

DANE COUNTY DIVERSION PROGRAM PARTICIPANT HANDBOOK



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Welcome to the Dane County Diversion Program

This handbook outlines what's expected of you during your time in the program. We encourage you to share it with family and friends who support your recovery. While this handbook serves as a guide, it is not a contract between you and the Diversion Program.

Mission Statement

The mission of the Dane County Diversion Program is to enhance public safety and reduce recidivism by coordinating effective, accountable substance use disorder treatment and supportive services for individuals with substance abuse issues.

Eligibility

To participate in the program, you must meet the following criteria:

- You are facing a felony-level, drug-driven charge.
- Your charge must not be considered violent or involve weapons.
- You are a Dane County resident and over 18 years old.
- You have been identified as needing substance use disorder (SUD) treatment and are willing to participate.
- You are determined to be at moderate risk of reoffending based on your COMPAS score.
- You agree to participate in behavior-changing programs and services.

Program Structure

Participants must attend court reviews and case management meetings, engage in treatment at their recommended level of care, and submit to random drug and alcohol testing twice a week.

The program lasts nine months and is overseen by the DCDP court commissioner, who works alongside a multidisciplinary team that includes a program coordinator, case managers, probation agents, and legal and clinical professionals.

Court reviews are held every 3 and 9 months, or more frequently if noncompliance occurs. Reviews take place on Fridays at 9:30 AM in Room 1A of the Dane County Courthouse.

Program Conditions

To graduate from the program, you must meet several conditions, including treatment participation, remaining abstinent, and completing behavioral interventions. If you have met these conditions after nine months, you will graduate. If not, the program may be extended, or you may face termination.

Case Management Appointments

You will be assigned a case manager who will connect you with resources and help you navigate both the program and the criminal legal system. Case managers also track your progress and report to the Diversion Court team.

You will meet with your case manager weekly, with each appointment lasting at least 20 minutes. It is important to arrive on time, and please refrain from bringing children to these meetings.

During your meetings, you are encouraged to be open about your goals, challenges, and recovery progress. Your case manager will guide you in using tools and resources that address the needs identified in your case plan.

Your case manager will provide updates on your progress to the Diversion Court team. This may include checking in with your workplace, school, physician, counselor, or others involved in your life. You must sign release forms to allow this communication.

Rescheduling Appointments:

If you cannot attend a scheduled appointment, provide at least 24 hours' notice. If a medical emergency occurs, you must provide documentation within 48 hours to avoid being marked noncompliant.

Treatment and Case Planning

Each participant is assessed to determine their individual treatment and case plan, which will guide your progress in the program. Your plan will be updated regularly to reflect your needs.

Treatment options may include outpatient programs, intensive outpatient care, day treatment, residential programs, or withdrawal management. Both individual and group counseling may be recommended.

Participation:

You must fully participate in your treatment plan and sign releases of information for all treatment providers. Failing to comply with treatment or revoking releases will result in noncompliance.

Discharge paperwork from completed treatment programs must be submitted to your case manager, along with any additional requirements based on your discharge recommendations. All treatment must be completed before graduation.

Alcohol/Drug Testing

You will be tested for drugs and alcohol at least twice a week. The testing schedule is random.

At intake, you will be assigned a color, which is used to notify you of testing. Call the testing number daily to see if your color is selected. If it is, you must complete testing that day.

- **Unauthorized substances** include alcohol, illicit drugs, and prescription medications not approved by the court, except in emergencies.
- **Observed Testing:** A staff member of the same gender will observe the collection of your test specimens.
- **Noncompliance:** Failing to provide a test sample or attempts to dilute samples will result in sanctions.

Court Appearances

After you enter the Dane County Diversion Program, you will need to schedule an intake appointment with your case manager. A court review will be held one month after your intake to check in on your progress.

Subsequent court reviews will be held at the 3, 6, and 9-month marks, or more frequently if noncompliance occurs.

Rules for Court

- Be on time.
- Bring any necessary documentation (community service forms, meeting verifications, etc.).
- Act appropriately and respectfully.
- No cell phones, electronic devices, or food (except water) are allowed in court.
- Dress appropriately.

Fees and Restitution

There is no program participation fee. However, if restitution has been ordered in your case, you must make consistent progress in paying it off. Failure to do so may result in an extension of your diversion agreement.

Incentives and Sanctions

The Dane County Diversion Program is designed to encourage positive behavior and hold participants accountable for any noncompliance. Incentives are used to reward your progress, while sanctions are applied to address violations of program rules or expectations. These responses are individualized based on your behavior and the specific circumstances surrounding your case.

This section will cover behavior and achievement while in the program. It is important to know what will happen when you make progress or when you engage in noncompliant behavior, relative to the Diversion Program requirements. This section is designed to clearly let you know the expectations.

Incentives

When you demonstrate positive behavior or reach important milestones, you may be eligible for a range of incentives. These are intended to acknowledge your progress and keep you motivated throughout your recovery journey. Examples of positive behavior include but are not limited to attending all scheduled court hearings, maintaining sobriety, completing treatment steps, and adhering to all program requirements.

