



# **Wisconsin State EBDM Policy Team Orientation Guide**

October 2017

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## Introduction

### **EBDM Phase VI:**

Following the competitive application process, Wisconsin has been invited to partner with the United States Department of Justice, National Institute of Corrections (NIC) to start Phase VI of the Evidence-Based Decision Making in State and Local Criminal Justice Systems Initiative (EBDM). [NIC's EBDM Initiative](#) aims to apply “empirical knowledge and research-supported principles to justice system decisions made at the case, agency and system level and seeks to equip criminal justice local and state policymakers with the information, processes, and tools that will result in measurable reductions of pretrial misconduct, post-conviction reoffending, and other forms of community harm resulting from crime.”

Phase VI of the Initiative will build off of the collaborative planning efforts undertaken in Phase V to enable state and local teams in Wisconsin to partner in implementing evidence-based strategies to improve the criminal justice system. Working collaboratively with the [State EBDM Policy Team](#) team are eight local teams – Chippewa County, Eau Claire County, La Crosse County, Marathon County, Milwaukee County, Outagamie County, Rock County, and Waukesha County. Through their local CJCCs, these local teams have also developed strong collaborative, multidisciplinary EBDM teams dedicated to these efforts. As these teams move into Phase VI of the Initiative, the work of the state team in collaboration with these local teams throughout Phase V has created a strong consortium of stakeholders moving forward toward common goals for criminal justice system improvement.

During Phase VI, Wisconsin's EBDM teams will work to implement the goals and initiatives identified during the Phase V planning process. The state's implementation plans are centered on three overarching goals for the criminal justice system: 1) increase public safety, reduce harm, and improve the quality of life; 2) promote fairness and equal treatment; and 3) use resources effectively. To advance these goals, the state team has developed a multi-faceted plan that will implement a variety of approaches at different decision points across the criminal justice system. These approaches and decision points include such things as creating or expanding pretrial or diversion programs, increasing the use of risk and needs assessments at different points in the system, and developing model policies and training programs for use across the state. Through this approach, the state team seeks to implement criminal justice improvements that have a true system-wide impact.

Phase VI began November 1, 2016 and will initially be supported by NIC through December 2017.

**State EBDM Policy Team:**

The Evidence-Based Decision Making Subcommittee serves as the State-Level EBDM Policy Team, under the State CJCC, with additions to the current membership to meet the decision points and stakeholder groups defined by the National Institute of Corrections. In this role, the [Evidence-Based Decision Making Subcommittee](#) will work in parallel with the local teams in conducting EBDM Roadmap activities, while providing a constant feedback loop to the State CJCC and its Executive Committee. This structure ensures that our State-Level EBDM Policy Team is well positioned to engage in the activities outlined in the EBDM Roadmap. While not part of our State-Level EBDM Policy Team, the other CJCC subcommittees align with those activities and will provide us with resources, expertise and assistance in making this a successful state-wide initiative.

The charge of the EBDM Subcommittee is to build capacity to make evidence-based decisions at the individual, agency, and system levels, and to develop plans for implementing system-wide change strategies that will align state and local jurisdictions with one another and with the principles of EBDM, with an overall goal of risk and harm reduction.

## **Purpose of this Guide**

The following Guide is designed as a resource for new and current State EBDM Policy Team members, and is intended to detail key elements of the EBDM Initiative as well as to summarize the work of the State Team. As the EBDM State Policy Team continues to implement its change target goals, the intent of this Guide is to be a useful tool for members to continuously review the key elements of EBDM, as well as the key documents of the State EBDM Policy Team.

This Guide is divided into the following three sections:

- **Section I: What is EBDM?** This section details the key elements of Evidence-Based Decision Making, including the EBDM Framework, Principles, how EBDM is different from EBP or other initiatives, and the EBDM Decision Points.
- **Section II: State EBDM Policy Team Information.** This section details key information regarding the State EBDM Policy Team, including how the committees are structured, the State Team goals, and the State Team Vision, Values, and Ground Rules.
- **Section III: How Did We Get Here?** This section details the work done to date, including an overview of all of the EBDM phases, as well as the work done at the state level in Phase IV and V.

In addition to these sections, the appendices of this Guide provide links to key documents developed by the Wisconsin State EBDM Policy Team.

## Section I: What is EBDM?

### How is EBDM Different Than Other Initiatives?

EBDM is different than other initiatives, as there is not a “one size fits all” approach to implementation. Instead, EBDM allows jurisdictions to utilize the EBDM Framework and principles and apply these tools to improve decision making for their individual system.

#### Through the EBDM Initiative, NIC hoped to:

- Affirm existing practices that have been demonstrated to be effective
- Inspire and challenge practices that can be improved
- Create tools and processes that can be replicated elsewhere
- Address those thorny issues that are barriers to advancement, especially those that are barriers to true collaboration

#### The Vision of the EBDM Initiative:

What if we create and test a “Framework” for evidence-based decision making that

- brings partners together in a new way, a truly collaborative way?
- encourages these partners to find consensus around what the justice system in their community – however large or small – hopes to achieve?
- led to a new way of making decisions – about individuals and about the system itself?

#### Why EBDM?

- Growing body of evidence that can (and does) inform justice system agencies’ performance and increase effectiveness
- Historically, there have been demonstrations of successful approaches/changes within *individual* operating agencies around the country, *not systemwide*
- A primary perceived barrier is the lack of system collaboration around a common set of outcomes and principles

“To reach their full potential, evidence-based practices cannot simply be placed alongside past practice or through the piecemeal exchange of one past practice for a new one. Instead, an evidence-based decision making process—a systemic approach that uses research to inform decisions at all levels—offers the greatest promise for harm and risk reduction and the potential for a tremendous return...”

—EBDM Framework, p. 39

## Section I: What is EBDM?

### The EBDM Framework

The principle product of this initiative is the Framework for Evidence-Based Decision Making in Local Criminal Justice Systems (“the Framework”).<sup>1</sup>

The Framework:

1. identifies the key structural elements of a system informed by evidence-based practice;
2. defines a vision of safer communities; and
3. puts forward the belief that risk and harm reduction are fundamental goals of the justice system, and that these can be achieved without sacrificing offender accountability or other important justice system outcomes.

The Framework both acknowledges the importance of the key premises and values underlying our criminal justice system and puts forward a set of principles to guide evidence-based decision making within that context. The principles themselves are evidence-based.

The Framework highlights some of the most groundbreaking research in the justice field—

evidence that clearly demonstrates that we can reduce pretrial misconduct and offender recidivism.

It also identifies the key stakeholders who must be actively engaged in a collaborative partnership if an evidence-based system of justice is to be achieved.

#### A FRAMEWORK; NOT A MODEL

The Framework does not attempt to proscribe implementation in precisely the same way in every community. In this way it is not “a model.” It is, instead, intended to frame a purpose, articulate principles, and propose a process for decision making that can be applied to the system as a whole—to all those entering the system, regardless of their justice system status; to all types of cases, regardless of their severity; and to all stakeholders, regardless of their role.

