

# **Dane County Courts Addicted Offender Programs**

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Dane County Circuit Court Judge

# History of Dane County Drug Court

- 1996 Drug Court Treatment Program In Wisconsin Started in Dane County by Judge Jack Aulik
- Had been single-level, deferred adjudication program
- 2013 Reorganization Effort

<b>Simple Possession Charges Filed</b>				
	2008		2013	
Drug	#	%	#	%
Cocaine	140	51%	89	19%
Heroin	59	21%	279	59%
THC	77	28%	104	22%
Total	276		472	

<b>Primary Drug of Choice for Drug Court Admissions</b>				
	2008		2013	
Drug	Number	Percent	Number	Percent
Alcohol	15	13%	3	3%
Cocaine	20	17%	4	4%
Marijuana	44	37%	6	6%
Heroin/Opi	37	31%	92	85%
Other	3	3%	3	3%
TOTAL	119		108	

# Goals

- Effective Intervention to Reduce Recidivism By Addicted Offenders
- Assign Addicted Offenders to Appropriate Programs Based on Risk of Recidivism
- Reserve Highest Level of Intervention For High-risk/High Needs Offenders and Separate Them From Lower Risk Offenders
- Reduce Racial Disparity

# Three Programs

- Three Levels of Risk, Three Levels of Intervention, Three Programs
- Drug Treatment Court, Drug Treatment Court Diversion, Deferred Prosecution Unit-Treatment
- Eligibility and Assignment Based on Risk and Needs Assessments

# High Risk

- Current Drug Treatment Court Model
- Frequent Court Reviews
- Jail Sanctions
- Post-Conviction

# Medium Risk

- Drug Treatment Court Diversion
- Less Frequent Court Reviews
- By A Commissioner
- Separate from High Risk Offenders
- Usually Post-plea, Pre-Adjudication
- Agreed Jail Recommendation If Unsuccessful

# Low Risk

- Deferred Prosecution Unit
- No Regular Court Reviews
- Judicial Presentation of Rewards/Awards
- Post-plea, Pre-adjudication

# Broadening Access

- Initial Quick Screening for risk and needs.
- Admission to DPU is By DA Agreement Only
- Admission to Treatment Court and Treatment Court Diversion
  - By Agreement
  - By Argument to Judge
  - As Alternative to Revocation

# Eligibility

- Felony drug or drug-driven offense
  - DPU-T may accept misdemeanants
- Current charge not violent and weapon not used in offense
- Past crimes of violence or weapon not disqualifying

# Referral

- Defense May Request Screening
- DA May Suggest Screening
- DOC May Refer As ATR
- IA Commissioner May Suggest

# Initial Screening

- Screening Only With Defense Consent
- If No Counsel At IA, Wait Until Counsel
- Will Be Done At Monday Status Conference
- If Prelim Time Not Waived, Prelim Also Scheduled at IA
- If Result=Low Risk, Eligible for DPU-T At DA Option
- If Result=Med or Hi Risk, Full Assessment Scheduled For Following Week

# Low Risk/DPU

- If DA and Defense Agree On Deal, Plea Entered
- Typically No Adjudication or Conviction At Time of Plea
- If Successfully Completed, Agreed-upon Disposition
- If Unsuccessful, Conviction and/or Sentencing Before Trial Judge

# Drug Court Diversion (Med.)

- At Full Assessment Journey Will Give Next Date In-Hand And Notify Court
- Court Will Notify Defense Atty. and DA By Mail
- Status Conf. Before Comm. About 2 Weeks After Full Assessment
- If Agreed-upon, Plea Before Comm.:
  - No adjudication/conviction at time of plea
  - Agreement must include recommendation of jail as condition or sentence upon failure to complete
- If Not Agreed-upon, May Argue to Trial Judge

# Drug Court Diversion (Med.)

- Reviews Before Commissioner
- Less Frequent Than Current Program
- Compliance Hearings As Needed
- On Successful Completion, Agreed Dispo
  - If Dismissal, Before Comm.
  - If Sentencing, Before Trial Judge
- If Unsuccessful, Return To Trial Judge

# Drug Court Treatment (High)

- Post-conviction, on probation, either imposed and stayed or withheld
- May be ATR from previous probation
- If Agreed-upon, plea before DCTP Judge
- If Not Agreed, May Argue To DCTP Judge
  - DCTP judge takes plea and sentences whether admitted to drug court or not

# DCTP (High) (cont'd)

- If Successful Completion, Agreed Upon Disposition
- If Failed DCTP and Imposed and Stayed, DOC Follows Revocation Procedure
- If Failed DCTP and Withheld, Then Returned to Trial Branch for Sentencing

# 2013 Dane County Recidivism Report

Re-Arrest w/in 24 Months of Discharge					
Discharge Year	2007	2008	2009	2010	2011
Of Total Discharged	27%	31%	40%	20%	32%
Of Successful Discharges	23%	18%	35%	15%	30%
Of Unsuccessful Discharges	45%	48%	48%	39%	42%

# Brown Study

(pub. 2011)

- Compared Drug Court Participants to Similar Non-Participants
- Index Offense Charging Date 2004-2006
- Date of Offense Through 2009
- Percent Reconvicted
- Drug Court 30% v. 46%
- Jail Time For New Offense 44 days v. 126 days
- Time to New Offense 614 v. 463