

# **LA CROSSE COUNTY DRUG TREATMENT COURT PROGRAM**

## **POLICIES AND PROCEDURES MANUAL**

**La Crosse County, Wisconsin**



**LA CROSSE COUNTY**  
Exceptional services. Extraordinary place.

**(Reviewed and Updated 2/2018)**

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# **MISSION STATEMENT**

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**THE LA CROSSE COUNTY DRUG TREATMENT COURT PROVIDES INTEGRATED DRUG TREATMENT COURT SUPERVISION AND GENDER SPECIFIC EVIDENCED BASED TREATMENT SERVICES TO A DIVERSE POPULATION IN LA CROSSE COUNTY WHILE RECOGNIZING THE EFFECTIVENESS OF CULTURAL AND DIVERSITY AWARENESSTO REDUCE DRUG RELATED CRIMES, BETTER UTILIZE JAIL RESOURCES, AND IMPROVE THE QUALITY OF LIFE OF PARTICIPANTS RESULTING IN INCREASED COMMUNITY SAFETY AND IMPROVEMENT OF THE ENTIRE COMMUNITY'S QUALITY OF LIFE.**

## INTRODUCTION

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**The La Crosse County Drug Treatment Court is specifically designated and staffed to handle cases involving drug offenders through an intensive judicially monitored program of substance abuse treatment, rehabilitation services, and community supervision.**

The Drug Treatment Court concept is based on an innovative program that was first developed in Miami, Florida in 1989. The Drug Treatment Court concept has since received widespread attention as an effective treatment strategy for drug-involved criminal offenders. There are more than 1,000 such programs in operation throughout the nation.

Drug Treatment Courts are built upon a unique partnership between the criminal justice system and the treatment community that structures treatment intervention around the authority and personal involvement of a single Drug Treatment Judge. Drug Treatment Courts are also dependent upon the creation of a non-adversarial Drug Treatment Courtroom atmosphere where a single judge and a dedicated Team of Drug Treatment Court officers and staff work together toward a common goal of breaking the cycle of substance abuse and criminal behavior.

Because of the unique problems and opportunities that present themselves in working with offenders, treatment and rehabilitation strategies must be researched. Drug Treatment Courts must be sensitive to cultural diversity and gender based issues. Drug Treatment Courts must recognize the following:

- Addicts are motivated to succeed when they are in the crisis of initial arrest and incarceration, so intervention should occur as soon as possible.
- Preventing gaps in communication and ensuring offender accountability are critically important. Therefore, Drug Treatment Courts must be highly coordinated and very comprehensive.
- Addiction to drugs is a longstanding, debilitating and insidious condition; so treatment must be long-term and comprehensive.
- Addiction to drugs seldom exists in isolation from other serious problems that undermine rehabilitation, so treatment must include the integration of other available services and resources, to include cognitive behavioral programming, educational assessments, vocational assessments, psychological assessments, housing, job training, and job placement.
- Relapse and intermittent advancement are part of the recovery process; so

individualized progressive sanctions and incentives are integral to the Drug Treatment Drug Treatment Court strategy.

Key:

Participant= Drug Treatment Court Participant

Drug Treatment Court Team

Judge=Drug Treatment Court Judge

Coordinator=Drug Treatment Court Coordinator

**The goals of the La Crosse County Drug Treatment Court are:**

- Reduce participant involvement in criminal behavior;
- Reduce participant costs associated with criminal case processing and re-arrest;
- Introduce participant to an ongoing process of recovery designed to achieve abstinence from substance abuse;
- Promote participant self-sufficiency to encourage them to become productive and responsible members of the community.

**I. ELIGIBILITY STANDARDS:** Applicants must meet all of the following criteria to be considered for admission to the Drug Treatment Court:

- A. Residency Guidelines: The applicant is an established resident of La Crosse County according to Human Services guidelines or has sufficient ties to the community to benefit from the services of the Drug Treatment Court. Examples of sufficient ties are:
  - 1. Transportation
  - 2. Proximity
  - 3. Able to list support people who are confirmed by the coordinator.
  - 4. Family
  - 5. Other time periods of confirmed residency.
- B. Out of County Convictions: A person may be considered for participation in the La Crosse County Drug Treatment Court if s/he meets the criteria outlined in A.
- C. Are drug-addicted or drug dependent as determined by an assessment.
- D. Are charged with and/or convicted of a felony or enhanced misdemeanor involving the possession, use, or sale of a controlled substance or other crime motivated by substance use.

