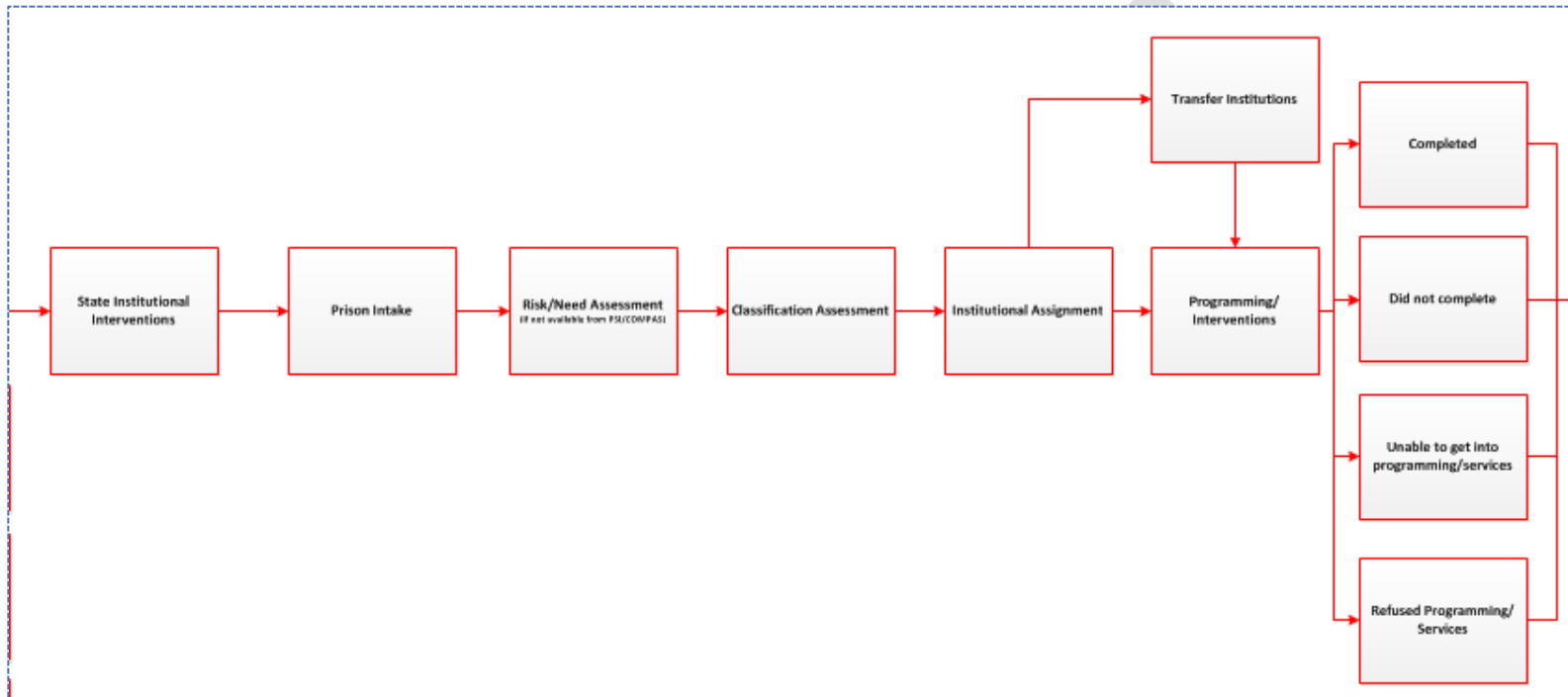
### ***What are the opportunities for improvement?***

1. Evaluate Wisconsin's current sentencing structure, to include the following:
  - DOC PSI's sentencing guidelines.
  - Increased transparency regarding the underlying methodology and data supporting the COMPAS results.
  - Wisconsin's sentencing structure (TIS II).
  - Collect/examine sentencing outcome data.
2. Provide training for judges in evidence-based sentencing principles.
3. Expand sentencing options, to include the following:
  - Expand non-incarcerative sentencing options including fines, probation, and evidence-based treatment programs.
  - Develop 'Dosage Prison' terms – setting up a sentence that keeps the community safe, provides sufficient punishment, and reduces harm to the inmate.
  - Reevaluate expungement opportunities.
4. Ensure that prison populations include only those offenders who need to be there.
5. Achieve greater consistency and fairness in sentencing, including addressing racial and socio-economic disparities.
6. Improve trust and confidence in the justice system generally, and sentencing and sentence options particularly, through public education. Develop a community assessment and evaluation process for offenders to help judges determine the best sentencing outcome.
7. Evaluate current restitution policies to determine opportunities to improve the collection process.

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## Decision Point #7: State Institutional Interventions



### *Why is it important?*

- This decision point provides opportunities for deterrence, punishment, and rehabilitation for offenders, while protecting the safety of the public.
- Programming needs are identified, and evidence-based services provided at this decision point can reduce risk/harm and improve public safety.
- Prison is the most costly intervention available in the criminal justice system and therefore should be used judiciously.



### *What currently happens?*

- Male prisoners are sent from the sentencing county jail to Dodge Correctional Institution for assessment and evaluation, and female prisoners are sent to Taycheedah Correctional Institution for assessment and evaluation.
- DOC's Bureau of Offender Classification and Movement makes three decisions regarding an inmate at this time: custody level to be assigned, assessed programming needs, and housing determination.
- DOC institutions are classified by security level (maximum, medium, and minimum). Based upon initial classification, inmates are assigned to one of these three security levels and a specific correctional institution.
- Assessment and evaluation is an intake process that includes review of prior record, programming needs, classification evaluations, completion of the COMPAS risk assessment (if not already done recently), gang affiliations, and other issues (medical, mental health, prior institutionalized, sentence structure).
- If a COMPAS assessment was completed in a Pre-Sentence Investigation (PSI), or if one was done less than one year prior to admission, then it may not be repeated at admission.
- Less than 50% of inmates have a Pre-Sentence Investigation (PSI) at the time of DOC admission.
- Classification conducts a Risk Rating to determine custody level to address risk while incarcerated. This is distinguished from actuarial risk assessments. The current classification system has been in place for some time and may be evaluated in the future.
- Classification determines program needs and priorities for programming: alcohol and other drug abuse, employment, anger management, cognitive thinking, education, sex offender treatment, and domestic violence. A programming plan is formulated, based on a combination of the inmate's interest and willingness, the results of the COMPAS assessment, and any Judicial Order.
- Transfers can occur thereafter in order for inmates to receive program/services that are available at specific facilities. Security level is based on the classification process. An inmate's classification is reviewed at least every 12 months. Ideally, inmates will progress through the classification system as they serve their sentence.
- Programming prioritization is based on several factors: Sentence structure (programming is targeted around release date, rather than entry date), which prison has the matching programming, prison capacity, program capacity, and eligibility.
- Bed considerations drive decision making, and programs and services are institution specific.
- Programming tends to come towards the end of confinement (rather than the beginning).
- Some inmates are eligible to participate in the Earned Release Program (ERP), which grants early release by completing required programming. The overall sentence does not change, but prison days are converted to Extended Supervision days (supervision in the community by a Division of Community Corrections agent).
- Eligibility for ERP is based on statute, judicial discretion, and DOC criteria that include an identified substance abuse need, inmate willingness, eligibility to be housed in appropriate prison, sentence structure and program capacity.
- ERP provides an opportunity to decrease an offender's period of confinement, which is an important incentive for offenders.
- Sentence Adjustment Requests (different than ERP) go back to the sentencing judge, and are requests for consideration of a sentence adjustment due to an inmate's positive adjustment.
- Due to limited treatment resources, many institutions have long waitlists for programming.
- For those who are parole eligible, timing of release may be associated with treatment participation.
- Treatment is not mandatory. Educational programming is the only required programming for those with less than a high school education. Completion of educational programming is required before any inmate can begin work in an institution. For those inmates sentenced prior to January 1, 2000, their eligibility for parole is impacted by program completion.
- Ongoing program reviews result in changes in program capacity and locations, based on current inmate needs.

### *What guides these decisions?*

- Budgets
- Classification level, housing, bed space, and availability
- Department of Corrections policy
- State Statutes and Administrative Code
- Risk and needs assessments guide programming decisions: if a need is identified, the offender should receive the appropriate programming. Offenders are assigned to appropriate prison facilities based on BOCM Risk Rating.
- Inmate conduct and responses to inmate conduct
- Inmate willingness to participate in programming

### **What does the research suggest?**

- Validated risk assessments have been demonstrated to effectively identify risk and criminogenic needs. *Primary Citation:* Gendreau, Goggin, & Little (1996)
- A single one-size-fits-all approach to risk assessment may not be appropriate across all levels of criminal justice processing. For example, dynamic factors that are important for community adjustment (e.g., substance abuse) may not be as important to predicting misconduct in custodial settings. Ultimately, jurisdiction-specific validation of risk assessment tools vis-à-vis the various outcomes of interest is highly recommended. *Primary Citation:* Makarios & Latessa (2013)
- Higher levels of security within institutions can exert criminogenic effects. Prison administrators might experiment with classification thresholds to ensure the least restrictive conditions possible given one's level of risk. *Primary Citation:* Gaes & Camp (2009)
- Enhanced prison management will result through a strategy in which programming has a central role. *Primary Citation:* French & Gendreau (2006)
- Correctional interventions that are grounded in the principles of risk/need/responsivity produce recidivism reductions in the most cost-effective manner. *Primary Citation:* Romani, Morgan, Gross, & McDonald (2012)
- Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services. *Primary Citation:* Andrews (2007)
- Cognitive behavioral programs applied across both institutional and community settings (e.g., Reasoning and Rehabilitation) effectively reduce recidivism rates. *Primary Citation:* Tong & Farrington (2006)
- The majority of services and more intensive supervision should be directed to higher risk offenders. *Primary Citation:* Lowenkamp & Latessa (2004)
- Attention to staff characteristics and skills is necessary to enhance outcomes with offenders. *Primary Citation:* Dowden & Andrews (2004)
- Research indicates a relationship between the integrity with which a correctional program is implemented and recidivism outcomes. *Primary Citation:* Lowenkamp & Latessa (2004)
- Programs that are poorly designed and implemented (i.e., those that do not adhere to basic principles of effective correctional intervention) are apt to increase recidivism rates. *Primary Citation:* Wilson & Davis (2006)
- Both maintaining a high level of treatment integrity and adhering to a human service treatment philosophy increase program effectiveness. It is recommended that agencies implement periodic assessments such as the CPAI so as to ensure continued program integrity. *Primary Citation:* Lowenkamp, Flores, Holsinger, Makarios, & Latessa (2010)
- Research indicates that therapeutic communities are effective in attenuating recidivism rates among offenders reentering the community. *Primary Citation:* Jensen & Kane (2012)

### **What should happen at this decision point?**

1. Services provided are matched to inmates' needs.
2. Dosage needs of inmates are met.
3. There is equity in opportunities to receive treatment.
4. A safe and humane environment is provided.
5. Inmates are housed in a facility that is as close as possible to the community where they will be released.
6. Opportunities for peer to peer mentoring are provided.
7. Treatment resources are available and are strategically placed within institutions based on need.
8. Programming for inmates is incentivized.
9. The organizational culture at DOC recognizes that offenders have the ability to change, and staff engages inmates to support progress in programming.
10. Social worker caseloads are manageable to ensure they can successfully work with inmates on their programming.
11. Programming is evidence-based and is prioritized based on assessed risk/needs.
12. Institutional sanctions for rules violations are evidence-based and consider the risk/needs of the inmate as well as the gravity of the violation.
13. Institutions have flexibility to meet the needs of an ever changing population.





### *Data Available*

- Programming capacity
- Primary program completion (AODA, sex offender/DV, anger management, cognitive, etc.) and reasons for non-completion data
- Codes for terminations (administrative, disciplinary, etc.)
- Assessment data on inmates (AODA, mental health, etc.)

### *Data Needed*

- Outcome evaluation on inmates who do/do not complete programming (an analysis is in progress, however)
- Assessment data regarding trauma (in progress, however)
- Data on inmates who refuse programming (who they are, why they refused, and their long term outcomes compared to those who receive programming)
- Data on inmates who are interested and eligible for programming but do not receive it
- Data on why inmates refuse programming
- Data regarding program waitlists, by program.

