




Wisconsin Adult Drug Court and Hybrid Court Performance Management Training


See section 12 of binder


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Learning Objectives

- To introduce the concepts of performance measurement and management.
- To provide an overview of Wisconsin Adult and Hybrid Drug Court Performance Measures.
- To provide examples of the use of performance measurement data to solve practical problems confronting Adult and Hybrid Drug Courts.

Today's Agenda

- Background of the project
- Performance Measurement and Management
- Overview of Wisconsin Adult and Hybrid Drug Court Performance Measures
- Four training scenarios

The Performance Management Project

- NCSC Strategic Planning Project: Effective Justice Strategies (2009-2012)
- BJA Statewide Drug Court Enhancement Grant in 2012
- The Performance Measures
 - Advisory Group
 - High Performance Court Framework and balanced scorecard
- The User Manual
- Performance Target
- Training Scenarios
- Train the Trainer

Distinguish Performance Measurement from Impact Analysis

- Focus of performance measurement is on intermediate “outcomes,” which are measures of the stated objectives.
- Impact assessment, on the other hand, requires estimates of the “value added by the program” (i.e., the benefits that would not have occurred had the Drug Court program not existed) (Lipsey, 2004).

Distinguish Performance Measurement from Impact Analysis

- Performance measurement is real-time; evaluation takes a long time
- Performance measurement does not require a counterfactual comparison group
- Evaluation concerned with problem of “attribution”; not an issue for performance measurement
- Evaluation requires professional expertise; performance measurement designed for use by practitioners

From Performance Measures to Performance Management

“Performance management” means the practice of public service managers using performance data to help them make decisions so as to continually improve services to their customers. (Hatry, 2014)

Prerequisites:

- Performance Measures
- Performance Targets
- Staff training

Performance Management

- Planning and meeting established operating goals/standards/performance target for intended outcomes
- Detecting deviations from planned levels of performance (aka "Performance Targets")
- Restoring performance to the planned levels or achieving new levels of performance
- Supporting a culture of continued improvement

Why Create Performance Targets?

- Make your performance measures into management tools.
 - Setting a basis for comparison to gauge performance
 - Not meant to be punitive or prescriptive
 - Can change as data is collected or as new research is available
- Allow programs to make informed policy decisions.
- Allow the state to identify statewide trends and training needs.
- Allow local programs to demonstrate need in grant applications.

Overcoming the Pitfalls of Managing with Numbers and Creating Performance Targets

- Creating a culture that supports continued improvement.
- Developing a system by which performance targets can be updated with new research and new empirical data.
- Establishing a mechanism by which data is shared between local programs and the state to provide policy solutions and host trainings for local program staff.

Outcome Measures

1. Sobriety
 - Average Percent of Positive Drug and Alcohol Tests
 - Average Percent of Days with Positive Continuous Monitoring Alcohol Tests
 - Average Period of Time from Last Positive Drug Test to Discharge
2. In-Program Recidivism: The percentage of participants who have a criminal case filed for a new criminal offense with an offense date occurring between admission and discharge.

Outcome Measures

- 3. Post-Program Recidivism: The percentage of participants who commit an offense within three years from time of discharge from drug court who are convicted of the offense, reported by type of discharge.
- 4. Restitution: The percentage of participants in an annual discharge cohort who have paid off their restitution or are current with their restitution payment plan at discharge.

Processing and Admission Measures

- 1. Processing Time: The average processing time (days) between important referral and admission events
- 2. Screening and Assessment: The percentage of participants distributed in nine risk/criminogenic need categories

Screening and Assessment Example

Criminogenic Risk

| | | High | Medium | Low |
|-------------------|--------|-------------|------------|-----------|
| Criminogenic Need | High | 22 (55%) | 6 (15%) | 2 (5%) |
| | Medium | 3 (8%) | 4 (10%) | 1 (3%) |
| | Low | 2 (5%) | 0 (0%) | 0 (0%) |

Processing and Admission Measures

- 3. Discharge Type: The percentage of participants discharged from the program through graduation, termination, or other means.
- 4. Average Length-of-Stay: The average length of time (in days) of participation in drug court, measured from admission to discharge and reported by type of discharge (e.g. graduate, termination, or other).

