

# Drug Court: An Alternative Sanctions Program

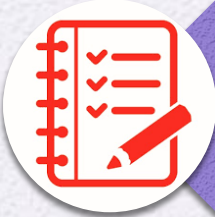


# Introduction

- Judge Juan Colas
- Erin Friedl, CAPSW, MSW
  - Journey Mental Health Center, Inc
  - Drug Court Coordinator
- Maggie Wienkes
  - Department of Corrections
  - Assigned to Treatment Court Program



## History and Basics



## Process of Screenings to Plea



## Diversion Court



## Treatment Court



## Challenges and Opportunities

# History and Basics



# History of Drug Court

- Started in 1996 by Judge Jack Aulik in Dane County
- In 2019 there were nearly 90 problem solving courts
- Dane County Problem Solving Courts
  - Diversion Court
  - Treatment Court
  - Veterans Court
  - Reentry Court
- Deferred Prosecution Program – Opioid Diversion Program

# Partnerships

Drug Court is a collaboration of many Dane County Organizations

- Dane County Circuit Court
- Dane County Sheriff's Department
- Dane County Department of Human Services
- Dane County District Attorney's Office
- WI State Public Defenders Office
- WI Department of Corrections
- Journey: Alternative Sanctions – provides coordination/screening/assessment
  - ATTIC Correctional Services – provides case management
  - ARC Community Services – provides case management
  - Other
    - Journey: Outpatient Services
    - Journey: Opiate Recovery Program
    - Alternatives to Incarceration Program
    - Deferred Prosecution Unit
    - UW Department of Family Medicine
    - UW Behavioral Health Services
    - UnityPoint Health - Meriter - New Start
    - Tellurian
    - Jessie Crawford Recovery Center
    - Hope Haven
    - Madison Comprehensive Treatment Centers
    - Connections Counseling
    - Safe Communities... and more

# Drug Courts Eligibility

- Resident of Dane County
- Referring charges must be a felony drug-driven charge
- Referring charge must be non-violent with no weapons used
- Meet criteria for substance use disorder with willingness to be treated
- Criminal recidivism risk score of medium or high
- Currently do not accept Operating while Impaired charges

# Phases

- Diversion Court
  - 9-month Contract with three phases
  - Participants can graduate as early as 7.5 months
  - Average 369 days ( 1 year 4 days)
- Treatment Court
  - 12-month Contract with four phases
  - Participants can graduate as early as 10 months
  - Average 441 (1 year 2.5 months)



# Drug Court Expectations

- Engage in recommended AODA treatment monitored by case management (CM)
- Meet CM once a week
- Check ins 1 to 5 times a week with CM
- Appear in court weekly to monthly dependent on progress
- Weekly meetings with Probation agent
- Travel outside Dane County needs approval
- Drug Testing
- Participate in Thinking for Change to address criminal thinking
- Employment verification
- Attend Supportive meetings
- CM services (apply for insurance, housing, relationship, money management, medical, dental, education)

# Drug Testing

- Random Observed Drug Tests: Average 4 every 2 weeks
- Average participant tested 72 to 96 for over 9-12 months
- Missing UA or not being able to produce will result in a sanction
- In later phases, positive UA can result in a sanction

# Incentives

- Positive feedback from Commissioner or Drug Court Team
- Applause
- Early release from court
- Participation in a weekly drawing
- Permission for out of county travel
- Receiving gift card (gas, food, etc)
- Bus Pass
- Having fewer check-ins, appointments, and court appearances.
- Being recognized as Person of the Week
- Advancement of Drug Court phase including early phase advancement

# Sanctions

- Jail or imposed and stayed jail
- Written Assignments assigned by Judge or Commissioner
  - Goal setting form (Trigger worksheet, Carey Guides, BITS)
- Extending the length of your Drug Court contract.
- Increasing the frequency of your court attendance.
- Increasing your time in a phase
- Increasing frequency of alcohol/drug testing, check-ins, and individual meetings.
- Require home alcohol testing or electronic bracelet monitoring.
- Other, individually tailored sanctions.

