



# TREATMENT ALTERNATIVES AND DIVERSION

## 2021 PROGRESS REPORT: ADMISSION COHORT STATUS UPDATE

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# 1 HIGHLIGHTS

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- This report includes information about participants admitted to treatment courts and diversion programs in 2021 across Wisconsin who were funded by the Treatment Alternatives and Diversion program and entered into the DOJ CORE Reporting System. Only the 2021 admission cohort is included; for example, the status outcomes are out of the participants admitted to programs in 2021, regardless of their discharge date.
- Defense attorneys were the largest referral source for participants admitted to treatment courts (49%), whereas referrals for diversion program participants came predominantly from district attorneys (81%).
- Diversion programs discharged a larger percentage of their 2021 admissions compared to treatment court programs, likely due to diversion programs typically lasting a shorter period of time than treatment court programs. Conversely, treatment court programs have a larger percentage of 2021 admissions who are still active in their program.
- Those who graduated were in their programs for longer periods of time compared to those who were terminated.
- Treatment court participants who completed the 2021 procedural fairness survey, on average, agreed they were being treated fairly across the five different dimensions measured.

For data requests or questions, please contact the Bureau of Justice Information and Analysis

[core@doj.state.wi.us](mailto:core@doj.state.wi.us)

## 2 INTRODUCTION

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Wisconsin treatment courts and diversion programs that receive Treatment Alternatives and Diversion (TAD) funding are statutorily required, under Wis. Stat. §165.95, to submit participant data to the Wisconsin Department of Justice. The purpose of this report is to provide an overview of TAD-funded participants who were admitted to treatment courts and diversion programs in 2021 and entered into the Comprehensive Outcome, Research, and Evaluation (CORE) Reporting System.

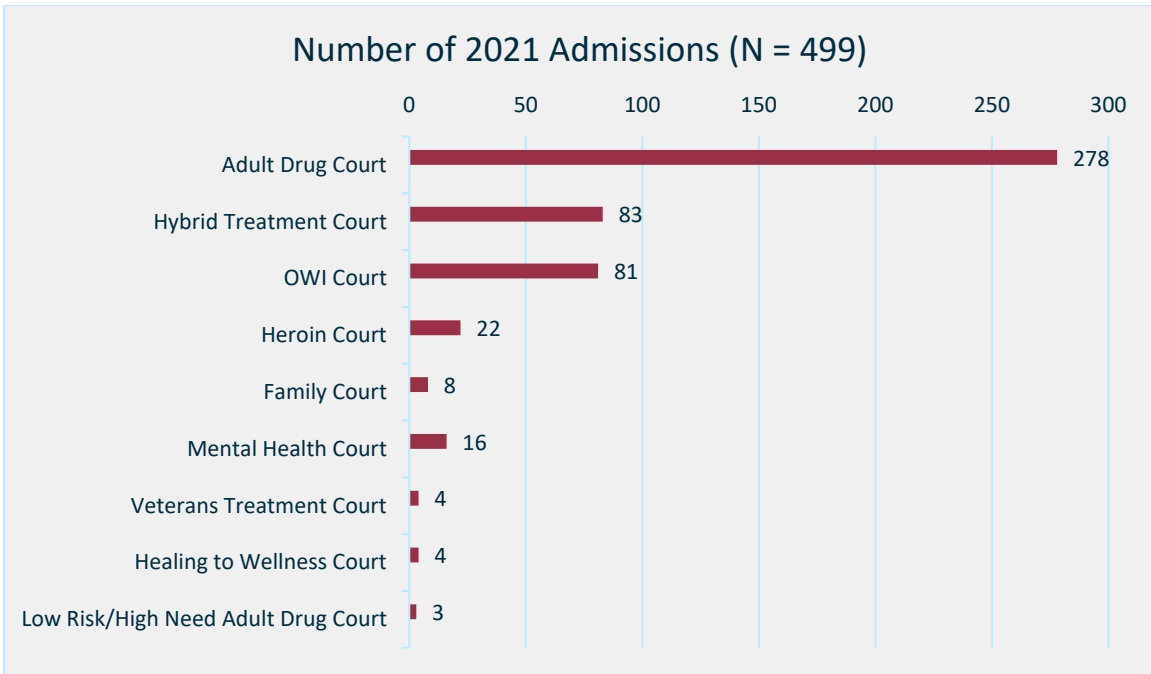
The CORE Reporting System was introduced in 2018 as a uniform mechanism to collect participant level data for treatment courts and diversion programs across Wisconsin, starting at the point of referral and following participants through the entirety of their programs. This secure, web-based system supports expansive data collection and reporting on participants, including tracking key participant characteristics such as education, employment, housing stability, and child support status, both at the time of admission and discharge from the program. It also supports collection of various indicators such as demographics, risk level, drug/alcohol use, and related factors. In addition, the system tracks ongoing interventions throughout the program such as the frequency and results of alcohol and drug testing, participant attendance at status hearings, use of incentives and sanctions in response to behavior, attendance at treatment or other services, and changes in key areas such as education and employment.