### *What are the opportunities for improvement?*

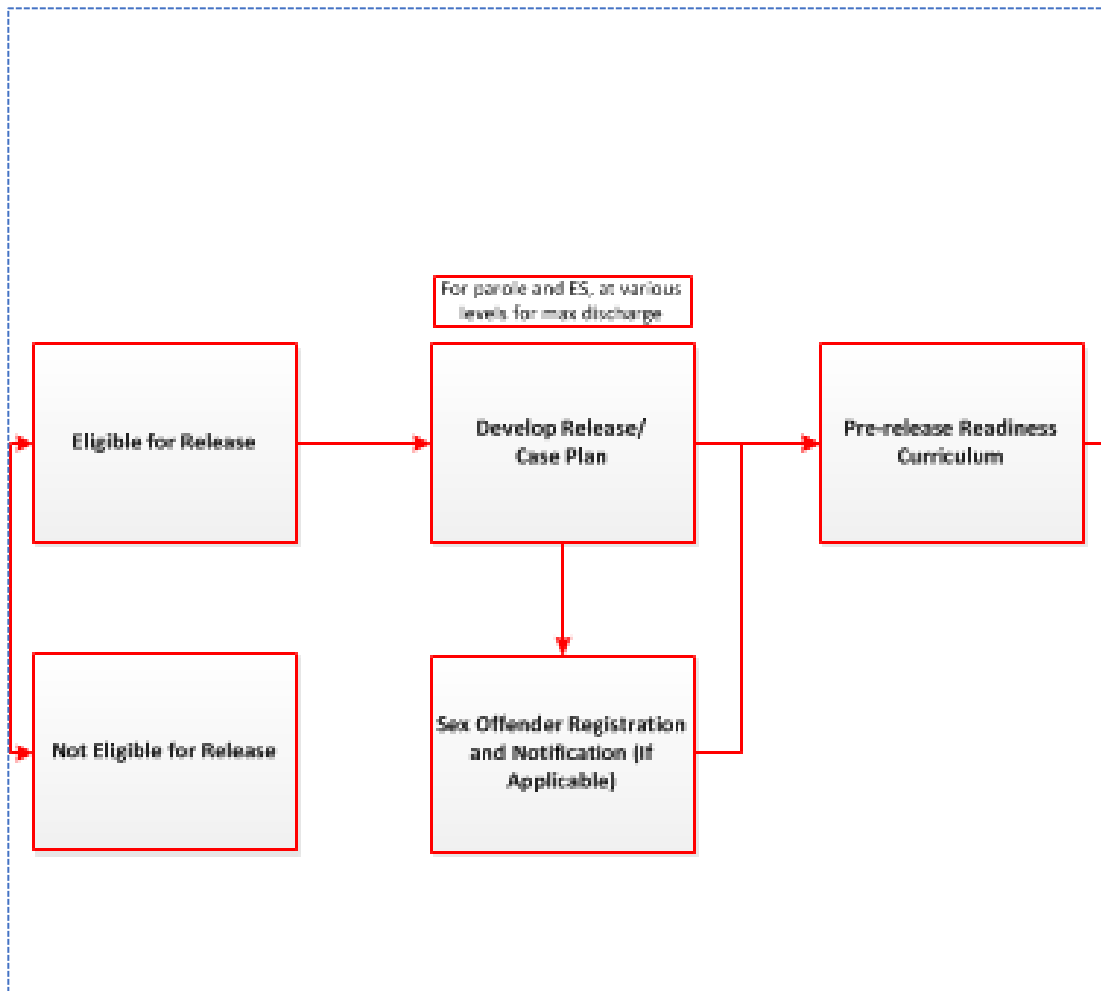
1. Provide only evidence-based resources to meet the treatment needs of all inmates and incentivize program participation, offer change readiness programming, provide services targeted at date of entry rather than date of release, and eliminate barriers that keep those needing services from receiving them.
2. Provide adequate training and manageable caseloads to successfully use short-term, evidence-based intervention tools (BITS, Carey Guides, etc.).
3. Develop better data systems to track inmates so mechanisms can be established for the ongoing evaluation of prison programs and inmate success.
4. Utilize evidence-based risk/needs assessments to determine programming needs.

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## Decision Point #8: State Reentry Planning



### *Why is it important?*

- This decision point provides an opportunity to improve an offender's success in the community, thereby reducing recidivism, which will also reduce future incarceration costs and increase public safety.
- This decision point offers an opportunity to ensure access to health care and supportive services, and provide more humane wraparound services for the mentally ill.
- Successful transition of inmates into the community promotes increased public confidence and trust in the criminal justice system.



### ***What currently happens?***

- Inmates can be released on parole (sentenced prior to 2000), released to Extended Supervision (serving the remainder of their sentence in the community), released on their maximum discharge date and no longer subject to supervision, or released to commitment on Chapter 980 (involuntary confinement for violent sex offenders in a state treatment facility). Inmates sentenced since 2000 are eligible to petition the courts to convert a portion (15% or 25%) of their prison sentence to extended supervision. Inmates who complete the Earned Release Program are released within 30 days of the sentencing judge signing the release order.
- 9 months prior to release, an inmate is identified as release eligible.
- At this time, a social worker will complete the COMPAS Reentry Assessment (if needed).
- There are approximately 313 social workers throughout the state. Caseloads are approximately 175 inmates per social worker, although this varies across institutions. Smaller caseloads exist for social workers assigned to treatment units.
- 6 months prior to release, the social worker ensures that the inmate has needed documents (State I.D., SSN, birth certificate, etc.). The inmate completes a release plan that addresses proposed residence, employment and programming.
- The release plan is shared with the assigned Division of Community Corrections (DCC) Agent, and a three-way conference (via phone, videoconference or in person) is held to review the plan.
- Pre-release curriculum (educational programming) is also available – it is a standard curriculum, optional and self-guided; some facilities offer groups as well.
- Those disabled are referred to specialized programming, Disabled Offenders Economic Support (DOES); the inmate must voluntarily agree to participate.
- If severe mental health needs are identified, the inmate is screened for possible participation in the Opening Avenues to Reentry Success (OARS) program. Criteria include a qualifying mental health diagnosis, length of sentence to be served in the community, COMPAS risk level, release to a qualifying county and willingness to participate. The inmate will receive up to two years of follow-up wraparound services. The program capacity is 140.
- 4 months prior to release, if the inmate is proposing to live in another state, the Interstate Compact Process is initiated by the social worker.
- If the inmate is a sex offender, their reentry planning will include sex offender registration, possible community notification and registration with local law enforcement.
- On the 20th of the month prior to release, inmates apply for health insurance (BadgerCare Plus) using the inmate phone system. If approved for BadgerCare Plus, the Forward Health card is mailed to the institution and placed in the inmate's property.
- Inmates who are prescribed medications are released with a two-week supply of prescription medications and are also given a prescription for an additional one-month supply.
- DCC agents review the case plan, set supervision levels based on the COMPAS risk assessment and DCC policy, establish rules of supervision, and make referrals for services.
- DCC agents send the rules of supervision to the institution social worker for inmate review and signature.
- Inmates releasing on their max discharge dates have a release plan focused on residence and employment. Plans can be further limited by lack of inmate cooperation.
- Transition of the case from the institution to supervision occurs with the social worker completing the COMPAS Reentry Assessment and the agent completing the follow-up case plan once the offender is released.
- Although most inmates released from prison do not have stable employment, some are eligible for Windows to Work job readiness reach-in and post-release programs, which provide for local Department of Workforce Development (DWD) staff to provide assistance upon release from prison.
- 6 months prior to release from prison, inmates are required to begin release planning, and complete a form detailing their proposed release address, employment, financial status, health, education, and treatment needs. In addition, pre-release curriculum (educational programming) is also available to inmates – it is a standard curriculum, optional and self-guided. Basic modules include education, financial literacy, family support, health, housing, personal development, transitional preparation, transportation, and wellness.

### ***What guides these decisions?***

- Department of Corrections Policy (Reentry Business Plan)
- COMPAS risk assessment results
- Resources/social worker caseloads
- Mental health/AODA needs of offenders
- Offenders' willingness to participate in programming
- Evidence-Based Practices, research, and National Institute of Corrections' Principles of Effective Intervention

### What does the research suggest?

- The Serious and Violent Offender Reentry Initiatives (SVORI) [a comprehensive program designed to prepare high risk offenders for successful community reintegration through both institutional and community-based programming] successfully reduced likelihood of recidivism in contrast to traditional parole services and supervision. *Primary Citation:* Bouffard & Bergeron (2006)
- Well-designed and implemented reentry programs (such as Minnesota Comprehensive Offender Reentry Plan (MCORP) which underscores a collaborative relationship between institutional caseworkers and community supervision agents) can effectively reduce recidivism rates and yield a positive return on investment. *Primary Citation:* Duwe (2014)
- Particularly in the absence of community supervision, reentry programs (such as Project Re-Connect in St. Louis, MO) that address multiple service needs and link offenders to important services (e.g., housing, education, transportation) play a crucial role in the successful reintegration of offenders. *Primary Citation:* Wikoff, Linhorst, & Morani (2012)
- Participation and immersion in the Preventing Parolee Crime Program (PPCP) – a multimodal treatment protocol – was consistently associated with lower rates of reincarceration and absconding compared with traditional parole. *Primary Citation:* Zhang, Roberts, & Callanan (2006)
- Reentry programs showing the most promise in reducing recidivism rates include vocational/work programs, drug rehabilitation programs, halfway house programs, and pre-release programs. *Primary Citation:* Seiter & Kadela (2003)
- Halfway house interventions with supervision geared to level of risk/need can be effective with higher risk offenders. *Primary Citation:* Andrews & Janes (2006)
- In general, there is support for the effectiveness of halfway house programs in reducing recidivism rates. However, one should be mindful of reserving these services primarily for moderate to high risk offenders. *Primary Citations:* Hamilton & Campbell (2014); Latessa, Lovins, & Smith (2010)
- In general, community-based reentry programs tend to yield positive outcomes – particularly when they include housing assistance and aftercare components. *Primary Citation:* Wright, Zhang, Farabee, & Braatz (2014)
- Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services. *Primary Citation:* Andrews (2007)
- The neighborhood context in which parolees return plays an important role in their successful reintegration. In particular, the close proximity of social service providers to offenders appears to be important in attenuating recidivism. *Primary Citation:* Hipp, Petersilia, & Turner (2010)
- Many of the needs that are particularly salient to women offenders are not currently addressed in the context of reentry services. It is therefore important to continue developing gender-responsive treatment strategies for this growing population. *Primary Citation:* Scroggins & Malley (2010)

### What should happen at this decision point?

1. Sufficient time is provided for release/reentry planning to be well-designed.
2. Social workers understand the barriers to successful release (licensing, housing, medications, programming, employment, etc.).
3. Social worker caseloads are manageable, and other institution staff is also involved in reentry planning.
4. Employers are incentivized to hire ex-offenders and landlords are incentivized to allow ex-offenders to live in their properties (through a state tax credit, etc.).
5. Sufficient resources are available to connect ex-offenders to educational systems (universities, technical colleges, trade schools, etc.).
6. Inmates are incentivized to participate in pre-release curriculum and pre-release planning.
7. The reentry planning process is evaluated to ensure that it is evidence-based.
8. Sufficient housing and placement opportunities are available for sex offenders reentering the community.
9. Adequate vocational training is available for offenders and is prioritized to meet the employment needs of high demand fields.

### Data Available

- COMPAS Reentry risk assessment score (inmates must have been deemed eligible 12 months or more)
- Could potentially examine COMPAS scores at various points
- Outcome data on some reentry programming is available (e.g. Windows to Work)
- Number of inmates released (8,000 per year; 2,500 to Milwaukee)

### Data Needed

- COMPAS Reentry score for inmates releasing on max discharge is not available
- Comparison of COMPAS scores (intake, PSI, reentry)
- Number of inmates releasing with or without housing, employment, programming
- Data on whether inmate has access to health care/SSI/SSDI
- Number of inmates who participate in pre-release curriculum
- Working for more employment/DWD data

### *What are the opportunities for improvement?*

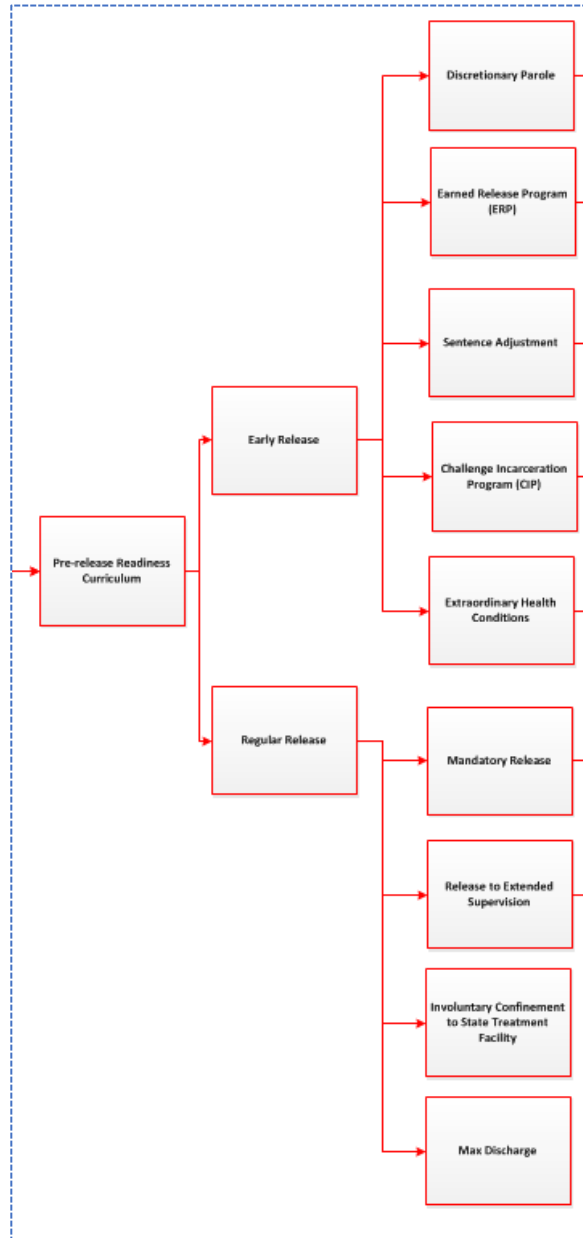
1. Promote cultural change with all prison staff to engage in the reentry planning process.
2. Ensure availability of a standardized job readiness/vocational assessment prior to release.
3. Invest in training for social workers (e.g. evidence-based principles, motivational interviewing, etc.), and ensure that programming delivered is focused on the top criminogenic needs of offenders (four most influential: antisocial cognition, antisocial personality, antisocial associates, and family/marital issues; four other: substance abuse, employment, education, and leisure).
4. Ensure manageable caseloads for social workers based on evidence-based principles.
5. Hold contracted service agencies accountable and ensure effectiveness and fidelity to evidence-based practices (e.g. Windows to Work program).
6. Expand DOC's reentry planning process and programmatic services to prisons statewide (e.g. mental health services), and evaluate to ensure they are evidence-based.
7. Review and explore legislative changes to ensure an offender's government benefits are not terminated while they are in custody.