Types of Incentives:

1. **Verbal Praise and Acknowledgement**
 - Positive feedback from the Court Commissioner or Diversion Court Team during court appearances. This recognition can boost morale and reaffirm that your efforts are noticed.
2. **Reduction of Program Requirements**
 - Fewer scheduled court appearances or case management meetings. For example, if you consistently show progress, your meeting frequency with your case manager may be reduced.
3. **Gift Items and Tokens of Recognition**
 - Small rewards like gift cards, certificates of accomplishment, or program-branded items as a tangible recognition of your success in the program.
4. **Public Recognition**
 - Public acknowledgment of your success, which could include recognition during a court session or a feature at a program graduation ceremony.
5. **Expanded Privileges**
 - Potential for extended curfews, fewer restrictions on your activities, or additional freedoms based on sustained compliance.

Sanctions

If you fail to comply with the rules or expectations of the program, sanctions will be applied as a form of accountability. The goal of sanctions is to help you get back on track and reinforce the importance of program requirements. Sanctions will be proportionate to the violation and will consider your overall participation in the program.

Types of Sanctions:

1. **Increased Court Appearances**
 - You may be required to attend court more frequently to report directly to the Commissioner and the Diversion Court Team. These increased check-ins help monitor compliance and provide additional oversight.
2. **Increased Drug and Alcohol Testing**
 - Random testing may be required more frequently. For instance, if you miss a scheduled test or submit a positive test, the frequency of testing will likely increase.
3. **Community Service**
 - You may be required to complete a set number of community service hours. The court will specify the type and location of the service, and failure to complete the assigned hours will lead to additional sanctions.
4. **Behavioral Interventions**
 - Attendance at additional therapeutic interventions such as relapse prevention classes, anger management, or other behavioral health services may be required based on the nature of noncompliance.
5. **Curfew Restrictions**
 - You may be placed under a curfew, limiting your movements to approved locations (e.g., home, work, treatment facility) between specific hours of the day. Failure to follow curfew will result in further sanctions.
6. **Written Assignments or Essays**
 - You may be assigned reflective writing tasks (e.g., an essay on the importance of sobriety or personal accountability). These assignments encourage self-

reflection on your behavior and program goals.

7. Increased Supervision or Reporting Requirements

- Your case manager may require more frequent check-ins, home visits, or progress reports from other service providers (e.g., employers, treatment providers).

8. Jail Time (For Serious or Repeated Violations)

- In cases of serious or repeated noncompliance, you may be required to serve a short jail sentence. Jail sanctions are usually applied for new criminal activity, repeated drug/alcohol use, or tampering with drug tests. This measure is intended to emphasize the gravity of ongoing noncompliance while reinforcing program accountability.

9. Program Length Extension

- Your participation in the program may be extended beyond the initial nine months. For example, if you miss appointments, fail drug tests, or otherwise do not meet progress benchmarks, you may be required to remain in the program for additional months.

10. Termination from the Program

- If your noncompliance is severe or persistent (e.g., committing a new felony offense, consistent failure to participate in treatment, or refusal to abide by program rules), you may be terminated from the Diversion Program. Termination would result in your case returning to the traditional criminal justice system for prosecution.

How Incentives and Sanctions are Determined

Incentives and sanctions are decided by the Diversion Court Team based on your behavior and progress. The team considers several factors before applying sanctions, including the severity of the violation, your overall history in the program, and whether you have previously been sanctioned for similar behavior.

The goal of both incentives and sanctions is to support your recovery, promote compliance with the program, and ensure public safety. The

team wants to see you succeed and will work with you to address any challenges that arise.

Graduation Criteria

To graduate from the Diversion Program, you must meet the following criteria:

- No positive drug or alcohol tests for at least 60 consecutive days.
- Completion of all treatment and program requirements.
- Payment of restitution (if ordered).
- Progress toward personal goals.

Graduation is typically set for nine months after your entry into the program.

Termination Process

While the Dane County Diversion Program is designed to help participants successfully complete their obligations and avoid traditional prosecution, termination may be necessary in cases of serious or ongoing noncompliance. The termination process is structured to ensure fairness, transparency, and accountability.

Grounds for Termination

Termination from the Diversion Program can occur for various reasons, but the most common grounds include:

1. New Criminal Activity

- If you are charged with a new felony offense or a serious misdemeanor while in the program, this may lead to immediate termination. The nature and severity of the new charge will be reviewed, and if deemed incompatible with continued participation, you will face removal from the program.

2. Chronic Noncompliance with Program Requirements

- Repeated failure to attend required court hearings, case management meetings, or treatment sessions can result in termination. Continued noncompliance with supervision conditions, such as curfew violations or failure to submit to drug and alcohol testing, also jeopardizes your status in the program.

3. Consistent Positive Drug/Alcohol Tests or Tampering

- If you repeatedly test positive for drugs or alcohol, or if you are found to have tampered with a test (e.g., using a substance to mask drug use or submitting fraudulent samples), you may be terminated from the program.