## 3 TREATMENT COURTS

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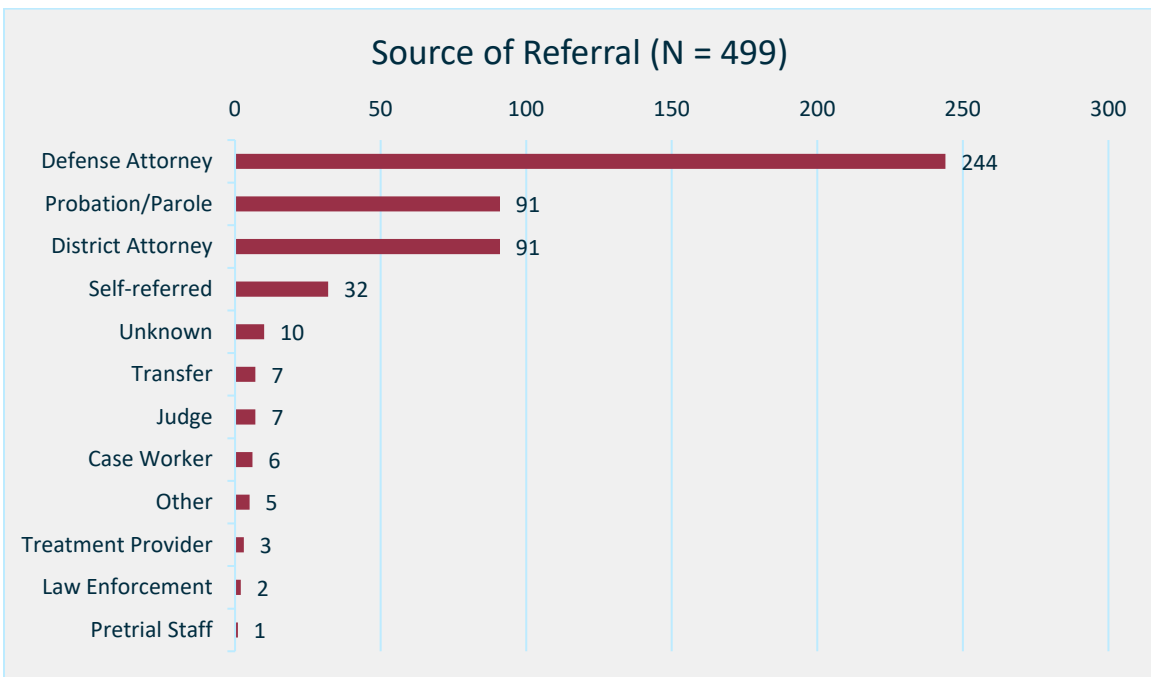
Treatment courts are an alternative model to the formal prosecution process and divert justice involved individuals into programs of supervision and services based on established criteria and a screening or assessment process. They are intended to provide a high level of monitoring and treatment interventions for participants to meet identified criminogenic risk and need factors. Participants who successfully complete a program receive a beneficial outcome such as a reduction in charges, dismissal of charges, or averted incarceration. Treatment courts include a range of courts such as Adult Drug Courts, Family Courts, OWI Courts, Hybrid Courts (combination of drug and OWI), Mental Health Courts, Veterans Courts, and Tribal Healing to Wellness Courts.

A total of 499 TAD-funded participants were admitted to 59 different treatment court programs across Wisconsin in 2021 based on data entered into the CORE Reporting System. More than half (56%) of 2021 treatment court admissions were in adult drug court programs. An additional 16% were in both hybrid and OWI courts, respectively.



### 3.1 SOURCE OF TREATMENT COURT REFERRALS

Defense attorneys referred about 49% of participants admitted in 2021, and probation/parole officers and district attorneys each referred about 18% of the admissions.