#### **Key:**

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# Decision Point #9: State Institutional Release



## *Why is it important?*

- This decision point offers an opportunity to properly prepare inmates for release from prison, which can reduce recidivism and increase public safety.
- Early release options can incentivize positive adjustment, improved behavior and program participation among inmates.
- Pre-release programming can provide access to needed treatment while an inmate is incarcerated and awaiting release.
- Early release mechanisms reduce the cost of incarceration.



### *What currently happens?*

- Over the past 24 years, numerous changes in the law have resulted in changes in the way that inmates are released from prison:
  - For offenses committed prior to June 1, 1984, an inmate's mandatory release date is established by applying statutory good time and extra good time.
  - Offenses committed between June 1, 1984 and December 31, 1999 are sentenced under 1983 WI Act 528, in which a mandatory release date is established at 2/3 of the sentence and is the date on which an inmate must be released from prison if not granted discretionary parole. Inmates become eligible for discretionary parole when they have completed 25% of their sentence.
  - Some serious felonies committed between April 21, 1994 and December 31, 1999 have presumptive mandatory release dates.
  - Offenses committed on or after December 31, 1999 are sentenced under 1997 Wisconsin Act 283, known as Truth In Sentencing (TIS). TIS allowed courts to impose a bifurcated sentence that consists of a term of confinement in prison followed by a term of Extended Supervision days (supervision in the community)
- The implementation of TIS shifted the release mechanism from parole and mandatory release to extended supervision. Currently, most inmates are released from prison to supervision; however, some inmates are released to parole and some serve their entire sentence in prison with no remaining supervision term (known as maximum discharge).
- There are also some limited early release mechanisms for inmates, including the Earned Release Program (ERP), sentence adjustments, the Challenge Incarceration Program (CIP), Discretionary Parole, and Compassionate Release (release for extraordinary health conditions). Eligibility for these early release mechanisms is dependent on factors such as the date of offense, level of crime committed, the needs of the offender, and positive behavior.
- Some inmates are eligible to participate in the Earned Release Program (ERP), which grants early release by completing required programming. The overall sentence does not change, but prison days are converted to Extended Supervision days.
- Eligibility for the Earned Release Program is based on statute, judicial discretion, and DOC criteria that include an identified substance abuse need, inmate willingness, offense history, eligibility to be housed in appropriate prison, sentence structure and program capacity. DOC also has discretion for entry into the program.
- Sentence Adjustment Petitions (TIS sentences only) are requests initiated by the inmate to the sentencing judge, and are requests for consideration of a sentence adjustment due to an inmate's positive adjustment. Certain inmates are eligible for sentence adjustment after they have completed 75% or 85% of their confinement time.
- Inmates sentenced for offenses that occurred prior to December 31, 1999 may be eligible for discretionary parole once they meet their parole eligibility date. Eligibility factors include whether the inmate has served sufficient time for punishment, whether the inmate has displayed satisfactory institutional adjustment/completed programming, whether there is an adequate parole plan in place, and whether the inmate is a risk to the community.
- After reviewing these criteria, the Parole Commission makes recommendations to the Chair, and the Chair makes the final parole determination.
- Compassionate Release is also available to inmates with extraordinary health conditions, such as the elderly or terminally ill. The sentencing court reviews petitions for compassionate release.

### *What guides these decisions?*

- Department of Corrections and Parole Commission policies
- Wisconsin Statutes and Administrative Code
- Date of offense and offense category
- Department of Corrections discretion
- Parole Commission and Parole Chairperson discretion
- Programming and resource availability
- Individual inmate characteristics:
  - Health of the inmate
  - Age of inmate
  - Substance abuse needs
  - Proof of positive adjustment



### **What does the research suggest?**

- Direct release from high security, segregated supermax settings to the community is associated with increases in recidivism rates and shorter time to reoffending. *Primary Citation: Lovell, Johnson, & Cain (2007)*
- Empirical evidence suggests that institutional misconduct is predictive of future criminal outcomes in the community. It is therefore appropriate for parole boards to incorporate this information into their decision-making process. *Primary Citation: Mooney & Daffern (2011)*
- Mental illness per se does not tend to predict recidivism among parolees. *Primary Citations: Matejkowski, Draine, Solomon, & Salzer (2011); Walters & Crawford (2014)*
- Halfway house interventions with supervision geared to level of risk/need can be effective with higher risk offenders. *Primary Citation: Andrews & Janes (2006)*
- A sample of non-violent inmates in Kentucky who had their sentences commuted posed no greater threat to public safety than those who remained incarcerated until their sentence expiration date. Moreover, by releasing the commuted sentence group, the research team estimated a cost savings of \$13,430,834. *Primary Citation: Vito, Tewksbury, & Higgins (2010)*

### **What should happen at this decision point?**

1. Pre-release programming and release decisions are evidence-based.
2. Pre-release programming decisions for those who are parole eligible are coordinated between DOC and the Parole Commission.
3. Inmates are properly prepared for release.
4. Effective communication regarding release planning occurs between social workers and probation/parole agents.
5. Equal access to programs is available, regardless of race, religion, or other socioeconomic factors.
6. Victim and community input is considered in release decisions.
7. Adequate pre-release programming resources are available, and there are no internal or external barriers for offenders to enter programs.

### **Data Available**

#### Courts:

- Sentence adjustment petition grants and denials
- Challenge Incarceration Program/Earned Release Program participant completion data
- Compassionate release petition grants and denials
- Discharge data based on type of discharge
- Parole eligible inmates/breakdown of demographics, etc.
- Pre-release program completion data for inmates

#### **Data Needed**

- Analysis of reasons why certain inmates are unable to complete programs
- Analysis of offenders eligible for early release but not into the program



### *What are the opportunities for improvement?*

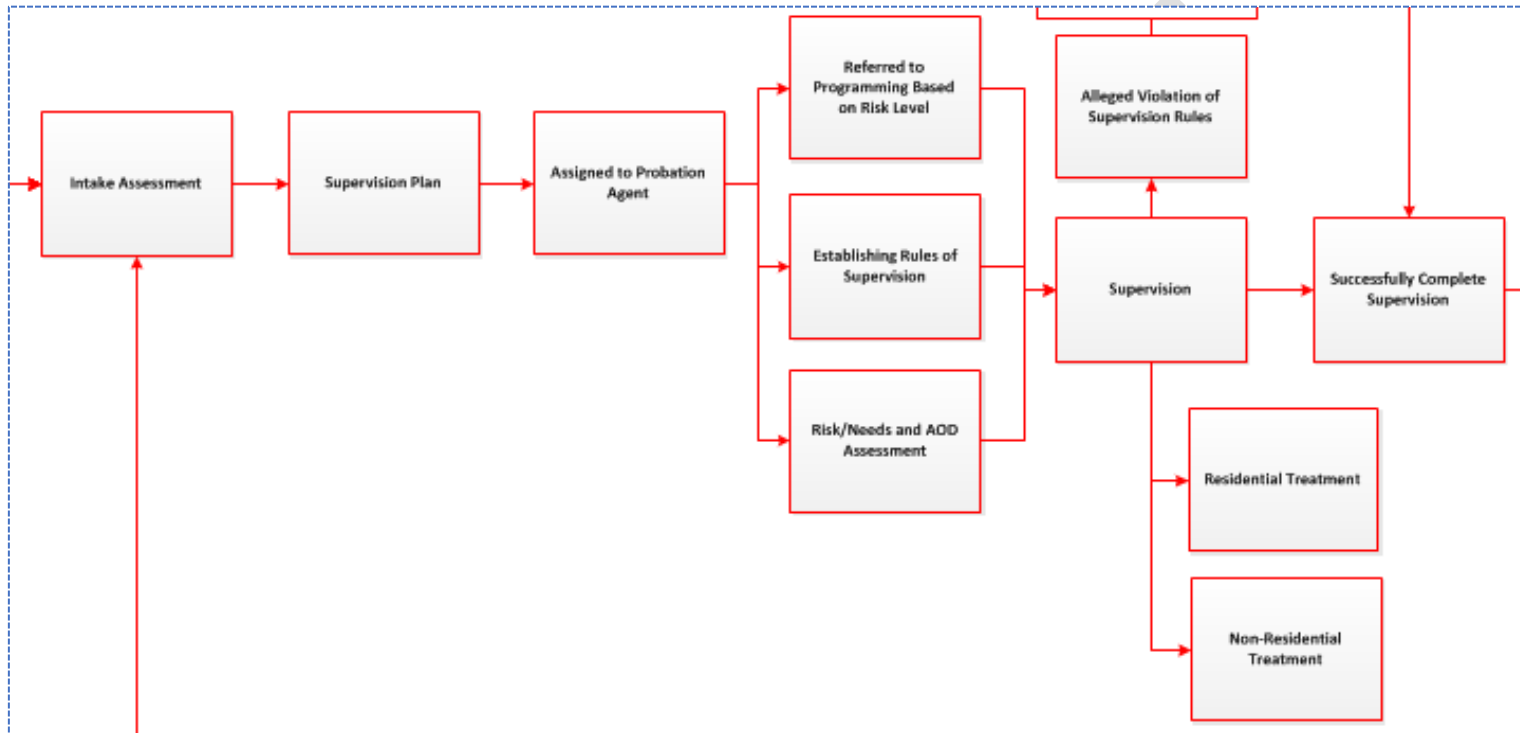
1. Promote and expand evidence-based programming and release opportunities based on risk/needs of inmates.
2. Increase and expand evidence-based treatment resources to include more than substance abuse (e.g., mental health, trauma) and incentivize entry into treatment programs (through expanded release options).
3. Enhance coordination between the Parole Commission and DOC to get parole-eligible inmates into programming prior to release.

#### **Key:**

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# Decision Point #10: Community Supervision



## *Why is it important?*

- Probation and parole decisions are crucial in assessing the risk of offenders to the community and for identifying their needs to enable a successful reintegration back into the community.
- Probation and parole decisions provide an opportunity to enhance public safety and promote harm reduction.
- Probation and parole offers an opportunity to help offenders succeed in the community while also providing support and services to crime victims.
- Probation and parole decisions offer opportunities to engage offenders in behavior change.