Dosage Measures

1. Incentives and Sanctions:
 - The average number of sanctions administered to participants.
 - The average number of incentives administered to participants.
 - The ratio of average incentives to average sanctions.
2. Treatment Services: The average number of units of treatment attended by participants, by treatment type and type of discharge (graduation, termination, or other).
3. Frequency of Status Hearings: The average number of status hearings attended by participant per month during each quarter of program participation, by type of discharge.

Dosage Measures

4. Frequency of Supervision: The average number of supervision contacts per month, by type (e.g. Home, office or phone).
5. Frequency of Drug and Alcohol Testing: The average number of drug and alcohol tests conducted each week.

Perceived Procedural Fairness Measures

1. Perceived Procedural Fairness: Measures of the perceptions of the judge, treatment, probation, and the court.

Social Functioning Measures

1. Improvement in Employment Status: The percentage of participants with an improvement in employment status.
2. Improvement in Educational Status: The percentage of participants who gain a high school diploma or its equivalency (or are actively pursuing) by time of program discharge, by type of discharge.
3. Improvement in Residency Status: The percentage of participants with an improvement in residency, defined as movement from unstable to stable residence status between program admission and program discharge.

Other Considerations for Performance Measures

- Admissions and Discharge Cohorts
 - Long a staple of bio-medical research and more recently of sociological and criminological research
 - Admission cohort: All drug court participants admitted during the same time period.
 - Used with Processing and Admission Measures
 - Discharge cohort: All drug court participants who exited/discharged during the same time period, successfully and otherwise.
 - Used with Outcome, Dosage, and Social Functioning Measures

Other Considerations for Performance Measures

- Frequency of Reporting (annually at a minimum)
- Platform
 - CORE Reporting System
 - Other Options
- Target Audiences: Individual Drug Courts and State Drug Court Coordinator

Training Scenarios

- Four scenarios developed in consultation with, and participation from, a former Drug Court coordinator (Tara Kunkel)
- Reviewed by WI Drug Court professionals
- Four Steps
 - The Challenge
 - Clarifying the Issue
 - The Initial Response
 - Moving to Implement the Plan

Scenario 1: The Challenge

- The Brewers County Adult Drug Court (BCADC) began operating in 2008.
- The court operates as a post-adjudication court, targeting defendants charged with felony drug or drug-related property offenses.
- Typically the court serves 112 participants at any given time and has not had a waiting list since the program opened.
- Participants and the defense bar complain about the amount of time required to gain admission to Drug Court.

Scenario 1: Formulating the Challenge*

- How would you state the issue in one or two sentences?
- What factors could play a role in the time between arrest and admission to Drug Court?
- What information and/or data should the Judge and Coordinator gather to further examine the issue?
- Please see Performance Measure #5 “Processing Time”, p. 18.

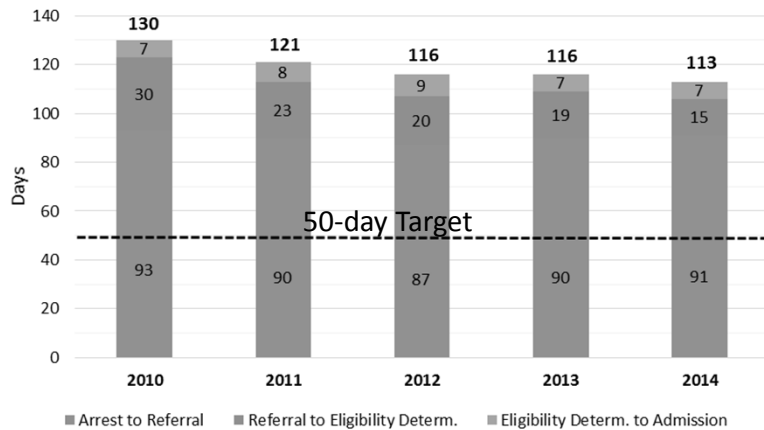
Scenario 1: Clarifying the Issue*

Time Between Consecutive Events (Days)

| Events | Admissions Cohort | | | | |
|--|-------------------|----------------|----------------|----------------|----------------|
| | 2010 (n=75) | 2011 (n=72) | 2012 (n=76) | 2013 (n=74) | 2014 (n=75) |
| Arrest to Referral | 93 | 90 | 87 | 90 | 91 |
| Referral to Eligibility Determination | 30 | 23 | 20 | 19 | 15 |
| Eligibility Determination to Admission | 7 | 8 | 9 | 7 | 7 |
| Arrest to Admission | 130 | 121 | 116 | 116 | 113 |
| Admission to First Treatment Episode | 30 | 25 | 12 | 20 | 14 |

