

# 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 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 at the time of the referral, minimum age of 18 years, no adjudication or conviction for violent felony conviction, no pending violent misdemeanor, no previous participation in DCTP, diagnosis of controlled substance abuse or dependency and willingness to address this issue in treatment, and DCTP referral must be for felony charge. (you may only be referred on misdemeanor if there is already a felony charge referred). It is a voluntary program. Cases are referred to the Drug Treatment Court Program by the District Attorney's office. Contracts are generally 9 months in duration.

## 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 70 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 or reduced to misdemeanors. A few agreements provide for probation following Drug Court. However, if the offender does not succeed in Drug Court, he or she is returned to the regular criminal process for adjudication and sentencing, and can't withdraw their original plea and will be sentenced accordingly.

## 6. Who is the judge for Drug Court? How often does the judge change?

- Drug Court proceedings are currently presided over by Judge John Markson, Circuit Court Branch 1. 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 2011, 24 other Wisconsin counties (Ashland, Barron, Brown, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Jackson, Kenosha, La Crosse, Marquette, Milwaukee, Outagamie, Pierce, Polk, Racine, Rock, St. Croix, Sawyer, Trempealeau, Washburn, Winnebago, Wood,) had established treatment court for adult drug abusers. Several other counties also have OWI Courts-alcohol treatment court, including Dodge, Grant, La Crosse, Marathon, Waukesha, and Washington. Dane County will be starting a pilot OWI Court in July of 2011. Four counties (Ashland, Jefferson, St. Croix, and Winnebago) have drug treatment court for juvenile offenders. Some 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 Julie Beyler. She can be reached at (608) 267-1557 if you have questions or would like to schedule an appointment. Her office is located in Room 210 of the City County Building (not the courthouse). Enter from the Carroll Street side of the building. You can access a map to this office on the Alternatives to Incarceration website. However, keep in mind, you must first be referred to DCTP by the District Attorney assigned to your criminal case to start the process.

10. How do I get referred to Dane County Drug Treatment Court?

- Referrals come from the District Attorney's Office in Dane County. They decide who is referred to DCTP. Once a referral is made by them, you must meet all eligibility requirements at the time of the referral. Wait lists to start DCTP vary by month and demographics. Dane County Drug Court does not accept referrals from other Circuit Courts in other counties in Wisconsin.

11. How long is the DCTP Program?

- Generally contracts are 9 months in length, but can be extended if there is non-compliance. Additionally, contracts can be reduced by 1 ½ months by review of the DCTP team based on exceptional compliance.

12. Can I observe a Drug Court session?

- Yes, Drug Court is an open session. Anyone can sit in the session to learn about it and see its benefits. Court is held in Judge Markson's court room located at 2315 South Hamilton Room 6B. Court is generally held every Thursday from 9:00am and runs 2 ½ to 3 hours in length.

13. What is the next step if I am interested in Drug Court?

- If you have a pending criminal charge in Dane County, the first step is to contact your attorney to see whether he/she believes you qualify for DCTP and can advocate for

a referral to the program. If you don't have counsel, and are not going to obtain counsel, you can inquire with the assigned District Attorney for whether he or she would be willing to refer you.

14. Where can I find more information or resources about Drug Court or drug abuse issues?

- More information about other Drug Courts and other Treatment Courts in Wisconsin can be found at Wisconsin Association of Treatment Court Professionals (WATCP) Their link is: <http://watcp.org>

- Also the Clerk of Courts website for Drug Court, please review the Drug Court pamphlet with more FAQ's about participation and expectations.

- Another resource is The Dane County Legal Resource Center who 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>