

DANE COUNTY DRUG DIVERSION PROGRAM



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Welcome to the Dane County Diversion Program. This handbook outlines expectations while you are participating in the program. We encourage you to share this information with your family and friends who support your recovery. The handbook is a guide to the program and may change from time to time without prior notice. The handbook should not be considered a contract between you and the Drug Court Diversion Program.

Mission Statement

The mission of the Dane County Drug Diversion Program is to enhance public safety through the reduction of recidivism by coordinating effective and accountable substance abuse treatment and supportive services for offenders with substance abuse problems.

Eligibility

- Felony level drug driven charge
- The current charge must not be considered a violent charge and involve no weapons
- Dane County resident and over the age of 18 years old
- Identified as having SUD treatment need and willingness to be treated.
- Must be determined to be at moderate risk to reoffend as identified by the COMPAS score.
- Must agree to participate in behavioral changing programs and services.

Program Levels

As part of the program, participants attend regular court reviews, treatment recommendations, case management meetings, and present alcohol and other substance testing when requested. The nine-month program consists of three levels and is presided over by the DCDP court commissioner. Status hearings with the commissioner will be conducted every 3, 6 and 9 months. Court reviews are held on Tuesday mornings at 9AM in Room 1A of the Dane County Courthouse.

You will start with a schedule based on your risk and need score and adjustments will be made as appropriate. The level itself does not change, a reduction or increase in reporting schedule is determined by the Early Intervention Behavior Matrix and in correlation with the program milestones and achievement or lack thereof.

- **Level 1**
 - COMPAS General Risk Recidivism Score (GRRS) Score: 5
 - Face to face office contact every other week (bi-weekly)
- **Level 2**
 - COMPAS GRRS Score: 6
 - Face to face office contact every week (weekly)
- **Level 3**
 - COMPAS GRRS Score: 7
 - 2x weekly face to face office contacts (2x a week)

Program Conditions

Everyone in this program, will have conditions as a part of their agreement. These conditions are to be met prior to graduation. Failure to complete these requirements, may lead to further sanctions or extension of the program.

Case Manager & Appointments

You will be assigned a case manager. Case managers will assist you by connecting you to resources in the community. Many of the Drug Court case managers have worked with the program for many years, have a wealth of experience, and know what has helped past participants graduate successfully. Case managers have a responsibility to keep you accountable and must report to the Drug Court team on your progress and compliance.

You will meet with your case manager based on your risk level and will be expected to spend at least 20 minutes with your case manager during your office appointment.

You will be expected to meet as scheduled and on time. Do not bring children with you to these appointments.

During meetings with your case manager, be open and honest about your goals, your progress towards achieving them, and anything else related to your recovery. Your case manager will give periodic updates to the Drug Court team about your progress. The case manager may check in with your workplace, schools, physician, counselor, and any other persons involved in working with you while you are in Drug Court. Information shared with or obtained by the case manager will be shared with the team. You must sign releases

of information as requested by your case manager. Drug Court proceedings are open to the public and therefore, disclosure of confidential treatment information will be kept to the minimum necessary to accomplish the intended purpose. You must provide all medications prescribed to you.

Rescheduling:

If you are unable to make your scheduled appointment, you are expected to provide at least 24 hours' notice to the case manager. There is no guarantee that you will be allowed to reschedule. If there is a medical emergency, you will need to provide documentation within 48 hours.

Treatment

Every Diversion participant will be assessed, and an individual treatment plan recommendation will be given. The plan will serve as a guide for you throughout treatment and will be updated regularly. The Drug Court team will focus on helping you achieve the goals in your treatment plan.

The assessment will determine the initial level of care that will best meet your needs. You may be referred to detoxification, residential, day treatment, intensive outpatient, or an outpatient program. Insurance provider will also be taken into consideration when recommending treatment provider. Treatment could include both individual and group counseling.

You must participate fully in your treatment plan and sign the releases of information for all treatment providers. Revoking these releases of information is a violation of program rules.

Discharge paperwork must be supplied to case management after completing a course of treatment. There may be additional treatment requirements based on discharge recommendations. All recommendations are to be completed prior to graduating from the Dane County Diversion Program.

You are responsible for paying for treatment and for being in compliance with payment plan obligations. If uninsured, you will be encouraged to apply for or enroll in insurance.

Alcohol/Drug Testing

You will be tested at a minimum of twice per week for the entire time they are in the program. The schedule of drug testing is random. The probability of being tested on weekends/holidays is the same as on other days.

At your intake appointment with the case manager, the testing procedure will be explained including calling the testing number daily to find out if you are expected to test. If so, you are required to complete a test that day.

- ARC 608-283-6433
- ATTIC 1-800-494-1250

You are responsible for knowing the hours that the case management office is open for UA's. Be alert to the possibility of different hours on holidays.

