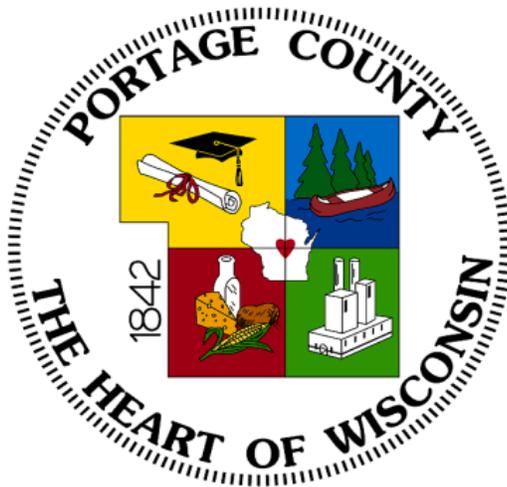


Portage County Adult Drug Treatment Court

POLICIES AND PROCEDURES MANUAL



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Portage County Adult Drug Treatment Court

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I. Program Overview

Introduction

In October of 2014, the Portage County Justice Coalition committed to the planning and implementation of a Drug Treatment Court to serve Portage County. In May of 2015, a group of stakeholders attended the National Association of Drug Treatment Court Professional's National Drug Treatment Court Institute. Over the course of four days of training and planning workshops, the stakeholders learned how to incorporate the Adult Drug Treatment Court 10 Key Components into the Portage County Adult Drug Treatment Court's design. The Portage County Adult Drug Treatment Court is the collaborative effort of criminal justice stakeholders working together to break the cycle of substance abuse, restore the lives of those struggling from addiction and ensure the safety of the entire community.

Portage County Adult Drug Treatment Court provides individuals the opportunity to change life circumstances and become alcohol and drug free. This is accomplished by comprehensive assessment and treatment (chemical and mental health), intensive supervision, random drug and breath testing, regular court appearances and immediate sanctions and incentives. Other components of the abstinence-based program include: assessment for participation in other programming (cognitive learning groups, mental health interventions), participation in community support groups, obtain employment or pursue education, participate in pro-social activities. Honesty and individual accountability are at the foundation of the program.

Portage County Adult Drug Treatment Court fully integrates evidence-based practices in its delivery of services and works in collaboration with community providers for chemical health and ancillary services. Cognitive behavioral programming and enhanced mental health services are inherent pieces of the program. The program is a minimum of 14 months and is divided into five major phases. Movement through phases is based on accomplishment of goals and requirements. By providing coordinated substance abuse interventions with judicial oversight, the likelihood of re-arrest for any offense decreases, resulting in safer communities and reduction in crime.

Mission Statement

The Portage County Adult Drug Treatment Court is an integrated and collaborative criminal justice system venture to provide treatment, rehabilitation and accountability to drug dependent offenders; and to improve the lives of offenders, their families and the community.

Vision Statement

The Portage County Adult Drug Treatment Court will increase public safety and restore drug dependent offenders to sober, productive community members through the utilization of evidence-based and cost-effective methods.

Justice Coalition's Drug Treatment Court Work Group Members

Members of the Justice Coalition’s Drug Treatment Court Work Group met regularly from October 2014 until January 2017 to design and implement the Portage County Adult Drug Treatment Court. Members of the work group included:

Thomas T. Flugaur – Judge, Sixth District Circuit Court
Louis J. Molepske, Jr. – District Attorney, Portage County Attorney’s Office
David Knaapen – Assistant District Attorney, Portage County Attorney’s Office
Elizabeth Constable – Assistant District Attorney, Portage County Attorney’s Office
Anne Renc – Public Defender, Portage County Public Defender’s Office
Ryan Drenkler – Public Defender, Portage County Public Defender’s Office
Shaun Morrow –Field Supervisor, Portage County Community Corrections
Rebecca Raasoch – Field Agent, Portage County Community Corrections
Ray Przybelski – Director, Portage County Health and Human Services
Ken Wolfe – Social Worker, Portage County Health and Human Services
Dale O’Kray – Captain, Portage County Sheriff’s Office
Nick Griesbach – Sergeant, Portage County Sheriff’s Office
Pat Stanislawski – Officer, Stevens Point Police Department
Gary Widder, Captain, Plover Police Department
Zachary Bishop – Director, Portage House
Patricia Baker, Portage County Clerk of Courts
Chris Marfilius, Portage County Clerk of Courts Office
Mike Clements, Director, Portage County Veterans Service Officer
Jennifer Josie, Director, Portage County Finance Department
Jason Hake, Senior Financial Manager, Portage County Finance Department
Mike McKenna, Corporation Counsel, Portage County Corporation Counsel’s Office
Kate Kipp– Director, Portage County Justice Programs
Dr. Gurdon Hamilton, Community member
Dr. Kay Jewell, Community member
Lynn Houlihan, Community member

