



DANE COUNTY

**DRUG COURT
DIVERSION PROGRAM**

Handbook

February 2014

MISSION

The Dane County Circuit Court recognizes that a majority of crimes committed in Dane County are committed by people with substance abuse problems. We believe that in order to reduce this problem, it is necessary to provide offenders with an opportunity to participate in a program that will provide treatment and interventions to assist them with their substance use problems. This program will offer educational and employment linkages so that with these tools, participating defendants will possess the ability to become productive members of our community.

ELIGIBILITY

- Charged with a felony drug-driven offense;
- A resident of Dane County;
- 18 years old or older
- The current offense must be non-violent, with no weapons used;
- Have substance use treatment needs with a willingness to be treated;
- Assessed to be a moderate risk to re-offend.

ABOUT THIS HANDBOOK

Please read this handbook carefully. It is your responsibility to be familiar with its contents. We encourage you to share this information with your family and friends who support your recovery. The information in this handbook may change from time to time without prior notice and should not be considered a contract between you and the Drug Court Diversion Program.

THE STRUCTURE OF DRUG COURT DIVERSION

You will progress in Drug Court Diversion through two phases. Here is an outline of the requirements of each phase:

Phase One

- Statement of goals for phase one;
- Report to case manager five times a week until your first hearing. Then report to case manager three times a week;
- Report to court every four weeks (unless instructed otherwise by your case manager or the court);
- No travel out of Dane County. The Court may make exception for good reason;
- Advancement to phase two:
 - Application for phase advancement reviewed by case manager and approved by the team;
 - Established history of negative tests;
 - Progress toward goals;
 - Pay \$50 drug court diversion fee;
 - Minimum of 90 days in phase one;
 - If not in phase two after 120 days, may be considered for termination.

Phase Two

- Statement of goals for the rest of program;
- Report to case manager once a week;
- Report to court every six weeks (unless instructed otherwise by your case manager or the court);
- Travel out of Dane County without an

overnight stay may be approved by case manager. Out of state travel or overnight trips must be approved by the Court.

Graduation

- Completed treatment;
- Progress toward goals;
- Plan for after graduation approved by case manager and Drug Court Team;
- No relapse for 60 consecutive days;
- About 180 days in phase two;
- If not graduated after 240 days in phase two, may be considered for termination.

PROGRAM REQUIREMENTS

A. Treatment

Every Drug Court participant has been assessed, and an individual treatment plan will be developed between you and your primary treatment provider. 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 placed in detoxification, residential, day treatment, intensive outpatient, or an outpatient program. Most participants initially enter an outpatient program. This includes both individual and group counseling.

You must participate fully in your treatment plan.

B. Drug Testing

You will be drug tested throughout the entire

program at least once per week and often more. Testing will be on a **random basis any day of the week**.

On the day you have your intake with your case manager you will be assigned a **color**. You must call the drug testing telephone number every day to find out if your color is called, and, if so, you are to test that day. You must call every morning, seven days a week, including holidays. Listen to the complete recorded message.

ARC (608) 283-6433

ATTIC (608) 255-0307 [press1]

Genesis (608) 257-6152

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.

C. Court Appearances

As a Drug Court participant, you will be required to appear in court on a regular basis. 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 may include 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 Drug Court.

If you are not doing well, the Commissioner will

discuss this with you and determine any further action that needs to be taken. There are many responses to program violations. The Commissioner may order sanctions as described later in this handbook.

Court appearances as scheduled are mandatory. Unless excused by the Commissioner, you must remain in the courtroom for the entire session. Court sessions can last up to three hours. If an emergency takes place and you cannot appear in court as scheduled, you must notify your case manager the day before your hearing or the court the day of the court hearing. In rare circumstances and with enough notice, an appearance may be able to be rescheduled. You must provide documentation for any missed hearing if it is to be excused. 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.

D. State Public Defender

There will usually be a representative of the State Public Defender's Office in court who will consult with you upon request about legal matters including your driver's license, child support, your Drug Court case, and any other case you may have. Although the Public Defender is a member of the Drug Court team, he or she will keep your communications confidential and not reveal them to the team without your permission. There is no charge to talk to the Public Defender.