# Process of Screenings to Plea



# How to Schedule screenings

- Who can request:
  - District Attorney's Office
  - Defense attorney
  - Commissioner
  - Defendant
- Screenings can be scheduled through clerks office for Mondays at 1:00pm in Courtroom 1a
  - [Terri.mulder@wicourts.gov](mailto:Terri.mulder@wicourts.gov) or [Ray.Cochran@wicourts.gov](mailto:Ray.Cochran@wicourts.gov) can assist in scheduling
  - Can be requested at initial appearance
    - Earlier the better

# Results of Screening

- Screening results are sent to
  - Court Clerks
    - Terri Mulder and Stephanie Ross
  - Defense Attorney
  - Assigned District Attorney
  - Journey Program Staff
  - Public Defender's Office
  - District Attorney's office

# Screening Outcomes

- If Low: Individual referred to DPP
- If Medium or High: Individual referred for further assessment
- If individual is on probation will check for Alternative to Revocation (ATR)



**Alternative Sanctions Drug Court Screening Summary**

Date 4/8/2019 Case Numbers: \_\_\_\_\_ Filing Date: \_\_\_\_\_  
 Client Name \_\_\_\_\_ DOB: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Defense Attorney: \_\_\_\_\_ Assigned DA: \_\_\_\_\_ Assigned Branch # \_\_\_\_\_  
 Gender: M  F  Race: white Ethnicity: Hispanic  Non-Hispanic Veteran: Y  N   
 Probation: Y  N  Agent: \_\_\_\_\_ Referral Source: \_\_\_\_\_  
 LSI-R:SV Score: 4 SUD Screen: 4 Eligible for further assessment: Y  N

REFERRAL FOR CLINICAL ASSESSMENT

DATE: <u>Tues</u> <u>April 16, 2019</u>	TIME: <u>9:00</u> <input checked="" type="radio"/> AM <input type="radio"/> PM
Clinician Notes/Comments: <u>Claire</u> <u>280-2686</u>	PLACE: Journey Mental Health Center <u>25 Kessel Court</u> Madison, WI 53711

Please note: Failure to attend assessment **will be reported** to Defense Attorney, Assigned District Attorney, Court Clerk, and Probation agent.

Consult with Attorney for referral to Deferred Prosecution Program (608) 238-1392

EXPLAIN: \_\_\_\_\_

X Client Signature \_\_\_\_\_ Date 04/08/19  
 Clinician signature [Signature], CAPSW, MSW, SAC-IT Date: 4/8/19

Distribution of Forms: Keep original for file. Give copy to client.

**Alternative Sanctions Drug Court Screening Summary**

Date 4.15.19 Case Numbers: \_\_\_\_\_ Filing Date: \_\_\_\_\_

Client Name \_\_\_\_\_ DOB: \_\_\_\_\_ Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

Defense Attorney: \_\_\_\_\_ Assigned DA: \_\_\_\_\_ Assigned Branch # \_\_\_\_\_

Gender:  M /  F Race: CAUCASIA Ethnicity: Hispanic / Non-Hispanic Veteran: Y /  N

Probation: Y /  N Agent: \_\_\_\_\_ Referral Source: \_\_\_\_\_

LSI-R:SV Score: 1 SUD Screen:  A Eligible for further assessment: Y /  N

REFERRAL FOR CLINICAL ASSESSMENT

DATE:	TIME:
	AM PM
Clinician Notes/Comments:	PLACE: Journey Mental Health Center 25 Kessel Court Madison, WI 53711

Please note: Failure to attend assessment **will be reported** to Defense Attorney, Assigned District Attorney, Court Clerk, and Probation agent.