– Morris Thigpen, NIC Director

#### *Key Features of the Framework*

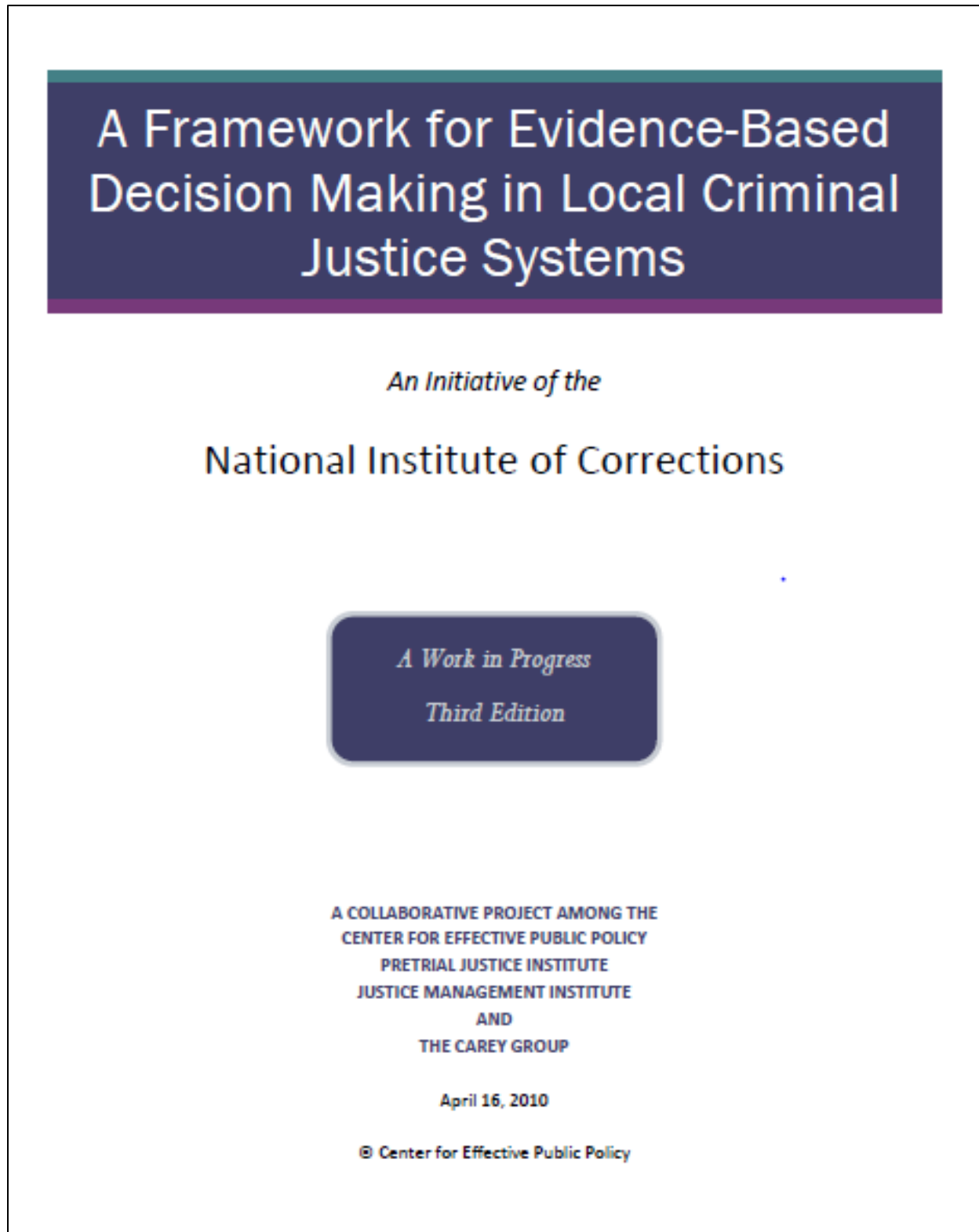
- 7 Ways to Reduce Recidivism;
- Four Core Principles Underlying Evidence-Based Decision Making;
- Risk and Harm Reduction;
- Key Research Findings in Effective Justice Practices and Risk Reduction; and
- The 1 Million Fewer Victims Campaign.

The current [Framework](http://ebdmoneless.org/framework/) (Third Edition) was released as a “work-in-progress” since revisions and refinement were expected after pilot testing it in the field. The final version of the Framework is under development and will be released following the completion of Phase VI.

<sup>1</sup> <http://ebdmoneless.org/framework/>

## Section I: What is EBDM?

Click the picture below to access the full EBDM Framework:



# 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.



## Section I: What is EBDM?

### Evidence-Based Practices Vs. Evidence-Based Decision Making

EBDM is different from Evidence-Based Practices (EBP). Evidence-Based Practice in the criminal justice system is the partnership between research and practice. Research is used to determine how effective a practice is at achieving positive measurable outcomes, including reduction of recidivism and increasing public safety. For example, research supports that if practitioners use an empirically based assessment tool (e.g. COMPAS) they will be more accurate in their prediction of the risk of an individual's propensity to commit a crime in the future than their professional judgment alone. The evidence-based practice is the use of a risk/needs tool to determine the appropriate amount of intervention, rather than the use of professional judgment alone.

EBDM represents a systemic approach that uses research to inform decisions at all levels throughout the criminal justice system.

#### ★ EBP v. EBDM ★

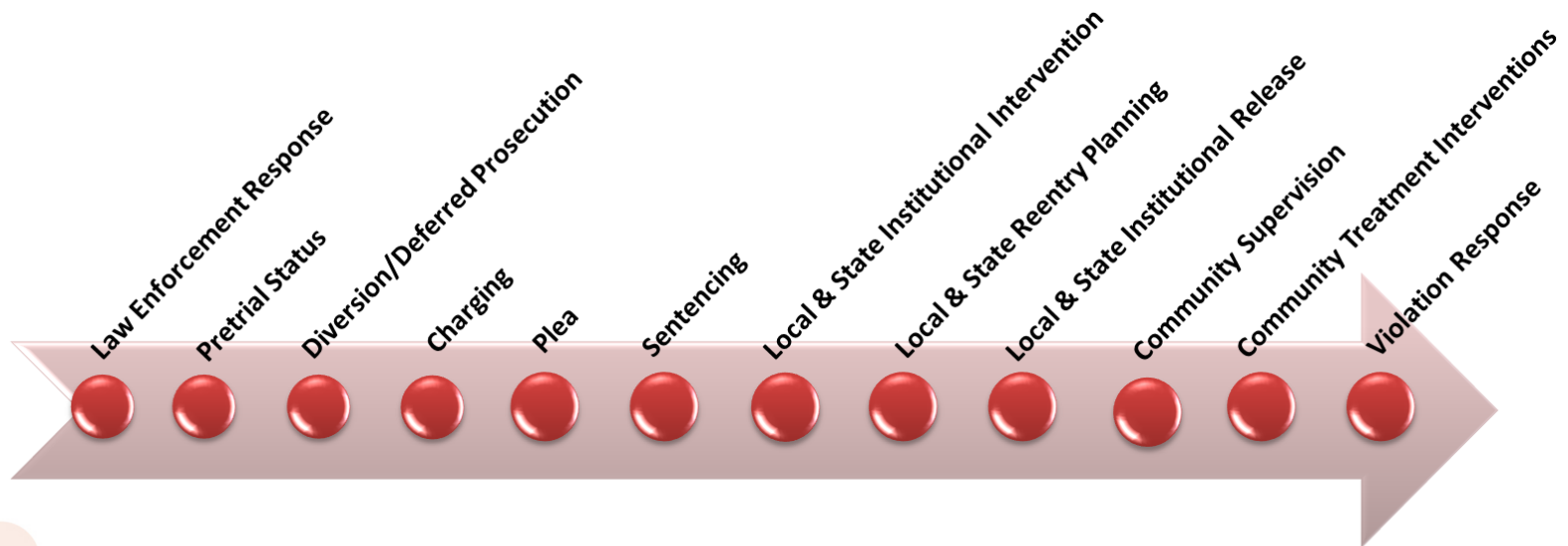
EBPs are policies, practices, and/or interventions supported by research

- ★ Research finding: empirically-based tools predict risk better than professional judgment alone
- ★ EB practice: use of a risk tool to determine appropriate amount of intervention

EBDM is a disciplined approach to using data and research to inform and guide decision making across the justice system

- ★ Who do we divert?
- ★ What do we want to achieve by diverting?
- ★ What does the research tell us about the most effective method of achieving our goal?

