**Milwaukee County Drug Treatment Court**

**Referral Guideline for Attorney’s**

The mission of the Milwaukee County Drug Treatment Court (“MCDTC”) is to enhance public safety through the reduction of recidivism by coordinating effective and accountable substance abuse treatment and supportive services for offenders with substance abuse problems.

The MCDTC team has developed a referral checklist for parties interested in referring a participant to the MCDTC. This document is to serve as a guideline for completing the checklist and making an appropriate referral to the MCDTC.

**The following criteria should be considered first prior to beginning the referral checklist**:

* Milwaukee County resident
* Age 18 or older
* Be charged with a felony offense or determined to be a chronic, habitual misdemeanant
* Faces a minimum joint recommendation of nine months of incarceration straight time
* Participant presents with a significant, underlying substance abuse issue for which the client is currently in need of treatment services
* Participant is not currently serving a jail/prison sentence or on probation

**Does not meet the following exclusionary criteria:**

* Sex, dangerous weapons, firearms offenses *or other offenses deemed violent by the MCDA*
* Manufacture, delivery, possession with intent or conspiracy to commit offenses involving 40 or more grams of cocaine, 2,500 grams or more of marijuana or 15 grams or more of heroin\*

\*If your client is currently facing a manufacture, delivery, possession with intent or conspiracy to commit offenses involving 40 or more grams of cocaine, 2,500 grams or more of marijuana or 15 grams or more of heroin please seek approval from one of the MCDTC ADA’s prior to completing the referral checklist

* If your client has a history of Sex, dangerous weapons, firearms offenses *or other offenses deemed violent by the MCDA,* please seek approval from one of the MCDTC ADA’s prior to completing the checklist

If the participant meets the minimum criteria outlined above, please proceed and complete the referral checklist.

**Completing the MCDTC Referral Checklist**

**LSI-R**

It is a requirement of the MCDTC that all participants have the appropriate risk level to participate in the MCDTC as the MCDTC seeks to have impact on long-term risk of re-offense and recidivism. In order to be eligible for the MCDTC a participant must pose a moderate to moderate/high risk. Eligible LSI-R scores for the MCDTC are 24-40.

In order to schedule an LSI-R assessment you can contact the JusticePoint offices at ***278-2140 or 278-2152***. Or visit the main office located in the ***Milwaukee County Safety Building, in room 417*** to schedule an appointment in person.

Once the LSI-R is conducted a report will be e-mailed to you, notifying you of the LSI-R score and if there is elevated risk in the AODA domain.

If you have questions about the results of the LSI-R, or believe that your client did not provide accurate information please contact ***Program Coordinator Elliot Gengembre at 278-2150 or Assistant Program Director Nicole Kurtz at 278-2163*** to discuss the results or any concerns.

**Client Information/Case Information**

**Age/Residency**

In order to be eligible to participate in the MCDTC a participant must be a Milwaukee County resident age 18yrs. or older. Participants cannot be residents of other counties and must be at least of 18 years of age upon their admission date to the program. There are no exceptions to this requirement.

**Participant Interest**

Prior to making a referral to the MCDTC, it is requested that you speak with your client prior to submission of the referral in order to make sure that the client is interested in participating and understands the intensity of the program. Client commitment and engagement to the program and process is vital to their own success.

**Sentencing Criteria**

Participants must meet the minimum sentence recommendation of 9 months straight time at the House of Correction or be facing a prison recommendation. In addition the sentence recommendation cannot include an imposed/stayed sentence or probation.

Eligible participants cannot currently be serving a sentence or be under the supervision of the Department of Corrections as this will interfere with MCDTC programming and requirements.

**ADA Review**

Please consult with the ADA currently handling the case to see if they would agree to a referral to the MCDTC, often times ADA’s have access to criminal history that may exclude a client or may have additional information about a client and their activities that could make them unsuitable for the MCDTC. In addition you will need to consult with the ADA to determine the sentence that they are recommending for the case(s). If the ADA assigned to the case does not agree to a referral to the MCDTC please indicate on the referral form their reason for not agreeing to the referral. Please note that this does not mean that the client will be rejected from the MCDTC outright.

**Current/Prior Criminal History**

If your client is currently facing a sex, dangerous weapons, firearms offenses or other offenses deemed violent by the Milwaukee County District Attorney’s office they are not generally eligible for the MCDTC (see attached list of violent offenses, please note this list is not exhaustive).

