

DRUG COURT TREATMENT PROGRAM

BASIC INFORMATION

Eligibility for DCTP

The Drug Court Treatment Program is a deferred prosecution program for people charged with drug offenses or other crimes motivated by the defendant's drug addiction. It is voluntary; no defendant will be required to enter DCTP. Pursuant to a plea agreement reached before beginning DCTP, an individual's criminal charges will be dismissed or reduced upon successful completion of DCTP. The eligibility requirements are:

- Minimum age 18
- Dane County resident
- No history of violent felony
- No pending violent misdemeanor
- Must have a need for drug or alcohol treatment (AODA treatment)

DCTP program requirements

While in the program, participants have a number of requirements to meet.

- (1) Participants abstain from the use of all non-prescribed drugs and alcohol.
- (2) Participants attend AODA treatment at various community treatment facilities. The intensity of each person's treatment is determined by an assessment, and ranges from weekly out-patient individual or group treatment to residential treatment.
- (3) Participants meet with an assigned case manager at least weekly and have brief "check-ins" on a daily or less frequent basis.
- (4) Participants provide urine samples on a random schedule to be screened for the presence of drugs or alcohol
- (5) Participants attend court as scheduled (ranging from weekly to once a month). During court sessions about 30 individual cases are considered in turn, with the participants remaining in court and listening to all of the other cases. Drug Court is usually on Thursday morning at 9:00 and may last up to 2 hours.
- (6) Participants work on other goals of their individual program, which may include, for example, employment, education or debt reduction and money management.

The frequency of all of the components of DCTP is reduced as participants spend more time in the program and build a history of compliance with the expectations.

Referral to DCTP

The District Attorney assigned to the case must agree to refer the case to DCTP. Once a referral is made by the DA, the individual will go to Alternatives to Incarceration Program in Room 210 of the City-County Building for a 30-minute screening. This screening determines if the individual meets the eligibility requirements.

If the defendant meets the eligibility requirements, he or she will be scheduled to observe a session of DCTP. The purpose of the observation is for the individual to see first hand what participation in the program would be like.

Following the observation, the defendant is given an appointment for an AODA assessment at the Mental Health Center of Dane County. This assessment will determine whether the individual has a dependency on alcohol or controlled substances and, if so, what type of treatment is appropriate. **If the assessment determines that the individual does not have a need for AODA treatment, the individual will not be eligible for DCTP, which is a treatment/court program.** Occasionally the treatment needs identified in the assessment may be too complex to be managed in DCTP also making an individual ineligible.

Next the defendant is scheduled for a plea hearing and their case is transferred to DCTP. If the defendant has an attorney, the attorney also must appear for the plea hearing. Pursuant to the terms of the individual plea agreement, the defendant enters a guilty or no contest plea to one or more of the charges filed against them. The defendant is *not* found guilty. The defendant and the District Attorney sign a contract, which is usually for 9 months, but can be shorter or longer. The case is held open for the length of the contract. If the defendant successfully completes DCTP, the charges will be dismissed or reduced or otherwise more favorably disposed of as agreed upon in the plea agreement.

However if the person unsuccessfully terminates from DCTP, the file is returned to the originally assigned judge who will adjudicate the defendant guilty of the charges to which pleas were previously entered and will sentence the individual in the same way as in other criminal cases.