



Sauk County
Diversion Supervision Agreement (DSA)
Program

Policies and Procedures Manual

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I. Introduction

The Diversion Supervision Agreement Program is a post plea pre-conviction program allowing a person have their charges reduced or dismissed upon successful completion of their DSA.

Goals of the DSA Program:

1. Promote public safety
2. Reduce prison, jail, and probation populations
3. Reduce prosecution and incarceration costs
4. Reduce Recidivism
5. Improve the well-being of participants and their families

Possible Program Components:

1. COMPAS Assessment
2. AODA Assessment
3. Cognitive behavioral services
4. Mental health services
4. Referral to certified treatment providers
5. Restitution arrangements
6. Refer to services to assist with gainful employment, education and/or training, stable housing, child support payment, and/or other court-ordered obligations are being met.
7. Evidence-Based Practices

Mission Statement

The mission of Diversion Supervision Program, which is a joint venture between the Sauk County District Attorney's Office and Division of Justice, Diversion, and Support, is to decrease the number of individuals convicted of criminal offenses and overall recidivism by increasing the efficacy of deferred prosecution agreements via evidence-based, risk-needs-assessed case management and supervision.

II. Eligibility Standards

Potential candidates meeting the following criteria will be considered for admission to the Sauk County Diversion Supervision Agreement Program:

- A. A person with a post-plea DSA will participate in a minimum of 9 months case coordination with Justice, Diversion, and Support.
- B. Each participant will be assessed for risk level and criminogenic needs, as well as drug/alcohol dependence.
- C. Participants must agree to participate in any assessments requested by staff, treatment providers, or others involved in the screening process.
- D. The DSA participant must voluntarily agree to abide by the DSA program rules.
- E. No existing in state or extraditable warrants at the time DSA participation begins.

III. Intake/Referral

Referrals to the Diversion Supervision Agreement Program should take place as soon as possible in the criminal justice process. Referrals will be made from the Prosecutor.

- 1. A referral form will be completed by the District Attorney's office and forwarded to the Justice, Diversion, and Support Program.
- 2. The Justice, Diversion, and Support case coordinator will collect criminal history information, complete a social history background and a COMPAS assessment with the participant.
- 3. The case coordinator will interview the defendant. If they agree to participate in the DSA Program, the participant will sign a voluntary contract.
- 4. If the potential participant does not have a diagnosis for alcohol or drug dependency, a Texas Christian University (TCU) Drug Screen will be completed to determine their need for further AODA evaluation.
- 5. Once a participant is accepted into the DSA Program, they will meet with the Justice, Diversion, and Support case coordinator to complete intake paperwork.
- 6. A TCU Criminal Thinking Scale will be completed to determine participation in a Cognitive Thinking Program.

7. Once the COMPAS assessment is complete the findings will be shared with the prosecutor within two weeks of completion.
8. The Justice, Diversion, and Support case coordinator, in conjunction with the participant, will develop a case plan and goals.

IV. Confidentiality

Each DSA Program participants will be required to sign a Reciprocal Authorization for Disclosure of Confidential Information which authorizes the disclosure of protected health and/or other identifying information to communicate relevant participant information to the necessary parties in order to ensure compliance of DSA rules and appropriate treatment for participants.

V. Diversion Supervision Agreement Program Files

All DSA files are separate and distinct from the District Attorney files. All DSA files are confidential and not open to the general public. All files shall be under the sole control of the Justice, Diversion, and Support case coordinator. Neither the Clerk of Court's Office, the Public Defender's Office, nor the District Attorney's Office will have access to the DSA files unless a release of information has been completed and signed.

VI. Treatment and Testing

The Justice, Diversion, and Support Case Coordinator will determine the level of each participant's treatment, as determined through assessment tools. The participant will be allowed to seek treatment with an approved provider.

A critical component of the DSA Program can include both supervision and observation of random urinalysis (UA) and breathalyzer (BA) testing to determine compliance with the rules of the program. The frequency of the random UA/BA's will vary and be determined by the case coordinator. Providing an inadequate or tampered sample constitutes a positive UA, and may result in further prosecution and/or termination from the DSA Program.

Participants may be required to complete a cognitive thinking program as directed by the case coordinator, if deemed appropriate by the TCU assessment and COMPAS assessments.

