

Dane County Drug Court Presentation, August 6, 2014

Sponsored by the Parent Addiction Network

Take Aways for Parents

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The following summary of the presentation is provided by members of the Parent Addiction Network. Please check with any of the above for clarification or questions.

Drug court has changed. There are now 3 different tiers provided by the Dane County Circuit Court Drug Court Program. Offenders are assigned to a program based on an assessment of the individual's criminal risk for re-offense and treatment needs. An initial screening uses two tools (CAGE and LSIR-SV). The follow up assessment which is used for persons who score medium or high on the screening, have an assessment with a validated instrument, called COMPAS. The initial screening determines what risk the individual poses to the community based on current charges, criminal history, and any noncompliance issues. The second part involves an in-depth interview plus a self-report that further determines criminological needs, treatment and case management requirements.

These changes are based on research and experience across the U.S. See attached handout for history of drug court in Dane county.

The current system includes 3 programs, representing 3 levels of risk/need:

1. **Low. Deferred Prosecution Program (DPU).** If a person is assessed at "low" and the DA agrees, s/he is referred to the DPU. This program was discussed at a previous PAN presentation; find the video link on the PAN Homepage. Successful completion results in dismissal of charges.
2. **Medium. Drug Court Diversion Program (DCDP).** If a person is assessed at "medium" risk, s/he is assigned to the Drug Court Diversion Program. The individual enters a knowing and voluntary plea to charge(s). The individual signs a contract with agreed upon disposition, among all parties, for both success and failure. Probation supervision may be involved. Successful completion of DCDP could result in avoidance of felony convictions, or any conviction. Failure results in an agreed term of incarceration.
3. **High: Drug Court Treatment Program (DCTP).** The individual is assessed at high risk. The individual enters a knowing and voluntary plea to charge(s). The individual signs a contract with agreed upon disposition, among all parties, for both success and failure. Probation supervision will likely be involved. Successful completion of DCTP results in avoidance of a prison sentence. Failure could result in revocation of probation or incarceration relative to the court case.

How does someone get into Drug Court?

- Person must be eligible. See attached Handout for eligibility and process.
- Individual must be referred by the prosecution, court, defendant or his/her attorney, or a probation agent where applicable, at the time of the Initial Appearance.

Which program will be assigned? All assignments to a drug court program are based on a structure assessment using the validated COMPAS instrument: (1) the initial screening assessment is done by Journey Mental Health during the Monday status conference after the defendant's initial appearance. (2) If the individual is assessed at medium or high risk, then s/he completes the second part of the assessment (in-depth interview and self-report) during an appointment with Journey Mental Health. Depending upon the result, the person is assigned to DCDP or DCTP.

- Judge Juan Colas handles DCTP review hearings; Todd Muerer handles DCDP review hearings.

What is the process for assessments and assignment to drug court? See attached handout. Scheduling and timeline varies depending upon time of Initial Appearance and situation.

What does participation in drug court consist of?

- Random UAs - follows color system with urine drug testing at 3 facilities in Madison: Genesis, ATTIC, ARC . Each facility is close to public transportation lines.
- Follow the DCTP contract that includes substance abuse treatment; drug/alcohol testing; case management provisions; meeting attendance; probation; honesty; court expectations and requirements; etc. A variety of sanctions are specified in case of noncompliance.
 - Journey Mental Health Center services include: Comprehensive Clinical; Assessment, Case Management Services, Substance Use Treatment, Drug/Alcohol Screens, Referrals to Community Resources, and Cognitive Intervention Group Services.
- Weekly appearance before a judge as a group; Judge reviews each case with treatment providers and the Assistant DA; discusses offender's progress directly with the individual in front of the group. The judge may order the treatment to be modified, or may order sanctions for violating treatment requirements (i.e., several days in jail) or rewards for compliance.
- DCDP involves 2 phases; approximately 9 months total:
 - Phase 1: 90 days; can speed it up with successful behavior and move to Phase 2 within 60 days. If individual completes 120 days and is not considered ready for Phase 2, the person can be terminated. Violations include continued substance use or not following terms of contract. Participants can have dirty UAs and still continue depending upon situation. To get to the next phase, the individual needs 30 successive clean days. Individual is generally not sanctioned for dirty

UA but sanctioned for dishonesty, missed appointments with case manager, probation officer or treatment provider; miss daily check-in or UA.