E. Fees

There is a non-refundable \$50 Drug Court fee that you must pay before you advance to phase two. If you are indigent you may apply to the

Commissioner for waiver of the fee. Payments are to be made to the Journey Mental Health Center 625 West Washington Avenue, Room 111, Madison, WI 53703.

F. Case Manager

Every participant will be assigned a case manager from one of three agencies. You are to schedule weekly appointments with your case manager. You are expected to be on time. You are expected to meet alone with your case manager unless your case manager has requested someone else to join your meeting. Children must have child care during these meetings.

During meetings with your case manager, you are expected to be open and honest about your goals, your progress toward achieving them, and anything else that is related to your recovery. Your case manager will give periodic updates to the Drug Court team about your progress. The case manager may make home visits and check in with your work place, 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 can and will be shared with the team. You must sign releases of information as requested by your case manager.

G. Community Support Meetings

Attendance at community support meetings is encouraged and may be required throughout the entire Drug Court program. If you are court ordered to attend a support group meeting, you must provide your case management with documentation of your attendance.

If you attend a 12-step program, you may obtain a sponsor. A sponsor is a group member with a significant period of sobriety (at least one year), is available to you to assist in your recovery.

H. Restitution

If restitution has been ordered as part of your sentence, 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.

I. Community Service

Your case manager or the Commissioner will assign community service if s/he determines you have the time and ability to do it, after taking into account your work, school, child care, and treatment obligations. There are many reasons we make community service a part of your Drug Court requirements:

1. It is a way of making amends to the community for breaking the law.
2. It furthers your recovery and rehabilitation
3. It is a productive use of your time, and encourages a good work ethic.
4. It brings you in touch with others who make a practice of giving back to the community.
5. It may give you experience that will help you get a paying job

J. Essays

Your case manager or the Commissioner may require you to write an essay addressing some aspect of your recovery. You should provide that to your case manager within one week unless

another time limit is set.

K. Drug Court Rules

As a Drug Court participant, you will be required to abide by the following rules:

1. Always tell the truth. 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.

Lying 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.

2. Do not tamper with drug testing. Tampering with urine or interfering with drug testing is a very serious offense. This includes ingesting substances in an attempt to alter the result, putting something in the urine, providing a sample that is not urine or providing urine that is not yours. Success in Drug Court Diversion Program depends on a relationship of trust between staff and participants, and participants are expected to be honest and truthful in their interactions with DCDP personnel.

THEREFORE, TAMPERING OFFENSES WILL RESULT IN TERMINATION FROM THE PROGRAM.

3. Medications. You must bring to your case manager the actual medications, prescribed and over-the-counter, that you are taking. Do not take any over-the-counter products that contain alcohol.

4. Do not possess or consume illegal drugs, drug paraphernalia, alcohol, or any substance that contains alcohol or any controlled substance not currently prescribed for you. Sobriety is the primary focus of this program. Maintaining a drug-free lifestyle is very important to your recovery.

5. Submit to periodic alcohol and drug tests. If you miss a test or are unable to produce a sample, you must submit to another test at the next possible opportunity. Missing a test in phase two will delay your graduation. Missing a test is a violation, unless it is excused.

6. Do not remain in the presence of others who are using illegal drugs. It will be very difficult to maintain abstinence if you are with people using drugs. If you test positive it will count as a use violation, even if you tell us you did not use drugs but were exposed by the drug use of others. The court may order you to have no contact with certain individuals.

7. Follow the treatment plan made for you by your counselor and attend all assigned treatment sessions including individual and group. Attend all required Cognitive Intervention group sessions.

8. Report to your case manager as directed and follow all rules and requests of your case manager. You will have regularly scheduled meetings with your case manager. If you have a problem keeping a scheduled appointment, contact your case manager immediately. While we expect you to respect your case manager's time, you should never hesitate to contact him or her at any time if you need help.

9. Be on time to court, case management

appointments, and treatment. Being late may mean that you will be considered non-compliant. Contact your treatment provider and case manager before your appointment time if there is a possibility that you may be late. The Commissioner may sanction you for being late to court, treatment, or other appointments related to Drug Court.

