

FROM THE BENCHES AND TRENCHES CRIMINAL JUSTICE INNOVATIONS IN WISCONSIN: COLLABORATIVE DECISION MAKING

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A growing number of Wisconsin counties have developed new responses to problems in their justice systems and communities. Although initiatives vary from place to place, the most promising share a commitment to collaborative decision making, in which local shareholders work together to determine priorities and strategies to improve their communities. In the summer of 2006 the author studied collaborative efforts in seven Wisconsin counties and tracked their progress one year later. The data suggest certain conditions must exist for a community to adopt and sustain collaborative decision making, and that expanding local decision making requires state resources and expertise. This support is lacking in Wisconsin, except from the judicial branch. Without it the successes of several of Wisconsin counties may not be widely shared.

Nationally, state corrections budgets have risen more rapidly in the past two decades than nearly any other state expenditure. Wisconsin's experience reflects national patterns with its state corrections population doubling in the past decade from 11,000 to more than 23,000. This trend has emerged at the local level as well, with the Wisconsin county-jail population increasing by over 125 percent during the same time period. These figures focus on the end result of a traditional approach to processing offenders through incarceration. Undeniably, there are increased system costs, including the expenses associated with law enforcement, prosecutors, public defenders, and court systems.

As caseloads and referrals increase, system actors often ask for more of everything—more police, more prosecutors, more courts, and more jails. In contrast, a quiet change with a different approach has been occurring in a growing number of Wisconsin communities. Dissatisfied with the growing expense and shortcomings of traditional approaches to community problems, officials in several Wisconsin communities are developing new strategies to serve their citizens. Although specifics vary from community to community, all are motivated by a desire to achieve cost-effective responses to local problems through refinement of existing case-processing systems, development of more effective responses to addictive behaviors, and creation of programs to address problems without resorting to formal processes.

During the summer of 2006, I was asked to inventory local innovations in seven selected Wisconsin counties—Barron, Dane, Eau Claire, La Crosse, Marathon, Portage, and Waukesha. The project was part of an effort by the Wisconsin Supreme Court's Planning and Policy Advisory Committee Alternatives to Incarceration Subcommittee to catalog initiatives in all of Wisconsin's seventy-two counties as a first step in devel-

oping more effective ways of providing cost-effective justice to Wisconsin citizens. I had the opportunity to spend one or more days in each of the selected counties. I listened and observed how these local systems functioned and how their shareholders worked to make their communities safe. Each community was different in its demographics, its size, its resources, and its problems. But each had several things in common, strengths that combined to create new partnerships, new ways of thought, and new solutions to preexisting problems. Perhaps the most promising of these innovations was a growing commitment to collaborative decision making, most often reflected in the creation of a local criminal justice coordinating committee.

A year later I contacted shareholders in each of communities I visited in 2006. I did so to learn which initiatives had moved forward, which were delayed or abandoned, and what new innovations were in the making. As before, shareholders were candid and helpful in suggesting reasons for their successes or failures.

This essay will examine these recent efforts in Wisconsin to make justice systems more effective and more efficient. It will focus on collaborative decision making at the local level; how this approach differs from traditional responses to public-safety problems; how several counties have sought to move toward greater collaboration; and state-level responses to local innovations. The information gathered over time suggests a number of factors necessary for collaboration to take hold and flourish, as well as certain factors that put it at risk. It also seems clear that the strength of these efforts—their local focus and independence—makes sharing the lessons learned difficult without support at the state level. Consequently, this report will also examine the extent to which state-level actors in Wisconsin have embraced collaborative decision making as a worthwhile approach to creating fair and efficient justice systems.

TRADITIONAL AND COLLABORATIVE APPROACHES TO PUBLIC SAFETY

Reference is often made to the “criminal justice system,” as if it were a unitary and coordinated entity. In fact, there are a wide variety of criminal justice shareholders at the federal, state, county, and local levels representing all three branches of government. All have distinct spheres of authority and varying perceptions of their public responsibilities. As participants in an adversary system, actors often view other system shareholders with caution, skepticism, or distrust. By necessity these actors regularly interact as part of an existing process, such as a police referral to a prosecutor, a court appearance in a pending case, or a response to an immediate problem. Most often these interactions are reactive and narrow in focus. The choices made by individual shareholders reflect their own parochial interests rather than fidelity to an overreaching objective shared by all. A hypothetical example based on the author’s experiences with varied Wisconsin communities demonstrates how traditional, noncollaborative problem-solving efforts may result in unintended problems without necessarily improving community safety.

Local criminal-court-scheduling practices were changed without the involvement of all parties. As a consequence, the magistrates who conducted bail hearings did

not know what courts would be assigned new cases or when the next court appearances would be. Instead of giving those released from jail “in-hand” notices of their next court appearances, notices were mailed the following week to the arrestee’s last known address. This change caused an increase in undeliverable notices and missed court appearances. System actors responded aggressively by issuing warrants for the missed appearances and new criminal charges of bail jumping when the person was eventually located. These responses were branded “successes” because a substantial number of persons were arrested in a short period of time and many new charges were issued. Around the same time, one of the county’s municipal judges decided to order the arrest and commitment of offenders with unpaid fines due to an increase in overdue payments. Police in the municipality aggressively implemented the new program. It was also declared a “success” because many owing fines were arrested and forced to satisfy their debts by spending time in the county jail. The spike in arrests for missed appearances and new charges for bail jumping strained the court system because court appearances were necessary for the warrant returns and the new bail-jumping cases. This in turn disrupted scheduling in all of the county’s courts. The unanticipated overflow at the county jail caused staffing and space problems for the sheriff. Most of those jailed on warrants, new charges, or commitments were low-risk offenders. Nonetheless, many had to be transferred to an adjoining county. The county was required to pay for their lodging and the costs of transporting them back and forth from the adjoining county to court.