- In determining whether the offender is motivated by “substance use” the team may consider information from a variety of sources including but not limited to referral’s statement, statements of collateral contacts, police reports and warrant affidavits, law enforcement intelligence, and any other source the team believes reliable. Factors that may be considered include yet are not limited to:
  - a. Results of assessment tools;
  - b. Referral’s statement;
  - c. Presence or absence of visible signs of unexplained wealth;
  - d. Quantities of substances sold during individual transactions and in the aggregate;
  - e. Whether or not illegal substances have been “fronted;”
  - f. Strength or weakness of associations with major suppliers;
  - g. Possession of substantial sums of currency;
  - h. Possession of weapons in conjunction with controlled substances.

E. Is facing prison time as determined by the Team.

F. Is not solely subject to revocation of extended supervision.

G. Is not solely subject to supervision for an out-of-state conviction.

H. Has not been convicted of, or has a pending charge of, homicide.

I. Has been assessed as moderate to high risk/high needs using a validated risk and needs assessment tool.

J. Has not been successful with traditional treatment. This may include:

- Failure to complete treatment.
- Failure to follow through with recommended treatment.

K. A person with a history of violence will be considered for admission to Drug Treatment Court when they have a history of violence using the following criteria:

1. The underlying facts of the crime or conviction.
2. The degree of involvement in the crime.
3. The degree of injury or harm.
4. The length of time since the offense.
5. Additional documentation that provides information that is relevant, or mitigates violent behavior.

L. The person, if accepted, must agree to abide by all Drug Treatment Court rules and modifications. Once a participant, he/she must agree to abide by any future rule modifications while they are in the Drug Treatment Court by signing the Drug Treatment Court contract and releases of information.

M. The Team may determine that the participant is unable to benefit positively from participation in the Drug Treatment Court Program or participation would undermine the treatment of other participants.

## **II. INTAKE/REFERRAL**

Drug Treatment Court is a post dispositional court requiring resolution of all pending matters.

A. A person may be referred to the Drug Treatment Court Program by a representative of the following disciplines:

1. A member of the law enforcement community.
2. The District Attorney's Office.
3. A defense attorney.
4. A family member.
5. A treatment provider.
6. A Circuit Court Judge.
7. A Department of Corrections agent.
8. Justice Support Services.
9. A Human Services Agency

B. Referrals to the Drug Treatment Court should take place as soon as possible after the arrest of a potential candidate. The promptness of a referral will be taken into consideration in the admission criteria reviews.

1. If the person is facing revocation of Department of Corrections, the referral should be made within two weeks of the Department of Corrections agent serving the person with notice of revocation, so the referral process can be completed before the revocation hearing.

2. Any Circuit Judge may make referrals to the Drug Treatment Court program at any time the Drug Treatment Court has jurisdiction over the defendant, including the initial appearance, bond hearings and sentencing hearings.
3. Substitution (3/15)
  - a. A case would go to a different Judge if the sentencing Judge is the Drug Treatment Court Judge.
  - b. If a participant is expelled, the sentencing Judge would assume the case again. ( See Appendix I)
4. Pre-trial services will provide a letter of potential eligibility to the Drug Treatment Court coordinator that includes a proxy score of 6 or 8; UNCOPE score of 3 or higher; a felony charge and the COMPAS score. (Appendix II )

C. The referral forms must be completed and sent to the Coordinator. A Team review cannot occur until the form is completed in full.

1. The referral form will include a detailed description of the candidate's current legal status, including the status of the proceedings.

D. The Coordinator will review the referral form and gather any collateral information including a research based risk and needs assessment and an AODA assessment for the Team to review.

1. The Coordinator will contact the District Attorney's Office for information on the candidate's criminal history and copies of criminal complaints so the Coordinator may determine whether or not there are any factors that may disqualify the candidate.
2. The Coordinator will complete the assessment and interview process. It is anticipated that most referrals will be based on a joint recommendations of the District Attorney and the Defense Attorney as part of the plea negotiation process if accepted.

E. Candidates meeting the eligibility standards (p. 5 & 6) will be accepted into the program as determined by majority vote. Team members may be present for the vote or vote by email prior to the team meeting.