## What currently happens?

- There are four different types of community supervision:
  - **Sentence Withheld, Placed on Probation** means the court has not imposed a sentence and has ordered an offender to be placed in the custody of the DOC through community-based supervision. The offender will be subject to the control of the department under conditions set by the court and rules and regulations established by the DOC for supervision. If the offender violates the conditions of supervision and probation is revoked, the offender will be returned to court for sentencing.
  - **Sentence Imposed And Stayed, Placed on Probation** means the court has sentenced an offender to a specific term, but has ordered that sentence not be carried out and has placed the offender in the custody of the DOC for a stated period. If the offender violates rules or conditions of probation and supervision is revoked, the offender will then be required to serve the sentence imposed by the court.
  - **Parole** means that the Parole Commission has released an offender from prison and has set conditions of parole or that an offender has been released from prison after reaching the mandatory release date.
  - **Extended Supervision** means that an offender has completed their prison sentence under the Truth in Sentencing law and now has a period of community supervision to complete. The judge determined the length of the extended supervision at the time of sentencing.
- When an offender is placed on probation, they are assigned to an agent based on their address. Intake is completed within the first 60 days of community supervision for medium and high risk offenders. For low risk offenders, the intake is completed within the first 30 days of being placed on supervision. For those releasing from prison, the intake timeframe is substantially shorter since much of the work was already completed during institutional release planning.
- A COMPAS risk assessment is completed (or updated if one was completed within the last year). It is a process of engaging the offender to identify program needs, prioritize case plan goals, and identify barriers and develop plans to overcome them.
- COMPAS data is used to identify needed services for individuals.
- The case plan is focused on the top criminogenic needs as established by the COMPAS, and incorporates court order conditions.
- Offenders must complete court ordered conditions. Probation can require additional programming, regardless of the conditions set by the court.
- If DOC disagrees with the necessity of a court order condition, they can request a modification by the court.
- Also during the intake process, an initial home visit is conducted, and payment plans are established for court costs, restitution and supervision fees.
- All programming provided or contracted for by DOC are cognitive-based and DOC is working toward ensuring all programs are evidence-based. If the offender has the means, they secure and pay for their own treatment (which may, or may not, be evidence-based).
- Offenders are prioritized for programming based on risk. Offenders who score as minimum risk are generally not referred for programming.
- Purchase of Service (POS) providers have specific requirements related to providing evidence-based services. DOC is completing corrective action plans with POS providers who do not meet passing standards.
- Each DOC region has a dedicated staff position to oversee contracted programming. Most programs have been evaluated using the Corrections Programs Checklist (CPC). (Corrections Program Checklist – DOC uses the results to inform the services they contract.) However, there are difficulties in assuring uniform services statewide.
- COMPAS risk assessment scores determine supervision level and frequency of contacts. Supervision levels can be overridden based on policy (examples of overrides include sex offenders, OWI offenders and those in treatment courts). Supervision level can also be overridden on a discretionary basis after staffing the case with the field supervisor.
- Approximately 20% of offenders receive an override that raises or lowers their supervision level.
- Mixing low-risk with high-risk offenders is avoided whenever possible by having designated low-risk reporting days.
- Risk-specific caseloads for agents is ideal (i.e., one agent supervising only low-risk offenders or only high-risk offenders), however this option is difficult to accomplish at this time due to limited capacity.
- All staff are trained in motivational interviewing, the core competencies (building professional alliance, effective case management and planning, using skill practice to address criminogenic needs, and effective use of rewards and sanctions) and other EBP skills and techniques.
- Staff do not reflect the demographics of the population they supervise – 67% of DOC workforce is female.



### *What guides these decisions?*

- State statutes and Administrative Code dictate the standard rules of supervision applicable to all offenders.
- COMPAS risk/needs assessment score, combined with DOC policy, sets supervision levels and requirements.
- Conditions ordered by the sentencing judge.
- Discretion of agents, who can add rules that specifically apply to an offender's risk level, and current/past criminal behavior.

### *What does the research suggest?*

- Gender-responsive assessment (and treatment) strategies are recommended for female offenders so as to tap into the unique contextual factors surrounding their criminal conduct. In turn, this will serve to improve the prediction of criminal outcomes and the identification of appropriate treatment targets for women. *Primary Citation:* Van Voorhis, Wright, Salisbury, & Bauman (2010)
- Ongoing reassessment can help identify progress in key domains reflected in parolees' case plans or, conversely, the presence of new criminogenic needs. Reassessment information can then be used to adjust supervision levels to reflect the current likelihood of recidivism exhibited by an individual. *Primary Citation:* Jones, Brown, & Zamble (2010)
- Intensive supervision and services are most effective when directed to higher risk offenders. *Primary Citation:* Lowenkamp & Latessa (2004)
- Correctional interventions that are grounded in the principles of risk/need/responsivity produce recidivism reductions in the most cost-effective manner. *Primary Citation:* Romani, Morgan, Gross, & McDonald (2012)
- Training probation officers to adhere to the principles of RNR can effectively serve to reduce recidivism rates of clients under community supervision. Improved outcomes are evidenced when supervision officers spend the majority of their time (i.e., at least 15 minutes per session) working with offenders on criminogenic needs rather than focusing on conditions that are non-criminogenic, and use appropriate cognitive behavioral techniques (e.g., reinforcement, modeling, etc.). *Primary Citations:* Bonta et al. (2011); Bonta, Rugge, Scott, Bourgon, & Yessine (2008)
- Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services. *Primary Citation:* Andrews (2007)
- Emphasis should be placed on treatment targets (i.e., criminogenic needs) using a variety of interventions, especially cognitive behavioral programming. *Primary Citations:* Aos, Miller, & Drake (2006a); Aos, Miller, & Drake (2006b)
- Both maintaining a high level of treatment integrity and adhering to a human service treatment philosophy increase program effectiveness. It is recommended that agencies implement periodic assessments such as the CPAI so as to ensure continued program integrity. *Primary Citation:* Lowenkamp, Flores, Holsinger, Makarios, & Latessa (2010)
- Research indicates a relationship between the integrity with which a correctional program is implemented and recidivism outcomes. *Primary Citation:* Lowenkamp & Latessa (2004)
- Consistent with research supporting CBT interventions with offenders, Thinking for a Change (TFAC) participation produced significant reductions in recidivism rates among offenders on probation. *Primary Citation:* Lowenkamp, Hubbard, Makarios, & Latessa (2009)
- Grounded in principles of restorative justice, reparative probation (as implemented in Vermont) is a more effective alternative to standard probation with respect to lowering recidivism rates. *Primary Citation:* Humphrey, Burford, & Dye (2012)
- Reducing caseload sizes results in fewer rearrests and technical violations for probationers and parolees. *Primary Citation:* Taxman, Yancey, & Bilanin (2006)
- Attention to staff characteristics and skills is necessary to enhance outcomes with offenders. *Primary Citation:* Dowden & Andrews (2004)
- The enforcement role of the probation officer needs to be balanced with a helping role that is grounded in cognitive behavioral principles. *Primary Citations:* Bonta, Rugge, Scott, Bourgon, & Yessine (2008); Bonta et al. (2011)
- Although practitioners typically administer structured risk/need assessments, they rarely link scores to appropriate service needs and supervision decisions. *Primary Citation:* Viglione, Rudes, & Taxman (2015)
- Staff who are trained in a formal case management model achieve more positive outcomes (i.e., reduced recidivism) with justice-involved individuals. *Primary Citation:* Smith, Schweitzer, Labreque, & Latessa (2012)
- Women exposed to a gender-responsive case management model have a significantly lower rate of new arrests compared to women in a control group. *Primary Citation:* Robinson, Van Dieten, & Millson (2012)

### *What should happen at this decision point?*

1. Only medium and high risk offenders are placed on probation.
2. Dosage needs of offenders are met.
3. DOC staff is culturally competent and highly skilled in evidence-based community supervision practices.
4. Agents are provided manageable caseload sizes to effectively implement evidence-based practices with offenders.
5. Interventions and conditions are matched with offenders' risk/needs.
6. Resources are available to meet offender treatment needs, and treatment is evidence-based and based on the four primary criminogenic needs
7. Offenders are able to obtain stability in important life areas, such as employment, housing, and supportive relationships.

### *Data Available*

- Breakdown of probation and parole population by risk level
- A program completion database has been completed, which provides the following data: numbers of participants, costs, outcomes, dosage hours, wait list data, and program completion data for participants
- Data to distinguish technical violations vs. revocation on new crimes

### *What are the opportunities for improvement?*

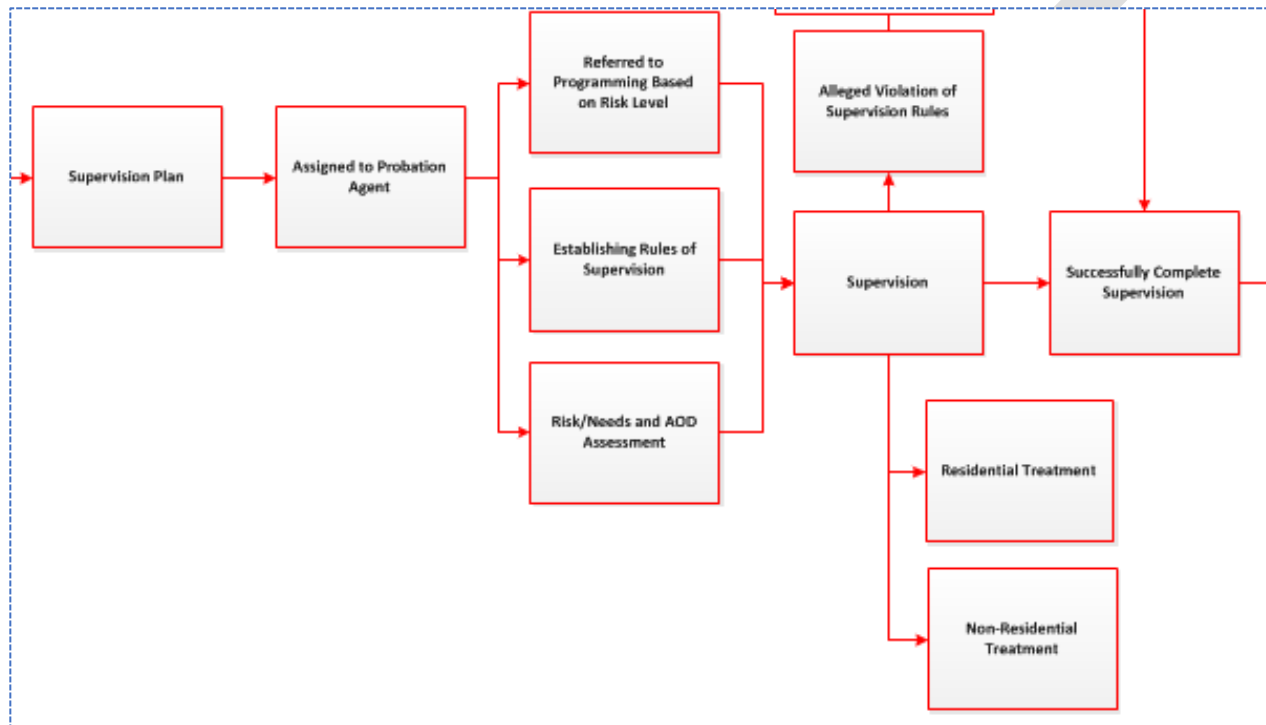
1. Develop staff skills related to cultural competency and provide evidence-based practice training and develop EBP coaches for DOC supervisors and agents.
2. Implement a statewide, evidence-based violation response matrix to guide consistency in responses to violations.
3. Develop strategies targeted to recruit staff to reflect the diversity of the population that they supervise.
4. Establish avenues to provide data and feedback to both system partners and the community to identify and celebrate offender success.
5. Create evidence-based, right-sized caseloads for DOC agents, by ensuring that only appropriate offenders are placed on probation.
6. Increase community engagement with offenders on supervision (e.g., mentoring, prosocial activities).
7. Standardize supervision conditions and develop attainable and individualized conditions of release for offenders.

#### **Key:**

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## Decision Point #11: Community Behavior Change



### *Why is it important?*

- Targeting interventions and programming to address an offender's top criminogenic needs offers an opportunity to both maximize resources and improve offender outcomes.