Consult with Attorney for referral to **Deferred Prosecution Program** (608) 238-1392

EXPLAIN: \_\_\_\_\_

Client Signature \_\_\_\_\_ Date 4/15/2019

Clinician signature [Signature] Date: 4/15/19

*Distribution of Forms: Keep original for file. Give copy to client.*

# Assessment

- Journey schedules assessments within 2 weeks of the screening.
- Assessments are completed at office
  - 25 Kessel Court
  - Public Safety Building
  - City County Building
- Assessments
  - Approximately 2+ hours
  - Utilizes COMPAS, URICA, PHQ, GAD, ASAM, TCUDS
  - Comprehensive Biopsychosocial assessment

# Assessment Outcome

- If assessment shows low risk: ineligible
  - Returns to assigned branch and referred to DPP
- If Medium or High Risk: eligible
  - Status Conference for possible plea is scheduled 2 weeks from the assessment with Commissioner McAndrew (Medium Risk) or Judge Colas (High Risk)
- Results are sent via email
  - Court Clerks
    - Terri Mulder and Ray Cochran or Renee Treasure
  - Defense Attorney
    - Public Defender's office
  - District Attorney's Office
    - Assigned DA
  - Journey Program Staff

# Status Conference / Plea

- Diversion Court (Medium Risk)
  - Plea without adjudication
    - At least one count must remain open (not adjudicated)
    - Plea in front of Diversion Court Commissioner on Monday at 2:30pm
    - Can only be admitted by joint recommendation
  - Plea with any other counts requiring adjudication and sentencing must be done in Criminal Branch
  - Contract needs to include agreement for amount of jail to be imposed if unsuccessful in the Diversion Court

# Status Conference / Plea

- Treatment Court (High Risk)
  - Plea with adjudication
    - Taken by Judge Colas
  - Admission by joint recommendation or by argued sentencing
  - If ATR, admission upon recommendation of agent and approval of court

# Reminder for Status Conference

- Prior to Status Conference, plea reminders are sent via email one business day ahead
  - District Attorneys Office
    - Grace, Assigned DA,
  - Defense Attorney
    - Public Defenders Office
  - Court Clerk
    - Ray Cochran or Renee Treasure
  - Assigned case manager at ARC or ATTIC

# Act 33

- 2017 Act 33 requires prosecutor to offer deferred prosecution to individual who suffers an overdose or aids an individual who suffers an overdose
- Grants immunity from revocation of probation, parole, or ES if they accept treatment program
- Drug Court qualifies as a treatment program and deferred prosecution program under the law
- In Act 33 cases, plea is taken but adjudication withheld and case dismissed upon successful completion



# Diversion Court



# Diversion Court

- Census Numbers
  - 20 Participants
    - Gender
      - 9 Female (45%)
      - 11 Male (55%)
    - Race
      - 1 American Indian (5%)
      - 6 Black/African-American (30%)
      - 13 White/Caucasian (65%)
  - 4 Pending Status Conferences

# Diversion Court: by the numbers

- 2018
  - Successful – 53.5% (23 out of 43)
  - Unsuccessful – 46.5% (20 out of 43)
- First Quarter 2019 Data
  - 11 Discharged
    - 8 Graduations (4wm, 3wfb, 1bm)
    - 2 Terminations (1wm, 1wfb)
    - 1 Absconded (1bm)
  - 23.8% on Probation
  - Medication Assisted Treatment: 47.6%
    - Vivitrol 5
    - Suboxone 4
    - Methadone 1