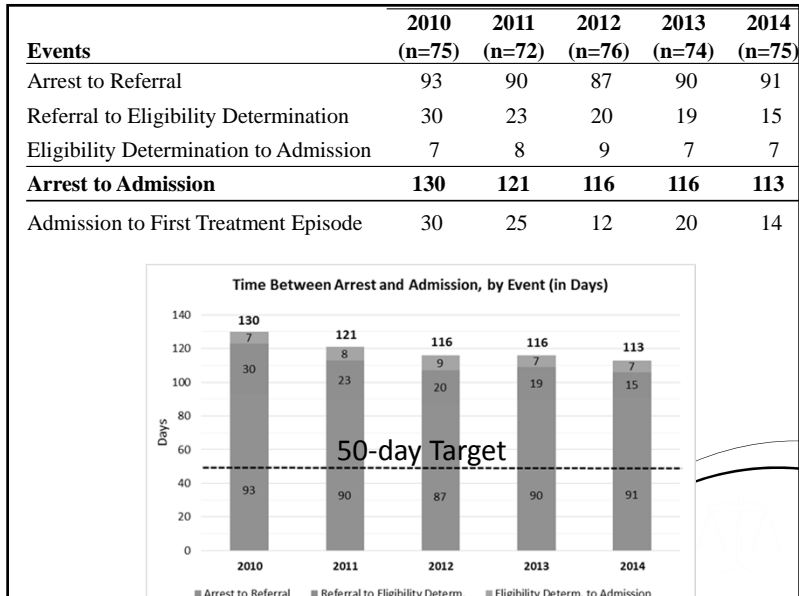
Scenario 1: Clarifying the Issue*

Time Between Arrest and Admission, by Event (in Days)



Scenario 1: Clarifying the Issue*

- What are two or three things you learn about the situation from the available data?
- Does the data allow you to better understand the issue? If so, how would you refine and focus the statement of the issue?
- Based on the data above, what should be discussed next?
- Is there any additional data that you may want to consider to understand the issue facing the Brewers County Drug Court?



Facilitator Observations

- The time between arrest and referral alone is in every case close to twice the performance target of 50 days for the time between arrest and admission for every year examined.
- The time between referral and eligibility determination has been declining and could be shortened further.
- The court does a good job of getting offenders who have been deemed eligible admitted to Drug Court in a timely fashion.
- It is taking too long to get newly admitted participants to their first treatment episode.

Scenario 1: The Initial Response*

- Judge and Coordinator: Focus efforts on reducing the amount of time between:
 - Arrest and referral
 - Referral and eligibility determination
 - Admission and first treatment episode
- Sheriff: District Court is taking too long to arraign drug-court eligible defendants/Jail inmates do not know about the Drug Court.
- Public Defender: Prosecutor is taking too long to determine legal eligibility.

Scenario 1: The Initial Response*

- Case managers: We are overworked/Screening and assessment tools we use to determine eligibility are time-intensive and that these activities must be balanced against their other responsibilities such as participant supervision.
- Treatment: Our programs serve non-Drug Court offenders as well as participants and program capacities are limited, resulting in waiting lists.
- Prosecutor: We do not have enough staff to screen cases for legal eligibility.

Scenario 1: The Initial Response*

- Given the strategy that the Judge and Coordinator have decided to pursue and the input from the other team members, what strategies would you recommend to reduce the amount of time between arrest and admission?
- Between admission and the first treatment episode?
- What are your thoughts about the input given by the other team members (sheriff, public defender, case manager, treatment, prosecutor)?

Scenario 1: Moving to Implement the Plan

After mapping their system from arrest to admission, the Drug Court team decides to take the following actions:

- Develop a “fast-track” into Drug Court:
 - The sheriff agrees to provide training to jail staff to identify potential Drug Court participants while still in jail.
 - The Drug Court agrees to pay for a half-time social worker to assist jail personnel in this initiative.
 - The Drug Court team will design a publicity program about the Drug Court for both jail inmates and the local defense bar.