1. A voting member requiring consultation with supervisors may ask for a caucus prior to voting.

F. Candidates not meeting the eligibility standards will be sent a letter

to explain how the criteria were not met and why admission was denied.

- G. If the candidate receives the letter explaining the reasons for denial of admission, the candidate may appeal the decision in writing to the Team. Any written appeal will state the reasons why the candidate believes that he/she has in fact met the standards for admission. The candidate may include any documentation which is relevant to the issue of meeting the standards for admission. The written appeal must be provided to the Drug Treatment Court within two weeks of the denial of admission. The Team may uphold the decision, reverse the decision, request further information and/or request a face to face meeting of the candidate and the Team before further decision.
- H. If the Judge has also been assigned to the candidate's pending criminal case(s), and the admission is determined on the merits of the admission criteria, the Judge will recuse him/herself from presiding on those criminal cases. The parties may waive this requirement.
- I. The La Crosse County Drug Treatment Court will send a letter to the assigned Judge, Defense Attorney, District Attorney, and Department of Corrections informing them that the candidate was screened and determined to meet the criteria for participation. Participation in Drug Treatment Court can be an option at sentencing.

### **III. THE LA CROSSE COUNTY DRUG TREATMENT COURT TEAM AND DRUG TREATMENT COURT POLICY TEAM**

- A. The La Crosse County Team shall consist of the following:
  - 1. The Judge, who shall be a Circuit Judge.
  - 2. A representative from the District Attorney's Office.
  - 3. A representative from the Public Defender's Office.
  - 4. A Department of Corrections agent.
  - 5. The coordinator.
  - 6. A provider liaison who will participate in staffing, admissions and expulsion hearings, but will not vote on admissions or

expulsions.<sup>1</sup>

7. A representative from the law enforcement community.
8. If possible, a treatment provider from the community, who will participate in staffing, admissions hearings and expulsion hearings, but will not vote on admissions or expulsions.

B. The tenure of each member of the Team will be subject to the discretion of the Judge.

C. The Drug Treatment Court Policy Team shall consist of:

1. The Judge.
2. The district attorney.
3. The attorney manager or first assistant state public defender.
4. A supervisor from Department of Corrections.
5. A supervisor from Justice Support Services.
6. A representative from the Law Enforcement Community.
7. Alternates for each position may be appointed by the Drug Treatment Court Policy Team representative.
8. Other individuals, including Team members, may attend upon invitation, but will not have voting privileges.

D. Method for adding or modifying a policy:

1. Any Drug Treatment Court Policy Team member may request a proposed new policy or proposed change in policy be added to the Drug Treatment Court Policy Team meeting agenda.
2. Each request for a new policy or a change in policy will be submitted in writing to the Justice Support Services Supervisor.
3. Input will be sought from the Participants and/or graduates for

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<sup>1</sup> \*Based on combined Justice Support Services supervision of provider liaison and treatment court coordinator, the coordinator will represent one vote for Justice Support Services . This may be reviewed in future policy meetings. (Drug Treatment Court policy team 3/28/2013).

policy changes as appropriate.

a. The request should include where the current policy is located in the Drug Treatment Court policy manual, including the page number, and a proposed draft of the addition or change.

E. Drug Treatment Court Policy Team meetings will be held the fourth Wednesday every other month unless otherwise scheduled.

#### **IV. DRUG TREATMENT DRUG TREATMENT COURT PROCEEDINGS**

1. The Drug Treatment Court calendar is a priority and will be held every Thursday afternoon @ 3:30 P.M. unless otherwise ordered.
  - Scheduling Drug Treatment Court hearings for sanctioned participants outside of the Drug Treatment Court may happen on occasion and will be based on team consultation.
2. All participants will attend as required. The Judge or Coordinator may excuse a participant from Drug Treatment Court without approval from the Team.
3. A closed staffing will take place prior to Drug Treatment Court. At the staffing, members of the Team will advise the Judge of the progress and/or any violations of each participant.
4. All in-Drug Treatment Court hearings will be on the record.
5. During each Drug Treatment Court hearing, the Judge will discuss progress with each participant and other interested parties when appropriate. Sanctions will be imposed for any violations.
6. The Team may share information regarding any crisis situations that arise. Crisis decisions may occur outside of regularly scheduled Team meetings by the Department of Corrections agent, Drug Treatment Court coordinator, Department of Corrections supervisor, and JSS Supervisor.