- Unauthorized substances include alcohol, illicit drugs, and addictive or intoxicating prescription medications that are taken without prior approval from Drug Court and not during a medical emergency.
- Drug and alcohol testing will be done on weekends and holidays.
- A staff person will directly observe the collection of test specimens. The staff person will be the same gender as you.
- Failure to provide a test or providing insufficient volume of fluid for testing is a violation of program rules and will be sanctioned accordingly.
- Attempts to dilute sample can be evaluated by a lab and is a violation of program rules.

- We are aware that cannabinoids can remain in the system for several days. We are also aware of the research that notes continued positive tests after two weeks should be considered new marijuana use. Drug Court team will be holding you to that expectation.
- You can be sanctioned for associating with other people who are engaged in substance use or for exposing yourself to passive inhalation or secondhand smoke.

Are you on Probation?

As part of participation, you may be on probation during the program and possibly for a period of time after graduation from Dane County Diversion Program. Your probation agent is part of the Drug Court team. Your case manager and probation agent will communicate frequently. They will assist you in accessing programs as quickly as possible. On the other hand, if there are violations, this communication will allow for rapid intervention.

Please note: Just because you told your probation agent about police contact, new address, or treatment issue, does not mean your case manager knows. Please communicate important events in your life to both individuals.

Court Appearances

Once you plea into the Dane County Diversion Program and sign your agreement. You will need to set up your first intake appointment with case management. You will return to court two weeks later to confirm you have attended your intake appointment, received a handbook and go over any questions you might have about the program.

Following your two weeks check in, you will be scheduled out 90 days for your next court appearance.

You will be required to appear in court for a 3, 6 and 9 month review. If non-compliance behavior has increased over the course of time, you could return earlier.

Before each appearance, the Drug Court team, consisting of the prosecutor, public defender, clinical coordinator, and Commissioner, will be given a report about your progress prepared by your case manager. The report will include alcohol/drug test results, information on AODA treatment and attendance at support groups, employment or schooling, legal problems, financial issues, housing, physical and mental health issues, family relationships and domestic violence, recreation and spirituality. The Commissioner may ask you questions about your progress and discuss any problems you have been experiencing. You may raise questions or concerns. You will be encouraged to continue working with your treatment team toward graduation from the program.

If you are not doing well, and it is determined by your case manager a formal staffing is needed. You will meet with the drug court team. At that time they will determine any further action that needs to be taken. There are many responses to program violations.

Court appearances as scheduled are mandatory. Unless excused by the Commissioner, you must remain in the courtroom for the entire session. If an emergency takes place and you cannot appear in court as scheduled, you must notify your case manager and notify the court if it is the day of the court hearing. In order for a missed hearing to be excused, you must provide documentation that supports the reason for the miss. An unexcused failure to appear in court on the date and time you are scheduled will result in a warrant being issued for your arrest.

Fees

There is a one-time \$50 program fee is due 60 days prior to completion of the program. This program fee is paid to Journey at 25 Kessel Court Suite 200, Madison, WI 53711. **Cashier's check, money order or Credit Card is accepted.** If you are indigent, you may apply to the Judge for waiver of the fee through the Clerk of Courts office.

Restitution

If restitution has been ordered in your case, you must make sufficient progress paying on this obligation. You may be asked about this progress during court reviews and during case management appointments. If you have not made sufficient progress on paying restitution, your drug court contract may be extended.

Drug Diversion Program Conditions

See your program agreement

Honesty is expected. Overcoming alcohol or drug addiction is not easy, yet thousands of individuals do it every year with the help of others. Your success will take your best effort, including constant truthfulness on your part. Lies keep you alone, speaking only to yourself. The Drug Court Team will tell you the truth and will expect the truth in return. **Dishonesty is considered a program violation for which you may be sanctioned.** This includes keeping or hiding certain pieces of relevant information, otherwise known as "lying by omission." Lying by omission is considered the same as lying and will be treated in the same way.

Rules and Expectations for Court.

- a. Be on time.
- b. Be prepared for court. Bring any assignments, verification of community support meetings, community service verification forms, and planner to court.
- c. Act appropriately in court. Disruptive behavior is unacceptable. This includes leaving the court without permission to use the restroom. Inappropriate behavior will not be tolerated and may result in your termination from the program. This includes threats or threatening behavior toward other participants, counselors, or Drug Court team staff.
- d. Do not bring children to court.
- e. Do not have cell phones or other electronic devices on during court. These devices may be confiscated during the court session.
- f. Water is permitted in court. No other beverages, gum, or food is allowed unless court or case manager gives exemption.
- g. Dress appropriately for court.
- h. Be considerate and attentive of all participants during court.
- i. Do not schedule school, work, or outside appointments during the time of the court session.

Incentives/Sanctions

The choice is yours. It is important to know what will happen when you do well and when you are noncompliant in Drug Court. This section is designed to clearly let you know the consequences.