Scenario 1: Moving to Implement the Plan

The Drug Court team decides to take the following actions:

- Develop a “fast-track” into Drug Court (cont.):
 - The District Court judges agree to organize their dockets so that arraignments for candidates for Drug Court receive top-priority.
 - The prosecutor agrees to develop a “Drug Court Legal Screening Checklist” to standardize and expedite the legal eligibility determination process.

Scenario 1: Moving to Implement the Plan

The Drug Court team decides to take the following actions:

- Probation agrees to assist Drug Court case managers with supervision of participants to ease the former’s workload.
- Treatment agrees to hire an additional clinician who will be dedicated to the Drug Court program to ease the wait to get into treatment.
- The Drug Court decides to hire a part-time clinical psychologist to assist with screening and assessment.

Scenario 1: Moving to Implement the Plan

- What is your assessment of the proposed strategies?
- How else might the team act to reduce the amount of time between arrest and admission? Between admission and the first treatment episode?

Scenario 1: Moving to Implement the Plan

- The team agreed to meet again in six months to review the implementation of these changes.
- The Judge was able to successfully secure funding for the additional personnel and resources from County Commissioners by sharing the data with them.

Scenario 2

- Please see handouts
- Format:
 - The Challenge
 - Clarifying the Issue
 - The Initial Response
 - Moving to Implement the Plan
- Facilitated by trainer

Relevant Performance Measures for Scenario 2

- #7, Discharge Type (p. 21)
- #8, Average Length-of-Stay (p. 22)
- #6, Screening and Assessment (p. 19)
- #11, Frequency of Status Hearings (p. 28)
- #12, Frequency of Supervision (p. 29)
- #13, Frequency of Drug and Alcohol Testing (p. 30)

Scenario 3

- Please see handouts
- Format:
 - The Challenge
 - Clarifying the Issue
 - The Initial Response
 - Moving to Implement the Plan
- Facilitated by trainer

Relevant Performance Measures for Scenario 3

- #2, In-program Recidivism (p. 14)
- #3, Post-program Recidivism (p. 16)
- #1a, Sobriety: Average Percent of Positive Drug and Alcohol Tests (p. 10)
- #6, Screening and Assessment (p. 19)
- # 13, Frequency of Drug and Alcohol Testing (p. 30)
- # 10, Dosage (Units of Service) of Treatment Services (p. 26)

Scenario 4

- Please see handouts
- Format:
 - The Challenge
 - Clarifying the Issue
 - The Initial Response
 - Moving to Implement the Plan
- Facilitated by trainer

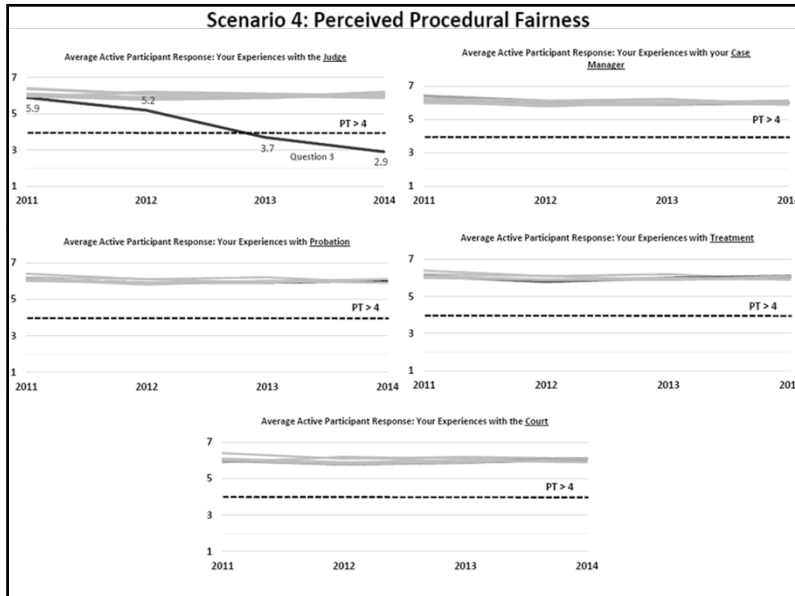
Scenario 4: Perceived Procedural Fairness