#### **V. DRUG TREATMENT COURT PHASES**

##### **A. Treatment Phase Protocol**

The Drug Treatment Court shall consist of three highly structured phases to motivate, assist and promote Participant recovery. The phases are defined as follows:

##### **1. Phase I**

The minimum requirements for successful completion of Phase I are:

- a. Assist in the development of and work toward completion of an individual case plan.
- b. Maintain 90 consecutive days of total abstinence from the use of non-prescribed or illegal drugs, and alcohol. The use of prescription drugs is discussed in section D "Use of Prescribed Medications". Time spent in jail does not count toward the 90-day calculation.
- c. Participate in traditional support meetings per case plan.
- d. Appear before the Judge weekly or as determined by the team.
- e. Have a one-to-one contact with the Coordinator no less than once every two weeks and/or participate in an evidence-based group weekly.
- f. Have at least one visit each week with Department of Corrections agent or as determined in the Individualized Case Plan.
- g. Participate in the recommended treatment program.
- h. Complete any assigned community service work.
- j. Avoid any premises where alcohol is sold for consumption on the premises unless approved by the Team.
- k. Obtain a sponsor or be able to document two pro-social supports that are willing to participate in recovery plan activities.
- l. Complete any other conditions, as required by the Team.
- m. Submit an application to the Team for phase advancement. Letters of support or other documents may be attached to the phase advancement application.

## 2. Phase II

The minimum requirements for successful completion of Phase II are:

- a. Assist in updating and work toward completion of an

individual case plan.

b. Maintain 120 consecutive days of total abstinence from the use of non-prescribed or illegal drugs, and alcohol. The use of prescription drugs is discussed in section D “Use of Prescribed Medications”. Time spent in jail does not count toward the 120-day calculation.

c. Participate in positive pro-social support activities per case plan.

d. Provide documentation of recovery support contacts.

e. Develop a payment plan for the costs of participation in the Drug Treatment Court Program.

f. Appear before the Judge every other week or as determined by the team.

g. Have a one-to-one contact with the Coordinator no less than once every two weeks and/or participate in an evidence-based group weekly.

h. Have at least one visit each week with Department of Corrections agent or as determined in the individualized case plan

i. Participate in recommended treatment.

j. Obtain or maintain employment or complete community service as identified in the individualized case plan.

k. Avoid any premises where alcohol is sold for consumption on the premises unless approved by the Team.

l. Complete all other conditions required by the Team.

m. Submit an application to the Team for phase advancement. Letters of support or other documents may be attached to the phase advancement application.

### 3. Phase III

The minimum requirements for successful completion of Phase III are:

- a. Assist in updating and work toward the completion of an individual case plan.
- b. Maintain 150 consecutive days of total abstinence from the use of non-prescribed or illegal drugs, and alcohol. The use of prescription drugs is discussed in section D “Use of Prescribed Medications”. Time spent in jail does not count toward the 150-day calculation.
- c. Participate in positive pro-social support per case plan.
- d. Contact sponsor or support person(s) at least 2 times a month.
- e. Make regular payments toward the Drug Treatment Court Program fee. The entire amount owed must be paid prior to commencement.
- f. Appear before the Judge every four weeks or as determined by the team.
- g. Meet with Coordinator once a month or as scheduled.
- h. Have at least one visit each week with Department of Corrections agent or as determined in the individualized case plan.
- i. Participate in recommended treatment.
- j. Develop a recovery plan with treatment provider and share with the Team.
- k. Maintain employment or maintain a course of education.
- l. Avoid any premises where alcohol is sold for consumption on the premises unless approved by the Team.
- m. Complete all other conditions required by the Team.
- n. Submit an application to the Team for commencement and/or participate in a commencement interview. Letters of support or other documents may be attached to the commencement application.