Steering Committee: Justice Coalition Executive Committee

The Justice Coalition Executive Committee is comprised of executive level criminal justice system stakeholders and will oversee the function of the Drug Treatment Court. The Justice Coalition Executive Committee meets on a quarterly basis. Members of the steering committee include:

Honorable Thomas T. Flugaur, Chair
Honorable Tom Eagon
Honorable Robert Shannon
County Executive Chris Holman
County Board Chair Al Haga
District Attorney Louis J. Molepske, Jr.
Public Defender Anne Renc
Sheriff Mike Lucas
Corporation Counsel David Ray

Current Drug Treatment Court Treatment Team

The Portage County Adult Drug Treatment Court team, also known as the Treatment Team, is led by the Judge and is responsible for the day to day supervision and treatment of participants. Treatment Team members meet once per week prior to court and are present at Drug Treatment Court hearings. Treatment Team members include:

Thomas T. Flugaur, Chief Judge, Sixth District Court
Kristian Mukoski & Krista James, ADA Portage County Attorney's Office
Anne Renc & Jessica Phelps– Public Defenders, Portage County Public Defender's Office
Rebecca Raasoch – Field Agent, Portage County Community Corrections
Nicholas Griesbach – Sergeant, Portage County Sheriff's Office
Pat Stanislawski – Officer, Stevens Point Police Department
Ryan Fox, Plover Police Department
Jessica McCracken – Treatment Court Coordinator, Portage County Adult Drug Treatment Court
Michelle Sparks - Case Manager/Technician, Portage County Adult Drug Treatment Court
Colleen Angel & Gary Grote – Elmergreen Associates

Drug Treatment Court Oversight Committee

The Portage County Adult Drug Treatment Court team is required by TAD Wisconsin State Statute 165.95 (5)(a) to have an oversight committee to “advise the county in administering and evaluating” drug treatment court. The oversight committee shall consist of “a circuit court judge, the district attorney or designee, the state public defender or designee, local law enforcement, a representative of the county. A representative of each other county agency responsible for providing social services including services relating to child welfare, mental health, and the Wisconsin Works program, representatives of the departments of corrections and health and family services, a representative from private social services agencies, a representative of substance abuse treatment providers, and other members determined by the county.” The drug treatment court work group members (listed above) meet these requirements and serve as the oversight committee. Additionally, a representative from North Central Wisconsin Workforce Development Board will participate on the committee.

The committee meets on a quarterly basis.

II. Program Plan

Model

The Portage County Adult Drug Treatment Court (Drug Court) is designed to provide individuals the opportunity to address their addictions and move beyond criminal behavior. It is a court-ordered program, with entrance occurring post plea/adjudication. The program is abstinence based and intensive in nature. Requirements include mandatory substance abuse treatment, random drug testing, on-going appearances before the Judge, case management meetings, and attendance at support groups (AA, NA, CA, SMART groups and other). Participants are also required to obtain employment or pursue educational opportunities, participate in pro-social activities and pay program fees.

Drug Treatment Court is a minimum of 14 months and divided into five phases. Movement from phase to phase is contingent on the completion of phase requirements. An application process is utilized for phase movement and graduation.

Target Population

The target population includes:

- Portage County Resident
- 17 years of age or older
- Felony Drug offense or Misdemeanor repeater drug offense
- Felony Drug-related offense
- Alternative to Revocation (ATR)
- Assessed as drug dependent
- Voluntarily agree to abide by the court's rules
- Accept responsibility for their actions with a guilty plea

Eligibility Criteria

All offenders will be screened for substance abuse problems, residency and offense status for Drug Treatment Court when they make their first appearance in court. An offender's race, gender, religious affiliation, creed, color, sexual orientation and national origin will not be considered when determining his or her eligibility.

Eligibility criteria for **all** offenders:

- Portage County resident
- Non-violent offense
- Substance dependency or abuse diagnosis and need for treatment
- Voluntary participation in program
- Current felony drug offense or drug-related property offense (e.g. felony theft, forgery)
- Misdemeanor repeater drug offenses
- Mandatory minimum prison sentence

Offenders enter Drug Treatment Court after the plea and the sentence is pronounced. Offenders may also enter Drug Treatment Court as an alternative to revocation. Offenders with pending criminal cases in multiple jurisdictions may be considered for Drug Treatment Court.