## What currently happens?

- A risk/needs assessment is completed, along with a substance abuse and/or psychological assessment to determine appropriate programming.
- Programs serve adult offenders who have been convicted and are under DOC supervision for the duration of services. Factors considered in referrals include conviction offense behavior(s), prior record, other prior history, indicators of imminent relapse, availability of resources, or other case contingencies. Priority placement is given to moderate to high risk offenders based upon COMPAS/DOC screening.
- Programs provide reasonable accommodations for offenders with identified special needs.
- Department of Corrections (DOC) uses purchase of service (POS) resources to offer an array of treatment services to meet the treatment needs of offenders as well as the court-ordered conditions in the case. The treatment services are as follows:
  - **Residential Programs** – Offer housing for offender as they complete treatment either at the residential facility or at an out-patient facility.
    - Community and Residential Programs (CRP) – Provides residential care, service coordination and step down non-residential program services to offenders.
    - Halfway House Program (HWH) – A community based residential facility that provides 24/7 supervision with individual and group treatment services.
    - Three Quarterway House Program – Housing for multiple occupants is provided, either in the form of an apartment or a facility, with access to congregate living areas and a shared kitchens. The contractor supplies all furnishings, necessary household supplies, a food supply for one week, and staff providing supervision via random on-site inspections. Offenders have rules that must be followed, program services to be attended, and employment requirements. This differs from the typical Transitional Living Program as participation in program groups is required as a part of this program and provided off-site.
    - Transitional Living Program (TLP) – Housing for multiple occupants is provided, either in the form of an apartment or a facility, with access to congregate living areas and shared kitchen. Included are all furnishings, necessary household supplies, a one-week food supply, and staff provides supervision via random on-site inspections. Offenders have rules to follow, program services to attend as determined by their agents and employment requirements.
  - **Non-Residential Programs** – Treatment provided in the community that does not have a residential component.
    - Anger Management with Impulse Control – Treatment improves offenders’ ability to deal with anger appropriately and reduce criminal justice involvement.
    - Cognitive Behavioral Therapy (CBT) – Cognitive interventions teach specific strategies to help offenders (1) identify specific thoughts that support their criminal behavior; (2) recognize and appreciate the pattern and consequences of their thinking; (3) utilize reasoning and problem solving strategies to control and change their thinking; (4) recognize they have choices and choose to change or not to change. Includes Cognitive Skills and Cognitive Restructuring.
    - Day Report Center (DRC) – Programming at the DRC is a multi-disciplinary, holistic approach to treatment, including education and employment services in a single location. The primary therapeutic goal is to assist offenders in achieving a responsible, crime- free lifestyle by addressing their criminogenic needs.
    - Domestic Violence (DV) – Offenders receive treatment for DV related convictions, which includes controlling and coercive behaviors that may include physical injury.
    - Emergency/Supplemental Housing – Emergency/Supplemental Housing is temporary, thirty day housing offered to offenders who have no appropriate residence and may be waiting for a residential program opening.
    - Employment, Vocational and Community Services – Provides employment training and assistance, vocational assessments and education services to help offenders find gainful employment. Community Services monitors offenders working in non-profit agencies to complete court-ordered community service hours.
    - Family Reintegration Services – The Family Connections Program is offered in Milwaukee only and enhances an offenders’ ability to maintain significant relationships.
    - Pre-Treatment Program – Introduces offenders to basic cognitive programming tools with the intent to reduce barriers prohibiting successful program participation.
    - Psychological Services – Provides general psychological services including identification and treatment of mental health conditions to assist in a pro-social lifestyle.
    - Sex Offender Services – Program services address the rehabilitation need of offenders convicted of sex offenses.
    - Substance Abuse (Alcohol and Other Drug Abuse) – Provides group and/or individual community-based treatment for offenders to promote abstinence from mood altering chemicals and make lifestyle changes to avoid further legal difficulties.
    - Wisconsin Fresh Start Program – Provides at-risk young people with education, employment skills, and career direction leading to economic self-sufficiency.



### What guides these decisions?

- COMPAS Risk/Needs Assessment
- Clinical assessment and evaluation
- Availability of resources (by DOC region)
- State Statute and Administrative Code
- DOC purchasing/RFP process
- Current offense/court ordered conditions

### What does the research suggest?

- Treatment programming is most effective when targeted to higher risk offenders and their criminogenic needs, and preferably (though not exclusively) be community-based. *Primary Citation: McGuire (2002)*
- Incorporating elements of trauma-informed care is apt to increase the responsivity of justice-involved individuals to evidence-based cognitive behavioral programming aimed at reducing more proximal criminogenic needs (e.g., antisocial attitudes, substance abuse). *Primary Citation: Miller & Najavitz (2012)*
- Both maintaining a high level of treatment integrity and adhering to a human service treatment philosophy increase program effectiveness. It is recommended that agencies implement periodic assessments such as the CPAI so as to ensure continued program integrity. *Primary Citation: Lowenkamp, Flores, Holsinger, Makarios, & Latessa (2010)*
- Research indicates a relationship between the integrity with which a correctional program is implemented and recidivism outcomes. *Primary Citation: Lowenkamp & Latessa (2004)*
- Consistent with research supporting CBT interventions with offenders, Thinking for a Change participation produced significant reductions in recidivism rates among offenders on probation. *Primary Citation: Lowenkamp, Hubbard, Makarios, & Latessa (2009)*
- Cognitive behavioral programs applied across both institutional and community settings (e.g., Reasoning and Rehabilitation) effectively reduce recidivism rates. *Primary Citation: Tong & Farrington (2006)*
- Anger management is an effective form of intervention for recidivism reduction, producing moderate effect sizes when compared to untreated groups. *Primary Citation: Del Vecchio & O'Leary (2004)*
- While the provision of housing services on its own does not reduce recidivism, housing combined with other services (e.g., employment, substance abuse, etc.) has been shown to reduce recidivism by 12%. *Primary Citation: Miller & Ngugi (2009)*

### What should happen at this decision point?

1. Quality providers deliver evidence-based programming, and programs that are not evidence-based are no longer offered.
2. Adequate treatment resources are available, and recruitment and retention of evidence-based treatment providers is incentivized in all areas of the state.
3. Fidelity to evidence-based principles is ensured in programs and services.
4. Outcome data is available for programs.
5. Equal access to programming is provided.
6. Treatment resources are not dependent upon geographic region.

### Data Available

- Breakdown of probation and parole population by risk level
- A program completion database has been completed, which provides the following data: numbers of participants, costs, outcomes, dosage hours, wait list data, and program completion data for participants



### *What are the opportunities for improvement?*

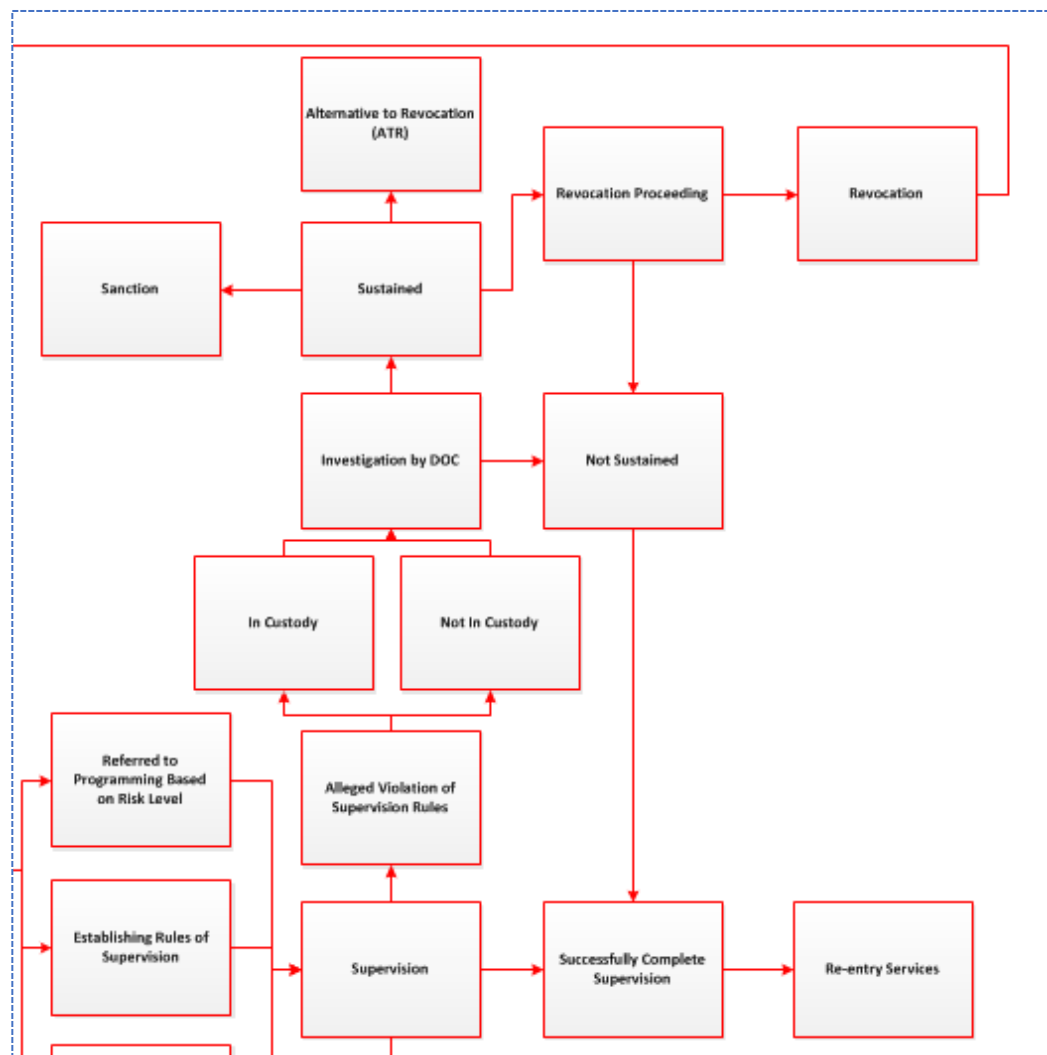
1. Create a method to support and facilitate effective service delivery statewide. Examples could include creating a statewide catalogue of available treatment resources, and expanding opportunities for videoconferencing/remote consultations and telemedicine.
2. Increase understanding statewide of medication-assisted treatment (MAT).
3. Provide services and funding to support MAT and other evidence-based treatment for offenders, increase access to psychological services for mental illness and co-occurring disorders, and increase effective in-patient and out-patient treatment.
4. Expanded treatment services should create a measurable outcome that increases the ability to offer Alternatives to Revocation and reduces the number of revocations.

#### **Key:**

- Black font: Identified by State Team
- Orange font: Identified by one or more local teams
- Purple font: Identified by both the State Team and one or more local teams



## Decision Point #12: Violation Responses



### *Why is it important?*

- Ensuring swift and appropriate responses to offender violations are crucial to protecting public safety while reducing harm and further victimization.
- This decision point offers an opportunity to provide thorough and timely responses to respect offender rights and ensure valuable resources are not being used unnecessarily.
- Probation and parole revocations account for 30% of the prison population. Improving community supervision outcomes will effectively reduce recidivism, community safety, and prison costs.



## What currently happens?

- When an agent discovers evidence that an offender has violated their rules of supervision (e.g., substance use, driving violations, threatening or violent behaviors, drug possession or sale, theft, etc.) and/or has violated the law, the agent must investigate the allegations.
- If the alleged violation is assaultive or threatening in nature, the offender must be placed in custody per the mandatory detention policy.
- An agent's investigation should be thorough, objective, well documented and conducted in a timely manner.
- If the violations resulted in an offender being taken into custody, an Order to Detain (also known as a "hold") is placed on the offender, which triggers a tracking in the DOC system of the offender's time in custody. The custody and the progress of the investigation are followed by the agent's supervisor and by the regional office.
- The agent's hold lasts for 3 business days as they initiate the investigation. If the investigation is still ongoing, the supervisor can authorize another 3 business days for the hold. If the investigation is not complete once the supervisor's hold expires, the agent may request an extension from the Regional Office. Once staffed with the Regional Office, an additional 5 business days may be granted to allow the agent to complete the investigation. In extreme cases, Administrator approval is needed to allow for additional investigation time. The administrative hold time is not a set amount of days. The agent must justify the continued hold and request the number of days needed to complete the investigation.
- The offender's right to counsel can be fulfilled at this point through appointment by the public defender's office.
- The investigation includes documentation from multiple agencies (i.e. victim, witness, and offender statements (DOC); police reports, victim photos of injuries, or property damage photos (Law Enforcement); criminal complaints and discovery materials (District Attorney & Clerk of Courts office); abuse reports (Social Services), etc.). A thorough investigation is necessary to ensure an offender is not unjustifiably deprived of their rights or freedom. All of the evidence/documentation described above may be used moving forward if the Department pursues revocation.
- Offenders' statements cannot be used against them in criminal proceedings (i.e. new charges) and refusing to provide a statement is a violation of probation.
- While the investigation is underway, the offender usually remains in custody until the agent completes the investigation and an informed custody decision can be made.
- When considering a violation disposition, the agent engages in a process called "Functional Response to Violation." This means that responses should accomplish one or more of the following objectives: 1.) Control the offender (protect the public) 2.) Correct the behavior contributing to the violation (counseling, education, treatment) 3.) Hold the offender to account (not depreciate the seriousness of violation or pattern of violations).
- Once the investigation is complete, entry-level agents staff the case with the supervisor. For senior agents, only assaultive or more complex cases are staffed with the supervisor. Effective responses occur along a continuum of intensity and are dictated by individual case circumstances. The DOC pursues the least restrictive custody option that is likely to accomplish the desired objectives, listed above.
- Alternatives to Revocation (ATR's) are fully discussed and considered during the staffing. An ATR is considered to be a safe and appropriate alternative to revoking an offender's term of community supervision. ATR options include: Institution ATR, Halfway House (HWH) placement, short-term sanctions, amendment to Judgment of Conviction (JOC) to include conditional jail time, GPS monitoring, Electronic Monitoring (EMP), intensive out-patient treatment, increase in supervision level, etc.
- Revocation proceedings are initiated when there are no viable ATR's available to accomplish the objectives. The agent serves the offender with the Notice of Violations and Revocation, which lists allegations of the offender's violations discovered during the investigation and includes the DOC rule of supervision that was violated.
- An offender should be served with revocation within 10 business days of being taken into custody or administrative approval is required. The revocation packet, which includes the Revocation Summary, should be submitted within 10 business days of the date the offender was served with revocation.
- ATR's are fully considered up until the time that the revocation hearing occurs, and in certain cases the agent continues to discuss ATR options with the Defense Attorney and Supervisor.
- If the offender has been served with revocation and an ATR is deemed appropriate, the agent must serve the offender with a formal Alternative to Revocation Agreement. Resource availability is a crucial factor in the ability to offer ATR's. The offender is not to be held in custody awaiting an ATR (usually a secure ATR such as an institution ATR, HWH, Vivitrol Program acceptance, or in-patient placement option) longer than 60 days without Regional Approval.
- If the offender's violations are not severe enough to warrant revocation, they can be released with a warning or an ATR agreement and referred for the needed services.
- The agent must notify the victim(s) of any alleged violation(s) and their disposition. If the offender is in custody, the victim(s) must be notified before the offender is released.