In this hypothetical example, local agency responses were designed to address a problem as they viewed it. Their responses were reactive and unilateral; they acted within their spheres of authority without notice to, discussion with, or consideration of other system actors. The individual agencies viewed their responses as “successful” but were not immediately aware that they created unforeseen problems and costs for other agencies in the same community. A broad view of the costs and benefits of the varied responses and consequences might show that these successes neither advanced the public good nor preserved scarce local resources. Yet the new problems that tomorrow brings often make an informed evaluation of yesterday’s solutions unlikely. Variations of this vignette occur time and again throughout Wisconsin and nationally.

Is it possible to anticipate such problems, to bring system actors together to plan for alternative responses and use local resources in a more efficient and effective way? Leaders in several Wisconsin communities believe it is. They have created mechanisms to encourage community shareholders to integrate planning, analysis, and coordination into their system management. Groups of community shareholders seeking to influence rather than simply react to public-safety problems have been called criminal justice coordinating committees. Less than two decades ago there were none in Wisconsin. In 2006, when much of the field work for this report was conducted, sixteen of Wisconsin’s seventy-two counties had some form of local organization to improve delivery of services. A little more than a year later, twenty-four counties have committed to some form of collaborative decision making (see <http://www.wicourts.gov/about/organization/programs/altdirectory.html>). Several other counties have collaborative options under consideration.

In their purest form, criminal justice coordinating committees reflect a significant change in how local systems operate. System decisions are made collectively, rather than by individual agencies. Policy discussions and planning precede action; action is empirically based and critically evaluated. If a response works it is continued; if not it is modified. Resource allocations are, to the extent possible, made based on data rather than hope or speculation. Responsibility for successes or failures is collective. Agencies act in concert with each other rather than in their own spheres of autonomy. The coordinating committee is seen as the problem-solving mechanism of first resort rather than simply another meeting to attend. Collaborative decision making does not favor any particular policy. Instead, it envisions a different form of decision making to most effectively reach, implement, and evaluate policy.

Literature describing best practices in the creation and operation of criminal justice coordinating councils envisions several key characteristics (P. McGarry and B. Ney, *Getting it Right: Collaborative Problem Solving for Criminal Justice* [Washington, DC: Department of Justice, National Institute of Corrections, 2006]):

- (1) Inclusion of all important justice system agencies including those with funding authority,
- (2) An organizational structure that respects the autonomy and authority of each member agency,
- (3) A good-faith commitment to collaborative decision making,
- (4) A comprehensive system assessment to provide an adequate baseline from which to analyze problems, develop responses, and evaluate outcomes,
- (5) An agreed upon mission statement to guide policy development, advance planning and program evaluation based on the best available empirical information,
- (6) Adequate system-wide data collection and analysis resources,
- (7) Evidence-based pretrial release and post-judgment disposition decisions, and,
- (8) Continuing financial support, including a full-time coordinator and dedicated staff.

COLLABORATION IN WISCONSIN

Examples of collaborative efforts in Wisconsin range from informal meetings of key actors in smaller communities to large organizations supported by stable, dedicated funding. For the most part, they are limited to individual counties, although at least one regional committee is being formed to explore the benefits of collectively contracting for treatment services. Both the Wisconsin court system and the Wisconsin Counties Association support their development in all areas of the state. What follows is a summary of observations of counties visited in the summer of 2006 and updates on the current status of local initiatives. Their individual stories show both the challenges and benefits of collaborative decision making and demonstrate that change, although difficult, is not beyond reach.

Collaborative Efforts in Barron County. Barron County is located in northwestern Wisconsin. Primarily rural in nature, the county has fewer than 50,000 residents. Barron County has no formal criminal justice coordinating committee nor do local actors believe one is absolutely necessary. Nonetheless, local officials are committed to collaborative decision making. Existing communication networks include important community shareholders, and there is a long history of collaborative work on local problems. County leaders in both the public and private sector are long-term residents who know each other, their communities, and the available resources to address their problems. No collective criminal justice policy statement has been developed, but system actors understand their respective views of their community's needs given the closeness and length of their relationships. Notwithstanding the absence of a coordinating committee, the county boasts an impressive array of nontraditional programs for a community of any size, including a drug-treatment court to respond to the scourge of methamphetamine abuse and a wide range of restorative justice programs.

Barron County officials have never conducted a comprehensive system assessment as envisioned by proponents of local coordinating committees. When asked if an assessment might be helpful, it was suggested that problems with the justice system or community are always immediately apparent and that all important shareholders are either present in the courthouse or at most a phone call away to discuss solutions. Reactions to the lack of a system-wide data-collection system were similar, reflecting the view that each agency's data were generally adequate to deal with any questions that might arise. Its use of assessment tools was limited to evaluation of offenders for admission to the newly operational drug court. Evident among all local shareholders was a collective desire to address problems by consensus and a shared trust and confidence that by working together, any community problem could be solved.

Within the last three years Barron County built and opened its new County Justice Center. Conversations with various system actors revealed the project was triggered by a combination of factors, including a need for increased jail space, improved courthouse facilities, and the consolidation of county government offices in a single location. The discussion, modification, and ultimate completion of this project are perhaps the best recent examples of Barron County authorities making a major decision by way of compromise and collaboration. A composite of observations, review of written materials, and conversations with local justice system actors revealed no imminent system crises, serious jail-population problems, interagency acrimony, nor community distrust for the manner in which justice is dispensed. At the same time, local actors seemed committed to improvement, to innovation, and to the exploration of new responses to community problems. Perhaps the Barron County experience suggests that a collaborative committee is unnecessary in such a functional and small community blessed with strong and civic-minded leadership. Or perhaps it suggests that adoption of the coordinating-committee model could improve what is already an impressive array of community undertakings.

Collaborative Efforts in Dane County. Dane County is the seventh-largest Wisconsin county, consisting of more than 1,200 square miles, and the second most

populous, with a population of more than 450,000. Located in the south central part of the state, Dane County includes eight separate cities, such as Madison, the state capitol; the main campus of the University of Wisconsin; and nineteen villages.