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



EBDMONELESS.ORG  
NICIC.GOV/EBDM



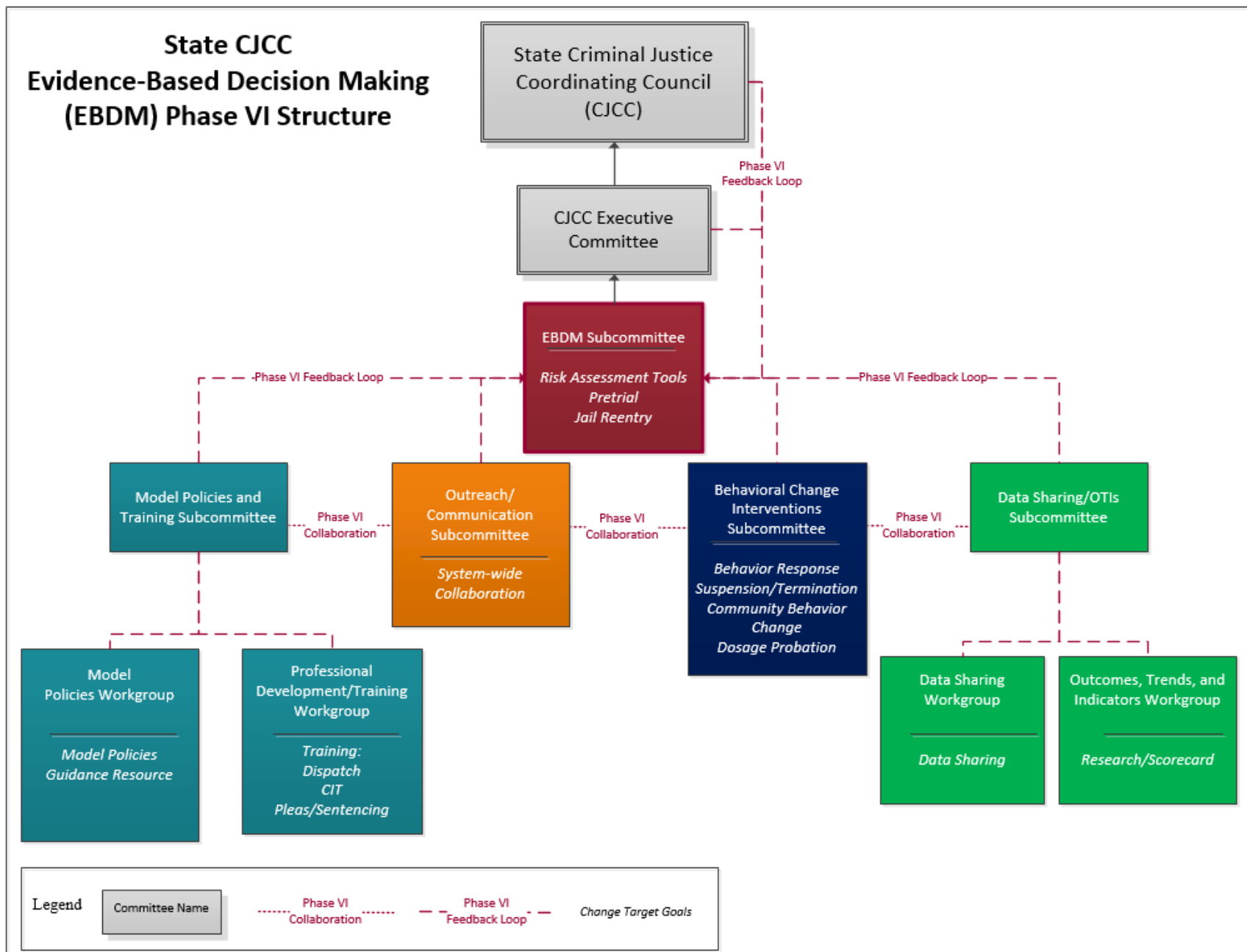
## **Section II: State EBDM Policy Team Information**

### **State CJCC Organizational Structure for EBDM Implementation**

Our Phase VI Implementation Plan builds on the successful infrastructure created through the [State CJCC](#), and enhanced existing partnerships created through Phases IV and V of the Initiative. The CJCC was created by Executive Order in April, 2012, and since its inception, has largely played a role as a statewide planning body. Following the Summit in January, 2014, the State CJCC has aligned these statewide planning efforts with the work of Phase IV and V of the EBDM Initiative. Given the broad scope of the State's Phase VI goals, this implementation plan sought to capitalize on this existing structure and further enhance and operationalize the role of all of the CJCC's subcommittees to achieve the state's harm reduction goals. The EBDM Subcommittee will have overall oversight of the implementation of the harm reduction goals, with specific goals assigned to the appropriate existing subcommittee ([Behavioral Change Interventions](#) and [Outreach/Communication](#)) to lead their implementation.

A new subcommittee, the [Model Policies and Training Subcommittee](#), was created to lead implementation of specific goals. The [Data Sharing/Outcomes, Trends, and Indicators \(OTIs\) Subcommittee](#) will be responsible for data collection and research in Phase VI, as well as tracking and reporting on the State's EBDM Key Indicators (Scorecard). In these roles, the subcommittees will work in parallel with each other, while providing a constant feedback loop to the EBDM Subcommittee, the State CJCC and other subcommittees.