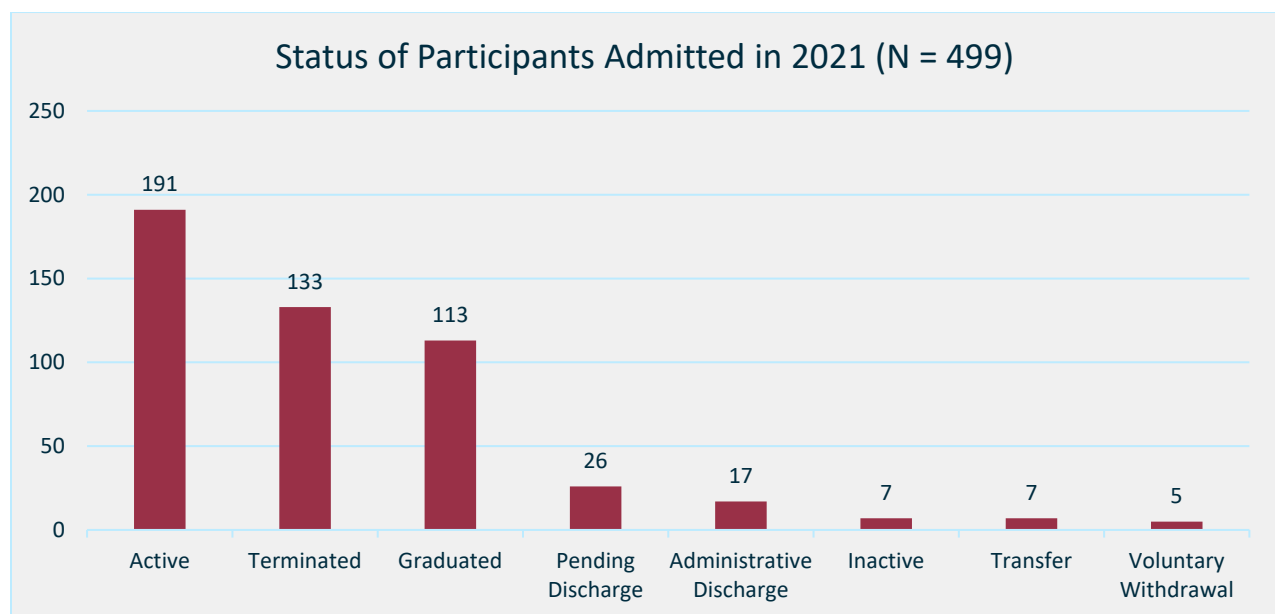
### 3.2 DEMOGRAPHICS OF 2021 TREATMENT COURT ADMISSIONS

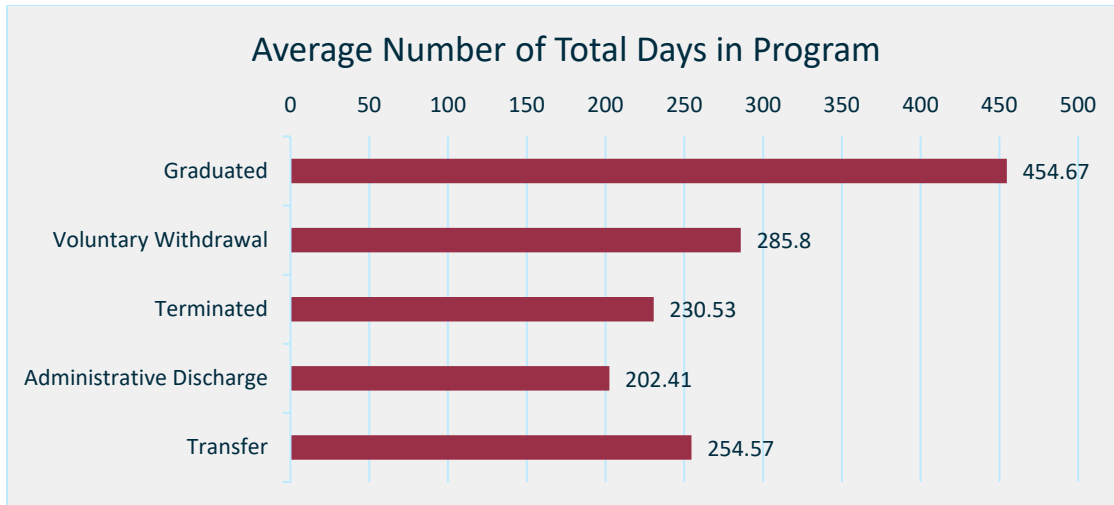
About 59% of 2021 admissions were male, and about 87% were white. A table of referral source by race of admitted participants is included as Appendix A.

Race	Sex		Total
	Female	Male	
African American/Black	2	12	14
American Indian/Alaskan Native	26	11	37
Asian	1	2	3
Other	5	3	8
Unknown	1	0	1
White	169	267	436
<b>Total</b>	<b>204</b>	<b>295</b>	<b>499</b>

### 3.3 STATUS OF 2021 TREATMENT COURT ADMISSIONS

Approximately 27% of the 2021 admission cohort were terminated from their program (mostly due to either non-compliance or absconding), and 23% have graduated. Another 38% are still active in their program. Those listed as pending discharge have been discharged, but their official status has not been finalized within CORE by their program staff. Of the 17 participants administratively discharged, seven were due to the death of the participant, one was determined to be ineligible after they were admitted, one was due to mental health, two moved, and the remaining six were for other reasons.