In early 2003 former Sheriff Hamblin contacted then Chief Circuit Judge Nowakowski about the possibility of forming a group of justice system shareholders to address recurring local problems. Their meeting followed a federal review of the county jail, a review critical of local system operations. The meeting between the sheriff and chief judge resulted in the creation of the Dane County Criminal Justice Group, a committee comprising the sheriff, the chief judge, at least one other Dane County Circuit Court judge, the clerk of courts, a court commissioner, representatives from the district attorney's and public defender's offices, the county human services agency, the city of Madison chief of police, and a faculty member from the University of Wisconsin Law School. Members of the Dane County Board and County Executive's Office have also attended committee meetings, as have representatives from the United Way and the Madison Urban Ministry.

Shortly after its formation, the group held a half-day retreat dedicated to a comprehensive assessment of the entire county justice system. Several committee members, many with years of experience, reported a new appreciation for the complexity and interdependency of the local system. Since its formation, the group has focused on a wide variety of problems—from very narrow issues, such as reducing unnecessary preliminary-hearing subpoenas and improving police identification procedures, to issues as broad as racism in the local justice system. A number of system modifications have emerged from the committee's work. Assessment of the changes has been primarily anecdotal because the committee lacks the resources to thoroughly gather and analyze system data.

Early in its existence, the Dane County group decided to remain informal. Since that time it has resisted invitations from the Dane County Board for formal recognition and has not sought separate financial support. This choice has not been without controversy, both within and outside the group. A substantial number of committee members wish to remain independent, and several county officials believe the committee's status should be formalized. Several committee members shared their perspectives in 2006 and again more recently.

In support of informality it was explained that the committee could retain autonomy, control membership, avoid open-meetings laws, retain greater control over its agenda, and avoid the politicization of its work. It was also suggested that an informal, unfunded committee would exist only so long as its membership saw value in its continuation. The possibility of funding was seen as a possible distraction that would divert attention away from matters of substance to questions of allocation of resources.

Those supporting formal recognition downplayed the risk of losing control over the group's mission, agenda, or membership. They saw value in a formalized, regular, and systematic decision-making process. They believed more formal integration into the county governance structure was necessary if the group was ever to become the cen-

tral policy-making body for the county justice system. Formal recognition would allow for dedicated funding and development of the capacity to study and address local justice problems in a more thorough and professional manner. They saw more value than risk in transparency and noted that the group's meetings are now open to the public.

At least in the short term, it seems unlikely that the Criminal Justice Group and Dane County Board will resolve their core differences. In the summer of 2007 the results of a system assessment commissioned by the County Board were released. The report included several recommendations to streamline case processing and control jail costs, recommendations not uniformly embraced by all affected. The County Board converted several recommendations into performance measures for the courts and district attorney, intimating that a failure to meet the benchmarks could result in a loss of funding support. In turn, the perception that recommendations were being used as punitive measures rather than a tool to improve local criminal court processes has made progress toward greater cooperation difficult. Amid the existing disagreement over the direction and role of the Criminal Justice Group the County Board has created an executive committee, composed of core members of the group, and has funded a position to provide support to the committee's work. Exactly how this initiative will affect the Criminal Justice Group and its role in county government is unknown. The Criminal Justice Group has made indisputable contributions to the local system and continues to be viewed as a valuable resource. It has not, however, evolved into an authoritative policy-making body. In fact, at present there is no Dane County entity to systematically oversee or coordinate the wide array of the county's justice system programs. For example, the Dane County Drug Court has its own advisory committee. Several other local initiatives with intersecting missions and populations served are administered by different agencies with no mechanism for regular interaction or information sharing. There may be benefits to this type of fragmentation, but there are costs as well. Indeed, one local shareholder interviewed, a person with more than a decade of involvement with the Dane County juvenile system, did not even know of the existence of the group.

Collaborative Efforts in Eau Claire County. Among the oldest counties in Wisconsin, Eau Claire County is located in northwestern Wisconsin. Its county seat and largest city is Eau Claire. It has been one of Wisconsin's fastest-growing counties, with a growth rate of slightly less than 10 percent in the past fifteen years. Its current population is nearly 100,000. Local leaders have committed to collaboration in an impressive manner to meet the needs of their rapidly changing community.

The Eau Claire County Criminal Justice Committee was created in early 2006 and has been in existence for nearly two years. At the outset, it chose to encourage broad membership, including the presiding circuit court judge, the county administrator, the county board chairman, the city of Eau Claire chief of police, the district attorney, first assistant public defender, the sheriff, the clerk of the circuit court, the community corrections regional chief, and the head of the county human services department. The impetus for its creation appears to have been a combination of looming county budget difficulties, including the need and cost of a new justice center; the prior value

of judicially formed committees to study system problems; and a desire to seek state treatment alternatives and diversion (TAD) funds, a requirement for which is formation of a criminal justice coordinating committee. The recent success of the county's drug-treatment court also encouraged local shareholders to pursue new strategies to improve their justice system.

At first, the committee's leadership was cautious. It did not seek a full-time coordinator, a comprehensive system analysis, or an upgrade of county information systems, all recommended features of coordinating committees. Nor did the council begin by advocating new system initiatives. Instead, it chose education as its initial goal—sharing information with public and private shareholders about the complexity of their system and sharing the benefits of collaborative decision making and the value of fully informed justice system decisions. The group's cautious beginning reflects pragmatism in a community with modest resources and a history of frugality.

Consistent with its educational and consensus-building objectives, the committee made a deliberate choice to seek formal recognition by the Eau Claire County Board. By resolution it was recognized and authorized to create committees and subcommittees. Although not technically an official part of the County Board, it complies with all open-meetings, open-records, and agenda requirements in the belief that the transparency of its work is important. The substantial County Board presence on the committee suggests its recommendations will carry great weight.

In a few short months the potential of collaborative decision making seems to have taken hold in Eau Claire. Shareholders who were cautiously optimistic in 2006 now expressed excitement over the progress made in a short time. The most recent County Board budget funded a coordinator position and added social-services staff to improve interventions with offenders with mental-health problems. The leadership and spirit of cooperation demonstrated by the committee membership gives reason for optimism about the future of collaborative justice system efforts in Eau Claire County.