# Diversión Court Phases

## *Dane County Drug Court Diversión Program Phase Requirements*

	<b>Phase 1</b> 45 -90 days	<b>Phase 2</b> 90 days	<b>Phase 3</b> 90 days
	<b>Initial graduation date set 6 months after advancement to Phase 2 .</b>		
<b>Court</b>	Every week or 2 weeks when testing negative and violation free	Every 3 weeks when testing negative and violation free	Every 4 weeks when testing negative and violation free
<b>Supervision &amp; Monitoring Requirements</b>	<ul style="list-style-type: none"> <li>Weekly meeting with Case Manager (CM)</li> <li>Check-in with Case Management Agency 5 times a week</li> <li>If on probation, comply with probation rules</li> <li>No Travel outside of Dane County</li> <li>Random alcohol/drug Testing</li> </ul>	<ul style="list-style-type: none"> <li>Weekly meeting with CM</li> <li>Check-in with Case Management Agency 3 times a week</li> <li>If on probation, comply with probation rules</li> <li>Travel outside of Dane County requires approval</li> <li>Random alcohol/drug Testing</li> </ul>	<ul style="list-style-type: none"> <li>Meet with CM every 2 weeks</li> <li>Check-in with Case Management Agency 3 times a week</li> <li>If on probation, comply with probation rules</li> <li>Travel outside of Dane County requires approval</li> <li>Random alcohol/drug Testing</li> </ul>
<b>Treatment Requirements</b>	<ul style="list-style-type: none"> <li>Intake/Assessment scheduled with provider</li> <li>Participate in assessment recommendations including treatment plan and prescribed medications</li> </ul>	<ul style="list-style-type: none"> <li>Participate with treatment programming including prescribed medication regimen</li> <li>CM will communicate with treatment provider and prescriber</li> </ul>	<ul style="list-style-type: none"> <li>Participate with treatment programming including prescribed medication regimen</li> <li>Provide requested treatment discharge and/or treatment documentation</li> </ul>
<b>Goals</b>	<ul style="list-style-type: none"> <li>Develop housing plan</li> <li>Review Participant Handbook</li> <li>Honesty in communication with Drug Court Team</li> <li>Identify pro-social activities and recovery network</li> <li>Communicate barriers to recovery with CM and drug court team</li> <li>Complete Phase 2 Advancement application</li> <li>Other Goals you identify with case manager</li> </ul>	<ul style="list-style-type: none"> <li>Update housing plan</li> <li>Honesty in communication with Drug Court Team and self</li> <li>Engage with pro-social activities and build recovery network</li> <li>Enroll in Thinking for Change Program</li> <li>Address and engage with employment/education/job training</li> <li>Complete Phase 3 Advancement application</li> <li>Other Goals you identify with case manager</li> </ul>	<ul style="list-style-type: none"> <li>Honesty in communication with Drug Court team, self, relationships, and community</li> <li>Maintain pro-social activities and recovery network</li> <li>Continue with employment/education/job training</li> <li>Complete Graduation application</li> </ul>
<b>Sobriety</b>	14 days negative tests to Advance	45 days negative tests to Advance	90 days negative tests to Advance

# Treatment Court



# Treatment Court

- Census
  - 33 Participants
    - Gender
      - 12 Female (36%)
      - 21 Male (64%)
    - Race
      - 8 Black/African-American (24%)
      - 25 White/Caucasian(76%)
  - 2 Pending Status Conference

# Treatment Court: by the numbers

- 2018
  - Successful – 39.4% (13 out of 33)
  - Unsuccessful – 60.6% (20 out of 33)
- First Quarter 2019 Data
  - 10 Discharged
    - 4 Graduations (4wm)
    - 4 Terminations (3wm, 1bm)
    - 2 Absconded (1wf, 1wm)
  - 58.8% MAT
    - Vivitrol 12
    - Suboxone 7
    - Methadone 1