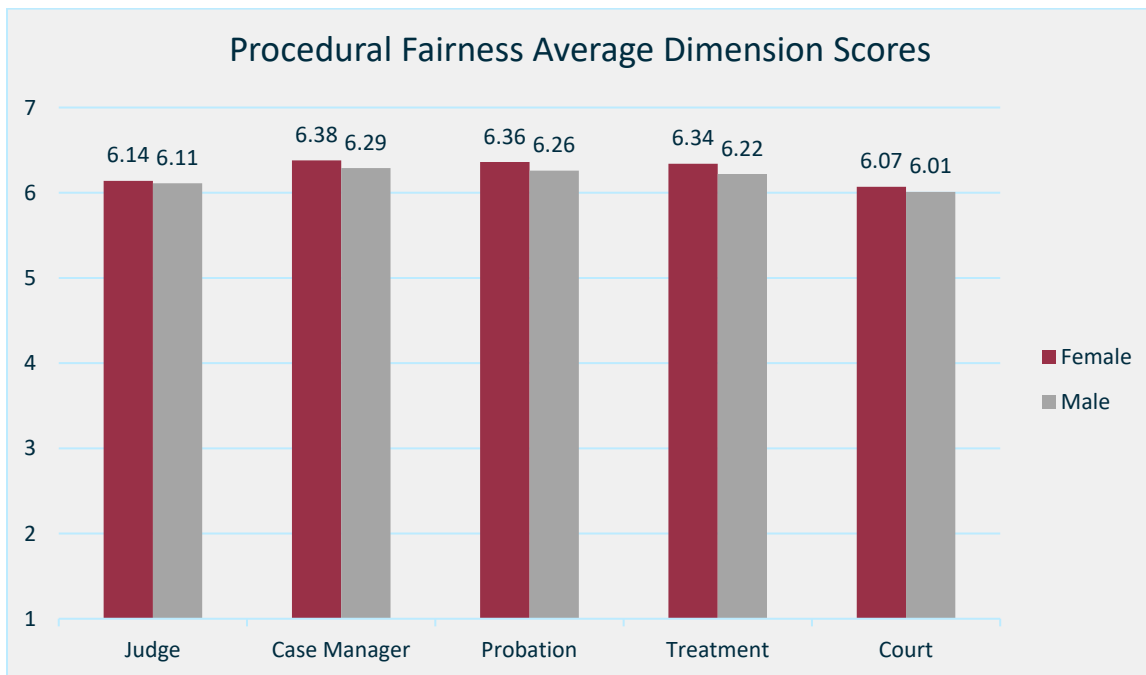
Terminated participants spent an average of 230 days in their program before termination, while those who graduated were in their programs for a significantly longer period of time (M = 455 days). The total days in program referenced in this report may include days participants were inactive in their programs (e.g. not attending regularly scheduled status hearings, drug testing, or treatment sessions). Participants can have inactive periods for reasons which include physical or mental health concerns that temporarily prevent program participation, incarceration periods where the individual is not actively participating in the program, or when a participant absconds from the program. Please see Appendix B for more details.

### 3.4 2021 TREATMENT COURT PROCEDURAL FAIRNESS

Beginning in 2019, a procedural fairness survey was implemented for treatment court programs on an annual basis. The survey is administered by sites to participants active in their program at the time of the data collection and contains 30 Likert-type questions measuring participants' perception of how fair their interactions have been with various staff during their time in the program. The survey measures five different dimensions using six questions each: judge, case manager, probation, treatment provider, and court in general. The highest score possible for each dimension is 7 (strongly agree/positive perception), and the lowest score possible is 1 (strongly disagree/negative perception). The performance target for procedural fairness is an average of at least 4.0 on all dimensions. For more information about performance measures and targets for Wisconsin treatment courts, see the [Wisconsin Adult Drug and Hybrid Performance Measures](#) (Cheesman, Broschius, & Kleiman, 2016). All participants who completed any part of the survey are included in the demographic totals, but only those who answered at least four of the six questions per dimension are included in the dimension totals. A copy of the survey is included as Appendix C.

A total of 266 participants took the survey. The sample was about 36% female and 63% male, with approximately 87% of participants being white, 2% African American/black, and 7% American Indian. Due to the survey being anonymous and distributed to all active participants, it is not possible to analyze

only the responses from the 2021 TAD admission cohort. Instead, all participants who participated in the survey (regardless of their admission year) are included in the chart below.



Overall, while there were no significant differences by sex, there was a significant negative relationship between length of time in the program and ratings for case managers and treatment providers (e.g. those who were in the program longer rated those two dimensions lower). There was also a significant positive relationship between age and ratings for the treatment provider; older participants rated the treatment providers higher. Due to the sample being mostly white, it was not statistically possible to test for racial differences in procedural fairness. See Appendix D for more detail on low individual dimension scores.