## Section II: State EBDM Policy Team Information



## Section II: State EBDM Policy Team Information

EBDM Subcommittee Goals	
<b>Risk Assessment: Law Enforcement Response</b>	Expand use of risk assessments by law enforcement at point of contact. The results of these assessments should be used to inform decisions regarding release of suspects and participation in diversion programs.
<b>Risk Assessment: Initial Appearance/Pretrial</b>	Expand use of risk assessments between the time that an individual is booked into jail and their initial appearance. The results of these assessments should inform decisions regarding pretrial release, including conditions of release.
<b>Risk Assessment: Diversion; Deferred Prosecution; Treatment Courts</b>	Expand use of risk assessments to inform decisions regarding pre-charged diversion programs, treatment courts, and deferred prosecution.
<b>Risk Assessment: Sentencing</b>	Expand use of risk and needs assessments to inform sentencing decisions regarding appropriate conditions of supervision to address criminogenic needs.
<b>Pretrial</b>	Develop a model of pretrial release that can be tested and evaluated to determine the effectiveness, to potentially lead to replication in other counties. Reform statutes regarding pretrial release, using technical assistance, Wisconsin bill drafts, and statutes from other states as resources.
<b>Jail Reentry</b>	Develop model pilot jail reentry programs in local jurisdictions to assure that all jails provide a Reentry Planning Process for individuals in jail longer than 60 days. These pilots will be used to facilitate further replication and expansion.
Behavioral Change Interventions Subcommittee Goals	
<b>Community Behavior Change</b>	Increase the availability and utilization of evidence-based programming for Behavior Change (i.e. CBT, ACT, etc.) throughout Wisconsin, and develop a process to certify that local providers are using EBP.
<b>Suspension vs. Termination of Benefits</b>	Pursue changes to the current law that terminates disability benefits, rather than suspending benefits, for individuals incarcerated for longer than 30 days.
<b>Behavior Response: DOC Evidence-Based Response to Violations (EBRV)</b>	Implement the use of the behavior response matrix for all Department of Community Corrections regions. The implementation is currently underway but full implementation will take place as part of an overall state strategy and will be accompanied by robust data collection.
<b>Behavior Response: Problem-Solving Courts</b>	Develop and implement structured behavior response plans for Problem Solving Courts throughout Wisconsin.
<b>Behavior Response: Diversion/Deferred Prosecution</b>	Develop and implement Statewide Diversion/Deferred Prosecution standards to include a structured behavior response plan.
<b>Behavior Response: Pretrial Supervision</b>	Develop and implement Statewide Pretrial Supervision standards to include a structured behavior response plan.
<b>Dosage Probation</b>	The "dosage" model of probation suggests that the length of supervision should be determined by the number of hours of intervention necessary to reduce risk, rather than an arbitrarily (or customarily) established amount of time (e.g., 3 years, 5 years).  Following a successful pilot in Milwaukee County in Phase III of EBDM, DOC seeks to continue to expand and effectively utilize the principles and concepts of dosage probation throughout Region 3, as well as the entire division.
Model Policies/Training Subcommittee Goals	
<b>Model Policies Resource Guide</b>	Develop an EBDM Model Policies Guidance Resource for use by law enforcement, prosecutors, defense counsel, and judges. This web-based, interactive resource will be developed based on the EBDM Framework and Principles. The resource will also be developed in collaboration with the work of the other change target workgroups.  The development of this interactive EBDM Guidance Resource will serve to articulate these 'golden rules' at each interaction and decision point for each discipline group throughout Wisconsin on an individual level, as well as serve as a resource guide for agencies or local CJCCs seeking to improve the functioning of their local criminal justice system through the implementation of evidence based practices.
<b>Professional Development: CIT</b>	Make CIT training available to all law enforcement first-level responders (officers and dispatchers/9-1-1) statewide; improve interactions with the community; reduction in use of force; connections to services; reducing collateral harm such as losing housing; enhancing public trust.
<b>Professional Development: Dispatch</b>	Statewide training for dispatchers and 9-1-1 operators that includes a focus on: professional communication, trauma and bias informed approach, harm reduction, effectively dealing with the community and officers, decision making skills, collecting and relaying information objectively under stress, and engaging in active and reflective listening.
<b>Professional Development: Pleas and Sentencing</b>	Providing consistent training to judges, defense attorneys, and prosecutors on evidence-based plea negotiations and sentencing that support the use of objective and consistent factors and criteria in the negotiation and sentencing processes, which can reduce workloads, stress on resources, and promote consistency in outcomes across counties and individuals.
Outreach and Communication Subcommittee Goals	
<b>EBDM Communication Strategy</b>	Provide public education and outreach efforts for the EBDM Initiative, and incorporate the needs/efforts of the change target workgroups into an overall EBDM Communications Strategy.
<b>Increase Local CJCCs in WI</b>	Increase the number of local Criminal Justice Coordinating Councils in Wisconsin.
<b>Increase EBDM in Counties with CJCCs</b>	In counties and tribes that currently have an established CJCC, encourage awareness and participation in the EBDM process, and develop the resources and tools necessary to do so.

**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

# Wisconsin EBDM State Policy Team Ground Rules

- Don't take anything personally
- Have an environment of honesty and trust
- Be willing to compromise
- Be respectful; everyone's comments should be heard
- Transparency about what we bring to the table and what our organizations are involved in
- Be willing to listen to new ideas
- Set aside parochialism
- Stay on task; be mindful of the goals
- Connect the work of this group to the work of other groups and agencies (Alignment)
- Know your colleagues and their backgrounds; appreciate their comments
- Everyone participates
- Active engagement
- Come prepared
- Focus on the goal not the role
- Strive for consensus-based decision making; mutual agreement
- Have a meeting structure
- Have fun
- Coffee!
- Attend the meetings; only legislators are allowed to have designees because of their legislative and district responsibilities.
- Be a positive advocate for EBDM; represent the group and work in a positive light
- Share what's happening with others outside of the group; discuss facts not opinions
- Park your ego, turf and title at the door
- Fulfill your responsibilities
- Start and end on time

## Section III: How Did We Get Here?

### Overview of EBDM Phases

#### Phase I

NIC launched the Evidence-Based Decision Making (EBDM) Initiative in June 2008 to establish and test the application of evidence-based practices to criminal justice decisions, with the goal of achieving measureable reductions in pretrial misconduct and post-conviction risk of reoffending. During Phase I, a conceptual framework was developed: [\*A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems\*](#) (the Framework). The Framework defined risk and harm reduction as fundamental goals of the justice system, summarized key research evidence, and outlined a structure and set of principles for achieving EBDM.

#### Phases II and III

NIC selected seven jurisdictions from across the country to implement the EBDM Framework. The seven local sites were: Mesa County, Colorado; Grant County, Indiana; Ramsey County, Minnesota; Yamhill County, Oregon; City of Charlottesville/County of Albemarle, Virginia; Eau Claire County, Wisconsin; and Milwaukee County, Wisconsin. Intensive technical assistance was provided to assist the sites in developing the processes and infrastructure to implement EBDM, including: establishing or advancing a multidisciplinary collaborative policy team, agreeing on a shared vision for the local justice system, assessing current policies and practices against goals and research evidence, determining methods to more effectively integrate research at key decision points, and developing work plans for the implementation of EBDM. During Phase III, the local EBDM sites implemented critical change strategies, developed communication strategies to support their work, and collected and measured data to track progress towards meeting their system-wide goals.

#### Statewide EBDM Participation in Phase IV and V

Building on the success of the original local EBDM sites, including Eau Claire and Milwaukee, the National Institute of Corrections held a national EBDM Summit in Madison in January 2014. This Summit signified the beginning of the next phase of the Initiative, which was envisioned to link county level efforts to state level protocols and initiatives. The purpose of the Summit was to share information with a broad group of state and local officials about the EBDM Framework. The Summit addressed the importance of statewide evidence-based decision making to achieving improved criminal justice outcomes and reducing the harm that crime causes Wisconsin's communities. The Summit provided state and local officials with the foundational information needed to consider engaging in a statewide EBDM effort.

Following the Summit, in February 2014, the State CJCC formally applied for Phase IV of the initiative, which was focused on preparation work to gauge capacity and readiness to expand



### **Section III: How Did We Get Here?**

EBDM to additional local jurisdictions and on a statewide level. Wisconsin was one of five states awarded inclusion in Phase IV (along with Virginia, Indiana, Colorado and Oregon).

In May, 2014, work began in Phase IV. This phase included a series of activities designed to help Wisconsin prepare itself to competitively apply for Phase V. To complete these activities, a planning team was assembled, which included more than a dozen state and local leaders from a broad spectrum of criminal justice system agencies. At the close of Phase IV, the state of Wisconsin formally applied for inclusion in Phase V of the EBDM Initiative. This phase was a year-long planning phase to expand EBDM to six additional counties in tandem with a state-level team. On February 25, 2015, the state of Wisconsin was officially selected as one of three states, including Indiana and Virginia, to advance to Phase V of the EBDM Initiative.

#### **Phase V Local Sites**

A total of 21 Wisconsin counties applied for inclusion in Phase V. Through a competitive process, Chippewa, Marathon, Outagamie, La Crosse, Rock and Waukesha counties were selected as the local jurisdictions for Wisconsin.

To begin Phase V of the Evidence-Based Decision Making (EBDM) Initiative, the EBDM Subcommittee engaged in mapping the criminal justice system, and discussed a number of topics at each of the 12 EBDM decision points.

The goal of these discussions was to analyze opportunities for improvement and ultimately identify focused “change targets” for the criminal justice system. This process is similar to that of Eau Claire and Milwaukee’s earlier EBDM work, in which each team developed selection criteria, reviewed its list of potential opportunities, and ultimately selected change targets to be the focus of their EBDM work.

#### **Phase VI**

Following the competitive application process, Wisconsin was invited to partner with the National Institute of Corrections (NIC) to start Phase VI of the Evidence-Based Decision Making in State and Local Criminal Justice Systems Initiative (EBDM).