## B. Drug and Alcohol Test Protocol

Each participant is subject to random testing for the purpose of detecting the unauthorized use of alcohol, drugs, controlled substances or other chemicals as follows

1. Any member of the Team, Law Enforcement or other professional working with the Drug Treatment Court Program may request testing of the participant at any time. Testing may be of the participant's urine, breath, blood or saliva, and may include any approved, reliable method.
2. Upon request, the participant shall deliver the requested sample or testing method. If a sample is not produced within three attempts, is not of sufficient quantity, or is tampered with or falsified in any way, it will be treated as a positive test for the presence of unauthorized alcohol, drugs, controlled substances or other chemicals.
3. Prior to delivering the sample, the participant will be asked whether or not the test will be positive. If the participant acknowledges the test will be positive, it will be considered a positive test, and the participant may not be required to submit to testing. If the test is positive, a confirmation test will be performed and the original sample will then be destroyed. The Drug Treatment Court will impose appropriate interventions for any positive test, or test deemed positive.
4. Participants may not use products containing alcohol, including, but not limited to, toothpaste, mouthwash, astringent, cough medicine or other health or hygiene products. Participants are not allowed to use non- alcoholic beer. Any tests that are positive for the presence of alcohol will be deemed positive by the Team, and any explanation that the test may be due to the use of products containing alcohol will not change that determination.

## C. Use of Prescribed Medications

1. Participants will not be prohibited from utilizing prescribed medications. The Team will use the following guidelines:
  - a. A participant using a prescribed medication will not advance within the phase unless a waiver is granted. Medications used to treat addictions may be approved by the team.
  - b. A participant must take all medications as prescribed.

1b. A waiver request must include documentation from the participant's physician outlining the diagnosis that requires the prescribed medication of abuse including alternatives were discussed and found inadequate.

c. The Team encourages participants to follow the recommendations of the participant's professional prescriber when taking prescribed medications.

d. Participants will provide the following letter to medical professionals:

To: Medical Providers

From: La Crosse County Drug Treatment Court

Your patient is providing you with this letter because he or she is a Drug Treatment Court participant.

The La Crosse County Drug Treatment Court provides integrated Drug Treatment Court supervision and substance abuse services to a diverse population in La Crosse County to reduce drug related crimes, better utilize jail resources, and improve the quality of life of substance abuse offenders resulting in increased community safety and improvement of the quality of life in the whole community.

The Drug Treatment Court Team requests that physicians prescribing medication(s) to a participant attempt to prescribe medication that will not pose a risk to the participant's recovery from addiction. The Team is aware that this is not always possible, but asks that alternatives be explored prior to prescribing a habit-forming medication.

Thank you for your time and consideration. If you have further questions, please feel free to contact the Coordinator at 789-4895.

Respectfully,

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Drug Treatment Court Coordinator

#### D. Medically Assisted Treatment Guidelines (M.A.T.)

1. National Association of Drug Court Professionals Resolution of the Board of Directors:
  - a. “The (Drug) Treatment Court Team does not impose blanket prohibitions against the use of the M.A.T. for their participants. The decision whether or not to allow the use of M.A.T. is based on a particularized assessment in each case of the needs of the participant and the interests of the public and the administration of justice.
  - b. The (Drug) Treatment Court Team bases their decision whether or not to permit the use of M.A.T., in part, on competent expert evidence or consultation. In cases in which a participant, the participant’s legal counsel, or a medical expert has requested the possible use of M.A.T., the judge articulates the rationale for allowing or disallowing the use of addiction medication.”
2. Drug Treatment Court criteria for M.A.T.
  - a. Must be an approved provider based on license and certification and with a prescription for the necessary medication.
  - b. Reciprocal releases are signed.
  - c. Communication must be open and frequent between the team and provider.
  - d. M.A.T. must be included in the case plan.

## VI INCENTIVES SANCTIONS AND INTERVENTIONS

Incentives are awarded to participants for many reasons specifically for demonstrating progress towards meet case plan goals.

Sanctions are a response to any violations of the rules of the Drug Treatment Court and may result in a response as determined by the Team.

Interventions are a response to assist a Participant in identifying and correcting a behavior that is preventing progress toward case plan goals.

- A. Incentives may include:
- Reduced jail time.
  - Driver’s license reinstatement.
  - Bus Tokens

- Gift Certificates
- Positive Team interaction
- Phasing
- Assistance with employment.
- Removal of curfew.
- Removal of an electronic monitoring device.
- Reduced testing
- Recognition
- Verbal praise from the Judge.