Collaborative Efforts in La Crosse County. Located on the Mississippi River in west central Wisconsin, La Crosse County covers slightly more than 572 square miles and has a population of more than 110,000. Its largest city and county seat is the city of La Crosse. La Crosse County has a long and notable history of interagency cooperation and reliance on outside expertise to solve local justice system problems. These efforts have been substantially county board driven, motivated in large part by recurring jail space problems.

As early as 1993 the county sought outside assistance from the National Institute of Corrections (NIC) to assess cost-effective solutions to jail space problems. Although a new jail was opened in 1997 serious space problems arose only three years later. Another NIC assessment was made. Among their recommendations was collapsing several existing county board committees into a single criminal justice coordinating committee to streamline the county's response capacity. By ordinance passed in September of 2000 this recommendation was adopted, creating the La Crosse Criminal Justice Management Council as an official county board standing committee. The council is

the only group in the counties visited in which their coordinating committee is an official part of the county board structure. The group's composition reflects a broad cross-section of local system actors and county board members.

As a formal part of the county board, the council meets regularly, is subject to open-meeting requirements, and provides oversight over many related and preexisting justice programs funded in whole or part by the county. Support for program development and information gathering and analysis is provided by the staff of the La Crosse County Human Services Justice Sanctions Program.

A discussion of collaborative efforts in La Crosse County would not be complete without mentioning the efforts of Jane Klekamp, director of the Justice Sanctions Program, and the work of that program. Created in 1995, the program was initially a part of the sheriff's department but has since been transferred to the county human services department. The catalyst for its development was a desire to work toward greater community safety in the most cost-effective manner. In the words of its most recent mission statement, "[t]he primary purpose of Justice Sanctions is community safety. We will prevent crime when possible, intervene appropriately when crime occurs, and improve individual and community capacity to prevent future crime. We operate on behalf of and are accountable to both the people who are directly affected by crime and our community at large."

Currently, there are eight distinct programs operated as part of the Justice Sanctions Program, providing services both before and following disposition. Included are the OWI Program, providing multiple layers of weekly oversight to drunk-driving offenders; the OAR Program, designed to work with offenders to help them reinstate their driving privileges; the Bail Monitoring Program, providing various levels of community supervision and services to persons while their criminal cases are pending; the Community Service Program, matching offenders with community-service obligations with appropriate work sites; Victim Impact Panels, coordinated in conjunction with the OWI Program; the Corrections Program, providing alternatives to jail for offenders on probation or parole who have violated release conditions; and Drug Testing, monitoring offenders in a variety of local oversight programs and the La Crosse County Drug Treatment Court, discussed in greater detail in a subsequent section of this report. It has also been involved in specialized services in domestic-violence cases. The varied Justice Sanctions Programs are supported by a combination of county funds and client fees.

In addition to operation of its core programs, the Justice Sanctions Program and its director are involved in virtually all problem-solving efforts in La Crosse County. Even absent a county-wide information system, the Justice Sanctions Program staff generates monthly reports to evaluate the number of persons served, the effectiveness of various county interventions, and cost savings through avoidance of overreliance on the county jail. It has led efforts to rely on risk-assessment tools and evidence-based practices in managing the various county programs. Under the guidance of the Justice Sanctions Program director the county has even conducted a community survey to better coordinate justice programming with community needs.

A review of the meeting agendas of the Criminal Justice Management Council over the past two years demonstrates an ambitious and robust range of issues—from again considering the need for a new jail and justice center, to providing more effective mental-health interventions, to creating a new OWI treatment court. La Crosse County presents an impressive example of a community committed to an integrated and collaborative problem-solving model. Their County Board, Criminal Justice Management Council, Justice Sanctions Program, and the respective members of each group communicate regularly and effectively; seek to ground their decisions on the best available data, as well as on recommendations based on best practices; and share a goal of improving their local justice system and the quality of life for all the citizens of their community. While difficult issues continue to arise with differences of opinions as to their solutions, all important La Crosse County shareholders seem to have embraced collaboration as the means of resolving these differences and moving forward.

Collaborative Efforts in Marathon County. Marathon County is located in the center of Wisconsin. With an area of approximately 1,584 square miles, it is the largest county in Wisconsin. Its current population is slightly more than 126,000, and the county seat and largest city is Wausau. Marathon was the first Wisconsin county to establish a criminal justice coordinating committee. Created in 1993, the Marathon County Justice Advisory Committee is a multidisciplinary group with a stated mission of “striking a cost-effective, rational balance between the need for correctional alternatives and safety of the community.” Its current membership includes the county administrator; representatives from the district attorney’s office, the public defender, county board, sheriff’s department, community corrections, corporation counsel, the county social services department, and NCHCF (North Central Health Care Facilities); local circuit court judges; the district court administrator; Laura Yarie, the justice alternatives coordinator; and citizen members. The Marathon County Justice Advisory Committee has a status similar to the Eau Claire County Criminal Justice Committee—it has been formally recognized—but is an advisory rather than policy-setting body. Its statement of purpose says as much in providing, “[t]he mission of Justice Programs is to develop recommendations which will be developed by consensus of a multidisciplinary committee for a wide range of programs that address the needs of the criminal justice system within Marathon County.” Under the Marathon County structure it appears that the ultimate decision on various recommendations is made by the Planning, Law Enforcement and Judiciary, and Finance and Property committees of the Marathon County Board of Supervisors.