If your client has a history of sex, dangerous weapons, firearms offenses or other offenses deemed violent by the Milwaukee County District Attorney’s office, please seek approval to proceed with your referral from the ADA’s assigned to the MCDTC.

***MCDTC Prosecutor’s***

*Jeff Altenburg*

*Dave Malone*

*Brad Vorpahl*

If your client is currently facing a charge or charges of If your client is currently facing a manufacture, delivery, possession with intent or conspiracy to commit offenses involving 40 or more grams of cocaine, 2,500 grams or more of marijuana or 15 grams or more of heroin please seek approval from one of the MCDTC ADA’s prior to completing the referral checklist.

**Pending Cases**

If your client has pending cases outside of Milwaukee County those cases ***MUST*** be resolved prior to submitting the referral checklist form. Clients with pending cases outside of Milwaukee County will not be considered for admission to the MCDTC.

 Please note that the resolution of these cases cannot result in a probation or prison sentence.

**Victim/Restitution (as applicable)**

If the referral case(s) involves a victim(s) or restitution please be advised that these cases take longer to process as victim notification is required and restitution amounts are needed for the MCDTC agreement. Agreements for admission to the MCDTC cannot be drafted until victim notification is complete and a restitution worksheet has been completed with both parties agreeing to the restitution amount. Admissions will be delayed as a result of this process.

**Next Steps**

Once the referral checklist has been completed it is ready to be submitted to the Drug Court Coordinator.

***Drug Court Coordinator***

*Meaghan Winn*

*(414) 223-1341*

*Meagan.winn@wicourts.gov*

The DTC Coordinator will review the checklist in order to make sure it is properly filled out and completed. Incomplete checklists will be returned.

Upon receipt of a completed checklist the DTC Coordinator will forward the checklist on to the MCDTC ADA’s and schedule a CIU screening assessment for treatment services within one business day of receipt of the referral.

The CIU assessment will determine a client’s level of care and if they are clinically appropriate for the MCDTC. The CIU assessment will be completed within 3 business days of the referral for the assessment.

Upon completion of the CIU assessment, the DTC coordinator will notify you and the MCDTC Admission Team of the results. If the client does not meet the clinical level of appropriateness the client will not be placed on the Admissions Agenda for further review

If the client meets the clinical appropriateness of the MCDTC the DTC Coordinator will place the client on the next scheduled Admission Staffing. Staffing’s are held weekly, every Wednesday at 1:30 in the DTC Judge’s Chambers.

It is beneficial for the Attorney making the referral to present at the Admission Staffing. If you are unable to attend the Admission Staffing, please make sure to speak to an Attorney assigned to the MCDTC so that they can represent you and your client at the Admission Staffing.

At the Admission Staffing the team will review the checklist and the treatment recommendation for the client. As long as there are no additional concerns raised at the staffing the client will be scheduled for the next scheduled admission hearing date.

The MCDTC ADA will draft and submit the MCDTC Contract within 3 business days.

The only exception to this timeline is for instances when a victim or restitution is involved.