- Phase 2: 180 days. More strict sanctions, including for negative UAs, that can result in 1 or more nights in jail.
- DCTP involves 3 phases; approximately 12 months total. Each phase is 120 days. Phase 1: After 60 days, could proceed to phase 2 if maintain negative UAs and show progress towards goal. If not in Phase 2 after 120 days, considered for termination. Phase 2: Pay \$50 drug court fee; 120 days in phase 2. There is no early graduation – if go through early phases more quickly, the program still lasts 12 months. If not in Phase 3 after 120 days in Phase 2, considered for termination. Phase 3: 120 days. Individual cannot relapse for 120 consecutive days. If miss one requirement – one UA, one appointment (case manager, treatment provider, probation officer) or court appearance, there is a 1 week extension of the graduation date. With 2 or more missed requirements, graduation can be delayed up to 120 days from the date of last negative UA test or last missed appointment.

Why participate in drug court? See attached Handout, titled “The Verdict is In...Drug Courts Work”

What treatment is provided to someone participating in drug court?

- Journey Mental Health recommends the treatment program. A client always starts with less intensive treatment such as Outpatient before Intensive Outpatient or Residential treatment is suggested. Clients are also expected to participate in community support groups.
- Treatment depends upon insurance. Individuals with insurance are referred to their health care provider. Individuals with no insurance use Journey Mental Health services or other county contracts (i.e., Tellurian Synergy).

Participation in Dane County Drug Court:

As of May 2014, there were 26 individuals in the Drug Court Diversion Program and 96 in the Drug Court Treatment Program.

Things parents can do:

- If your child has been picked up and charged, and you think drugs are an issue, request an assessment to drug court so your child can be screened and informed about drug court.
 - Who do you call? Lawyer - hired defense lawyer; or public attorney; DA's office to see who to talk with to review the case. Each new case, before the Initial Appearance, is reviewed by the DA's office. If you suspect drug use is behind the offense, you can make this known and ask for the assessment into drug court. Consider the pros and cons of contacting the DA's Office.

- Observe drug court in action. See what happens during the weekly appearance in court. These are open sessions: Tuesday at 9:30 in Court Room 1A (This is DCDP); Thursday 9:00 AM, in Court Room 7 A (DCTP).
- Call your child's Probation Officer and ask about drug court and other concerns. Must have signed 'release of information' form.
- Ensure your child has insurance. Under the Affordable Care Act, ...
- Remember (1) someone abusing drugs naturally lies; this is part of the disease so helping providers have accurate information can be helpful; (2) addiction results in a 'rewiring of the brain' – our loved one may need help and support during early recovery .

HANDOUT 8-6-2014

Dane County Circuit Court Drug Treatment and Diversion Court Programs

The goal of the Dane County Circuit Court Alcohol and Other Drug Addiction (AODA) Programs are:

- To create effective interventions to reduce recidivism by addicted offenders;
- To assign offenders to appropriate programs based on treatment needs and risk of recidivism; and
- To reduce racial disparity in the criminal justice system in Dane County.

There are three programs. Based on the results of screening and assessment, offenders may be assigned to:

High	Drug Court Treatment Program (DCTP);
Medium	Drug Court Diversion Program (DCDP); or
Low	Deferred Prosecution Unit. (DPU).

To be eligible to participate, defendants must:

- be charged with a felony drug-driven offense;
- be a resident of Dane County (DPU will consider residency on a case-by-case basis);
- be currently charged with a non-violent offense, with no weapons used;
- have AODA treatment needs with a willingness to be treated, including participation in required screening and assessment sessions.