### *What guides these decisions?*

- Circumstances of the violation & the offender's attitude about the violation/motivation to change, and victim input
- COMPAS Risk/Needs Assessment, as well as University of Rhode Island Change Assessment (URICA) score if available
- DOC's risk tolerance
- Community risk tolerance
- Current offense, prior criminal history, and adjustment while on supervision
- Correctional objectives (i.e., control the offender; correct the behavior contributing to the violation; and hold the offender accountable)
- Program and resource availability, both in the community and in the institutions

### *What does the research suggest?*

- A model that encompasses both rewards and sanctions is more highly predictive of successful program completion than a reward model or a sanction model alone. The probability of successful program completion is optimized when the reward-to-sanction ratio is 4:1. *Primary Citation: Andrews & Bonta (2010)*
- Stringent supervision conditions tend to produce more technical violations and more incarceration and do not reduce recidivism by themselves. *Primary Citation: Petersilia & Turner (1993)*
- Sanctions on their own do not change offender behavior or reduce recidivism. More severe sanctions may increase recidivism. *Primary Citations: Smith, Goggin, & Gendreau (2002); Gendreau & Goggin (1996)*
- Even graduated sanctions (i.e., incrementally escalating the severity of penalties for noncompliant behavior) can ultimately lead to noncompliance; specifically, individuals may become habituated to punishment such that future sanctions are rendered ineffective at suppressing unwanted behavior. *Primary Citation: Wodahl (2007)*
- Immediacy, fairness, consistency, and proportionality in responding to misbehavior are important to shaping behavior. *Primary Citation: Taxman, Soule, & Gelb (1999)*
- For responses to noncompliance (i.e., punishers) to be effective, they must be (1) swift (happen as quickly as possible), (2) certain (be applied each time the undesirable behavior occurs), (3) fair (be perceived as fair and consistent with similar situations), (4) responsive (take into consideration the unique characteristics of the individual), (5) proportional (be no more severe than the behavior warrants), and (6) parsimonious (employ as few interventions and resources as possible). *Primary Citation: Carter (2015)*
- Confinement is an ineffective sanction for technical violations, and actually can result in increased recidivism rates. *Primary Citation: Drake & Aos (2012)*
- Attention to staff characteristics and skills is necessary to enhance outcomes with offenders. *Primary Citation: Dowden & Andrews (2004)*



### *What should happen at this decision point?*

1. Collaboration occurs between probation & parole, local law enforcement, the prosecutor, and public defender during an investigation process involving new criminal behavior.
2. Supervision holds are not unnecessarily extended so as to cause collateral consequences or damage to an individual's employment or housing status.
3. Responses to violations are swift, certain, evidence-based, and fair.
4. Probation and Parole agents have manageable caseloads to allow for thorough and timely investigations of violations.
5. Responses to violations are evidence-based and consistent statewide.
6. Alternatives to Revocation are fully available in a timely manner for all offenders deemed appropriate.
7. Victims' rights are prioritized in the investigation process, and victims are notified of outcomes.

### *Data Available*

- Supervision Revocations: revocation only and new sentence
- Jail hold days by county
- Reincarceration and Recidivism data

### *Data Needed*

- Alternatives to Revocation Outcomes
- Short term sanction outcomes
- Jail revocations data
- Data on behaviors resulting in violations/revocations
- Identification of revocations based solely on technical or rule violations (revocations can occur due to a new conviction, new conviction along with technical violations, and just technical violations)

### *What are the opportunities for improvement?*

1. Explore opportunities to improve the timeliness of violation investigations and revocation proceedings through better coordination of law enforcement, defense counsel, and prosecutors and the implementation of a statewide, evidence-based violation response matrix to promote consistency in response to violations.
2. Provide more support for agents to appropriately conduct revocation hearings.
3. Facilitate better communication between external agencies and DOC, as well as internal DOC departments (such as the Monitoring Center).
4. Increase efforts to educate community members about factual information related to violation responses.
5. Evaluate current DOC policy regarding the requirement that offenders entering an institution-based Alternative to Revocation need to be in custody prior to admission.

#### **Key:**

- Black font: Identified by State Team
- Orange font: Identified by one or more local teams
- Purple font: Identified by both the State Team and one or more local teams





## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

### Arrest decisions (cite, detain, divert, treat, release)

Police officer's conscientiousness in treating criminal suspects in a procedurally fair manner may have crime reducing effects.

*Primary Citation:* Paternoster, Bachman, Brame, & Sherman (1997)

Consistent with research indicating that criminal justice contact can increase offending risk (e.g., Loughran et al., 2009), both caution and intervention diversion programs were more effective in reducing general recidivism compared to the more restrictive traditional forms of criminal justice processing (i.e., incarceration and probation).

*Primary Citation:* Wilson & Hoge (2013)

Low risk youths are more likely to benefit from caution programs, while moderate to high risk youths are more likely to benefit from intervention programs (namely, CBT-based interventions).

*Primary Citation:* Wilson & Hoge (2013)

Pre-booking diversion options for adult offenders with serious mental illness is associated with fiscal savings.

*Primary Citation:* Cowell, Hinde, Broner, & Aldridge (2013)

The introduction of objective actuarial risk assessment tools (e.g., ODARA) into police decision-making tasks can support the identification of higher risk individuals.

*Primary Citation:* Hilton, Harris, & Rice (2007)

### Pretrial status decisions (release on recognizance, release on financial bond, release with supervision conditions, detain, violation response, supervision conditions reassessment)

Providing judicial officers with objective information about defendants' backgrounds and community ties (as well as about the charges against the defendant) coupled with the use of a validated instrument helps produce more equitable and effective pretrial decisions.

*Primary Citation:* Goldkamp & Gottfredson (1985)

Use of standardized risk assessment tools is recommended at the pretrial stage to appropriately gauge a defendant's risk level and to subsequently guide release decisions. Use of structured protocols serves to minimize the decision maker's biases, appropriately place offenders based on their actual level of risk, and improve the allocation of scarce criminal justice resources.

*Primary Citation:* Cadigan & Lowenkamp (2011a)

There is an acute need to accurately assess the risk level of defendants since making pretrial release and detention decisions without actuarial assessment guidance can have deleterious effects on both defendants and the general public. For example, releasing extremely high risk defendants without assessment or matched supervision can be a threat to public safety, while detaining low and moderate risk defendants in jail for even short periods of time (i.e., 2–3 days) can increase their risk for misconduct both short- and long-term.

*Primary Citation:* Lowenkamp, VanNostrand, & Holsinger (2013a)

Identifying and addressing gender-responsive needs at the pretrial stage via structured assessments and interventions may contribute to more successful outcomes for women.

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

*Primary Citation:* Gehring & Van Voorhis (2014)

All other things being equal, defendants detained pretrial are more likely to be convicted and to receive longer sentences than defendants who are not detained.

*Primary Citation:* Lowenkamp, VanNostrand, & Holsinger (2013b)

Defendants released at the pretrial stage experience more desirable outcomes at later stages of criminal justice processing (i.e., lower recidivism rates) compared with those who are detained in custody.

*Primary Citation:* Cadigan & Lowenkamp (2011b)

While the research suggests that pretrial supervision can help achieve better court appearance or public safety rates, the research concerning the efficacy of *particular* variations of general supervision or *particular* techniques reflecting specific conditions or interventions (such as drug testing or electronic monitoring) is often limited, inconclusive, or has shown no effect on pretrial misbehavior.

*Primary Citations:* Lowenkamp & VanNostrand (2013); VanNostrand, Rose, & Weibrecht (2011)

Court date notification significantly increases court appearance rates.

*Primary Citation:* Schnacke, Jones, & Wilderman (2012)

### **Diversion and deferred prosecution decisions**

Services and more intensive supervision are most effective when directed to higher risk offenders.

*Primary Citation:* Lowenkamp & Latessa (2004)

Transfer of juveniles to adult criminal court has the potential to aggravate short-term recidivism rates.

*Primary Citation:* Bishop, Frazier, Lanza-Kaduce, & Winner (1996)

The use of prison does not appear to produce a specific deterrence effect.

*Primary Citation:* Jonson (2011)

Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services.

*Primary Citation:* Andrews (2007)

Low risk youths are more likely to benefit from caution programs, while moderate to high risk youths are more likely to benefit from intervention programs (namely, CBT-based interventions).

*Primary Citation:* Wilson & Hoge (2013)

Pre-booking diversion options for adult offenders with serious mental illness is associated with fiscal savings.

*Primary Citation:* Cowell, Hinde, Broner, & Aldridge (2013)

Diversion of non-violent drug offenders into substance abuse treatment as opposed to incarceration produces long-term cost savings.

*Primary Citation:* Anglin, Nosyk, Jaffe, Urada, & Evans (2013)

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

The net economic benefit per drug court participant can range from \$3,000 to \$13,000.

*Primary Citation:* Carey, Finigan, Crumpton, & Waller (2006)

Drug courts should consider adopting a pre-plea or post-plea model, providing offenders with incentives for completion, and using cognitive behavioral techniques.

*Primary Citation:* Wilson, Mitchell, & MacKenzie (2006)

Drug court processing results in superior outcomes over traditional justice system processing for drug-involved individuals. Specifically, drug courts have been shown to reduce recidivism by an average of 8 to 26%, with the most effective drug courts achieving crime reduction results of 35 to 40%.

*Primary Citations:* Lowenkamp, Holsinger, & Latessa (2005); Shaffer (2006)

A review of 50 studies of 55 drug courts found that the recidivism rate (for both drug and non-drug offenses) was lower on average for drug court participants than for those in the comparison group (38% compared to 50%).

*Primary Citation:* Mitchell, Wilson, Eggers, & MacKenzie (2012)

Restorative justice options yield greater completion of restitution agreements, and satisfactions among victims and justice-involved individuals than non-restorative processing.

*Primary Citation:* Latimer, Dowden, & Muise (2001)

While restorative justice programs have yielded recidivism-reducing effects, their impact is not as pronounced as that of the psychologically informed targeting of criminogenic needs such as procriminal attitudes, antisocial peers, and substance abuse. Ideally, restorative justice and evidence-based programming for justice-involved individuals should be viewed as complementary approaches.

*Primary Citation:* Latimer, Dowden, & Muise (2001, 2005)

Validated risk assessments have been demonstrated to effectively identify risk and criminogenic needs.

*Primary Citation:* Gendreau, Goggin, & Little (1996)

The success of diversion programs is contingent on quality of program design and implementation. Diversion programs that include family-based interventions and demonstrate a high level of fidelity monitoring are especially promising insofar as reducing recidivism rates among juvenile offenders.

*Primary Citation:* Schwalbe, Gearing, MacKenzie, Brewer, & Ibrahim (2012)

Mental health courts (diversion programs) linked to a range of community resources are a promising avenue for the processing of offenders battling mental illness.

*Primary Citation:* Case, Steadman, Dupuis, & Morris (2009)

The application of structured assessment tools such as the HCR-20 and PCL:SV could potentially be used to assess mentally ill offender's diversion eligibility, thereby reducing the number of non-compliances and re-incarcerations.

*Primary Citation:* Barber-Rioja, Dewey, Kopelovich, & Kucharski (2012)

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

### Charging decisions (charge, dismiss)

Low risk youth are more likely to benefit from caution programs, while moderate to high risk youth are more likely to benefit from intervention programs (namely, CBT-based interventions).

*Primary Citation:* Wilson & Hoge (2013)

Transfer of juveniles to adult criminal court has the potential to aggravate short-term recidivism rates.

*Primary Citation:* Bishop, Frazier, Lanza-Kaduce, & Winner (1996)

Pre-booking diversion options for adult offenders with serious mental illness is associated with fiscal savings.

*Primary Citation:* Cowell, Hinde, Broner, & Aldridge (2013)

Consistent with research indicating that criminal justice contact can increase offending risk (e.g., Loughran et al., 2009), both caution and intervention diversion programs have been shown to be more effective in reducing general recidivism compared to the more restrictive traditional forms of criminal justice processing (i.e., incarceration and probation).

*Primary Citations:* Loughran, Mulvey, Schubert, Fagan, Piquero, & Losoya (2009); Wilson & Hoge (2013)

Validated risk assessments have been demonstrated to effectively identify risk and criminogenic needs.

*Primary Citation:* Gendreau, Goggin, & Little (1996)

Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services.

*Primary Citation:* Andrews (2007)

### Plea decisions (plea terms)

Lengthier sentences do not have an appreciable effect on recidivism.

*Primary Citation:* Meade, Steiner, Makarios, & Travis (2012)

The use of prison does not appear to produce a specific deterrence effect.