Incentives

Any behavior exhibited by you deemed to be pro-social or positive also warrants a response and acknowledgement. you may be recognized in one or more of the following ways:

- Positive feedback from Commissioner or Drug Court Team
- Permission for out of county travel
- Receiving gift card for food or other gift items
- Having fewer check-ins, appointments, and court appearances.
- Being recognized as Person of the Week

Incentives may be granted for:

- First negative alcohol and drug test
- Progress and completion of substance use treatment or cognitive intervention group.
- Being upfront and honest about use or violation
- Obtaining valid driver's license
- Other accomplishments

Sanctions

Any behavior deemed to be against the conditions of your agreement, whether it be the conditions set forth in the agreement or between the client and the monitoring agency. *Examples: missed supervision contacts, new arrest, or charges.*

In the unusual case that your case manager determines a violation occurred for reasons beyond your control, s/he may excuse the violation. The case manager's decision is final.

Jail

When you fail to comply with the rules of the Drug Court Program, the Commissioner, in consultation with the Drug Court team, may order you to jail. Most jail sanctions are between one and five days but may be longer. In addition, the Commissioner may order you to jail out of concern for

your safety or the community's safety.

You must make arrangements before court to take necessary medication, reschedule appointments and take time off work, as the jail sanction will be served immediately after your court appearance. Don't leave your car parked at a meter if you think you might go to jail.

Homework

During case manager appointments, you will often complete homework assignments and you may be required to complete homework as a response to a violation. You should provide that to your case manager within one week unless another time limit is set.

Other possible sanctions include:

- Extending the length of your Drug Court agreement.
- Increasing the frequency of your attendance with case management.
- Increasing frequency of alcohol/drug testing, check-ins, and individual meetings.
- Require home alcohol testing or electronic bracelet monitoring.
- Other, individually tailored sanctions.

Sanctions may be imposed for:

- Possessing or using unauthorized substances
- Behavior inconsistent with a commitment to meeting Drug Court goals
- Being arrested for a traffic or criminal offense
- Missing or being late to court, UA or BA, case management meeting, a check-in, probation appointment, or treatment appointment
- Failing to report police contact within 24 hours
- Being dishonest, deceitful, or untruthful
- Engaging in disrespectful behavior towards staff, other

- agencies involved with drug court, or other participants
- Failing to seek or maintain full-time employment, education, or a combination unless you are excused because of a disability or other hardship
- Violating any other program rule or individual requirement imposed by the Court, case management, or probation agent

Graduation Criteria

Participants must meet the following criteria in order to graduate from the Diversion Program.

- Participant fees must be paid in full.
- Participant will be in compliance with treatment provider recommendations including any discharge recommendations.
- Participants must comply with specific conditions of the plea agreement, including but not limited to payment of restitution, if ordered.
- Adequate progress toward goals must be accomplished.
- Participant must complete graduation application to case manager to be approved by Drug Court Team.
- No positive drug or alcohol tests for a minimum of 90 consecutive days prior to graduation date.
- Participants graduation date is initially set 9 months after initial plea in for DCDP

Termination Process

You can self-terminate out of drug court at any time. It is highly recommended that you consult with an attorney prior to making this decision.

Upon motion by the State, a participant *may* be terminated from the Drug Court Diversion for any of the following:

- Committing a felony, a violent misdemeanor, an offense that involves a weapon or delivery of a controlled substance
- Tampering with a drug or alcohol test
- Dishonesty
- Any conduct that presents a threat to the safety and well-being of others
- Driving while intoxicated or driving after revocation
- Failing to progress in the program within reasonable expectations
- Repeated violations of program rules or of law
- Any conduct compromising the integrity of the program

After a motion to terminate is filed the court will schedule a hearing, usually within four weeks. The participant is entitled to be represented by an attorney and to present evidence at that hearing. You are entitled to be represented by a lawyer at that hearing and to present any evidence you wish the Court to consider in deciding the motion. If you are requesting a public defender, you will need to reapply.

State Public Defenders Office is located:
17 South Fairchild Street, 2nd Floor
Madison, WI 53703
608-267-1777

A participant who has been absent from the Drug Diversion program for ninety (90) days will be automatically expelled from the program. If a person who has been expelled from the Program due to an extended absence seeks to re-enter the program, the person must request a re-admission hearing to re-enter the Drug Diversion program. A plan to complete the program must be submitted for consideration at the re-admission hearing.

**DECISIONS MADE BY THE DRUG COURT TEAM ARE NOT
SUBJECT TO APPEAL**

Drug Contact Information

Case Manager: _____

Contact Number: _____

Probation agent: _____

Contact Number: _____

Treatment provider: _____

Treatment counselor: _____

Contact Number: _____

Color for UA testing: _____

Color line Number: _____

Drug Diversion Program Handbook

I, _____ have read the Drug Diversion handbook and have had the opportunity to ask questions. I agree to follow the guidelines outlined in this handbook and my Diversion Program Conditions. I agree to hold on to this handbook as a reference while involved in the program.

Participant Signature Date

Case Manager Signature Date

Drug Court Partner Agencies

- ARC Community Services
- ATTIC Correctional Services
- City of Madison Police Department
- Dane County Circuit Court
- Dane County District Attorney's Office
- Journey Mental Health Center
- Dane County Sheriff's Office
- Dane County Department of Human Services
- University of Wisconsin – Dept. of Family Medicine
- WI State Public Defenders Office
- WI Department of Corrections