The potential participant is informed of his/her options and the likely sentence if not processed through Drug Treatment Court. The potential participant must provide a release of information for the Drug Treatment Court Treatment Team.

Disqualification Criteria

Some potential participants may be disqualified from Drug Treatment Court. Felony assault and weapons offenses will deny a potential participant's ability to participate in Drug Treatment Court. Potential participants who have been charged with sexual assault, child abuse, or violent crime will not be allowed to participate in Drug Treatment Court. People who have been charged with a drug offense but do not have a clinically diagnosed substance abuse disorder will not be allowed to participate in the Drug Treatment Court.

Treatment Team Voting

Department of Corrections: 1 vote
Treatment Provider: 1 vote
Law Enforcement Agencies: 1 vote
District Attorney's Office: 1 vote
Public Defenders Office: 1 vote

Total:

 5 votes

Referral Process**Referral, Screening and Entry Process (excluding Judges): Sentenced to Drug Treatment Court**

An adult who is arrested for a drug offense or a drug-related offense will undergo the following process in the criminal justice system:

Step 1: The arresting officer/deputy will review the referral with his/her department's designated Drug Investigator. If the Drug Investigator approves, the officer/deputy will refer the case to the District Attorney's office noting the case is appropriate for consideration for Drug Treatment Court participation. Either the arresting officer/deputy or the designated Drug Investigator (from the arresting agency) will email the District Attorney and the District Attorney's legal secretary to alert the office of a potential Drug Treatment Court case.

Step 2: The District Attorney will review the case and further screen for appropriateness for Drug Treatment Court. The case will be processed internally. The case will be "flagged" as a potential participant.

Step 3: At the Bond Hearing the District Attorney/Assistant District Attorney will ask the Court to order an initial assessment as a condition of bond as the participant may be a potential Drug Treatment Court participant.

Step 4: The Court will order an initial assessment and set the Initial Appearance for two to three weeks from the date of the Bond Hearing.

Step 5: The District Attorney's Office will fill out the referral form and send it to the Drug Treatment Court Coordinator.

Step 6: The Drug Treatment Court Coordinator will email the Treatment Team law enforcement officers from all three law enforcement agencies and the District Attorney with the name(s) of newly referred potential participant(s). Each law enforcement agency and the District Attorney will respond to the Drug Treatment Court Coordinator regarding the appropriateness of the referral(s).

Step 7: The Drug Treatment Court Coordinator will contact the potential participant and schedule an assessment. The Drug Treatment Court Coordinator will complete the COMPAS – Core, COMPAS – Substance Abuse, URICA and TCU-Drug Screen. The Drug Treatment Court Coordinator will write up the results and provide the results as soon as possible at the next Drug Treatment Court Treatment Team meeting.

Step 8: The first fifteen minutes of the weekly Drug Treatment Court Treatment Team meeting will be reserved to review the assessment results of those potential participants who were “flagged” at their bond hearing. The Drug Treatment Court Coordinator will share the results and all team members will vote as to whether the potential candidate should or should not join the Drug Treatment Court.

Step 9: The Drug Treatment Court Coordinator will send a letter to the referring attorney to inform him/her of the participant(s) eligibility into the program.

Step 10: All Portage County Adult Drug Treatment Court participants must plead guilty and be sentenced to the Portage County Adult Drug Treatment Court. All participants will also be placed on supervision with community corrections.

Step 11: Once a participant is placed into the Portage County Adult Drug Treatment Court, the Treatment Provider will complete a clinical assessment and develop a treatment plan. The Drug Treatment Court Coordinator will share the COMPAS – Core, COMPAS Substance Abuse, URICA, and TCU-Drug Screen with the Treatment Provider.

- If the candidate is found NOT eligible at any point, a letter will be sent to the referring attorney to inform him/her that the candidate is not eligible and he/she will be referred back to the regular court process.

Referral, Screening and Entry Process for Judges Only: Sentenced to Drug Treatment Court

An adult who is pending sentencing for a drug offense or a drug-related offense and the Judge orders/refers for an Treatment Court assessment prior to sentencing:

Step 1: The Judge’s office will fill out the referral form and send it to the Drug Treatment Court Coordinator.