B. Sanctions may include:

- Jail
- Curfew
- Electronic Monitoring
- Increased Supervision
- Day reporting
- Phase consequence
- Community Service
- Completing an essay
- Payment when lab report differs from participant report

C. Interventions may include:

- Increased Alcohol Testing
- Increased Support Groups
- Verbal Warnings
- Team Intervention
  - a. Request the participant to come before the Team to discuss Drug Treatment Court participation concerns.
- Increased treatment
- A homework assignment to assist in changing the behavior

D. Time spent in confinement will NOT count toward phase advancement. Furthermore, participants who were positive for drugs or alcohol during the period since their last appearance in Drug Treatment Court, or who are in jail during the Drug Treatment Court session, will not be entitled to participate in any in-Drug Treatment Court incentives.

## VII. EMPLOYMENT EXPECTATIONS

Participants are REQUIRED to notify employers of their participation in the Drug Treatment Court program at a time to be determined with their case manager. Employers may be contacted to verify work hours, employment status, and to answer any

questions employers may have about the Drug Treatment Court Program.

## **VIII. COMMENCEMENT**

Eligibility to commence requires completion of the three phases of the structured portion of the Drug Treatment Court Program, to include the payment of all assessed fees, and after submission of a qualifying application for commencement and upon recommendation for commencement by the Drug Treatment Court Team. The Commencement Ceremony will be a celebration of successful completion of the three phases of the Drug Treatment Drug Treatment Court.

If all Phase III criteria are met, participants may request an earlier scheduled commencement Drug Treatment Court date if scheduled beyond actual completion of the program.

## **IX. COSTS**

Each participant shall pay the Drug Treatment Court Program fee of \$750.00 to participate in the Program. The Judge will waive \$250 of this amount upon the Participant completing 25 hours of Community Service work. The fee must be paid in full before a participant commences.

## **X. RESTITUTION, DEPARTMENT OF CORRECTIONS, AND DRUG TREATMENT COURT FEES**

Good faith effort must be demonstrated for payment of Department of Corrections, restitution, and Drug Treatment Court fees. A payment plan will be established in Phase I and payments made during Phase II and Phase III.

## **XI. VOLUNTARY REMOVAL**

A participant will not have the option to quit the Drug Treatment Court Program. Successful completion of or expulsion from the Drug Treatment Court Program are the only acceptable ways to leave the Program.

## **XII. MAXIMUM BENEFIT**

A determination by the Team that the participant is unable to benefit positively from any further treatment or continuation in the

Drug Treatment Court Program and the continuation of the participant would undermine the ability of other participants to succeed in the program

The participant will be asked to meet with the prosecutor and Department of Corrections agent to determine if the participant is agreeable to the recommendations being made by the prosecutor and the Department of Corrections agent.

If the client agrees to the recommendations, the client will petition the Drug Treatment Court for termination from the program.

If required a hearing will occur in front of the sentencing Drug Treatment Court. The Team recommendation will be forwarded to the sentencing Court for consideration.

### **XIII. EXPULSION (See Appendix III)**

A participant may be terminated from the Drug Treatment Court Program for the following:

1. Commission of a violent crime.
2. Failure to attend scheduled Drug Treatment Court hearings as a result of incarceration.
3. Abandonment of the Drug Treatment Court Program.
  - a. Abandonment refers to any length of time a participant is determined to have absconded, and the Team decides that the participant should be expelled from the Drug Treatment Court Program.
4. A participant who has absconded can be expelled from The Drug Treatment Court Program at any time.
5. When expulsion is determined appropriate, the participant will be encouraged to ask for an admission hearing to re-enter the Drug Treatment Court Program.
6. A plan to complete the Drug Treatment Court Program must be submitted for consideration at re-admission the hearing.

7. Evidence indicating that the Drug Treatment Court participant is involved with drug use, drug dealing, assaultive behavior, or driving while under the influence of an intoxicant.
8. Any other grounds that the Drug Treatment Court finds sufficient for expulsion.
9. The Team will meet with the participant.
10. If the Judge has also been assigned to the candidate's pending criminal case(s), and the expulsion is determined on the merits of the expulsion criteria, the Judge will recuse him/herself from presiding on those criminal cases. The parties may waive this requirement.
11. The Team will inform the participant of Team decision.

### PROCESS FOR EXPULSION

Any member of the Team may make a Motion for Expulsion. The expulsion candidate will be served with a notice of expulsion, to include the date and time for the initial expulsion hearing and the right to be represented by an attorney.