# Treatment Court Phases

**Dane County Drug Court Treatment Program Phase Requirements**

	<b>Phase 1 45 -90 days</b>	<b>Phase 2 90 days</b>	<b>Phase 3 90 days</b>	<b>Phase 4 90 days</b>
	<i>Initial graduation date set nine months after advancement to Phase 2 .</i>			
<b>Court</b>	Every week or 2 weeks when testing negative and violation free	Every 2 weeks when testing negative and violation free	Every 3 weeks when testing negative and violation free	Every 4 weeks when testing negative and violation free
<b>Supervision &amp; Monitoring Requirements</b>	<ul style="list-style-type: none"> <li>Weekly meeting with Case Manager (CM)</li> <li>Check-in with Case Management Agency 5 times a week</li> <li>Weekly contact with Probation</li> <li>Home Visit every 30 days</li> <li>No Travel outside of Dane County</li> <li>Random alcohol/drug Testing</li> </ul>	<ul style="list-style-type: none"> <li>Weekly meeting with CM</li> <li>Check-in with Case Management Agency 4 times a week</li> <li>Weekly contact with Probation Agent</li> <li>Home Visit every 30 days</li> <li>Travel outside of Dane County requires approval</li> <li>Random alcohol/drug Testing</li> </ul>	<ul style="list-style-type: none"> <li>Weekly meeting with CM</li> <li>Check-in with Case Management Agency 3 times a week</li> <li>Contact with Probation Agent every 2 weeks</li> <li>Home Visit every 30 days</li> <li>Travel outside of Dane County requires approval</li> <li>Random alcohol/drug Testing</li> </ul>	<ul style="list-style-type: none"> <li>Meet with CM every 2 weeks</li> <li>Check-in with Case Management Agency 1 time a week</li> <li>Contact with Probation Agent every 2 weeks</li> <li>Home Visit every 30 days</li> <li>Travel outside of Dane County requires approval</li> <li>Random alcohol/drug Testing</li> </ul>
<b>Treatment Requirements</b>	<ul style="list-style-type: none"> <li>Intake/Assessment scheduled with provider</li> <li>Participate in assessment recommendations including treatment plan and prescribed medications</li> </ul>	<ul style="list-style-type: none"> <li>Participate with treatment programming including prescribed medication regimen</li> <li>CM will communicate with treatment provider and prescriber</li> </ul>	<ul style="list-style-type: none"> <li>Participate with treatment programming and prescribed medication regimen</li> <li>CM will communicate with treatment provider and prescriber</li> </ul>	<ul style="list-style-type: none"> <li>Participate with treatment programming and prescribed medication regimen</li> <li>Provide requested treatment discharge and/or treatment documentation</li> </ul>
<b>Goals</b>	<ul style="list-style-type: none"> <li>Develop housing plan</li> <li>Review Participant Handbook</li> <li>Honesty in communication</li> <li>Identify pro-social activities and recovery network</li> <li>Communicate barriers to recovery with CM and drug court team</li> <li>Complete Phase 2 Advancement application</li> <li>Other Goals you identify with case manager</li> </ul>	<ul style="list-style-type: none"> <li>Update housing plan</li> <li>Honesty in communication</li> <li>Engage in pro-social activities and build recovery network</li> <li>Enroll in Thinking for Change Program</li> <li>Develop plan for employment, education, job training</li> <li>Complete Phase 3 Advancement application</li> <li>Other Goals you identify with case manager</li> </ul>	<ul style="list-style-type: none"> <li>Honesty in communication</li> <li>Engage in pro-social activities and build recovery network</li> <li>Complete Thinking for Change Program</li> <li>Continue plan for education, employment, job training</li> <li>Complete Phase 4 Advancement application</li> <li>Other Goals you identify with case manager</li> </ul>	<ul style="list-style-type: none"> <li>Honesty in communication with Drug Court team, self, relationships, and community</li> <li>Maintain pro-social activities and recovery network</li> <li>Continue with employment/education/job training</li> <li>Complete Graduation application</li> </ul>
<b>Sobriety</b>	14 days negative tests to Advance	30 days negative tests to Advance	60 days negative tests to Advance	90 days negative tests to Graduate

**Phase Advancement Criteria**



# Challenges and Opportunities



# Challenges

- Housing
- Transportation
- Treatment Resources
- Trauma-informed Care
- Insurance
- Decline in Referrals

# Opportunities

- Formalized process for Act 33 cases
- Updates to Policy & Procedural Manual & Handbook
- Increased community partnership opportunities, including Recovery Coach program- Safe Communities
- 2019 WATCP Conference- May 8-10
- Transition to new leadership in Drug Treatment Court- Judge Everett Mitchell, August 2019

# More information

Clerk of Courts Website:

[https://courts.countyofdane.com/drug\\_court](https://courts.countyofdane.com/drug_court)

- DCDP & DCTP Handbooks
- DCDP, DCTP, Act 33 Contracts
- Drug Court Flowchart & Info Sheets

# Questions

- Erin Friedl
  - [erin.friedl@journeymhc.org](mailto:erin.friedl@journeymhc.org)
  - 608-280-2403
- James Pearson
  - [James.pearson@journeymhc.org](mailto:James.pearson@journeymhc.org)
  - 608-280-2657