*Primary Citation:* Jonson (2011)

Offenders sentenced to a term of imprisonment were significantly more likely to recidivate than those referred to a community-based diversion program.

*Primary Citation:* Bales & Piquero (2012)

Sanctions on their own do not change offender behavior or reduce recidivism. More severe sanctions (i.e., longer prison sentences) may increase recidivism.

*Primary Citations:* Smith, Goggin, & Gendreau (2002); Gendreau & Goggin (1996)

Stringent supervision conditions tend to produce more technical violations and more incarceration and do not reduce recidivism by themselves.

*Primary Citation:* Petersilia & Turner (1993)

Transfer of juveniles to adult criminal court has the potential to aggravate short-term recidivism rates.

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

*Primary Citation:* Bishop, Frazier, Lanza-Kaduce, & Winner (1996)

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*Primary Citation:* Andrews (2007)

Validated risk assessments have been demonstrated to effectively identify risk and criminogenic needs.

*Primary Citation:* Gendreau, Goggin, & Little (1996)

Low risk youths are more likely to benefit from caution programs, while moderate to high risk youths are more likely to benefit from intervention programs (namely, CBT-based interventions).

*Primary Citation:* Wilson & Hoge (2013)

Pre-booking diversion options for adult offenders with serious mental illness is associated with fiscal savings.

*Primary Citation:* Cowell, Hinde, Broner, & Aldridge (2013)

Diversion of non-violent drug offenders into substance abuse treatment as opposed to incarceration produces long-term cost savings.

*Primary Citation:* Anglin, Nosyk, Jaffe, Urada, & Evans (2013)

The risk principle holds in drug court settings; drug court is most effective with high risk individuals.

*Primary Citation:* Marlowe, Festinger, Lee, Dugosh, & Benasutti (2006)

### **Sentencing decisions (sentence type, length, terms and conditions)**

The use of prison does not appear to produce a specific deterrence effect.

*Primary Citation:* Jonson (2011)

Lengthier sentences do not have an appreciable effect on recidivism.

*Primary Citation:* Meade, Steiner, Makarios, & Travis (2012)

Offenders sentenced to a term of imprisonment were significantly more likely to recidivate than those referred to a community-based diversion program.

*Primary Citation:* Bales & Piquero (2012)

Sanctions on their own do not change offender behavior or reduce recidivism. More severe sanctions (i.e., longer prison sentences) may increase recidivism.

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Stringent supervision conditions tend to produce more technical violations and more incarceration and do not reduce recidivism by themselves.

*Primary Citation:* Petersilia & Turner (1993)

Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services.

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

*Primary Citation:* Andrews (2007)

Validated risk assessments have been demonstrated to effectively identify risk and criminogenic needs.

*Primary Citation:* Gendreau, Goggin, & Little (1996)

The majority of services and more intensive supervision should be directed to higher risk offenders.

*Primary Citation:* Lowenkamp & Latessa (2004)

Research supports correctional agencies' adoption of operant behavioral techniques in the management of offenders on community supervision. Specifically, rewards should exceed sanctions in a ratio of 4:1.

*Primary Citation:* Wodahl, Garland, Culhane, & McCarty (2011)

Correctional interventions that are grounded in the principles of risk/need/responsivity produce recidivism reductions in the most cost-effective manner.

*Primary Citation:* Romani, Morgan, Gross, & McDonald (2012)

Both maintaining a high level of treatment integrity and adhering to a human service treatment philosophy increase program effectiveness. It is recommended that agencies implement periodic assessments such as the CPAI so as to ensure continued program integrity.

*Primary Citation:* Lowenkamp, Flores, Holsinger, Makarios, & Latessa (2010)

Even among first-time violent offenders, the most effective (and economical) sentencing alternative lies in the least restrictive option (i.e., community supervision).

*Primary Citation:* Ryan, Abrams, & Huang (2014)

Grounded in principles of restorative justice, reparative probation (as implemented in Vermont) is a more effective alternative to standard probation with respect to lowering recidivism rates.

*Primary Citation:* Humphrey, Burford, & Dye (2012)

### **Local and state institutional intervention decisions (security level, behavior change interventions)**

Validated risk assessments have been demonstrated to effectively identify risk and criminogenic needs.

*Primary Citation:* Gendreau, Goggin, & Little (1996)

A single one-size-fits-all approach to risk assessment may not be appropriate across all levels of criminal justice processing. For example, dynamic factors that are important for community adjustment (e.g., substance abuse) may not be as important to predicting misconduct in custodial settings. Ultimately, jurisdiction-specific validation of risk assessment tools vis-à-vis the various outcomes of interest is highly recommended.

*Primary Citation:* Makarios & Latessa (2013)

Higher levels of security within institutions can exert criminogenic effects. Prison administrators might experiment with classification thresholds to ensure the least restrictive conditions possible given one's level of risk.

*Primary Citation:* Gaes & Camp (2009)

Boot camps (especially juvenile boot camps) are of doubtful efficacy.

*Primary Citation:* MacKenzie, Wilson, & Kider (2001)

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

Enhanced prison management will result through a strategy in which programming has a central role.  
*Primary Citation:* French & Gendreau (2006)

Correctional interventions that are grounded in the principles of risk/need/responsivity produce recidivism reductions in the most cost-effective manner.  
*Primary Citation:* Romani, Morgan, Gross, & McDonald (2012)

Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services.  
*Primary Citation:* Andrews (2007)

Cognitive behavioral programs applied across both institutional and community settings – namely, Reasoning and Rehabilitation (R&R) – effectively reduce recidivism rates.  
*Primary Citation:* Tong & Farrington (2006)

The majority of services and more intensive supervision should be directed to higher risk offenders.  
*Primary Citation:* Lowenkamp & Latessa (2004)

Attention to staff characteristics and skills is necessary to enhance outcomes with offenders.  
*Primary Citation:* Dowden & Andrews (2004)

Research indicates a relationship between the integrity with which a correctional program is implemented and recidivism outcomes.  
*Primary Citation:* Lowenkamp & Latessa (2004)

Programs that are poorly designed and implemented (i.e., those that do not adhere to basic principles of effective correctional intervention) are apt to increase recidivism rates.  
*Primary Citation:* Wilson & Davis (2006)

Both maintaining a high level of treatment integrity and adhering to a human service treatment philosophy increase program effectiveness. It is recommended that agencies implement periodic assessments such as the CPAI so as to ensure continued program integrity.  
*Primary Citation:* Lowenkamp, Flores, Holsinger, Makarios, & Latessa (2010)

### **Local and state institutional release/parole release decisions (timing of release, conditions of release)**

Direct release from high security, segregated supermax settings to the community is associated with increases in recidivism rates and shorter time to reoffending.  
*Primary Citation:* Lovell, Johnson, & Cain (2007)

Empirical evidence suggests that institutional misconduct is predictive of future criminal outcomes in the community. It is therefore appropriate for parole boards to incorporate this information into their decision-making process.  
*Primary Citation:* Mooney & Daffern (2011)

Mental illness per se does not tend to predict recidivism among parolees.

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

*Primary Citations:* Matejkowski, Draine, Solomon, & Salzer (2011); Walters & Crawford (2014)

Halfway house interventions with supervision geared to level of risk/need can be effective with higher risk offenders.

*Primary Citation:* Andrews & Janes (2006)

A sample of non-violent inmates in Kentucky who had their sentences commuted posed no greater threat to public safety than those who remained incarcerated until their sentence expiration date. Moreover, by releasing the commuted sentence group, the research team estimated a cost savings of \$13,430,834.

*Primary Citation:* Vito, Tewksbury, & Higgins (2010)

### Local and state reentry planning decisions

The Serious and Violent Offender Reentry Initiatives (SVORI) [a comprehensive program designed to prepare high risk offenders for successful community reintegration through both institutional and community-based programming] successfully reduced likelihood of recidivism in contrast to traditional parole services and supervision.

*Primary Citation:* Bouffard & Bergeron (2006)

Well-designed and implemented reentry programs (such as Minnesota Comprehensive Offender Reentry Plan (MCORP) which underscores a collaborative relationship between institutional caseworkers and community supervision agents) can effectively reduce recidivism rates and yield a positive return on investment.

*Primary Citation:* Duwe (2014)

Particularly in the absence of community supervision, reentry programs (such as Project Re-Connect in St. Louis, MO) that address multiple service needs and link offenders to important services (e.g., housing, education, transportation) play a crucial role in the successful reintegration of offenders.

*Primary Citation:* Wikoff, Linhorst, & Morani (2012)

Participation and immersion in the Preventing Parolee Crime Program (PPCP) – a multimodal treatment protocol – was consistently associated with lower rates of reincarceration and absconding compared with traditional parole.

*Primary Citation:* Zhang, Roberts, & Callanan (2006)

Reentry programs showing the most promise in reducing recidivism rates include vocational/work programs, drug rehabilitation programs, halfway house programs, and pre-release programs.

*Primary Citation:* Seiter & Kadela (2003)

Halfway house interventions with supervision geared to level of risk/need can be effective with higher risk offenders.

*Primary Citation:* Andrews & Janes (2006)

In general, there is support for the effectiveness of halfway house programs in reducing recidivism rates. However, one should be mindful of reserving these services primarily for moderate to high risk offenders.

*Primary Citations:* Hamilton & Campbell (2014); Latessa, Lovins, & Smith (2010)



## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

In general, community-based reentry programs tend to yield positive outcomes – particularly when they include housing assistance and aftercare components.

*Primary Citation:* Wright, Zhang, Farabee, & Braatz (2014)

Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services.

*Primary Citation:* Andrews (2007)

The neighborhood context in which parolees return plays an important role in their successful reintegration. In particular, the close proximity of social service providers to offenders appears to be important in attenuating recidivism.

*Primary Citation:* Hipp, Petersilia, & Turner (2010)

Research indicates that therapeutic communities are effective in attenuating recidivism rates among offenders reentering the community.

*Primary Citation:* Jensen & Kane (2012)

Many of the needs that are particularly salient to women offenders are not currently addressed in the context of reentry services. It is therefore important to continue developing gender-responsive treatment strategies for this growing population.

*Primary Citation:* Scroggins & Malley (2010)

### **Probation and parole intervention decisions (supervision level, supervision conditions, behavior change interventions)**

Validated risk assessments have been demonstrated to effectively identify risk and criminogenic needs.

*Primary Citation:* Gendreau, Goggin, & Little (1996)

Gender-responsive assessment (and treatment) strategies are recommended for female offenders so as to tap into the unique contextual factors surrounding their criminal conduct. In turn, this will serve to improve the prediction of criminal outcomes and the identification of appropriate treatment targets for women.

*Primary Citation:* Van Voorhis, Wright, Salisbury, & Bauman (2010)

Ongoing reassessment can help identify progress in key domains reflected in parolees' case plans or, conversely, the presence of new criminogenic needs. Reassessment information can then be used to adjust supervision levels to reflect the current likelihood of recidivism exhibited by an individual.

*Primary Citation:* Jones, Brown, & Zamble (2010)

Intensive supervision and services are most effective when directed to higher risk offenders.

*Primary Citation:* Lowenkamp & Latessa (2004)

Correctional interventions that are grounded in the principles of risk/need/responsivity produce recidivism reductions in the most cost-effective manner.

*Primary Citation:* Romani, Morgan, Gross, & McDonald (2012)

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

Training probation officers to adhere to the principles of RNR can effectively serve to reduce recidivism rates of clients under community supervision. Improved outcomes are evidenced when supervision officers spend the majority of their time (i.e., at least 15 minutes per session) working with offenders on criminogenic needs rather than focusing on conditions that are non-criminogenic, and use appropriate cognitive behavioral techniques (e.g., reinforcement, modeling, etc.).

*Primary Citations:* Bonta et al. (2011); Bonta, Rugge, Scott, Bourgon, & Yessine (2008)

Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services.

*Primary Citation:* Andrews (2007)

Emphasis should be placed on treatment targets (i.e., criminogenic needs) using a variety of interventions, especially cognitive behavioral programming.

*Primary Citations:* Aos, Miller, & Drake (2006a); Aos, Miller, & Drake (2006b)

Both maintaining a high level of treatment integrity and adhering to a human service treatment philosophy increase program effectiveness. It is recommended that agencies implement periodic assessments such as the CPAI so as to ensure continued program integrity.

*Primary Citation:* Lowenkamp, Flores, Holsinger, Makarios, & Latessa (2010)

Research indicates a relationship between the integrity with which a correctional program is implemented and recidivism outcomes.

*Primary Citation:* Lowenkamp & Latessa (2004)

Consistent with research supporting CBT interventions with offenders, Thinking for a Change (TFAC) participation produced significant reductions in recidivism rates among offenders on probation.

*Primary Citation:* Lowenkamp, Hubbard, Makarios, & Latessa (2009)

Grounded in principles of restorative justice, reparative probation (as implemented in Vermont) is a more effective alternative to standard probation with respect to lowering recidivism rates.