Step 2: The Drug Treatment Court Coordinator will contact the potential participant and schedule an assessment. The Drug Treatment Court Coordinator will complete the COMPAS – Core, COMPAS – Substance Abuse, URICA and TCU-Drug Screen. The Drug Treatment Court Coordinator will write up the results and provide the results as soon as possible at the next Drug Treatment Court Treatment Team meeting.

Step 3: The first fifteen minutes of the weekly Drug Treatment Court Treatment Team meeting will share the results and all team members will vote as to whether the potential candidate should or should not join the Drug Treatment Court.

Step 4: The Drug Treatment Court Coordinator will send a letter to the referring Judge to inform him/her of the participant(s) eligibility into the program.

Step 5: All Portage County Adult Drug Treatment Court participants must plead guilty and be sentenced to the Portage County Adult Drug Treatment Court. All participants will also be placed on supervision with community corrections.

Step 6: Once a participant is placed into the Portage County Adult Drug Treatment Court, the Treatment Provider will complete a clinical assessment and develop a treatment plan. The Drug Treatment Court Coordinator will share the COMPAS – Core, COMPAS Substance Abuse, URICA, and TCU-Drug Screen with the Treatment Provider.

- If the candidate is found NOT eligible at any point, a letter will be sent to the referring Judge to inform him/her that the candidate is not eligible.

Referral, Screening and Entry Process: Alternative to Revocation (ATR)

Step 1: The assigned Probation Agent will fill a referral and give it to the Drug Treatment Court Coordinator.

Step 2: The Drug Treatment Court Coordinator will email the Treatment Team law enforcement officers from all three law enforcement agencies and the District Attorney with the name(s) of newly referred potential participant(s). Each law enforcement agency and the District Attorney will respond to the Drug Treatment Court Coordinator regarding the appropriateness of the referral(s).

Step 3: The Drug Treatment Court Coordinator will meet with the potential participant and complete the TCU-Drug Screen, COMPAS – Substance Abuse, URICA, and COMPAS-Core (if necessary).

Step 4: The Drug Treatment Court Coordinator will present the information obtained at the assessment with the potential participant with the Treatment Team. The Treatment Team will vote whether or not to allow the person entry into Drug Treatment Court.

Step 5: If a potential participant is determined to be appropriate for Drug Treatment Court, the Drug Treatment Court Coordinator and the Drug Treatment Court Probation Agent will work together to complete additional paperwork to allow the person entry into Drug Treatment Court.

Case Management

Each participant will work with the Drug Treatment Court Coordinator for case planning, monitoring accountability, and direct service. The Coordinator will conduct a COMPAS-Core Assessment and TCU-Drug Screen V with each participant. Information gathered through the administration of the COMPAS, a risk/needs instrument for those involved in the criminal justice system, includes alcohol and drug use history and psychosocial information. Information about the participant's family history is collected. Women especially are strongly impacted by histories of family violence and abuse.

The foundation of supervision is individualized case management. Each participant will work with the Drug Treatment Court Coordinator to develop a comprehensive, individualized case plan. The written plan will be signed by both the participant and Drug Treatment Court Coordinator. The case plan is reviewed at regular intervals for changes and modifications. The case plan is based on the COMPAS and includes the client's arrangement to repair the harm done to the victim and the community (including community work service); his/her plan for education and employment; housing; a plan for relapse prevention and a pro-social support system in the community. The Coordinator is expected to facilitate the client's accomplishment of his/her objectives and assist the participant in obtaining the collateral services that he/she needs such as supportive housing,

employment skills training, GED classes, child care, transportation and other needs. The participant's longer-term goals and plan for attainment will be discussed after primary treatment.

Initially, the Coordinator meets with the participant at least once per week and random urinalysis tests are collected at least twice per week. As the participant progresses through the program, the case management contacts decrease according to phase.

The Coordinator attends Treatment Team meetings and Drug Treatment Court hearings. The Coordinator provides written and verbal information about each participant to the Treatment Team for the Treatment Team meetings and Drug Treatment Court hearings.

The Coordinator will utilize a wide diversity of community resources to assist participants in increasing their stability and meeting case management goals. Community resources include collaborating with social service organizations, housing agencies, workforce development agencies, and adult continuing education. The Coordinator will work with participants to ensure they are structuring at least 32 hours of their week in community service, work and other approved activities. Portage County Health and Human Services workers are also able to facilitate the BadgerCare application process for people without insurance coverage.

Cognitive behavioral groups and trauma groups are offered to participants after primary treatment is completed.