Phase VI of the Initiative will build off of the collaborative planning efforts undertaken in Phase V to enable state and local teams in Wisconsin to partner in implementing evidence-based strategies to improve the criminal justice system. Working collaboratively with the state team are eight local teams – Chippewa County, Eau Claire County, La Crosse County, Marathon County, Milwaukee County, Outagamie County, Rock County, and Waukesha County.

## **Section III: How Did We Get Here?**

### **State Team Planning Process Overview**

#### **EBDM Phase IV**

In January of 2014, NIC held a national EBDM Summit in Madison, Wisconsin. Co-hosted by the Wisconsin Department of Justice, the Summit signified the beginning of the next phase of the Initiative, which was envisioned to link county-level efforts to state level protocols and initiatives. The purpose of the Summit was to share information with a broad group of state and local officials about the EBDM Framework. The Summit addressed the importance of statewide evidence-based decision making to achieving improved criminal justice outcomes and reducing the harm that crime causes Wisconsin's communities. The Summit provided state and local officials with the foundational information needed to consider engaging in a statewide EBDM effort. As the next step in this process, in March of 2014, the co-chairs, on behalf of the full council, submitted a letter to NIC expressing Wisconsin's desire to continue with the development and implementation of the Initiative on a state-wide level. In early April, NIC selected Wisconsin as one of five states to participate in Phase IV.<sup>2</sup>

The goal of Phase IV of the EBDM Initiative was to equip and build capacity within participating EBDM states (the six states with existing local pilots) to expand their EBDM efforts to include additional local jurisdictions and state-level colleagues. Phase IV activities would be two-fold. For participating states, it was a period of time in which an in-state planning team would be formed to guide the identification/formation of additional EBDM local<sup>3</sup> teams and a state-level team, establish collaborative processes within and across teams, share knowledge about EBDM, and build capacity to undertake the work of the Framework. For the national initiative team, Phase IV would involve providing assistance to interested states in convening the in-state planning group, assessing their readiness for expanded EBDM work, educating those who have not previously been directly involved in EBDM work at the local level—and similar preparatory activities—while also building tools and protocols for implementation of EBDM on a statewide level.

In May, 2014, work began in Phase IV. This phase included a series of activities designed to help Wisconsin prepare itself to competitively apply for Phase V. To complete these activities, a planning team was assembled, which included more than a dozen state and local leaders from a broad spectrum of criminal justice system agencies. This process was a true collaboration as the planning team drew on the resources and expertise of all of the WI CJCC's subcommittees -

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<sup>2</sup> <http://community.nicic.gov/blogs/nic/archive/2014/04/15/five-states-selected-for-phase-iv-ebdm-initiative.aspx>

<sup>3</sup> States may define "local teams" in the ways that are most appropriate for their structure, such that a local team may include a county, a city/county partnership, a judicial district, or some other structural definition.

### **Section III: How Did We Get Here?**

Outreach and Communication, Problem-Solving Courts, Evidence Based Practices, and Data Sharing/Outcomes, Trends, and Indicators (OTIs).

At the close of Phase IV, on November 21, 2014, the state of Wisconsin formally applied for inclusion in Phase V of the EBDM Initiative. This phase would be a year-long planning phase to expand EBDM to six additional counties in tandem with a state-level team. On February 25, 2015, the state of Wisconsin was officially selected as one of three states, including Indiana and Virginia, to advance to Phase V of the EBDM Initiative.

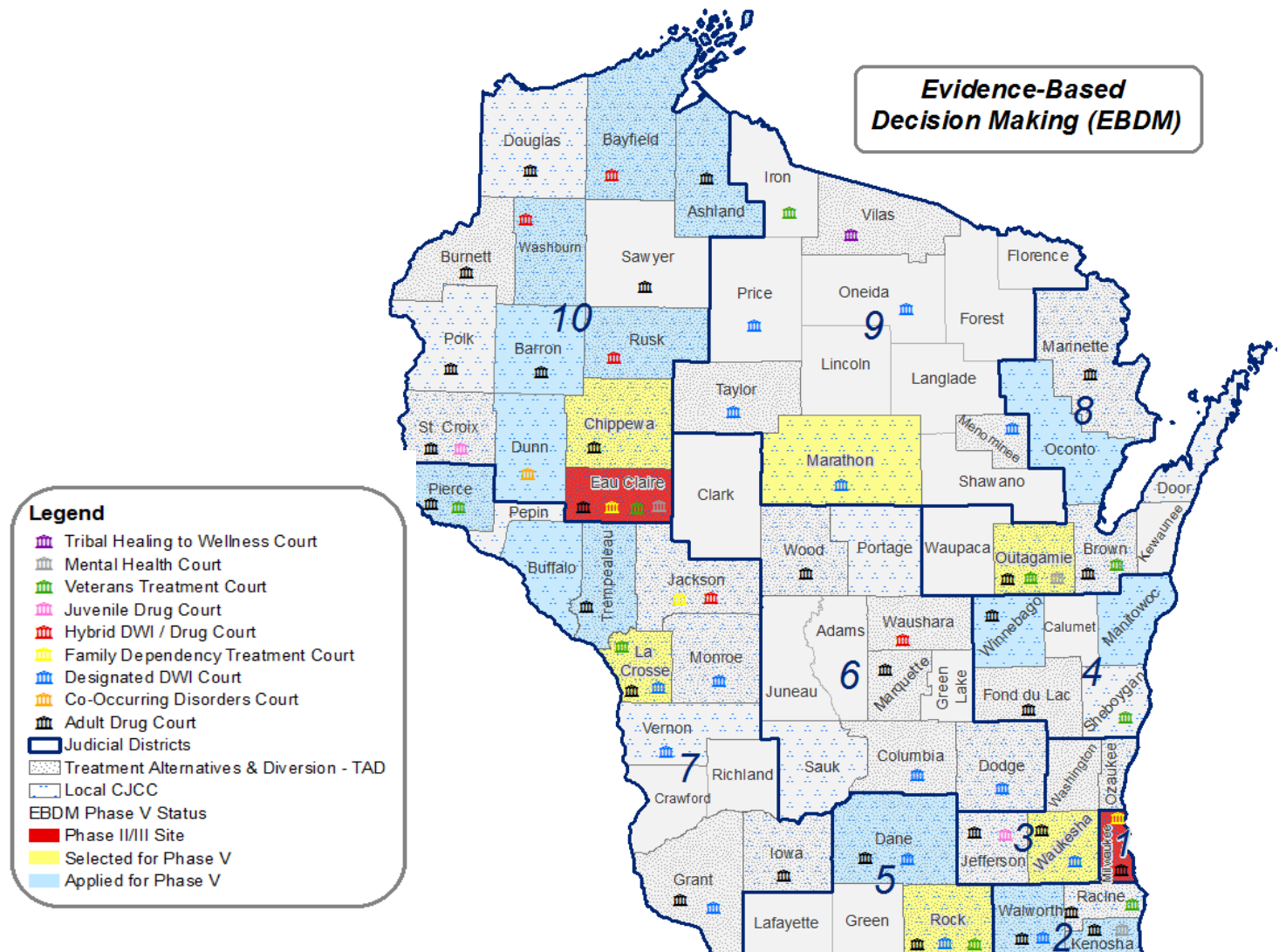
## Section III: How Did We Get Here?

### EBDM Phase V

#### Local Sites:

A total of 21 Wisconsin counties applied for inclusion in Phase V. Through a competitive process, Chippewa, Marathon, Outagamie, La Crosse, Rock and Waukesha counties were selected as the local jurisdictions for Wisconsin. Some of the factors leading to the selection of these counties included: having a strong local criminal justice coordinating council, providing commitment to carrying out the goals of Phase V, and exhibiting proven success in implementing evidence-based practices or programs - including participation in state initiatives such as the Assess, Inform, and Measure (AIM) and Treatment Alternatives and Diversion (TAD) programs.