1. Treatment court team and with the participant present. The expulsion candidate may have the representation of an attorney for this hearing. The Treatment Court Judge will leave the expulsion meeting during the team discussion and the vote. Upon a majority vote by the Team, a recommendation for expulsion will be made to the Judge. For the purposes of admission a majority is defined as 3-2. If there is no majority vote for expulsion, the expulsion candidate will continue in the Drug Treatment Court Program. The Team members are entitled to one vote from each membership position, consisting of the District Attorney's Office, the Public Defender's Office, Department of Corrections, the Coordinator, The Initial Expulsion Hearing will be set before the Drug and the La Crosse County Human Services Department. A representative from each entity is required to be present for the initial expulsion hearing held for each expulsion candidate.
2. Absconding expulsion protocol (2009):
  - 2a. A participant who has absconded from the program for any length of time, could be expelled from the program if the team determines this is an appropriate outcome.

- 2b. A participant who has absconded and been absent for six months will automatically be expelled from the Program.
- 2c. In both instances 2a and 2b, the participant will be allowed to ask for an admission hearing to re-enter into the program.
- 2d. The participant must bring to the admission hearing a plan outlining the objectives and goals they intend to follow through with to complete the program.
3. Readmission to the Program if previously expelled or commenced
  - 3a. Re-entry will be considered on a case-by-case basis.
  - 3b. What treatment is available that was not available before?
  - 3c. Age and circumstances at first entry considered.
  - 3d. What time is left to serve?
4. If the Team recommends expulsion, the expulsion candidate will be notified at the next Drug Treatment Court Session and the matter will be set for an expulsion hearing before the Judge as soon as practical during a future Drug Treatment Court session. The expulsion hearing will be on the record, in open Drug Treatment Court, and in front of the other participants. An attorney may again represent the expulsion candidate.
5. If the Judge agrees that there is a basis to grant the Motion for Expulsion, findings and conclusions will be made on the record, and the participant will be expelled from the program and referred to a Sentencing Judge for imposition of sentence on the charges that had been referred to the Drug Treatment Court Program. The Judge will execute an expulsion order following the approval of the expulsion motion. The Judge will immediately revoke any charges that are the subject of a Drug Treatment Court diversion contract and judgments for said charges will be entered into the record; a pre-sentence investigation will be ordered; if the defendant is not subject to a bond, a bond will be set; and if the defendant is already subject to a bond, the terms and conditions of the bond will be addressed.

### **XIII. SENTENCING COURT NOTIFICATION**

A Sentencing Court shall be notified as follows:

1. When the participant successfully completes the Drug Treatment Court Program, the Sentencing Court will be so notified. Drug Treatment Court cases will, if possible, be promptly closed.

2. If the participant is expelled from the Drug Treatment Court Program, the Sentencing Judge will be provided with a copy of the expulsion motion executed by the Judge following the expulsion hearing. No other information will be provided by the District Attorney's Office to the Sentencing Judge, unless first disclosed to the Sentencing Judge by the former participant.

***XV. LA CROSSE COUNTY DRUG TREATMENT COURT TEAM MEMBERS:***

1. Judge: Judge Scott Horne.
2. La Crosse County District Attorney's Office representative: Assistant District Attorney Emily Eckland
3. Public Defender's Office representatives: Thomas Huh or Thomas Locante
4. Department of Corrections: Emma Peterson
5. The Justice Support Services members:  
Coordinator, Anne Patton  
Becky Spanjers, Supervisor  
Mandy Bisek, Manager
6. Town of Campbell Chief of the Police Department: Andrew Gavrilos

APPENDIX I

STATE OF WISCONSIN

CIRCUIT COURT

LA CROSSE COUNTY

State of Wisconsin

CONSENT AND ORDER RETURNING  
CASE TO SUBSTITUTED JUDGE

vs.

(Defendant/Respondent name)

Case No. (Case Number)

The defendant \_\_\_\_\_ hereby requests pursuant to sec. 971.20 (11) that the criminal action and all pertinent records be transferred back to the Honorable \_\_\_\_\_ (substituted judge) to allow for participation in the La Crosse County (drug) (OWI) Court. The defendant understands and agrees that the aforementioned judge has full authority to act in this case consistent with Wisconsin law and treatment court policies and procedures.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Attorney

**Consent to Return Action to Substituted Judge**

The undersigned agree that the aforementioned matter shall be transferred back to the Honorable \_\_\_\_\_ to allow for treatment court participation with the judge having full authority to act consistent with Wisconsin law and treatment court policies and procedures pursuant to sec. 972.20(11).

