WISCONSIN POLICY FORUM

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A Focus on Recovery: Treatment Courts in Wisconsin

Despite recent declines in drug overdose deaths, Wisconsin still faces more than 900 deaths per year as well as a rise in incarceration for crimes such as operating while intoxicated. When employed appropriately, treatment courts represent one potential response to these challenges, providing an avenue for individuals with an alcohol or substance use disorder or mental health concern to receive treatment for their conditions as their cases are adjudicated.

Yet the completion rate of participants in state treatment courts appears to modestly lag that of the nation, a new Wisconsin Policy Forum report finds. The report -- commissioned by Vital Strategies, a global public health nonprofit -- is aimed at highlighting options that might allow more individuals to participate in treatment courts in Wisconsin and succeed in the programs.

The study comes at a time when our state faces an array of challenges linked to drug or alcohol use. Drug overdose deaths in Wisconsin soared in the late 2010s and early 2020s, then fell sharply in 2024 and early 2025. They have since plateaued, for the 12 months ended in May 2026, at 943 statewide – still far above levels seen prior to the mid-2010s.

Drug and narcotics violations made up nearly a quarter of all statewide arrests in 2023. The state also faces elevated alcohol-related deaths and, as the Forum noted in a July brief, the number of individuals incarcerated in Wisconsin for intoxicated driving offenses has more than quadrupled since 2000.

After rising very slowly in the late 1990s and early 2000s, the number of treatment courts in Wisconsin grew rapidly in the late 2000s and 2010s. While treatment court programs may vary, they often require participants to make frequent court appearances and meet with a case manager and treatment provider to plan their recovery. Over a period typically lasting between 12 and 24 months, participants may undergo counseling and random drug testing, and be required to take other steps.

Individuals who complete treatment courts can receive benefits in their criminal or civil cases, depending on their circumstances and their plea deal, if applicable. This could include avoiding or reducing jail time, dismissal or reduction of criminal charges, or other outcomes.

Examining Wisconsin's treatment courts

Courts that receive state Treatment Alternatives and Diversion (TAD) funding report data to the state Department of Justice, and the Forum analyzed those data for this report. Overall, 61 of Wisconsin's 104 treatment courts (58.7%) are represented in the data, though some large counties such as Milwaukee are not. We found that from 2019 to 2025, referrals to TAD-funded courts grew 31.9%, from 1,154 to 1,522.

The Forum also surveyed treatment court coordinators and received 53 responses covering more than 71% of all treatment courts statewide. The survey found the total number of participants in these courts declined 12.9% from 2019 to 2025.

Treatment courts restrict eligibility by factors including risk and need level, residency, and offense type. More than 80% of respondents cited violent or weapons offenses, residency requirements, or risk levels too low for the court as common reasons for ineligibility.

Most courts in our survey work with treatment providers who offer medications for opioid use disorder (MOUD), but some barriers remain. For example, only 28 of 45 coordinators, representing 34 courts, reported access to methadone.

Our review of data from the state Treatment Alternatives and Diversion program found that Wisconsin treatment courts had a 54.6% completion rate between 2019 and 2024. Separately, the Forum survey found a success rate of 54.2% in 2025 among responding courts. While data availability constraints preclude a comparison of data from identical time periods, both are somewhat less than the 60.7% nationwide completion rate in 2022 among treatment courts.

Options to bolster participation, improve outcomes

In Wisconsin, TAD-funded courts are barred by statute from accepting people charged with, or convicted of, certain violent offenses. In examining court manuals, the Forum found that most prohibit individuals with some or all violent offenses. However, some research indicates that individuals convicted of violent crimes may have comparable or lower recidivism rates than those convicted of property or drug crimes. Policymakers may wish to consider whether it might be worth experimenting with more flexible approaches to these cases in a thoughtful and limited manner and then assessing whether the outcomes have been beneficial to the public.

In addition, we found substantial racial disparities in TAD-funded Wisconsin treatment courts that widened at each stage of the process from referral to completion. Policymakers may wish to review a range of factors and policies that may contribute to these gaps including fine and fee levels, lack of health coverage and treatment options for some participants, referral and eligibility criteria such as participants' records, and sanction and expulsion practices.

For example, national and state standards also caution against imposing fines and fees that treatment court participants are unable to pay, and suggest limiting the use of jail time or expulsion from treatment programs as a response to continued substance use, given that jail can heighten the risk of death from overdose. Out of 62 court manuals reviewed by the Forum, 60 (96.8%) allow jail as a sanction in some circumstances, and only eight of 40 survey respondents (20.0%) ruled out using jail as a response to drug/alcohol use or a positive test regardless of other circumstances.

The report concludes that, in the Wisconsin justice system, the need for effective tools to address difficult cases is as great as ever. As of August 2026, Wisconsin's prison population was at an all-time high, due in part to an increase in the severity and length of sentences for crimes such as OWI.

"To successfully handle these difficult cases," the report finds, "treatment courts need resources and support as well as effective strategies and policies." Click here to read the report.

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