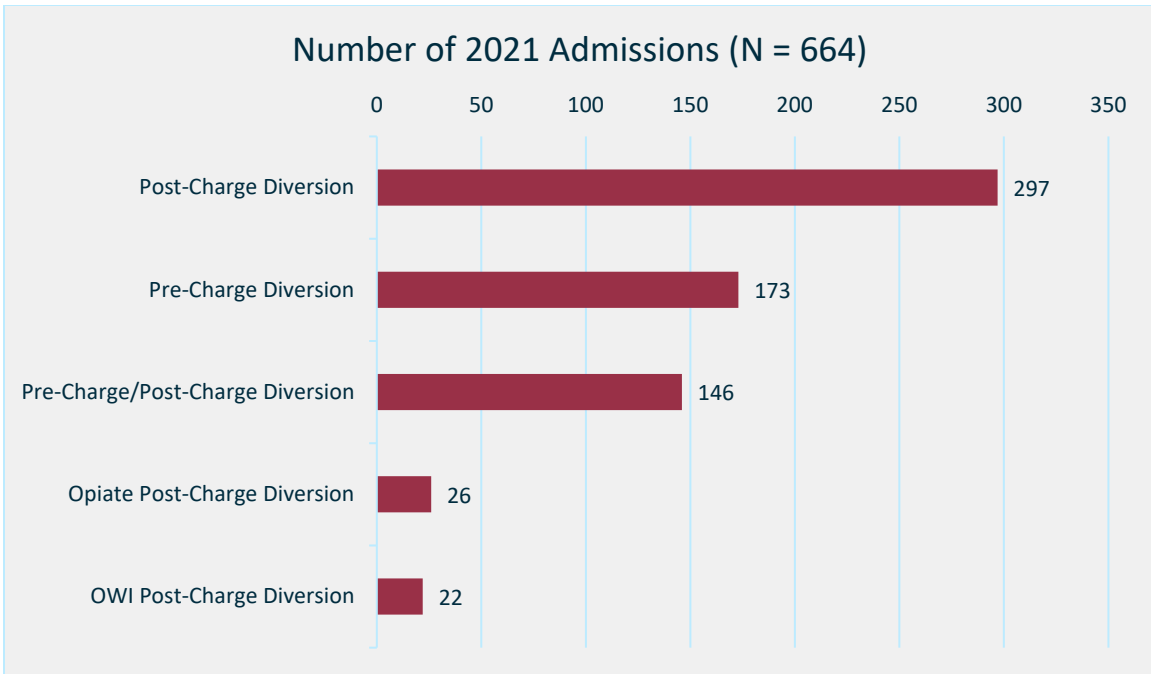
## 4 DIVERSION PROGRAMS

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Diversion programs are an alternative to the formal charging process. Programs can be pre or post-charge. Prosecutors may withhold filing of charges or suspend formal prosecution and provide an alternative course of action in the form of a diversion agreement including certain program requirements (e.g., do not commit a new crime for a specified period, participate in education classes, complete community service, receive an assessment for treatment needs). Satisfactory completion of program requirements may result in charges not being issued, reduced charges, or the dismissal of formal charges.

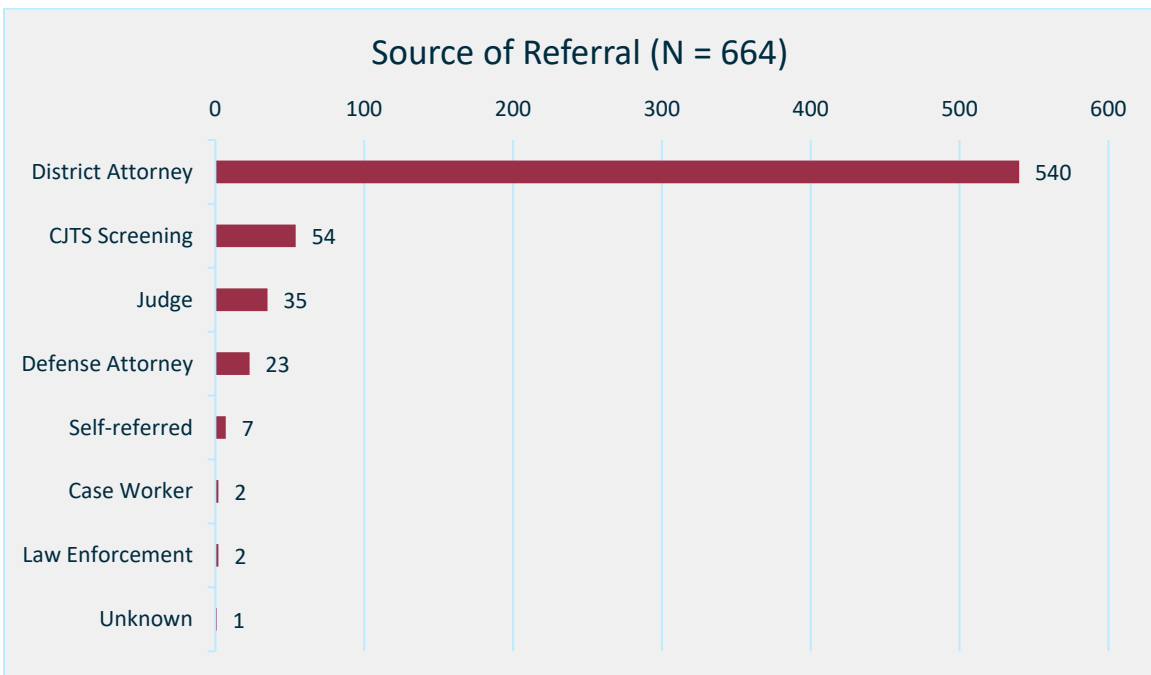
A total of 664 TAD-funded participants were admitted to 24 different diversion programs across the state in 2021, based on those entered into the CORE Reporting System. About 45% of the 2021 admission cohort were admitted to post-charge diversion/deferred prosecution programs, and about 26% were admitted to pre-charge diversion programs.