*Primary Citation:* Humphrey, Burford, & Dye (2012)

Reducing caseload sizes results in fewer rearrests and technical violations for probationers and parolees.

*Primary Citation:* Taxman, Yancey, & Bilanin (2006)

Attention to staff characteristics and skills is necessary to enhance outcomes with offenders.

*Primary Citation:* Dowden & Andrews (2004)

The enforcement role of the probation officer needs to be balanced with a helping role that is grounded in cognitive behavioral principles.

*Primary Citations:* Bonta, Rugge, Scott, Bourgon, & Yessine (2008); Bonta et al. (2011)

### Community behavior change (treatment) interventions

Validated risk assessments have been demonstrated to effectively identify risk and criminogenic needs.

*Primary Citation:* Gendreau, Goggin, & Little (1996)

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

Identifying and addressing gender-responsive needs at the pretrial stage via structured assessments and interventions may contribute to more successful outcomes for women.

*Primary Citation:* Gehring & Van Voorhis (2014)

Gender-responsive assessment (and treatment) strategies are recommended for female offenders so as to tap into the unique contextual factors surrounding their criminal conduct. In turn, this will serve to improve the prediction of criminal outcomes and the identification of appropriate treatment targets for women.

*Primary Citation:* Van Voorhis, Wright, Salisbury, & Bauman (2010)

Although practitioners typically administer structured risk/need assessments, they rarely link scores to appropriate service needs and supervision decisions.

*Primary Citation:* Viglione, Rudes, & Taxman (2015)

While most practitioners use validated risk/need assessments, only about 40% actually use assessment results to guide case planning.

*Primary Citation:* Haas & DeTardo-Bora (2009)

Treatment programming is most effective when targeted to higher risk offenders and their criminogenic needs, and preferably (though not exclusively) be community-based.

*Primary Citation:* McGuire (2002)

Intensive supervision and services are most effective when directed to higher risk offenders.

*Primary Citation:* Lowenkamp & Latessa (2004)

Among high risk individuals, recidivism reduction effects do not begin to materialize until 200–250 hours of programming have been administered; moderate risk individuals maximize benefit from programming after approximately 100 hours.

*Primary Citations:* Center for Effective Public Policy (2014); Makarios, Sperber, & Latessa (2014)

Providing intensive programming to low risk individuals is apt to increase recidivism within this group.

*Primary Citation:* Bonta, Wallace-Capretta, & Rooney (2000)

Staff who are trained in a formal case management model achieve more positive outcomes (i.e., reduced recidivism) with justice-involved individuals.

*Primary Citation:* Smith, Schweitzer, Labreque, & Latessa (2012)

Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services.

*Primary Citation:* Andrews (2007)

Correctional interventions that are grounded in the principles of risk/need/responsivity produce recidivism reductions in the most cost-effective manner.

*Primary Citation:* Romani, Morgan, Gross, & McDonald (2012)

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

Cognitive behavioral therapy is effective in reducing recidivism by as much as 25 to 50% under certain conditions. Effects increase when the programming dosage is increased, when higher risk justice-involved individuals are targeted, and when the quality of implementation is monitored.

*Primary Citation:* Lipsey, Landenberger, & Wilson (2007)

Programming should ideally be tailored to individual need profiles.

*Primary Citation:* Vieira, Skilling, & Peterson-Badali (2009)

Women exposed to a gender-responsive case management model have a significantly lower rate of new arrests compared to women in a control group.

*Primary Citation:* Robinson, Van Dieten, & Millson (2012)

While sex offenders do present with some unique dynamic risk factors, they are more similar to the general population of justice-involved individuals than they are different, and primary treatment targets for sex offenders parallel those of the general population of justice-involved individuals (e.g., antisocial attitudes, impulsivity, employment instability, antisocial associates, etc.).

*Primary Citation:* Levenson & Prescott (2014)

According to a recent study, only 7.5% of crimes committed by offenders suffering from mental illness were directly related to symptoms of the illness; fewer than 1 in 5 crimes (18%) were either directly related or mostly related to mental illness.

*Primary Citation:* Peterson, Skeem, Kennealy, Bray, & Zvonkovic, 2014

The seven dynamic risk factors outlined in the “what works” literature are equally applicable to justice-involved individuals with mental illness as they are to justice-involved individuals without mental illness. For example, antisocial cognition and antisocial personality factors have been identified as strong predictors of crime within the population of justice-involved individuals with mental illness.

*Primary Citations:* Bonta, Blais, & Wilson (2014); Bonta, Law, & Hanson (1998)

Over 90% of justice-involved individuals have either experienced or witnessed physical or sexual abuse. In addition, approximately 25% of American youths experience some form of extreme adverse event. Critically, there is evidence linking the experience of childhood trauma with antisocial behavior in adolescence and adulthood.

*Primary Citations:* Anda et al. (2006); Duke, Pettingell, McMorris, & Borowsky (2010); Harlow (1999)

Incorporating elements of trauma-informed care is apt to increase the responsivity of justice-involved individuals to evidence-based cognitive behavioral programming aimed at reducing more proximal criminogenic needs (e.g., antisocial attitudes, substance abuse)

*Primary Citation:* Miller & Najavitz (2012)

Evidence-based programs are equally effective regardless of a participant’s ethnicity.

*Primary Citation:* Landenberger & Lipsey (2005)

Studies with juvenile populations have revealed that matching service providers to clients based on ethnic background decreases externalizing symptoms and treatment attrition, and increases the probability of successful program completion.

*Primary Citation:* Halliday-Boykins, Schoenwald, & Letourneau (2005)

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

Both maintaining a high level of treatment integrity and adhering to a human service treatment philosophy increase program effectiveness. It is recommended that agencies implement periodic assessments such as the CPAI so as to ensure continued program integrity.

*Primary Citation:* Lowenkamp, Flores, Holsinger, Makarios, & Latessa (2010)

Research indicates a relationship between the integrity with which a correctional program is implemented and recidivism outcomes.

*Primary Citation:* Lowenkamp & Latessa (2004)

Consistent with research supporting CBT interventions with offenders, Thinking for a Change (TFAC) participation produced significant reductions in recidivism rates among offenders on probation.

*Primary Citation:* Lowenkamp, Hubbard, Makarios, & Latessa (2009)

Cognitive behavioral programs applied across both institutional and community settings – namely, Reasoning and Rehabilitation (R&R) – effectively reduce recidivism rates.

*Primary Citation:* Tong & Farrington (2006)

Anger management is an effective form of intervention for recidivism reduction, producing moderate effect sizes when compared to untreated groups.

*Primary Citation:* Del Vecchio & O’Leary (2004)

The effect of employment/vocational programming on recidivism outcomes is equivocal. One meta-analysis found no evidence that this type of programming reduced recidivism over a 2-year follow-up period, while a second meta-analysis reported more favorable results, although 90% of the studies included in the second meta-analysis were methodologically flawed.

*Primary Citations:* Visher, Winterfield, & Coggeshall (2005); Wilson, Gallagher, & MacKenzie (2000)

Cognitive behavioral therapy, therapeutic communities, and drug courts—rather than 12-step programs such as Alcoholics Anonymous and Narcotics Anonymous—are the most promising substance abuse program options for prisoners, parolees, and probationers. These options result in lower rates of drug use and recidivism compared to non-treated groups.

*Primary Citation:* Bahr, Masters, & Taylor (2012)

Research has demonstrated the Duluth Model’s negligible success in reducing violent behavior among justice-involved individuals and the superiority of cognitive behavioral models.

*Primary Citation:* Feder & Wilson (2005)

Statistically, Duluth-based programming have no effect on recidivism rates, while various non-Duluth group-based DV treatments (e.g., cognitive behavioral therapy, substance abuse treatment, etc.) show more promising results (i.e., a reduction in domestic violence reoffending of 33%).

*Primary Citation:* Miller, Drake, & Nafziger (2013)

While the provision of housing services on its own does not reduce recidivism, housing combined with other services (e.g., employment, substance abuse, etc.) has been shown to reduce recidivism by 12%.

*Primary Citation:* Miller & Ngugi (2009)

Mental health courts (diversion programs) linked to a range of community resources are a promising avenue for the processing of offenders battling mental illness.

## Appendix I: Evidence-Based Decision Making Research Matrix Findings – by Decision Point

*Primary Citation:* Case, Steadman, Dupuis, & Morris (2009)

The application of structured assessment tools such as the HCR-20 and PCL:SV could potentially be used to assess mentally ill offenders' diversion eligibility, and to place them in community-based treatment, thereby reducing the number of noncompliances and reincarcerations.

*Primary Citation:* Barber-Rioja, Dewey, Kopelovich, & Kucharski (2012)

### Violation response decisions (response level, sanctions, behavior change interventions)

Research supports correctional agencies' adoption of operant behavioral techniques in the management of offenders on community supervision. Specifically, rewards should exceed sanctions in a ratio of 4:1.

*Primary Citation:* Wodahl, Garland, Culhane, & McCarty (2011)

A model that encompasses both rewards and sanctions is more highly predictive of successful program completion than a reward model or a sanction model alone. The probability of successful program completion is optimized when the reward-to-sanction ration is 4:1.

*Primary Citation:* Andrews & Bonta (2010)

Stringent supervision conditions tend to produce more technical violations and more incarceration and do not reduce recidivism by themselves.

*Primary Citation:* Petersilia & Turner (1993)

Sanctions on their own do not change offender behavior or reduce recidivism. More severe sanctions may increase recidivism.

*Primary Citations:* Smith, Goggin, & Gendreau (2002); Gendreau & Goggin (1996)

Even graduated sanctions (i.e., incrementally escalating the severity of penalties for noncompliant behavior) can ultimately lead to noncompliance; specifically, individuals may become habituated to punishment such that future sanctions are rendered ineffective at suppressing unwanted behavior.

*Primary Citation:* Wodahl (2007)

Immediacy, fairness, consistency, and proportionality in responding to misbehavior are important to shaping behavior.

*Primary Citation:* Taxman, Soule, & Gelb (1999)

For responses to noncompliance (i.e., punishers) to be effective, they must be (1) swift (happen as quickly as possible), (2) certain (be applied each time the undesirable behavior occurs), (3) fair (be perceived as fair and consistent with similar situations), (4) responsive (take into consideration the unique characteristics of the individual), (5) proportional (be no more severe than the behavior warrants), and (6) parsimonious (employ as few interventions and resources as possible).

*Primary Citation:* Carter (2015)

Confinement is an ineffective sanction for technical violations, and actually can result in increased recidivism rates.

*Primary Citation:* Drake & Aos (2012)

Attention to staff characteristics and skills is necessary to enhance outcomes with offenders.

*Primary Citation:* Dowden & Andrews (2004)

## Appendix II: CJCC Evidence-Based Decision Making Subcommittee

David O'Leary, Rock County District Attorney (Chair)
State Public Defender Kelli Thompson (Vice-Chair)
Senator Scott Fitzgerald, 13th Senate District (R-Juneau)
Senator Nikiya Harris Dodd, 6th Senate District (D-Milwaukee)
Representative Rob Hutton, 13th Assembly District (R-Brookfield)
Representative Evan Goyke, 18th Assembly District (D-Milwaukee)
Tommy Gubbin, Office of Court Operations (EBDM Coordinator)
Holly Szablewski, District 1 Court Administrator
Kelly McKnight, Ashland County DA
Captain Dan Bresina, Eau Claire County Sheriff's Department
Tony Streveler, Executive Policy Advisor, DOC
Denise Symdon, Administrator, Division of Community Corrections, DOC
Silvia Jackson, Reentry Director, DOC
Ray Luick, Justice System Improvement Specialist
Matt Raymer, Justice Programs Supervisor (State Team Coordinator)
Mike Tobin, Deputy State Public Defender
Nick Sayner, Executive Director, JusticePoint
Marilyn Walczak, Justice Initiatives Institute
Jane Klekamp, Manager, Justice Support Services, La Crosse County
Tiana Glenna, CJCC Coordinator, Eau Claire County
Sarah Diedrick-Kasdorf, Wisconsin Counties Association
Rev. Mark Clements, Living Word Christian Church (La Crosse County)
Fred Royal, Milwaukee Chapter President, NAACP
Judge Jeffrey Kremers, Milwaukee County
Judge Carl Ashley, Milwaukee County
Judge Elliott Levine, La Crosse County
Kit Kerschensteiner, Disability Rights of Wisconsin
Glenn Larson, Behavioral Health Director, DHS
Dr. Debbie Lassiter, Executive Director, Convergence Resource Center
Dr. David Pate, Jr., Associate Professor, Helen Bader School of Social Welfare
Patti Jo Severson, Gunderson Health (La Crosse County)

### **Subcommittee Staff**

Sabrina Gentile – DOJ Justice Programs Coordinator  
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Adam Plotkin - State Public Defender's Office Legislative Liaison  
Megan Jones, Ph.D. - DOC Research Analyst, Advanced  
Joseph Tatar II, Ph.D. - DOC Research Analyst, Advanced  
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