| <i>Your Experiences with the Judge</i> | | | | |
|--|-----------------------|------|------|------|
| | Average Score by Year | | | |
| Question | 2011 | 2012 | 2013 | 2014 |
| 1. The Judge applies rules consistently to everyone. | 6.4 | 6.1 | 5.9 | 6.2 |
| 2. The judge makes me feel comfortable enough to say how I really feel about things. | 5.9 | 6.2 | 6.1 | 6.0 |
| 3. The judge gives me a chance to tell my side of the story. | 5.9 | 5.2 | 3.7 | 2.9 |
| 4. The judge treats me politely. | 6.0 | 5.8 | 5.9 | 6.1 |
| 5. The judge is knowledgeable about my case. | 6.0 | 5.8 | 5.9 | 6.1 |
| 6. The judge makes decisions about how to handle my problems in a fair way. | 6.1 | 5.9 | 6.0 | 5.9 |

| <i>Your Experiences with your Case Manager</i> | | | | |
|---|-----------------------|------|------|------|
| | Average Score by Year | | | |
| Question | 2011 | 2012 | 2013 | 2014 |
| 7. My case manager interacts with me in a professional manner. | 6.4 | 6.1 | 5.9 | 6.0 |
| 8. I know that my case manager truly wants to help me. | 6.2 | 6.1 | 6.2 | 5.9 |
| 9. My case manager gives me enough of a chance to say what I want to say. | 6.1 | 5.9 | 5.9 | 6.0 |
| 10. The way my case manager handles my case is fair. | 6.1 | 5.8 | 6.0 | 6.1 |
| 11. My case manager treats all of his or her clients equally. | 6.0 | 5.9 | 5.9 | 6.1 |
| 12. I feel safe enough to be open and honest with my case manager. | 6.1 | 5.9 | 6.0 | 5.9 |

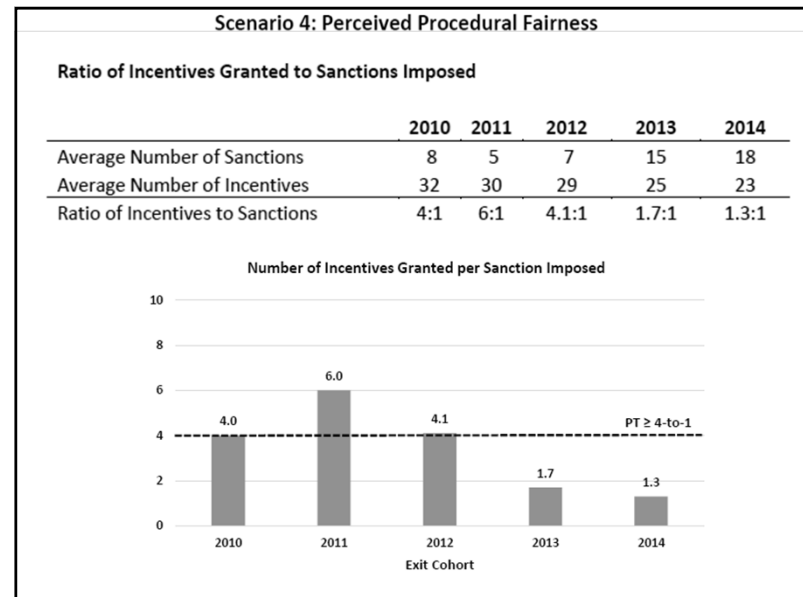
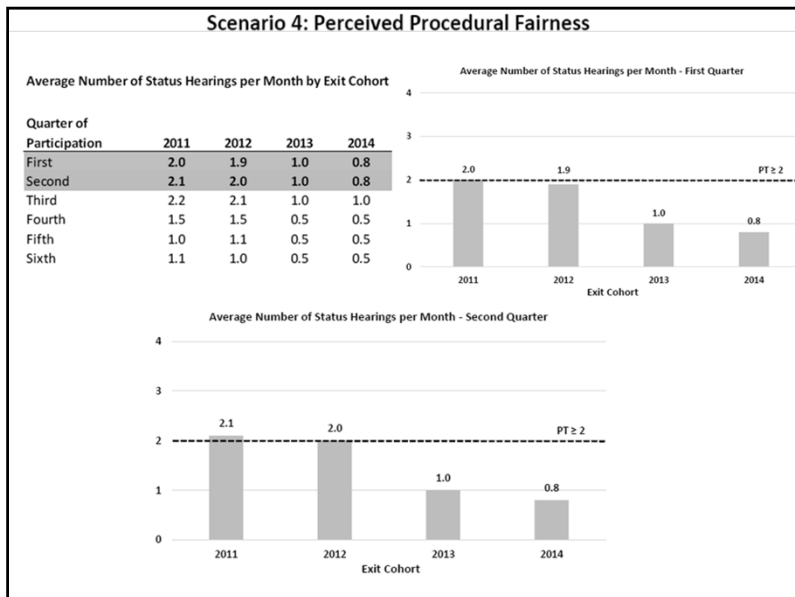
| <i>Your Experiences with Probation</i> | | | | |
|---|-----------------------|------|------|------|
| | Average Score by Year | | | |
| Question | 2011 | 2012 | 2013 | 2014 |
| 13. My probation officer interacts with me in a professional manner. | 6.4 | 6.1 | 5.9 | 6.0 |
| 14. I know that my probation officer truly wants to help me. | 6.2 | 6.1 | 6.2 | 5.9 |
| 15. My probation officer gives me enough of a chance to say what I want to say. | 6.1 | 5.9 | 5.9 | 6.0 |
| 16. The way my probation officer handles my case is fair. | 6.1 | 5.8 | 6.0 | 6.1 |
| 17. My probation officer treats all of his or her clients equally. | 6.0 | 5.9 | 5.9 | 6.1 |
| 18. I feel safe enough to be open and honest with my probation officer. | 6.1 | 5.9 | 6.0 | 5.9 |