#### 4.1 SOURCE OF DIVERSION PROGRAM REFERRALS

The majority (81%) of participants admitted to diversion programs in 2021 were referred by the district attorney. Criminal Justice Treatment Services (CJTS) is a program specific to Outagamie County that pre-screens individuals arrested for their second and third OWI offenses for eligibility into their Post-Charge Diversion program; these screenings accounted for 8% of all participant admission to diversion programs in 2021. Referrals sourced from judges presiding over participant cases accounted for 5% of participants.



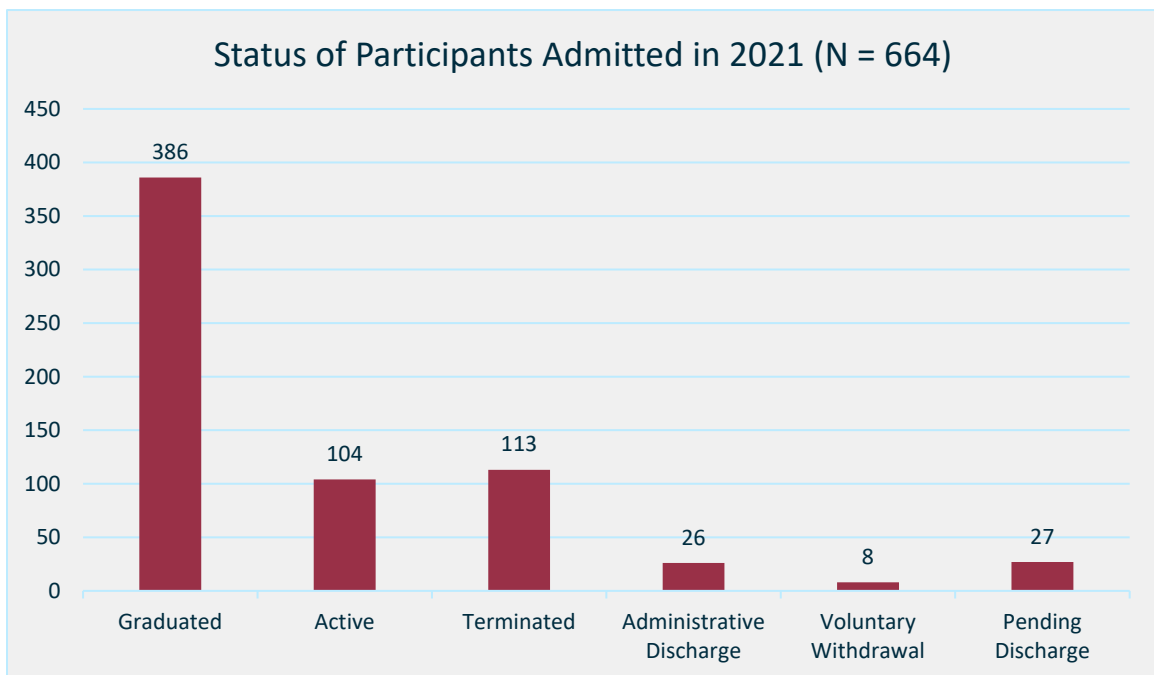
## 4.2 DEMOGRAPHICS OF 2021 DIVERSION PROGRAM ADMISSIONS

About 58% of 2021 diversion program admissions were male, and about 80% were white. A table of referral source by race of admissions is included in Appendix A.

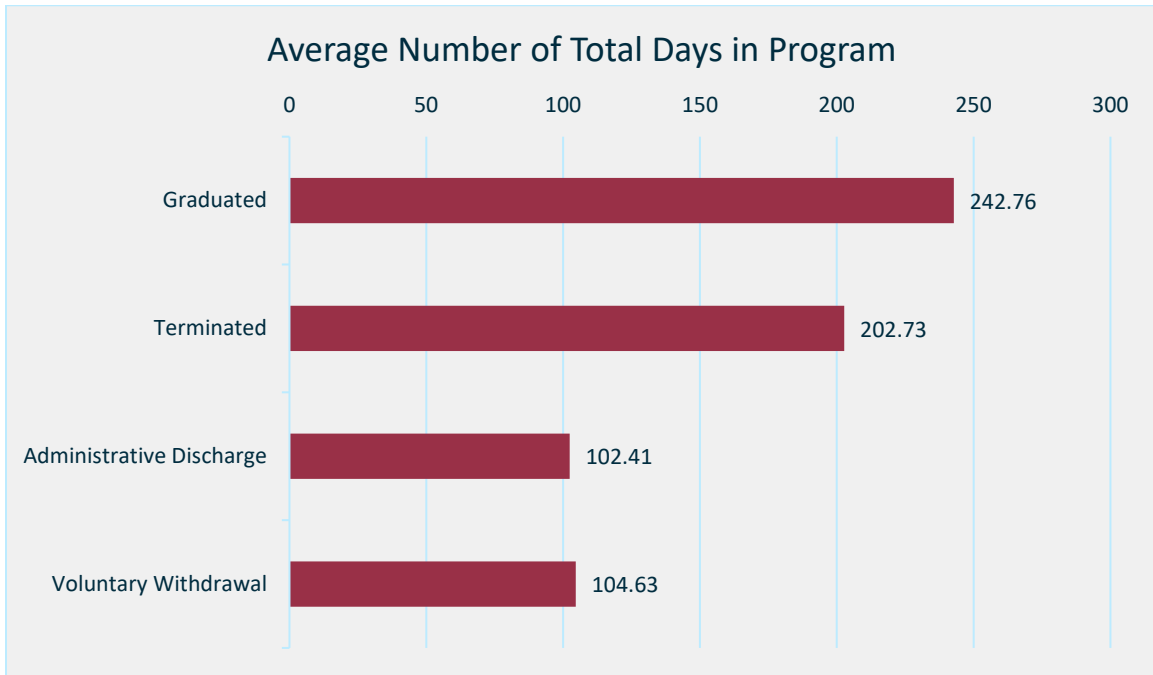
Race	Sex			Total
	Female	Male	Unknown	
African American/Black	26	46	0	72
American Indian/Alaskan Native	10	10	0	20
Asian	3	11	0	14
Native Hawaiian/Pacific Islander	2	0	0	2
Other	6	9	0	15
Unknown	5	3	3	11
White	224	306	0	530
<b>Total</b>	<b>276</b>	<b>385</b>	<b>3</b>	<b>664</b>