Gaining control over an ever-increasing jail population has been the primary yet elusive goal of the Justice Advisory Committee since its inception. Nearly twenty years ago, in 1987, a new facility was built with a capacity of 143. Less than six years later the facility was at capacity and an outside consultant recommended an expansion to 435 beds. The county board rejected this plan and, instead, chose to focus on less costly alternatives. A full-time justice system alternatives coordinator was hired in 1994, and the following year the Justice Advisory Committee’s composition was modified to

include all justice system actors. A range of alternatives were developed (and continue to be explored)—a community-service program whereby offenders can reduce their sentences by work performed in the community; electronic monitoring and a day-reporting program for both defendants facing trial and sentenced offenders; and intensive supervision for high-risk traffic offenders. Program oversight has been largely provided by Attic Correctional Services, a nonprofit agency that has contracted with Marathon County. Yearly reports from the Attic agency indicate a substantial number of offenders have been diverted from the jail population. Nonetheless, although 100 new beds were added to the jail capacity in 2000, the county is again considering how to respond to the chronic problem of jail overcrowding. The county is currently considering an expansion of their jail capacity or whether downsizing or eliminating the work-release program at the jail and expanding less expensive means of monitoring offenders might be more cost-effective.

A related problem in Marathon County has been the length of time necessary to resolve pending cases. Recent statistics suggest that the average time to disposition in Marathon County is among the longest in the state. A subcommittee of the Law Enforcement and Judiciary Committee of the Marathon County Board is considering strategies to expedite case processing. Among the alternatives under review is a pre-charge diversion program in which low-risk offenders would have their cases informally resolved, thereby removing them altogether from the formal process.

Several Marathon County system shareholders candidly volunteered that consensus has not been easily achieved given deep-seated disagreements between certain Justice Advisory Committee members. The fact of differing viewpoints in itself is not surprising. Given the distinct perspectives and responsibilities of various system shareholders, it would seem more unusual were there no disagreements. Indeed, a central purpose of a coordinating committee is to develop a mechanism to resolve just this sort of conflict by consensus. At least for the present it appears that the Marathon County group is seeking to work through their difficulties. In the past, certain shareholder disagreements have been aired in public outside of the committee process. Notwithstanding these challenges, all members of the Justice Advisory Committee believed in its value and continuing potential. This suggests the commitment to collaboration will allow county shareholders to overcome differences in opinion and style.

Collaborative Efforts in Portage County. Located in central Wisconsin, Portage County covers slightly more than 806 square miles and has a population of approximately 70,000. Its county seat and largest city is Stevens Point. Portage County is among the earliest and most impressive examples of local shareholders working together to improve their justice system. The movement toward a collaborative model of local decision making began more than ten years ago, based in part on the recommendations of the National Institute of Corrections that a broad-based coordinating committee would allow for more effective responses to local problems. Like many other communities, jail-space problems triggered the initial outside review of Portage County. The report and recommendations followed a three-year NIC study of justice systems in

Portage and Wood counties. A committee, the Portage County Justice Coalition, was formed in 1997, with more than thirty members from the county justice system, local government agencies, and the private community.

As originally conceived, the Portage County Justice Coalition was not, and still is not, an officially recognized committee of the county board, although its membership does include several county board members. When first created its membership believed an informal status without public meetings would encourage openness and cooperation between its members. It now adheres to a policy of transparency, with open—even televised—meetings, and works closely and publicly with those county board committees with overlapping areas of concern.

Three years after the Justice Coalition's creation, the county established the position of justice system administrator to guide and manage the coalition's efforts. Kathy King, a former corrections field supervisor with extensive criminal justice experience, has held that position since its creation. At present, the county has established a Justice Programs Department, which includes King and one additional full-time assistant. They are subject to the oversight of the existing Planning and Zoning and Public Safety committees, as well as the new Portage County executive.

Several basic tenets of collaborative decision making have gained a strong foothold in Portage County. Interviews with several county shareholders suggest a shared belief in the Justice Coalition as the primary mechanism to discuss and resolve local justice system problems. Issues brought to the Justice Coalition are referred to an appropriate subcommittee for review and assessment. Their findings are sent to the coalition, which in turn makes recommendations to the appropriate county shareholders. Although only an advisory board its recommendations are typically given great weight. Its responses are not ad hoc—members seek to examine proposals from the perspective of how they fit within current policy and planning and whether anticipated benefits merit implementation. Once implemented, data are collected and progress tracked to determine if outcomes created the intended value.

Belief in the value of data is evident in Portage County. In many counties shareholders lament the lack of hard data upon which to make policy and planning decisions and assess results. Yet in very few are there bona fide efforts to gather available data for planning or outcome evaluations. Portage County is different. Shareholders seek and value information. Over time the county has developed what a recent study called a "legitimate and sophisticated" data-collection system that permits regular collection and analysis of a broad range of information, including individual offender assessments, system caseflow data, and population trends in various county programs. This information is regularly used to evaluate outcomes and explore means to more effectively deploy county resources. Efforts to apply and benefit from evidence-based best practices are present in all aspects of the local system's operational decisions. Because of the adequacy of its own data-collection-and-retrieval system, Portage County is not a participant in the statewide CCAP (Consolidated Court Automation Programs) court-information system. According to local shareholders, to do so would create more work with

little if any benefit. Nonetheless, Portage County is joining CCAP, more for the benefit of other counties than itself.

Virtually every justice-system-related project initiated in Portage County in the past ten years has been considered, proposed, or improved by the imprint of the county Justice Coalition. Now, as Portage County faces the need for a new jail and courthouse, the same informed, detailed, and meticulous process is evident. A comprehensive Justice System Needs Assessment Study and Plan, prepared earlier this year by a private consulting firm, notes the strong collaborative foundation in place to decide how to best respond to this current need with a process aided by an informed and public dialogue.

Collaborative Efforts in Waukesha County. Located in southeastern Wisconsin, Waukesha County is the third-most-populated county in the state, with more than 375,000 residents. The county seat and largest city is Waukesha. The movement toward collaborative decision making in Waukesha County had a similar beginning as other Wisconsin communities—the recommendations of the National Institute of Corrections following a study of jail-space problems. In late 2002 a group of Waukesha County shareholders visited Cincinnati, Ohio, a community roughly similar to Waukesha, to learn about their experiences with a county-wide coordinating committee. Impressed by what they saw, the Waukesha County Criminal Justice Collaborating Council was created by county ordinance in October of 2002. Its stated mission is “to enhance public safety in Waukesha County through community collaboration by ensuring offender accountability, providing rehabilitation programs and supporting the rights and needs of victims.” The enabling ordinance provided that the council’s membership should include the chief or presiding judge, the county executive, the county board chair, the sheriff, the district attorney, the clerk of the circuit court, the mayor of the City of Waukesha, the first assistant public defender, the director of the county health and human services department, the community corrections regional chief, and a representative from the Waukesha County Police Association, an organization that represents each of the many police agencies within the county.