\_\_\_\_\_  
Prosecutor

\_\_\_\_\_  
Assigned Judge

\_\_\_\_\_  
Substituted Judge

**Order Returning Action to Substituted Judge**

Pursuant to sec. 972.20(11), Wis. Stats., and upon the consents set forth above, the aforementioned matter is transferred back to \_\_\_\_\_ to allow for participation in the La Crosse County (OWI) (Drug) Court.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 .

Circuit Judge, Branch  
Assigned Judge

APPENDIX II  
Pre-trial Drug Treatment Court Letter

Date:

Name:

Case or Incident Number:

RE: Potential eligibility for Drug Treatment Court participation.

\_\_\_\_\_ has been interviewed by the JSS Pre-Trial Team to determine pre-trial risk. The indicators in this case that predict drug court eligibility are as follows:

Proxy score = 6-8

UNCOPE score = 3

Severity of charge = Felony

COMPAS Score=\_\_\_\_\_

Wisconsin Treatment Court Standard 12 identifies the following actions necessary to provide the best opportunity for a positive outcome for (name)

Participants must be:

- a. Promptly identified and referred into the program.
- b. Advised about program requirements prior to admission.

The ideal time to enter the DTC between arrest and actual participation in the Drug Treatment Court is within 50 days. We hope to meet this goal as we work together to determine eligibility. This letter is provided to the client interviewed for *informational purposes* to ensure the *possibility* of participation in this evidenced-researched program. This letter *does not guarantee admission* to the Drug Treatment Court Program.

Contact Anne Patton Drug Treatment Court Coordinator, 608-785-6280, to request a screening for admission.

La Crosse County Drug Treatment Court Team

APPENDIX III

**LA CROSSE COUNTY DEPARTMENT OF HUMAN SERVICES  
POLICY AND PROCEDURES**

<b>SECTION:</b> Justice Support Services	<b>POLICY # :</b> 15.06	<b>PAGE:</b>	<u>Review Date</u> 10/09 8/16 BS	<u>Date Revised</u> <u>8/16/16</u> <u>BS/Team</u>
<b>SUBJECT:</b> Re-admission procedure for a Drug Treatment Court participant if previously expelled or graduated or expelled for absconding from the		<b>DATE ISSUED:</b> <b>10/09</b>		
<b>PREPARED BY:</b> Becky Spanjers	<b>MANAGER APPROVAL:</b> (Signature required)			
<b>REVIEW CYCLE:</b>	<b>BOARD APPROVAL:</b> <b>DATE:</b>			

**POLICY TITLE:** Drug Treatment Court Re-admission Procedure.

**PURPOSE:** To identify the process of re-admission for a Drug Treatment Court participant if previously expelled or graduated or expelled for absconding from the program.

**POLICY/PROCEDURE:**

- A. A Drug Treatment Court participant who has absconded from the program for more than 30 days could be expelled if the team decides this is an appropriate outcome. Expulsion for absconding could occur in less than 30 days at the team’s discretion. The team may consider factors including by not limited to reports the participant is committing crimes in the community or is a danger to self or others.
  1. Upon request for re-admission the former participant will be asked to specifically address the behaviors that led to absconding from the program and outline their plan to comply with program expectations and requirements.
  2. The team will review this information and notify the former participant of the decision regarding re-admission.
  3. There is no appeal procedure regarding the team’s decision.
    - At the Drug Treatment Court Coordinator’s discretion an interview may be conducted to gather additional information to be shared with the team.
  
- B. A Drug Treatment Court participant who requests re-admission if previously expelled or graduated:
  1. In either instance of expulsion (other than for absconding) or graduation the former participant will be allowed to request referral for re-admission into the program.
  2. The team will consider readmission on a case by case basis. Factors considered may include but are not limited to: what treatment is available that may not have been available previously; the former participant’s age upon first entry into the program; the time elapsed since graduation or expulsion; and whether readmission is being requested on the same criminal case for which they were originally accepted into the program.
  3. There is no appeal procedure regarding the team’s decision