In addition, selecting the six Phase V sites with a geographic distribution across the different areas of the state of Wisconsin (including six separate judicial districts and DOC regions) was done with the goal of moving towards true statewide implementation of EBDM. It was envisioned that these sites would assist the state team during Phase V in working with neighboring counties to continue to advance the Initiative to more jurisdictions in Wisconsin.



## Section III: How Did We Get Here?

### Statewide Efforts:

Phase V was a planning phase that expanded EBDM to six additional counties in tandem with a state-level team, and was envisioned as a collaborative and coordinated effort between the state team and local teams, as they progressed along the Roadmap of planning activities developed by NIC. As a first step in this process, a two-day kickoff meeting with NIC was held on June 29-30, 2015 in Green Lake. At this meeting, over 150 attendees representing Eau Claire and Milwaukee Counties, the state team, and the six new local teams participated in exercises designed to enhance collaboration and prepare teams for Phase V. Per NIC, the goals of the kickoff meeting were to:

- Support the development of a shared vision for an effective system of justice throughout the state of Wisconsin;
- Discuss the characteristics of highly effective teams and create opportunities to enhance collaboration;
- Build methods for cross-team, cross-state and discipline-specific partnership and collaboration;
- Begin the work of the Phase V Roadmap, including the identification of each team's vision and values, and beginning system mapping; and
- Create an action plan the team can carry forward upon returning home.

Following the kickoff, the state and local teams continued Phase V planning activities, with a competitive state application for Phase VI (Implementation Phase) due in July, 2016. At the state level, the Evidence-Based Decision Making (EBDM) Subcommittee served as the Phase V State-Level EBDM Policy Team, under the WI CJCC, with additions to the current membership to meet the decision points and stakeholder groups defined by the National Institute of Corrections. In this role, the EBDM Subcommittee worked in parallel with the local teams in conducting Phase V Roadmap activities, while providing a constant feedback loop to the WI CJCC and its Executive Committee. This structure ensured that the Phase V State-Level EBDM Policy Team was well positioned to engage in the activities outlined in the Phase V Roadmap. While not part of the State-Level EBDM Policy Team, the other CJCC subcommittees aligned with those activities and provided the EBDM Subcommittee with resources, expertise and assistance in making this a successful statewide initiative.

As part of the state's Phase V planning efforts, a number of workgroups were formed to further develop the change target goals that the State Team identified during the system mapping process. Each Change Target Workgroup's activities included:

- Analysis of current policies and practices;
- Collection of quantitative and qualitative information;

### Section III: How Did We Get Here?

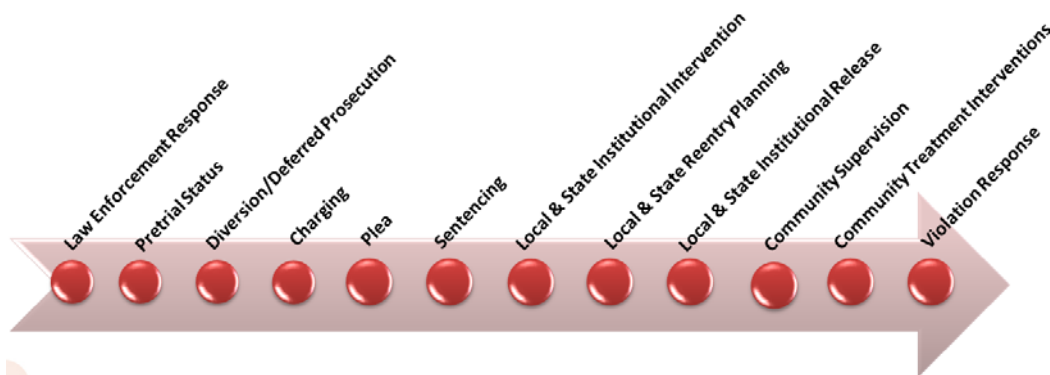
- Review of relevant research;
- Determining if improvement is desirable and possible (based on the activities above);
- Seeking consensus from the full EBDM Subcommittee; and
- Developing a logic model and action plan.

These efforts led to the development of final logic models and actions plans for each change target, which were incorporated into the State's Phase VI application, which was submitted on July 29, 2016. The full application is included as an appendix to this Guide.

#### **Change Target Identification:**

To begin Phase V of EBDM Initiative, the EBDM Subcommittee engaged in mapping the criminal justice system, and discussed a number of topics at each of the 12 EBDM decision points.

#### **EBDM Decision Points**



The goal of these discussions was to analyze opportunities for improvement and ultimately identify priority areas to be addressed for the state's criminal justice system. This process is similar to that of Eau Claire and Milwaukee's earlier EBDM work, in which each team developed selection criteria, reviewed its list of potential opportunities, and ultimately selected priority areas to be the focus of their EBDM work.

Following the system mapping process, six change target areas were selected based on criteria determined by the State EBDM Policy Team, and approved by the State CJCC. The criteria were as follows:

- The extent to which the change is measurable, sustainable, and feasible;

### Section III: How Did We Get Here?

- The extent to which the change aligns with concerns identified by local teams, has the potential for buy-in among all affected stakeholders and can have a positive “ripple” effect on other related desired changes;
- The extent to which the change aligns the state more closely with its EBDM vision, as well as the broader benefits from safer communities and efficient use of resources; and
- In considering the full array of change targets selected, collectively they should include one or more aspirational (“stretch”) goals, and goals that span the entire justice system, collectively affecting, through one or more change targets, and all participating stakeholders.

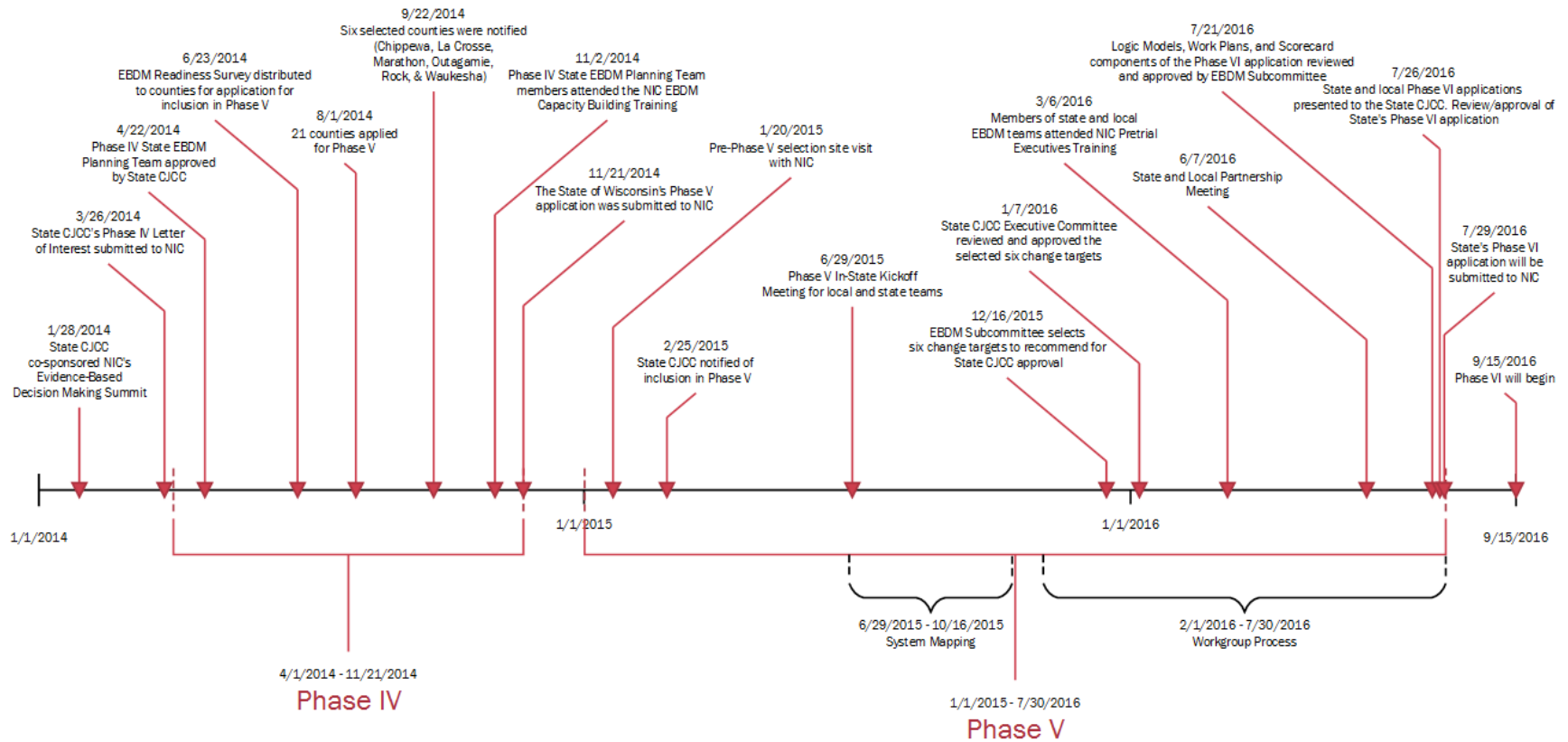
Following approval of these criteria by the State CJCC, the State EBDM Policy Team ultimately selected the following six change target areas:

1. Implement the use of empirically-based assessment tools across decision points, beginning with the use of risk assessment tools to inform pretrial release and supervision determinations, revising the current cash bail system, and reviewing/revising current statutory language regarding preventive detention. (Decision Points 1-6).
2. Establish a model continuum of evidence-based diversion and behavioral change interventions across the justice system decision points and increase the capacity for implementation of these evidence-based interventions throughout Wisconsin’s local communities (Decision Points 1-6, 10-12).
3. Implement a statewide, evidence-based behavioral response matrix to promote consistency in responses across decision points, improve the timeliness of violation investigations and, where appropriate, revocation proceedings at both the state and local levels (Decision Points 2-5, 10-12).
4. Provide specialized training for professionals throughout the criminal justice system on risk reduction principles and practices (Decision Points 1, 5, 6).
5. Beginning with law enforcement and expanding to include all criminal justice decision maker groups, articulate principles for evidence-based practices, and establish standardized criteria and incentives to promote consistent, fair, and equitable decision-making and model protocols to improve responses to victims (Decision Points 1-6).
6. Improve collaboration among criminal justice system partners, including increased communication and coordination between the State CJCC and local CJCCs, encouraging the establishment of local CJCCs where not already in place, and building stronger relationships between state and local criminal justice policymakers and professionals and the broader Wisconsin community through public outreach efforts (All Decision Points).

## Section III: How Did We Get Here?

### CJCC Evidence-Based Decision Making Phase IV & V Timeline

July 25, 2016





## Appendix I: Wisconsin State EBDM Policy Team System Mapping Narrative

The System Mapping Narrative report is a compilation of the State EBDM Subcommittee's discussions as it completed mapping the state's criminal justice system. These discussions represent the EBDM Subcommittees 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. These change targets drove the work of the State EBDM Policy Team as it progressed through Phase V of the EBDM Initiative and now form the basis for the implementation work in Phase VI and beyond.

Click the picture below to access the full System Mapping Narrative:



## Appendix II: EBDM Definitions

In order to ensure consistency among the state EBDM Subcommittee and the local EBDM teams, a list of key definitions were developed by the EBDM Subcommittee (with input from the Data Sharing and OTIs Subcommittee), which will be used across the state and local EBDM sites moving forward. The definitions are a critical step in helping to build consistency across the state and will impact the way key areas are measured and tracked as part of various initiatives within the state.

Click the picture below to access the full EBDM Definitions:

Updated: 08/02/16

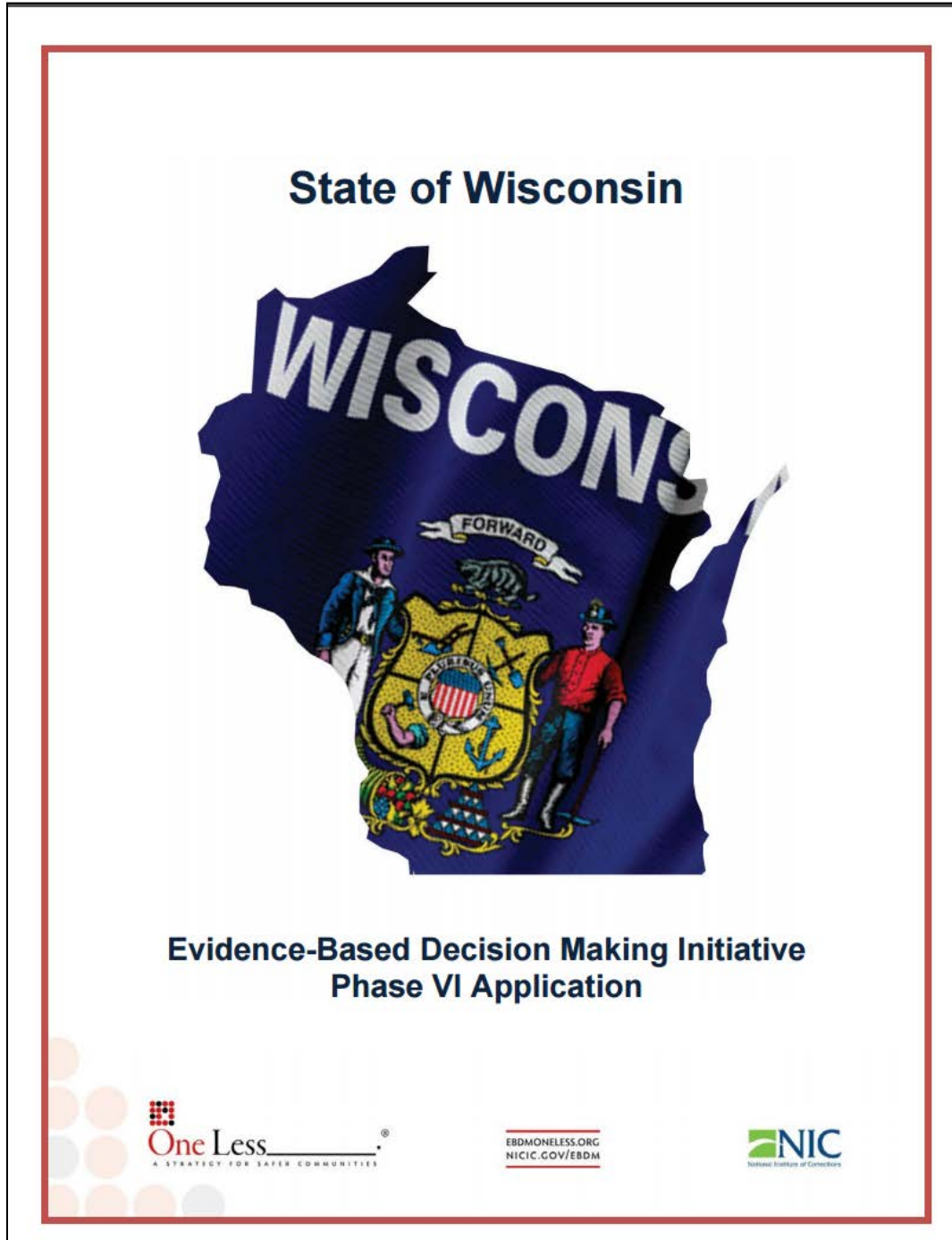
### EBDM Adult Criminal Justice System Key Definitions