Circuit Court Judge Kathryn Foster chaired the council from its inception until recently, guiding it through its early stages of development. Several system shareholders volunteered that the energy and leadership of Judge Foster was critical to the council’s early successes and its establishment as a model for collaborative decision making. Recently, leadership of the council has been transferred to Judge Mac Davis, the county’s new chief judge.

The Waukesha council has a full-time coordinator. Michelle Cyrulik first held this position but has moved to a position with the Wisconsin supreme Court. Rebecca Luczaj is currently the coordinator. Her responsibilities include scheduling meetings, preparing agendas, coordinating and evaluating existing and proposed county projects, and representing the council at state and national conferences. It also has dedicated funding from the county board, much of which is devoted to the operational costs of programs overseen by the council, rather than the operational costs of the council itself.

Certain features of the Waukesha council make it unique in Wisconsin. During interviews in 2006, a number of criminal justice actors expressed skepticism that initiatives started in smaller counties could work in larger communities. The problems of larger communities were too complex, the crimes too serious, the number of shareholders too great, and the resources too limited to support this model. Waukesha County's experience is evidence to the contrary. The successes and ambitious goals of the Waukesha council demonstrate the viability and promise of collaboration on a larger scale. Its approach to collaborative decision making may provide helpful guidance to other larger counties.

One adaptation to the size of the community is an expanded subcommittee structure. There are at least thirteen subcommittees of the Waukesha County Criminal Justice Collaborating Council, each with a specialized focus. This invites participation and contributions from a larger number of shareholders while keeping the council as a focal point for oversight on how individual programs fit into the county's overall justice system objectives. It can also help avoid duplication of efforts and ensure the efficient use of county resources.

Waukesha County is also developing and refining a county-wide database—the Criminal Justice Data Warehouse. As planned, it would combine data from the circuit court, the district attorney, and sheriff and provide for broader interface, access, and use of information from a number of agencies. Initially, it would allow for close monitoring of the jail population and the case status of each prisoner. Eventually, it would allow the prosecutor and other county shareholders access. A related project objective is creation of a database of individual treatment and evaluation information, currently accessible only from the particular agency, which maintains the records. This database would facilitate the county's movement toward more sophisticated evidence-based practices and outcome measures. Waukesha's Criminal Justice Data Warehouse suggests improved data systems are a viable and attainable objective even in a large community.

A growing commitment to collaboration is evident in Waukesha County. In addition to the programs already in place, in the past year system actors have expanded their electronic monitoring program and planned and implemented a day-reporting program.

LESSONS LEARNED AND FUTURE CHALLENGES

The Importance of Leadership. Strong local leadership is present in every county that has embraced a commitment to collaborative problem solving. Most often it was a circuit court judge, although in other instances members of the county board or dedicated administrators filled this role. Whatever their background these leaders were respected, knowledgeable, and trusted by other county shareholders. The importance of the strength, judgment, and vision of these local leaders cannot be overemphasized, particularly in the formative stages of the transition to greater collaboration. Without strong leadership the gains made could not have been achieved. Counties that have institutionalized their criminal justice coordinating committees as a permanent part of

the justice system landscape appear to adjust more easily to changes in leadership and participation. Communities that have not enjoyed this level of leadership or where there are multiple strong-willed shareholders have struggled to move toward a collaborative rather than unilateral decision-making model.

Creation of a Permanent Group of Important Community Shareholders. Each county had a core group of shareholders willing to relinquish a portion of their individual autonomy and invest in the collaborative process. The groups typically included a local circuit court judge, the district attorney, the sheriff, and public defender. Others included representatives from the county board, local human services agencies, corrections, the university system, and the community at large.

The committees varied in structure and staff support. For example, La Crosse County's Criminal Justice Management Council is an official part of the county board structure. As such, it has the same powers and responsibilities as other county board committees. In contrast, the groups in Eau Claire, Marathon, Portage and Waukesha counties were formally established but created as advisory committees to their county boards. At the other extreme, Dane County's Criminal Justice Group remains informal in the belief that separation from county government would protect its independence. Barron County has no formal committee but still approaches system issues in a collaborative fashion. Its small size and the strong working relationships between system actors allow it to achieve much of what it could with a more formalized structure.

Four of the counties—La Crosse, Marathon, Portage, and Waukesha—have dedicated staff who work closely with their coordinating committees. In the other counties the administrative tasks that accompany the collaborative process are “add-ons” to the staff of constituent members of the committees. This difference in organization and access to system data between the two models was striking. There was little doubt that the full benefit of collaborative planning could not be achieved without dedicated resources and staff.

A Commitment to the Collaborative Decision-Making Processes and Principles. A collaborative approach to criminal justice decision making balances the autonomy of each member agency with the need to achieve consensus regarding goals, program implementation, and evaluation. This can be a difficult task. It requires trust and agreement on change, system objectives, and redefined relationships. It involves the relinquishment of some degree of autonomy. Shareholders in the visited counties were willing to try something new, depart from familiar terrain, and trust in others with whom they may not always have agreed in the past.

The transition to a collaborative model also requires a level of expertise lacking in most local justice systems. Few trial judges, prosecutors, police executives, probation agents, or human service officials are trained to facilitate, develop, or manage such an enterprise in its most advanced form. Preexisting responsibilities complicate development of this type of expertise without outside involvement. Left to their own efforts, local attempts to create a coordinating committee will almost certainly bring some measure of positive change but may not achieve their full potential simply because of a

lack of expertise and resources. For this reason, each county visited sought external assistance, from either the National Institute of Corrections, county-level justice system coordinators in other counties, or other sources of expertise to start the process.