## 4.3 STATUS OF 2021 DIVERSION PROGRAM ADMISSIONS

About 58% of participants admitted to a diversion program in 2021 have graduated, and 16% are still active in their program; about 17% of the 2021 admission cohort have been terminated from their program, mostly due to either non-compliance or absconding. Those listed as pending discharge have been discharged, but their official status has not been finalized within CORE by their program staff. Of the 26 participants who have been administratively discharged, 5 were due to the death of the participant, two were determined to be ineligible after they were admitted, two were due to mental health, and the remaining 17 were discharged for other reasons.



Those who graduated were in their diversion program for an average of 243 days, while those terminated participated in their program for an average of 203 days. See Appendix E for more detail on program length.



## 5 DATA NOTES AND LIMITATIONS

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The information in this report only includes participant data that was entered into the Comprehensive Outcome, Research and Evaluation (CORE) Reporting System. Participants whose information was entered into historical, individual program TAD Access databases and not transferred into CORE are not included; therefore, these numbers may not be comprehensive. Furthermore, since programs operate with a variety of funding sources, every program is responsible for indicating how each participant was funded when entering the participant data in CORE. Only those participants for which the program indicated were funded in whole or in part by TAD funds are included in this report, except for the procedural fairness section for treatment courts. The information in this report was extracted in January 2023 and is updated and subject to change daily. Sites are responsible for entering complete and accurate information in CORE. As a reminder, the data presented in this report are based on the 2021 admission cohorts only, regardless of discharge date; the figures are not based on discharge cohorts.

## APPENDIX A

Race of 2021 Admissions by Source of their Referral to Treatment Courts

Source	Race						Total
	African American/Black	American Indian/Alaskan Native	Asian	Other	Unknown	White	
Case Worker	0	2	0	0	0	4	6
Defense Attorney	8	20	2	5	0	209	244
District Attorney	2	4	1	2	0	82	91
Judge	0	1	0	0	0	6	7
Law Enforcement	0	1	0	0	0	1	2
Other	1	0	0	0	0	4	5
Pretrial Staff	0	0	0	0	0	1	1
Probation/Parole	2	5	0	0	1	83	91
Self-referred	0	3	0	0	0	29	32
Transfer	0	0	0	0	0	7	7
Treatment Provider	0	0	0	0	0	3	3
Unknown	1	1	0	1	0	7	10
<b>Total</b>	<b>14</b>	<b>37</b>	<b>3</b>	<b>8</b>	<b>1</b>	<b>436</b>	<b>499</b>

Race of 2021 Admissions by Source of their Referral to Diversion Programs

Source	Race						Total	
	African American/Black	American Indian/Alaskan Native	Asian	Native Hawaiian/Pacific Islander	Other	Unknown		White
Case Worker	0	0	0	0	0	0	2	0
Defense Attorney	1	0	0	0	1	1	20	23
District Attorney	66	15	11	2	14	7	425	540
Judge	1	5	1	0	0	2	26	35
Law Enforcement	0	0	0	0	0	0	2	2
CJTS Screening	4	0	2	0	0	0	48	54
Self-referred	0	0	0	0	0	0	7	7
Unknown	0	0	0	0	0	1	0	1
<b>Total</b>	<b>72</b>	<b>20</b>	<b>14</b>	<b>2</b>	<b>15</b>	<b>11</b>	<b>530</b>	<b>664</b>

## APPENDIX B

Total Number of Days in Program by Current Status of 2021 Admissions to Treatment Courts

Status	N	Min	Max	Mean	SD
Active	191			N/A	
Admin Discharge	17	9	632	202.41	173.15
Graduate	113	253	688	454.67	90.01
Inactive	7			N/A	
Pending Discharge	26			See below	
Terminated	133	12	617	230.53	140.21
Transfer	7	20	438	254.57	153.58
Voluntary Withdrawal	5	137	431	285.80	131.65

Twenty-six participants admitted in 2021 are currently listed as “pending discharge.” These individuals have a separate discharge status, however, the site has not finalized/closed out the participant in the CORE Reporting System. The unofficial discharge status and length of time for these individuals are included below.