| <i>Your Experiences with Treatment</i> | | | | |
|---|-----------------------|------|------|------|
| | Average Score by Year | | | |
| Question | 2011 | 2012 | 2013 | 2014 |
| 19. The treatment staff gives me a chance to tell my side of the story. | 6.4 | 6.1 | 6.2 | 6.1 |
| 20. I believe the treatment staff is genuinely interested in helping me with my problems. | 5.9 | 6.2 | 6.1 | 6.0 |
| 21. The treatment staff interacts with me in a professional manner. | 5.9 | 6.2 | 5.9 | 6.0 |
| 22. The treatment staff treats all clients equally. | 6.0 | 5.8 | 5.9 | 6.1 |
| 23. I feel safe enough to be open and honest with treatment staff. | 6.0 | 5.8 | 5.9 | 6.1 |
| 24. The way treatment handles my case is fair. | 6.1 | 5.9 | 6.0 | 5.9 |



Scenario 4: The Challenge

- How would you state the issue in one or two sentences?
- What factors could play a role in Drug Court participant's perceptions of procedural justice?
- What information and/or data should the Judge and Coordinator gather to further examine the issue?
- What performance measures are relevant?



Scenario 4: Clarifying the Issue

- What are two or three things you learn about the situation from the available data?
- Does the data allow you to better understand the issue? If so, how would you refine and focus the statement of the issue?
- Based on the data above, what should be discussed next?
- Is there any additional data that you may want to consider to understand the issue facing the Brewers County Drug Court?

Scenario 4: The Initial Response

- Based on the available data, what steps would you recommend to respond to the challenge confronting the Drug Court?
- What plan should the Drug Court adopt to address the issue?

Scenario 4: Moving to Implement the Plan

- What are some potential obstacles to implementing the plan and how would you overcome them?
- How would you follow up the implementation of the plan to ensure that it is having the desired impact on participant's perception of procedural fairness?

Relevant Performance Measures for Scenario 4

- #14, Perceived Procedural Fairness (p. 31)
- #11, Frequency of Status Hearings (p. 28)
- #9, Incentives and Sanctions (p. 24)

Performance measures and CORE

- Performance measures are being integrated into the CORE Reporting System
- Will be available for courts to use!!

Final Breakout

- Implementing performance measures in your court
 - How will you implement the performance measures?
 - Who will collect and input the data?
 - Who will access and analyze the data?