Except for Barron County, every county conducted a thorough system assessment early in the process. Each local system was mapped, from a citizen's complaint to the police through conviction and sentencing of an offender. Each agency involved and available resource were listed. Each process decision point was highlighted and broken down to reflect the available choices and their consequences. Several counties also defined their local offender populations and tried to better understand both their treatment needs and risks they presented. Without exception, all participants in every county found this initial exercise of great value. Over and over, experienced system actors marveled at the new information they had learned, often about a system in which they had participated for years and even decades. They had a new appreciation for the interdependence and complexity of their local systems and a new way of looking at how to analyze and respond to community and system problems.

Each county visited was at a different point in the process toward a complete commitment to collaborative decision making. In some counties, coordinating committees had been in existence for more than a decade; in others, they were still at a formative stage. A few counties appeared fully committed to consensus decision making; their shareholders saw opportunity rather than risk in collaboration; they saw the value of improved data collection and analysis capacity to develop plans and assess outcomes. In others, some shareholders championed collaboration while others remained unconvinced, viewing a coordinating committee as just another meeting to attend, an obligation that took them away from familiar surroundings—processing cases in the courthouse, one offender at a time.

In some counties, the inevitable disagreements that occur between shareholders with conflicting interests led to compromises and creative solutions no one thought possible. In others, disagreements compromised the committee's ability to move forward. Yet even in moments of dysfunction, a shared belief in the value of collaboration was evident. New alliances were created with the most creative ideas often emerging from shareholders who had never worked together before.

The Importance of Data. Information is at the core of effective collaborative decision making. Shareholders must understand their offender populations, including the number and types of offenders, their criminal histories and case statuses, risk assessments, and treatment needs. They must understand their local systems and the resources available to serve their offender populations. And they must know what interventions are most likely to achieve the outcomes they want. Perhaps the greatest practical challenge to this new way of thinking and doing is the lack of adequate data and analytic capacity at the local level. Existing information systems were typically limited to historical data—an offender's name, address, age, and prior criminal record, as well as the status of pending cases. Risk assessments or information about available community interventions were rarely available. Most information systems were designed to

serve each agency's own parochial needs. Important information was often not available at all or, if available, difficult to retrieve, particularly early in the process, and impossible to share with other agencies in the same community. Data-storage systems of different agencies were often incompatible with each other, preventing the easy sharing of information. These shortcomings were not surprising. It has not been the historical practice of police, prosecutors, or courts to be guided by empirically supported policy choices. Change requires both a belief in the value of collaboration and sufficient resources to upgrade local information systems.

Several counties have begun to address the problem of inadequate information. For example, Portage County's data system is capable of producing system and offender information not available in most other counties. To date, they are the only county not participating in the statewide CCAP system, in part because their own system is more useful to their needs. Waukesha County is creating a Criminal Justice Data Warehouse, which would allow for information sharing between the courts, sheriff, and district attorney. The county is also studying increasing access to treatment and assessment information. In other counties, individual agency data systems have been modified to increase their capacity to provide timely information to system decision makers.

Evidence-Based Practices and the Importance of Ongoing Evaluation. Decisions in criminal cases are frequently made with little idea of their impact and without the means or commitment to evaluate their effect. Many actors do not view the selection of effective interventions as part of their responsibility. Arrest and charging decisions are often made based on the statute violated rather than a particular offender's treatment needs or consideration of the risk he or she presents. A body of research literature is emerging in the corrections field, which seeks to remedy this gap (see E. J. Latessa and C. Lowenkamp, "What Works in Reducing Recidivism," *University of St. Thomas Law Journal* 3 [2006]:521). Risk-assessment tools are increasingly available to match offenders with appropriate interventions. Evidence of these practices was seen in several counties, in identifying mental-health issues, making bail or treatment decisions, and imposing sentences after convictions. Increasing both the use of such interventions and the means to evaluate them can only lead to a more effective and efficient allocation of sanction resources.

STATE GOVERNMENT AND COLLABORATION

The promise of collaboration invites consideration of how existing efforts can be improved, expanded, and institutionalized as the accepted approach to public-safety issues. A great strength of collaborative efforts in Wisconsin has been their independence, flexibility, and localized nature; how they arose from the "bottom up"; and how local shareholders tried new approaches with minimal outside help or influence. These very qualities, particularly their independence and flexibility, may make sharing the lessons learned and expertise difficult. Collaboration is not a single program that can be easily explained or implemented. Instead, it is a different way of thought, a new way to approach problem solving, available to any community and for any problem. I encour-

tered extraordinary energy, ability, and enthusiasm in the communities visited. Many of the dedicated professionals in these communities have traveled throughout Wisconsin to share their work and ideas with others. Yet, at best, these have been limited efforts. It is neither fair nor realistic to visit the burden of expanding these strategies throughout the state on a handful of professionals from a small number of Wisconsin's seventy-two counties. If this new way of business and the lessons learned are to spread, collaboration must be championed and supported by state leaders. There must be state-level support to educate local shareholders and to provide in-state expertise to assist a transition to a new way of operating, as well as state assistance in expanding and improving the capacity to collect and use data effectively. It must also be clear that state support is designed to help local shareholders solve their own problems, rather than mandating solutions from the state level.

Leadership at the State Level. Several states have demonstrated support of local collaborative efforts by creation of a state-level agency. Although they differ in structure and in name, all reflect a policy decision, made at the state level, that evidence-based collaboration is a worthy means of seeking cost-effective public safety. The existence of a state-level entity devoted to local collaboration makes cooperative decision making a matter of continuing statewide attention, concern, and support.