10. Behave appropriately in court.

- a. Inappropriate behavior will not be tolerated and may result in your termination from the program. Do not make threats toward other participants, counselors, or Drug Court team members, nor behave in a threatening, aggressive, or profane manner.
- b. Do not bring your children to court.
- c. Do not have cell phones or other electronic devices turned on in court. These devices may be confiscated during the court session.
- d. No gum or food is allowed in the courtroom. The only beverage permitted is water.
- e. Use the restroom before court. It is disruptive to leave court to go the restroom.
- f. Dress appropriately for court.
- g. There is no talking, texting, or reading during the court session.
- h. Do not schedule school, work, or outside appointments during the time of the court session.

11. Behave appropriately at case management and at treatment appointments. The rules governing court conduct above apply to these appointments as well.

12. Obey the law. Do not drive a vehicle without a valid driver's license. Report any police contact

immediately to your case manager, whether or not you are arrested. If you are observed or are cited for driving after suspension or revocation, ***this may be considered a violation of the program.***

13. Tell the Court and case management any time you have a change of address or phone number.

CONSEQUENCES OF BEHAVIOR

It is important for you to know what will happen when you do well and when you are noncompliant in Drug Court. This section is designed to let you know clearly the consequence of both your good and bad behaviors. **The choice is yours.**

A. Incentives

When you consistently cooperate and participate in the Drug Court program, you may be recognized, in the Commissioner's discretion, in one or more of the following ways:

- Being permitted to leave court early
- Participation in a drawing for a prize
- Receiving coupons for food or other gift items
- Having fewer check-ins, appointments, and court appearances.
- Being recognized as Person of the Week

B. Sanctions

If you violate a program rule, you are required to appear in court **at the next scheduled Drug Court session** (almost always the next Tuesday morning) regardless of your regular reporting schedule, in

order to be sanctioned.

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

Unless the violation is excused, you must make arrangements to appear in court at the next Drug Court session.

When you fail to comply with the rules of the Drug Court Program, the Commissioner, in consultation with the Drug Court team, may revoke your bail and order you to jail. Most jail sanctions are between one and five days. In addition, the Commissioner may order you to jail out of concern for your safety or the community's safety.

You will usually know when you are likely to receive a jail sanction. **You should make arrangements ahead of court to take necessary medication, reschedule appointments and take time off work as the jail sanction will normally be served immediately after your court appearance. Don't leave your car parked at a meter if you think you might go to jail.**

Other sanctions include:

- Extending the length of your contract
- Increasing the frequency of your court attendance
- Increasing your time in a phase, or putting you back a phase.
- Written essays
- Other, individually tailored, sanctions

Note: Case management and treatment

providers may also respond to violations with increasing frequency of required UA's and/or meetings, requiring use of a home alcohol testing device, and/or increasing intensity of treatment.

Sanctions may be imposed for:

- Possessing or using drugs, drug paraphernalia; or alcohol
- 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 or treatment appointment
- Failing to report police contact to case manager
- Being dishonest or untruthful
- Engaging in disrespectful behavior towards staff or other participants
- Failing to seek or maintain full-time employment, education or a combination unless you are excused because of disability or other hardship
- Violating any other program rule or individual requirement imposed by the Court or case management

TERMINATION

The following may result in your being terminated from the program and returned to the criminal branch for conviction and sentencing:

- Committing a felony, a violent misdemeanor, an offense that involves a weapon, or delivery of a substance.

- Tampering with a drug or alcohol test
- Any conduct presenting a threat to the safety and well-being of others.
- Driving while intoxicated or after revocation or suspension
- Failing to progress within reasonable expectations
- Repeated violations of Drug Court rules or of the law
- Any conduct compromising the integrity of the program

If the prosecutor makes a motion to terminate you, the Court will schedule a hearing, usually within four weeks. You are entitled to be represented by counsel at that hearing and to present any evidence you wish the Court to consider in deciding the motion.

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

MY PERSONAL INFORMATION

My Case Manager is

I can reach him/her at

My treatment program is

My treatment counselor is

I can reach him/her at

My color for UA testing is

The court's phone number is

**MY RECORD OF COMMUNITY SUPPORT
MEETINGS I HAVE ATTENDED**

DATE	MEETING LOCATION	FACILITATOR INITIALS

DRUG COURT DIVERSION TEAM:

Presiding Commissioner _____

District Attorney _____

State Public Defender _____

Coordinator _____