




Standard 12: Referral and Eligibility

See section 6 of binder

Learning Objectives

As a result of this session, you should be able to:

- Improve the process to identify and admit referrals to the program
- Define and document the eligibility criteria for the treatment court program, including the violent offender definition (if applicable)
- Ensure participants are aware program entry is **voluntary** and they are properly informed about the program

TARGET POPULATION

- The Drug Court team does not apply **SUBJECTIVE** criteria for or personal impressions to determine participants' suitability for the program.
- **MUST TARGET** High Risk / High Need participants
- If unable to target High Risk / High Need, offenders, the program develops alternate tracks with services that are modified to meet the risk and need of it's participants.
- **DO NOT MIX** participants with different risk or needs levels in the same counseling groups, residential milieu or housing unit.

Define Process to Decide Eligibility

In those cases where a charge or conviction is potential grounds for conviction, the following criteria shall be considered by the Triage Team to determine whether the person remains appropriate for acceptance into a treatment court:

- Use of force
- Repeated acts
- Age of the crime
- Age of the person at the time the crime was committed
- Successful treatment completion
- Victim agreement with placement in the treatment Court

Eligibility should be documented

CRITERIA	AIM Court	Drug Court	Mental Health Court	Veterans Court
Age	18+	18+	18+	18+
Demographic Restriction	Mothers with minor (or adult dependent) children	None	None	Past or current service member
County of Residence	Eau Claire	Eau Claire	Eau Claire	Chippewa Dunn Eau Claire
County of Charge	Any (Judge and DOC must agree to transfer to Eau Claire County)	Any (Judge and DOC must agree to transfer to Eau Claire County)	Any (Judge and DOC must agree to transfer to Eau Claire County)	Any (Judge and DOC must agree to transfer to Eau Claire County)
Type of Charge	Felony or Habitual Misdemeanor	Felony or Habitual Misdemeanor	Felony or Misdemeanor	Felony or Misdemeanor
Diagnosis	Meets DSM-IV criteria for alcohol/drug dependence and scores Probable or Highly Probable for Substance Abuse on the COMPAS	Meets DSM-IV criteria for alcohol/dependence and scores Probable or Highly Probable for Substance Abuse on the COMPAS	DSM-IV-TR mental health diagnosis (but not sexual paraphilia alone or if primary). Primary DD diagnosis will be considered but other avenues explored first. MH concerns appear to be driving factor in offense.	AODA or mental health treatment (including trauma) need identified
Risk Level	Moderate to High	Moderate to High	Moderate to High	Low Track – Low Regular – Mod – High
Probation or ES Status	Must be on probation/ ES for at least 18 months	Must be on probation/ ES for at least 18 months	Must be on probation/ ES for at least 18 months	Must be on probation/ ES for at least 6 months
Potential Exclusions	<ul style="list-style-type: none"> Convicted of serious sex offense, violent crime or delivery of controlled substances Lack of prior probation or treatment history 	<ul style="list-style-type: none"> Convicted of serious sex offense, violent crime or delivery of controlled substances Lack of prior probation or treatment history 	<ul style="list-style-type: none"> Convicted previously of violent felony or crime involving weapon Lack of prior probation or treatment history Person unable or unwilling to participate in treatment due to mental impairment Not likely to respond to treatment available 	<ul style="list-style-type: none"> Ineligible for VA benefits Convicted of serious sex offense, violent crime or delivery of controlled substances Records indicate Vets Court cannot provide needed level of care

Violent Offender

Things to think about:

- Funding source
- Grant requirements

TAD Grant

The TAD Grant places the following restrictions on program eligibility:

- The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.
- The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm.

Excerpt from Sample of a Decision Grid

	Charged With	Convicted of
940.01 – First-degree intentional homicide	X	X
940.02 – First-degree reckless homicide		X
940.03 – Felony murder		X
940.05 – Second-degree intentional homicide	X	X
940.06 – Second-degree reckless homicide		X
940.07 – Homicide resulting from negligent control of a vicious animal		X
940.08 – Homicide by negligent handling of a dangerous weapon, explosives or fire		X
940.09 – Homicide by intoxicated use of a vehicle or firearm		X
940.10 – Homicide by negligent operation of a vehicle		X
940.12 – Assisting suicide	X	X
940.19 – Battery; substantial battery; aggravated battery Except 940.19(1) – misdemeanor Except 940.19(5)&(6) – see below		X
940.19(5) – Battery (great bodily harm with intent to cause great bodily harm)	X	X
940.19(6) – Battery (intent to cause bodily harm with substantial risk of great bodily harm to person 62+ or with physical disability)	X	X
940.195 – Battery to an unborn child; substantial battery to an unborn child; aggravated battery to an unborn child Except 940.195(1) – misdemeanor Except 940.195(5)&(6) – see below		X
940.195(5) – Battery to an unborn child (great bodily harm to unborn child or woman pregnant with the child with intent)	X	X
940.195(6) – Battery to an unborn child (intent to cause bodily harm by conduct that creates substantial risk of great bodily harm)	X	X
940.20 – Battery; special circumstances (e.g., battery by prisoners)		X
940.201 – Battery or threat to witnesses		X
940.203 – Battery or threat to judge		X
940.205 – Battery or threat to department of revenue		X
940.207 – Battery or threat to department of safety and professional services or department of workforce development employee		X

Example of policy

Example of Eau Claire County's policy:

- A referred person may be excluded from participation in a treatment court due to "violent offender" status only if the applicable charge or conviction is a felony.
- Automatic exclusions for past convictions shall apply only when the conviction occurred during the 10 years prior to referral. After the 10 years have passed, the conviction shall be considered potential grounds for exclusion.

Referral Form

- What information is needed on a referral form?
- DOB
- County of residence/Contact information
- Risk level – do they have a recent assessment?
- Dependence diagnosis - do they have a recent assessment?
- Current charge – previous convictions
- Prior treatment
- SID/SS Number?
- Others?

Referral Process

- Who makes the referral?
- Who has access to the referral form?
- Any roadblocks in receiving referrals?
- Who presents the referral?
- Who does the referral actually go to?
- Mapping the referral process & decision points
- Who reviews the referral?

Meeting with a Referral

- People feel what when referred to a treatment court – help them identify their fears of recovery
- Participation is voluntary
- How does a referral become informed on their choice to enter a Treatment Court ?
 - Participant handbooks
 - Observing Treatment Court

Issues to consider in your referral process

- Is your system objective or subjective ?
- Criteria for eligibility is clear and understandable
- What if there are no openings ?
- Are there concerns over equality / inequality ?
- How long does it take for a referral to be admitted into your program ?
- Do you allow victims to have a say in admission ?

Best Practice

- Referral to admission - best practice point is **50 days**

Question

On average, how long does it take from arrest to referral in your program?

- A. 20-40 days
- B. 40-60 days
- C. 60-80 days
- D. I don't know

Question

On average, how long does it take from referral to eligibility in your program?

- A. 20-40 days
- B. 40-60 days
- C. 60-80 days
- D. I don't know

Question

On average, how long does it take from eligibility determination to admission in your program?

- A. 20-40 days
- B. 40-60 days
- C. 60-80 days
- D. I don't know