State-level support for collaboration in Wisconsin has been minimal. Neither the governor nor attorney general has supported local collaboration either vocally or in their budget proposals. Legislative interest has also been modest. Only the Treatment Alternatives and Diversion (TAD) Grant Program, created in 2005 to support local alternatives to incarceration, directly supports creation of local collaborative groups by making creation of a local coordinating committee a condition to receipt of grant funds. However, TAD funding has been limited. For example, although twenty-four Wisconsin communities applied for grants in 2006, which, if awarded, would have totaled nearly 4.1 million dollars, less than 1 million dollars was distributed. An array of other state-supported programs target specific problems or areas of the state and, in several instances, envision partnerships between selected state agencies or state and local governments. Nonetheless, encouraging collaboration at the local level as a general way of doing business has yet to emerge as an important legislative priority in Wisconsin.

Only the judiciary, under the leadership of Chief Justice Abrahamson, has made local collaboration a priority. As part of the supreme court's administrative responsibilities to manage Wisconsin's court system, its Planning and Policy Advisory Committee (PPAC) has been at the center of efforts to improve the state justice system. The Effective Justice Strategies Subcommittee (EJSS) of PPAC has primary responsibility to encourage support for innovations at the local level. In August of 2007 the EJSS made several recommendations that reflect its work: 1) support creation of a criminal justice coordinating council for every Wisconsin county; 2) support the assess, inform, and measure (AIM) pilot project seeking to improve the flow of information to courts to allow effective interventions at sentencing; 3) develop educational programs for the legislature and public about effective justice strategies; 4) support development of a

state-level criminal justice council; 5) support a statewide assessment of justice system programming to allow development of “best practices” initiatives; and 6) support creation of a permanent, state-level funding mechanism for effective justice strategies. The Wisconsin Supreme Court recently received a private grant from the JEHT Foundation to assist their efforts over the next thirty months.

Education. A surprising number of Wisconsin criminal justice professionals know little about collaborative decision making. Several recent efforts have tried to remedy this gap in knowledge. Primarily through the lack of resources, these efforts have not yet reached a large audience. A few examples demonstrate both the potential and the limitations of current Wisconsin educational initiatives.

The Wisconsin Judicial Conference has a yearly conference devoted to education of the state’s judges. Encouraging development of criminal justice coordinating committees has been a focus in each of the past two years conferences. Typically one or more session is devoted to collaboration issues at each conference.

The Wisconsin Legislative Council frequently sponsors criminal justice programs. In October of 2007, the council, the Supreme Court Office of Judicial Education, and the Midwestern Office of the Council of State Governments conducted a conference, “Protecting Public Safety and Reducing Incarceration Costs: Challenges and Opportunities.” Although criminal justice coordinating committees were not the program’s primary focus, the benefits of collaboration were noted by several presenters.

The Wisconsin Department of Justice Statewide Prosecutor Education and Training Program (SPET) sponsors two conferences each year devoted to training for Wisconsin’s more than 400 state prosecutors. Typically, the programs focus on courtroom techniques, updates on appellate law, and subject requests from member prosecutors. In June of 2007, the author participated in two panel discussions—one focused on collaborative decision making and the other on treatment courts. Fellow panelists included respected jurists known for their leadership and prosecutors who have embraced the concepts of collaborative decision making and treatment courts. Evaluations of the presentations were decidedly mixed. A small core of prosecutors, already committed to collaboration in their local communities, enthusiastically applauded the choice of topics. Others, while knowing little about collaboration, found it timely and of interest and wanted to learn more. Still others criticized the presentations as a waste of time that would have been better spent on more traditional topics. In part due to member responses, none of the subsequent conferences have or will devote time to collaboration or other innovations.

The State Public Defender’s 2007 Conference included collaborative decision making as a topic. The presentation featured La Crosse County director of the Justice Sanctions Program Jane Klekamp and Circuit Court Judge Elliott Levine (a former state public defender), who are both Wisconsin leaders in collaborative problem solving.

In November of 2006 the Wisconsin Counties Association (WCA) invited a number of speakers, including this author, to speak to leaders in county government about the potential of local criminal justice coordinating committees. The WCA has

had a keen interest in supporting collaborative initiatives that promise more cost-effective public-safety programs given that Wisconsin counties bear the burden of funding most justice system operating costs. Program participants demonstrated great interest and enthusiasm for the potential of greater cooperation at the local level. Not surprisingly, this group of shareholders has often been at the forefront of experimentation at the county level.

All of these programs had value. Yet all provided only a basic overview, engaged only a portion of those who might benefit, and rarely involved any follow-up presentations or discussions. A series of sessions, addressed to a broader collection of local shareholders, with more detailed information, would provide more effective education. The lack of any statewide coordination and sufficient resources has frustrated efforts to continue and expand educational efforts in Wisconsin.

Improved Data Systems. A transition to collaborative decision making will require improved data collection and analytic capacity. Effective planning, implementation, and evaluation of programs require quality data and the ability to share and analyze it. Wisconsin has implemented a statewide court management system, CCAP; a statewide prosecutor case management system, PROTECT; and a law-enforcement system, TIME, all of which have improved the collection and sharing of information between counties and state agencies. The State Office of Justice Assistance is distributing local grants to advance the Wisconsin Information Sharing Program (WIJIS) to promote secure and efficient access to accurate crime information. These grants are supported by \$1,275,000 in federal Homeland Security funds. Local communities will certainly benefit from these technological improvements even though their focus thus far has been primarily criminal-history and case-status information, rather than the types of information needed to support evidence-based practices. Moving forward will require the Wisconsin legislature to support the improvement of local data systems, support that has yet to be provided in a systemic and focused manner.

CONCLUSION

The energy, spirit of cooperation, and goodwill I observed in cataloging local justice innovations during the summer of 2006 were substantial. At a time of extraordinary partisanship at state and federal levels of government, local shareholders in many communities worked and continue to work cooperatively to create a shared vision of how best to serve their constituents. Although the transition from a traditional process to one of collaborative decision making is not without difficulty, these initial efforts suggest a promising future where communities do more with less, try new ways of addressing old and vexing problems, and seek to make their communities safe within the limits of available resources. The next step requires the state to join with their local partners and demonstrate the same level of innovation, trust, cooperation, and creativity evident at the local level. **jsj**