VII. Program Expectations

While DSA participants complete the program, there are expectations that will be required of them. These expectations will increase the likelihood of their successful completion of the program. These would include:

- Taking responsibility for their own behavior
- No violations
- No new arrests or criminal charges
- Attend and complete cognitive thinking program, if applicable
- Attend and complete other programming identified in case plan
- Keep and be on time for all appointments
- Obtain/maintain employment and residential stability
- Attend school and obtain HSED/GED, if applicable
- Pay court ordered and financial obligations as directed
- No missed or positive UA's
- No verbally abusive or threatening behavior
- Take all medications as prescribed, if applicable
- Identify self as a DSA participant with the Justice, Diversion, and Support program if stopped by law enforcement for any reason, and report any law enforcement contact to the Justice, Diversion, and Support Case Coordinator within 72 hours

VIII. Violations

Any violations of the rules of the DSA program will result in the immediate imposition of sanctions, as deemed appropriate by the Justice, Diversion, and Support Case Coordinator.

Sanctions may include, but are not limited to, the following:

- Verbal warning
- Reading assignment
- Writing assignment
- Apology letter
- Weekly schedule submission
- Completion of BITS/Carey Guides
- Community service hours
- Increased supervision and/or UA testing
- Lengthened time in the program
- Termination from the DSA program

See Violation Grid on next page

Violation Grid

It is important as a part of the Diversion Supervision Agreement that we respond to violations in a swift manner. By imposing a swift sanction the participant has a better connection between the violation and the sanction imposed.

Justice, Diversion, and Support Case Coordinator and the DA's Office will work collaboratively in determining the seriousness of the violation including aggravating and mitigating factors. The Case Coordinator will be mindful of the participant's ability to change the behavior and take into consideration whether the participant can change that behavior now or soon, or if it is a violation that will take time to see the change.

<u>Behavior</u>	<u>Sanction Level</u>
Failed UA/Missed UA-1st	Low
Failure to attend appointment-1st	Low
Late for appointment-1st	Low
Late restitution payment	Low
Missed Community Service requirement- 1st	Low/Moderate
Late for appointment (2 or more)	Moderate
Late restitution (2 or more)	Moderate
Court ordered violations	Moderate/High
Failure to attend appointment- (2 or more)	Moderate/High
Dishonesty	Moderate/High
Failing to complete sanction	High
Absconding	High
Missed Court Hearing	High
New criminal behavior	High
Tampered UA	High
Threatening or dangerous behavior	High

Below is a list of examples of sanction:

Low: Carey guide, thinking report, writing assignment, verbal warning, journaling, and activity logs.

Medium: Increase testing, increase meetings with case coordinator, community service, and curfew.

High: Extension of Diversion Supervision Agreement, Court Appearance or Termination

The Case Coordinator may make a recommendation for the participant however the DA's Office can proceed with termination of the Diversion Supervision Agreement at anytime.

IX. Monitoring

Monitoring will be based on various factors, to include:

- Participant needs
- Risk level and criminogenic needs
- Restitution owed
- The case plan will be modified based on performance and/or non-compliance. The Justice, Diversion, and Support Case Coordinator will report successful completion and/or non-compliance to the prosecutor.

X. Termination

The Sauk County Justice, Diversion, and Support case coordinator shall make termination decisions in accordance with best practice standards. Such decisions may result from a public safety concern, repeated non-compliance with the program requirements or an inability of the program to provide the proper treatment to which the participant responds and/or needs.

A participant is subject to termination from the program if any of the following occur:

- They abscond for a period of at least four calendar weeks.
- They fail to comply with random drug and/or alcohol testing (call in and report).
- They are arrested and charged with a new criminal offense
- They have ongoing program noncompliance and make no effort to resolve/improve their behavior.

Procedure:

1. The Justice, Diversion, and Support case coordinator makes an informal recommendation for a participant's termination from the DSA program via writing to the District Attorney's Office.
2. The Motion for Termination will be discussed with the District Attorney's Office. If determined that termination is appropriate, the District Attorney's Office will schedule a court hearing.
3. The recommendation for termination will be reviewed by an attorney in the District Attorney's Office. If it is determined that termination is appropriate, the District

Attorney's Office will file a notice of motion and motion to revoke the deferred prosecution agreement, which will cause the Circuit Court to set a hearing date. The participant will be notified of the hearing date via U.S. mail to the address on-file with the clerk of courts, and must attend the hearing or a warrant for arrest may be issued.

XI. Successful Completion

Successful completion of the DSA program will be measured by participation in the program, and completion of individual case plans goals.

XII. Cost

The service cost of the program is \$25.00 per month. If a participant is unable to pay the required fees, the participant will need to speak with the JDS Case Coordinator. The participant will need to provide documentation to the JDS Case Coordinator as to why you are unable to meet the obligation.