

10 FAQ About...Drug Court

1. What is drug court?

- Drug-treatment courts focus on non-violent offenders who are referred by the district attorney and who agree to participate in the program receive drug treatment services instead of a sentence. Those charged with misdemeanors and felonies are eligible if their offense relates directly to controlled substances or is a non-drug offense resulting from the defendant's drug abuse. The offenders appear regularly before the judge as a group. The judge reviews each case with the treatment providers and district attorney, and discusses each offender's progress directly with the offender in front of the group. The judge may order the treatment modified or may order sanctions for violating treatment requirements, for example several days in jail. If an offender successfully completes treatment by staying off drugs, district attorney will move to reduce or dismiss the charges as promised in the contract.

2. Who is eligible for drug court?

- Program eligibility requirements include Dane County residency, minimum age of 18 years and no history of violence. It is a voluntary program. Cases are referred to the Drug Treatment Court Program by the District Attorney's office. The District Attorney specifies the length of time the participant will be required to participate in the program.

3. What's the difference between drug court and criminal court?

- Participants are not convicted or sentenced in Drug Court and there are no trials. Eligible participants are deferred from criminal prosecution.

4. Is there a limit on the numbers accepted for drug court? Why?

- The case managers and other providers are able to serve 80 Drug Court participants at any one time. This number is limited to the amount of funding available for the program.

5. Does drug court use sentencing guidelines like criminal court?

- No. People who successfully complete drug court usually have their charges dismissed and don't get sentenced. A few agreements provide for probation following drug court. However, if the offender does not succeed in treatment, he or she is returned to the regular criminal process for adjudication and sentencing. No different guidelines apply.

6. Who is the judge for drug court? How often does the judge change?

- Drug Court proceedings are currently presided over by Judge Sarah O'Brien. The judge may rotate every two years or may stay in one assignment for many years.

7. Do other counties have drug courts?

- Yes. As of 2005, three Wisconsin counties (Dane, La Crosse, and Monroe) had established treatment courts for adult drug abusers and three additional counties (Eau Claire, Pierce, and Wood) were running pilot programs to test the concept with a small number of offenders. Several other counties were in the planning stages, including Waukesha County where an alcohol-treatment court was under consideration. One county (Ashland) has a drug treatment court for juvenile offenders. Other counties have drug courts that function to improve the processing of cases rather than to provide treatment.

8. When did drug court start in Dane County? Could it end or become less funded?

- Dane County's Drug Court Program began in 1996. As with many court programs and services, funding can be reduced or eliminated by the county budget.

9. Is there someone at the courthouse I can talk to regarding drug court?

- The contact person for the Drug Court program in Dane County is Elizabeth Falco. She can be reached at (608) 266-4245. Her office is in room GR-4 of the City County Building (not the Courthouse).
10. Where can I find more information or resources about drug court or drug abuse issues?
- The Dane County Legal Resource Center has a Drug Court Collection available in their library. There is also a resource guide listing community or web resources on their website:
<http://wsll.state.wi.us/branch/dclrc/pub/drugcourt.pdf>