**Felony Crimes-Risk of Injury (List applies to and includes all subsections of the listed statutes)**

346.04(3) Felony Fleeing

346.63(2)(A)1 OWI Cause Injury *(Grid 7)*

346.67(1) Hit and Run Involving Injury/Death

939.63 While Armed

940.11 Mutilating or hiding a corpse

940.19–940.20 All forms of Felony Battery

940.21 Mayhem

940.22 Sexual exploitation by a therapist

940.225 All forms of Felony Sexual Assault

940.23 Reckless injury

940.235 Strangulation and suffocation

940.24 Injury by negligent handling of dangerous weapon, explosives or fire

940.25 Injury by intoxicated use of a vehicle *(Grid 7)*

940.285 Abuse of individuals at risk

940.29 Abuse of residents of penal facilities

940.295 Abuse and neglect of patients and residents – **all but sub (5)**

940.30 False imprisonment

940.302(2)(a) Human Trafficking

940.305 Taking hostages

940.31 Kidnapping

940.32 Stalking

940.43 Intimidation of witnesses; felony

940.45 Intimidation of victims; felony

941.01(1) Negligent Operation of a Vehicle

941.11 Unsafe burning of buildings

941.12 Interfering with firefighting – **all but sub (3)**

941.20(1m) Endangering safety by use of a dangerous weapon

941.21 Disarming a police officer

941.24 Possession of switchblade knife

941.26 / 941.27 Machine Guns/Other Weapons

941.28  Possession of short-barreled shotgun or short-barreled rifle

941.29 Possession of a firearm

941.291 Possession of Body Armor

941.295(1) Possession of Electric Weapon

941.296 Use or possession of a handgun and an armor-piercing bullet during crime

941.298(2) Firearm silencers

941.30 Recklessly endangering safety

941.31 Possession of explosives

941.31(2)(B) Possession of Improvised Explosives

941.32 Administering dangerous or stupefying drug

941.325 Placing foreign objects in edibles

941.327 Tampering with household products

941.37 Obstructing emergency or rescue personnel - **all but sub (2)**

941.375 Throwing or discharging bodily fluids at public safety workers

941.38(2) Criminal gang member solicitation of a child

943.02 Arson of buildings

943.06  Molotov cocktails

943.07 Criminal damage to railroads – **all but sub (4)**

943.20(1)a & (3)d(5) Theft of Firearm

943.20(1)a & (3)e Theft From Person

943.20(1)(c) Theft of Firearm

943.30 Threats to injure/accuse of crime

943.32 Robbery and armed robbery

943.76 Infecting animals with contagious disease

943.87 Robbery of a financial institution

943.10 Burglary (residential - victim present at any point during burglary)

943.10(2)(a), 943.10(2)(b), 943.10(2)(c), 943.10(2)(d), 943.10(2)(e) Burglary, aggravated

943.23(1)(g) OMVWOOC - Carjacking

946.01 Treason

946.02 Sabotage

946.03 Sedition

946.41(2r) Resisting/Obstructing an Officer-Cause Substantial Bodily Harm

946.415 Failure to comply

946.42(4) Aggravated Felony Escape (resulting in injury)

946.43 Assault by prisoners

947.015 Bomb Scares

948.02 Sexual assault of a child

948.03 Physical abuse of a child

948.05 Sexual Exploitation of a Child

948.051 Trafficking of a Child

948.06 Incest with a child

948.07 Child enticement

948.075 Use of a computer to facilitate a child sex crime

948.08 Soliciting a child for prostitution

948.095 Sexual assault by school staff member

948.10(1)(a) Exposing genitals to a Child

948.11(2)(a) Expose Child to Harmful Material

948.20 Abandonment of a child

948.21 Neglecting a child - **all but sub (a)**

948.30 Abduction of another’s child

948.51 Hazing

948.605(2)(A) Possess Firearm in School Zone **(both misdemeanor and felony)**

951.02 Mistreating animals

951.06 Use of poisonous and controlled substances

951.08 Instigating fights between animals

951.09 Shooting at caged or staked animals

951.095 Harassment of police and fire animals

951.097 Harassment of service dogs

961.41(1) Distribution of a controlled substance – “while armed”;

961.41(1m) Possession of a controlled substance with intent to distribute – “while armed”

Misdemeanor Crimes –Risk of Injury

940.19(1) Misdemeanor Battery

940.225 4th Degree Sexual Assault

940.42 Intimidation of witnesses; misdemeanor

940.44 Intimidation of victims; misdemeanor

941.20(1) Endangering safety by use of a dangerous weapon

941.23 etc. Carrying a Concealed Weapon

943.50 (1M)(D) Retail Theft (modifier/enhancer--While Armed)

947.01 Disorderly conduct while armed

947.012(1)(A) Unlawful Phone Use-Threatens Harm (this provision only)

947.0125(2)(A)/(B) Computer Message-Threaten Injury or Harm

939.63 While Armed

948.55 Leaving/Storing a Loaded Firearm with the Reach of a Child

948.60 Possession of Dangerous Weapon by a Child

948.605 Gun Free School Zones

948.605(2)(A) Possess Firearm in School Zone **(both misdemeanor and felony)**

948.61 Dangerous Weapons other than Firearms on School Premises

951.02 Mistreating animals

951.08 Instigating fights between animals

951.09 Shooting at caged or staked animals

951.095 Harassment of police and fire animals

951.097 Harassment of service dogs