**DRAFT**

Term	Definition	Notes on Measurement	Reviewer
<b>Evidence-Based Decision Making (EBDM)</b>	The practice of using research findings to inform and guide decisions across the justice system. ( <a href="http://info.nicic.gov/ebdm/">http://info.nicic.gov/ebdm/</a> )		All
<b>Municipal Court</b>	Courts that have exclusive jurisdiction over ordinance violations. If a municipality does not have a municipal court, ordinance violations are heard in circuit court. Cities, villages and towns are authorized to establish municipal courts.		All
<b>Circuit Court</b>	Courts that have original jurisdiction in all civil and criminal matters within the state, including probate, juvenile, and traffic matters, as well as civil and criminal jury trials. The Wisconsin circuit courts are the state's trial courts.		All
<b>Evidence-Based Practices (EBP)</b>	Approaches and interventions that research has demonstrated to have effective, measurable outcomes such as reducing recidivism or improving community safety.		All
<b>Law Enforcement Response</b>			
<b>In custody</b>	When an individual is being detained by law enforcement, the court, or another legal entity and is not free to leave.	May or may not also constitute an arrest, depending on circumstances	LE
<b>Arrest</b>	Act of detaining a person in legal custody in response to a charge that the person committed an offense in a particular jurisdiction. This includes notification of charges and date and time to appear in court or for processing such as by summons, order-in or citation (when issued by an officer). Arrests are typically not documented until the point of booking or issuance of a citation or summons.	Includes state statutes violations, ordinances that could be criminal, and citations that are criminal. Arrests do not include referrals from LE to the DA to review for potential charges without a booking or citation being issued directly to the individual (until the person is fingerprinted as part of the initial appearance) and warrants that have not resulted in an arrest.	LE
<b>Booking</b>	The process of collecting data to detain an individual into custody for criminal or non-criminal offenses or holds. Bookings for criminal offenses involve the collection of photographs, fingerprints, and demographic information. Adapted from Wisc. Stats. 165.83(2).	Does not include cite and release that occurs prior to booking.	LE

## Appendix III: State of Wisconsin EBDM Phase VI Application

Click the picture below to access the full State of Wisconsin EBDM Phase VI Application:



## Appendix IV: EBDM Position Paper

Click the picture below to access the EBDM Position Paper:



### Moving Evidence-Based Decision Making Forward in Wisconsin



#### Position

Wisconsin's State Criminal Justice Coordinating Council (CJCC) has partnered with the National Institute of Corrections' Evidence-Based Decision Making (EBDM) Initiative as the model for state and local criminal justice system improvement efforts. These efforts are focused on the following goals for criminal justice system improvement in Wisconsin: Reduce harm, improve public safety, and improve the quality of life; promote fairness and equal treatment; use resources effectively. The EBDM initiative will support progress toward these goals by providing a framework that is founded on research, collaboration, measureable outcomes, and continual improvement.

### The Value of Evidence-Based Decision Making

Wisconsin has a strong history of improving its criminal justice system by utilizing evidence-based practices. To further this end, the Wisconsin State Criminal Justice Coordinating Council (CJCC) partnered with the National Institute of Corrections' Evidence-Based Decision Making (EBDM) Initiative in 2014. Demonstrable success is achieved with EBDM through "...using data and research to inform and guide decision making across the justice system" (EBDM definition, <https://info.nicic.gov>). Specifically, the EBDM initiative focuses on the following goals to improve the criminal justice system:

- ✦ Reduce harm, improve public safety, and improve quality of life.
- ✦ Promote fairness and equal treatment.
- ✦ Use resources effectively.

Successful EBDM implementation relies on research, collaboration, measureable outcomes, and continual improvement resulting in significant cost savings to the taxpayer and the improvement of the system as a whole.

#### The Four EBDM Principles

EBDM implementation is based on four principles:

- ✦ The professional judgment of criminal justice system decision makers is enhanced when informed by evidence-based knowledge (research).
- ✦ Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction.
- ✦ Systems achieve better outcomes when they operate collaboratively.
- ✦ The criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information.

The use of evidence-based practices in Wisconsin has seen ongoing success with the implementation of treatment courts and diversion programs. Wisconsin's participation in the EBDM initiative will further bolster the improvements and savings that result from these efforts.

Wisconsin's EBDM efforts are supported and led by the CJCC, which is co-chaired by the Wisconsin Attorney General and the Wisconsin Department of Corrections Secretary. The CJCC created an EBDM subcommittee dedicated to the project. This subcommittee includes state and local stakeholders from traditional and non-traditional

## Appendix V: State CJCC Evidence-Based Decision Making Subcommittee

David O'Leary, Rock County District Attorney (Chair)
State Public Defender Kelli Thompson (Vice-Chair)
Representative Evan Goyke, 18th Assembly District (D-Milwaukee)
Representative Rob Hutton, 13th Assembly District (R-Brookfield)
Senator Terry Moulton, 23 <sup>rd</sup> Senate District (R-Chippewa Falls)
Senator Janis Ringhand, 15 <sup>th</sup> Senate District (D-Evansville)
Tommy Gubbin, Office of Court Operations (EBDM Coordinator)
Holly Szablewski, District 1 Court Administrator
Kelly McKnight, Ashland County District Attorney
Chief Greg Peterson, Grand Chute Police Department
Megan Jones, Ph.D., Director of Research and Policy, DOC
James Schwochert, Division of Adult Institutions Administrator, DOC
Denise Symdon, Administrator, Division of Community Corrections, DOC
Silvia Jackson, Reentry Director, DOC
Matt Raymer, Justice Programs Supervisor, DOJ (State Team Coordinator)
Mike Tobin, Deputy State Public Defender
Nick Sayner, Executive Director, JusticePoint
Jane Klekamp, Associate County Administrator, La Crosse County
Tiana Glenna, CJCC Coordinator, Eau Claire County
Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs, Wisconsin Counties Association
Lisa Roys, Public Affairs Director, State Bar of Wisconsin
Judge Jeffrey Kremers, Milwaukee County
Judge Carl Ashley, Milwaukee County
Judge Elliott Levine, La Crosse County
Kit Kerschensteiner, Disability Rights of Wisconsin
Holly Audley, Division of Care and Treatment Services Assistant Administrator, DHS
Sadique Isahaku, Dean of School of Liberal Arts and Sciences, Milwaukee Area Tech College
Patti Jo Severson, Gundersen Health (La Crosse County)
Jane Graham Jennings, Executive Director, The Women's Community, Inc.
Jen Dunn, Victim Services Director, Waukesha County DA's Office
Tony Gibart, Public Policy and Communications Coordinator, End Domestic Abuse Wisconsin
Thomas Lyons, State Director, Right on Crime

### Subcommittee Staff

Connie Kostelac, Ph.D. - DOJ Bureau of Justice Information and Analysis Director  
 René Lushaj - DOJ Justice System Improvement Specialist  
 Reisha Mitchell - DOJ Disproportionate Minority Contact Coordinator  
 Dennis Powers - DOJ Criminal Justice Program Analyst  
 Sabrina Gentile - DOJ Justice Programs Coordinator  
 Sara Tupper - DOJ Justice Programs Coordinator  
 Erika Schoot - DOJ Bureau of Justice Information and Analysis Research Analyst  
 Adam Plotkin - State Public Defender's Office Legislative Liaison