4. Failure to Engage in Treatment

- Refusing or neglecting to participate in mandated treatment programs (e.g., substance use disorder treatment, mental health services) after repeated interventions from the court may lead to termination. Your commitment to recovery is a key factor in determining continued eligibility.

5. Violence or Threats

- Acts of violence, threats toward program staff, other participants, or the court can result in immediate termination. The safety of everyone involved is a priority, and violent or abusive behavior is not tolerated.

6. Fleeing the Jurisdiction

- Absconding from the jurisdiction by leaving Dane County or failing to report your whereabouts for an extended period without court permission can lead to termination. Evading the program's oversight in this manner signals a lack of commitment to its goals.

Termination Procedures

Termination is not taken lightly and involves several steps to ensure that the decision is fair and appropriate.¹ The process is designed to give you

opportunities to correct your behavior before a final determination is made.

1. Notice of Noncompliance

- Before termination proceedings begin, you will receive formal written notice of your noncompliance. This notice will outline the specific behaviors or violations that have raised concerns about your continued participation. This step gives you a clear understanding of what rules you have broken and why the court is considering termination.

2. Opportunity to Correct Behavior

- In many cases, the Diversion Court Team will give you the opportunity to correct the behavior. This may involve applying sanctions, increasing supervision, or mandating additional treatment interventions. The goal is to help you get back on track, and termination is generally considered only after multiple attempts to support your compliance.

3. Case Review by the Diversion Court Team

- If noncompliance persists, the Diversion Court Team will conduct a thorough review of your case. The team will consider several factors, including:
 - The severity and frequency of your violations.
 - Your progress (or lack thereof) in treatment.
 - Your overall attitude and participation in the program.
 - Any mitigating factors, such as personal hardships or medical issues, that may have contributed to your noncompliance.

4. Recommendation for Termination

- After the review, the Diversion Court Team will make a

recommendation to the Court Commissioner regarding whether to terminate you from the program. This recommendation is typically based on a consensus among team members, who include case managers, treatment providers, and legal representatives.

5. Termination Hearing

- If the team recommends termination, a formal termination hearing will be scheduled. You will be notified in advance of the hearing date, and you are entitled to attend. At the hearing, the reasons for your potential termination will be discussed openly, and you (or your attorney, if applicable) will have an opportunity to present any evidence or arguments in your defense. You can explain any extenuating circumstances, provide documentation of recent efforts to comply, or otherwise contest the termination.

6. Final Decision by the Court Commissioner

- After the hearing, the Court Commissioner will make the final decision on whether to terminate your participation in the program. The Commissioner will weigh the evidence presented, the recommendation of the Diversion Court Team, and your input before issuing a decision. This decision is final, and if you are terminated, your case will be returned to the traditional criminal justice system for further prosecution.

Consequences of Termination

If you are terminated from the program, the following actions will occur:

1. Return to Traditional Prosecution

- Your case will be transferred back to the standard criminal court process. Any agreements or benefits from the diversion program (e.g., avoidance of jail time, reduced charges) will be revoked, and you will face prosecution on the original charges.

2. Loss of Program Benefits

- You will lose the opportunity to complete the program, which could have led to reduced or dismissed charges upon successful completion. Any progress you made in the program may not carry over to traditional court proceedings.

3. Potential for Harsher Sentencing

- The court may consider your failure to complete the program when determining your sentence. This could result in a harsher sentence, such as jail time, probation, or other penalties, as the court may view your termination as a sign of unwillingness to reform.

Voluntary Withdrawal

In some cases, participants may choose to voluntarily withdraw from the program before termination proceedings begin. If you feel that you cannot meet the program's requirements or no longer wish to participate, you can notify your case manager or legal representative of your decision to withdraw. However, voluntary withdrawal will still result in your case returning to the traditional criminal justice system for prosecution.

Legal Representation

All clients are entitled to legal representation during court proceedings involving termination. If you are requesting a public defender to represent you, you will need to reapply for one with the:

Dane County Public Defender's Office

17 South Fairchild Street, 2nd Floor
Madison, WI 53703
608-267-1777

Diversion Contact Information

Case Manager: _____
Contact Number: _____

Probation Agent: _____
Contact Number: _____

Treatment Provider: _____
Counselor Name: _____
Contact Number: _____

Color for UA Testing: _____
Color line Number: _____

Diversion Program Handbook Acknowledgement Sheet

I, _____ have read the Diversion handbook and have had the opportunity to ask questions. I agree to follow the guidelines outlined in this handbook and my Diversion Program Conditions. I agree to hold on to this handbook as a reference while involved in the program.

Participant Signature

Date

Case Manager Signature

Date

Diversion Program Partner Agencies

City of Madison Police Department
Dane County Circuit Court
Dane County District Attorney's Office
Dane County Sheriff's Office
Dane County Department of Human Services
University of Wisconsin – Dept. of Family Medicine WI
State Public Defenders Office
WI Department of Corrections
JusticePoint