Status	N	Min	Max	Mean	SD
Graduate	19	339	639	457.00	91.17
Terminated	6	64	421	233.83	119.93
Voluntary Withdrawal	1	222	222	222.00	-

## APPENDIX C

### Procedural Fairness Survey Items

For each question, participants are asked to rate each statement on a Likert-type scale ranging from strongly disagree (1) to strongly agree (7). An average score per person per dimension is then scored, and averages per dimension across each program and all programs combined were calculated.

Dimension	Item
Judge	1. The Judge applies rules consistently to everyone.
Judge	2. The Judge makes me feel comfortable enough to say how I really feel about things.
Judge	3. The Judge gives me a chance to tell my side of the story.
Judge	4. The Judge treats me politely.
Judge	5. The Judge is knowledgeable about my case.
Judge	6. The judge makes decisions about how to handle my problems in a fair way.
Case Man.	7. The case manager interacts with me in a professional manner.
Case Man.	8. I know that my case manager truly wants to help me.
Case Man.	9. My case manager gives me enough of a chance to say what I want to say.
Case Man.	10. The way my case manager handles my case is fair.
Case Man.	11. My case manager treats all of his or her clients equally.
Case Man.	12. I feel safe enough to be open and honest with my case manager.
Probation	13. My probation officer interacts with me in a professional manner.
Probation	14. I know that my probation officer truly wants to help me.
Probation	15. My probation officer gives me enough of a chance to say what I want to say.
Probation	16. The way my probation officer handles my case is fair.
Probation	17. My probation officer treats all of his or her clients equally.
Probation	18. I feel safe enough to be open and honest with my probation officer.
Treatment	19. The treatment staff gives me a chance to tell my side of the story.
Treatment	20. I believe the treatment staff is genuinely interested in helping me with my problems.
Treatment	21. The treatment staff interacts with me in a professional manner.
Treatment	22. The treatment staff treats all clients fairly.
Treatment	23. I feel safe enough to be open and honest with treatment staff.
Treatment	24. The way treatment handles my case is fair.
Court	25. They treat all people and groups equally.
Court	26. They are fair in their dealings.
Court	27. They care about me.
Court	28. They treat me with courtesy.
Court	29. They listen to me.
Court	30. They are trustworthy.

## APPENDIX D

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### Procedural Fairness Details

The performance measure target for procedural fairness is an average of 4 and above for each dimension, indicating either neutral or a degree of agreement that participants feel they are being treated fairly. Average scores across all five dimensions, when calculated in aggregate, were above that threshold. However, due to the small number of people of color, racial differences could not be analyzed. Instead, specific scores below the threshold of for each dimension were examined. The tables below show the racial demographics of participants whose scores were below 4, on average, for each dimension. Note that if a participant did not answer at least four of the six items per dimension, their score was not calculated.

Judge (13 total)	Total	Race
	13	White

Case Manager (9 total)	Total	Race
	8	White
	1	American Indian/Alaskan Native

Probation (7 total)	Total	Race
	7	White

Treatment Provider (9 total)	Total	Race
	8	White
	1	American Indian/Alaskan Native

Court (12 total)	Total	Race
	12	White

## APPENDIX E

Total Number of Days in Program by Current Status of 2021 Admissions to Diversion Programs

Status	N	Min	Max	Mean	SD
Active	104			N/A	
Admin Discharge	26 <sup>1</sup>	1	226	102.41	67.80
Graduate	386 <sup>2</sup>	1	703	242.76	128.71
Inactive	-				
Pending Discharge	27			See below	
Terminated	113 <sup>3</sup>	21	548	202.73	123.06
Transfer	-				
Voluntary Withdrawal	8	26	204	104.63	68.56

<sup>1</sup> Min, max, and mean days are out of 17, as nine participants' days are missing.

<sup>2</sup> Min, max, and mean days are out of 358, as 28 participants' days are missing.

<sup>3</sup> Min, max, and mean days are out of 90, as 23 participants' days are missing.

Twenty-seven participants admitted in 2021 are currently listed as “pending discharge.” These individuals have a separate discharge status, however, the site has not finalized/closed out the participant in the CORE Reporting System. The unofficial discharge status and length of time for these individuals are included below.

Status	N	Min	Max	Mean	SD
Graduate	16 <sup>1</sup>	183	525	367.10	97.89
Terminated	8 <sup>2</sup>	87	576	364.00	204.65
Administrative Discharge	3 <sup>3</sup>	-	-	-	-

<sup>1</sup> Min, max, and mean days are out of 10, as six participants' days are missing.

<sup>2</sup> Min, max, and mean days are out of four, as four participants' days are missing.

<sup>3</sup> No days have been entered for the three participants who were administratively discharged.