The process is as follows:

1. Referral by the prosecution, court, defendant or his/her attorney, or a probation agent where applicable, at the time of Initial Appearance;
2. With the consent of the defense to proceed, a Monday status conference date is set;
3. Initial Screening by Journey Mental Health at the courthouse during the Monday status conference;
4. Receive a score in a low, medium or high risk and needs category;
5. Be referred to DPU if score is low and the DA agrees to admission, or given an appointment with Journey for a full AODA and risk/needs assessment if score is medium or high;
6. Assessment done at Journey Mental Health;
7. Depending on the score, Journey assigns a date for a second Monday status conference with the diversion group commissioner or a Thursday status conference with the treatment court judge;
8. Enter a plea at this status conference, as agreed to with the prosecutor, sign a contract to participate in the program;
9. Attend court review sessions, meet with case manager, submit to random drug testing and comply with other conditions of contract, receive sanctions or rewards; and
10. Successfully graduate with agreed to disposition imposed, or fail and be terminated from program and be returned to original trial judge for sentencing.

In general, successful completion of DPU will result in the dismissal of charges. In DCDP participants will enter a knowing and voluntary plea to charge(s) agreed to by the parties. A judgment of conviction will often not be entered. The defendant will sign the DCDP contract. The parties will specify in the contract the agreed disposition for both success and failure. Failure to comply with the contract must result in an agreed term of incarceration. Success will often result in the avoidance of felony convictions, or any conviction. Successful completion of DCTP will result the avoidance of a prison sentence. Individual case situations will vary. If the prosecutor and defense attorney are not in agreement with admission, the matter will be referred as part of an argued sentencing hearing before the DCTP or assigned trial judge.

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HANDOUT 8-6-2014

THE VERDICT IS IN...Drug Courts Work

In 20 years since the first Drug Court was founded, there has been more research published on the effects of Drug Courts than on virtually all other criminal justice programs combined.

The scientific community has put Drug Courts under a microscope and concluded that Drug Courts work. Better than jail or prison. Better than probation and treatment alone. Drug Courts significantly reduce drug use and crime and are more cost-effective than any other proven criminal justice strategy.

+ Drug Courts Reduce Crime

- FACT: Nationwide, 75% of Drug Court graduates remain arrest-free at least two years after leaving the program.
- FACT: Rigorous studies examining long term outcomes of individual Drug Courts have found that reductions in crime last at least 3 years and can endure for over 14 years.
- FACT: The most rigorous and conservative scientific "meta-analyses" have all concluded that Drug Courts significantly reduce crime as much as 45 percent more than other sentencing options.

+ Drug Courts Save Money

- FACT: Nationwide, for every \$1.00 invested in Drug Court, taxpayers save as much as \$3.38 in avoided criminal justice costs alone.
- FACT: When considering other cost offsets such as savings from reduced victimization and healthcare service utilization, studies have shown benefits range up to \$27 for every \$1 invested.
- FACT: Drug Courts produce cost savings ranging from \$3,000 to \$13,000 per client. These cost savings reflect reduced prison costs, reduced revolving-door arrests and trials, and reduced victimization.
- FACT: In 2007, for every Federal dollar invested in Drug Court, \$9.00 was leveraged in state funding.

+ Drug Courts Ensure Compliance

- FACT: Unless substance abusing/abused offenders are regularly supervised by a judge and held accountable, 70% drop out of treatment prematurely.
- FACT: Drug Courts provide more comprehensive and closer supervision than other community based supervision programs.
- FACT: Drug Courts are six times more likely to keep offenders in treatment long enough for them to get better.

+ Drug Courts Combat meth addiction

- FACT: For methamphetamine-addicted people, Drug Courts increase treatment program graduation rates by nearly 80%.
- FACT: When compared to eight other programs, Drug Courts quadrupled the length of abstinence from methamphetamine.
- FACT: Drug Courts reduce methamphetamine use by more than 50% compared to outpatient treatment alone.

+ Drug Courts Restore Families

- FACT: Parents in Family Drug Court are twice as likely to go to treatment and complete it.
- FACT: Children of Family Drug Court participants spend significantly less time in out-of-home placements such as foster care.
- FACT: Family re-unification rates are 50% higher for Family Drug Court participants.
 - Information obtained from the National Association of Drug Court Professionals Website (NADCP)