Drug Testing

Drug testing is one of the most important components to program integrity. The tests have to be frequent, random, observed and credible; accuracy is essential. Drug Treatment Court uses urine tests to measure a participant's progress in the program and hold that person accountable to the requirements of the program. The team believes alcohol testing is just as important as drug testing and uses Breathalyzer and EtG testing for this purpose.

Drug Testing occurs in the Portage County Community Justice Programs Office located in the basement of the Portage County Law Enforcement Center. The Coordinator and support staff receive regular training on proper testing procedures. All urinalysis tests are observed. All participants are given an individualized panel drug screen (cocaine, THC, amphetamine, methamphetamine, and opiates). In addition, participants are randomly given EtG test(s) and Oral Swab tests as well.

The participants are placed on a "Call2Test" reporting system. Participants are assigned a pin number which dictates when they are to report for testing. Participants are required to call the "Call2Test" reporting center each day between the hours of 6am-9am to find out whether he/she is scheduled to submit a UA that day. If the participant is scheduled to report for a UA for that day, they will need to contact the Drug Treatment Court Coordinator and/or Drug Treatment Court Technician to schedule a time to report. Regular reporting times for UA testing are 8:00am-11:00am every day. Special reporting times may be made available to a participant on a case by case basis with the approval of the Drug Treatment Court Coordinator only.

If a participant fails to call in to the "Call2Test" center between the allowed times (6am-9am), that client will be required to test for that day automatically. If the client fails to call in and fails to report for UA testing, they will be reported as missing their UA for that day and will receive a consequence such as being considered for a positive test, loss of coin, etc.

Each participant will be given 30 minutes to provide a urine sample for testing. If a client cannot provide a sample for testing, it will be considered a positive test and will result in appropriate sanction(s). Participants are made aware that they have to report to the testing center prepared to provide a sample for testing each time. Each participant has the option of self-disclosing any alcohol/drug use prior to testing. The chain of custody for UA's is as follows:

1. The participant fills out the chain of custody form regarding insurance information, prescribed medication(s), if applicable, over the counter medication(s), address, phone number, and place of employment.
2. The participant dates and signs the chain of custody form along with the time they reported for their UA.
3. The observer signs, dates, and writes down the time the participant reported on the chain of custody form.
4. The participant must take off any jackets they may be wearing and to wash their hands.
5. The observer places the UA hat in the toilet (females only).
6. The participant must place their hands on their knees (females only) during the process and to stop mid-stream.
7. The observer then places the sample in a specimen cup and checks for the proper temperature.
8. If the sample is the correct temperature, the participant and the observer signs and dates the tamper resistance seal and it is placed on the cup.
9. The sample and paperwork are then placed in a specimen bag which is sealed and mailed out that day.

Positive test results: If a participant admits that the urine will be positive for drugs or alcohol, a confirmation test is not necessary. However, if the participant denies using drugs or alcohol and the test results are positive, the sample will be submitted for confirmation. Payment for confirmation testing where the offender denies using will be the responsibility of the participant. The cost for confirmation testing is \$35.00. Sanctions will be imposed for positive tests, diluted samples, tampered samples and missing tests.

The Coordinator and support staff may use immunoassay testing for a quick, qualitative result or spot check during office visits, field visits, or court. Participants may also be tested by their treatment programs and community corrections.

Testing frequency will remain consistent throughout the duration of the program. Testing is conducted randomly at least two times per week throughout the duration of the program (including weekends).

Drug Treatment Court also acknowledges that participants may have complex medical needs and physicians may need to prescribe a medication(s) for those needs. Therefore, it is critically important when participants visit their healthcare provider(s), they share their diagnosis of a substance abuse disorder. It is important participants and their healthcare provider make informed decisions on which medications will meet their medical needs and support their recovery. All medications used, including over the counter medications, must be reported to the Drug Treatment Court Coordinator. All prescription medications will be routinely checked to ensure the prescription is valid and current. All participants under the care of a health care provider will be required to sign a Release of Confidential Information.

Participants are responsible for what they ingest. CBD oil, all products containing CBD oil and Hemp will not be permitted in Drug Treatment Court. Many CBD oils may contain small amounts of THC that will accumulate in the body after repeated use and may cause positive screening/confirmation test results. With current drug testing methods, it is impossible to distinguish positive THC results from CBD oil use and marijuana consumption.

Non-alcoholic beer/wine will not be permitted. The following is a contract that participants will be required to sign regarding Alcohol Metabolite Testing.

URINE ALCOHOL METABOLITE TESTING AND INCIDENTAL EXPOSURE CONTRACT

The implementation of alcohol metabolite (ethyl glucuronide (EtG) and ethyl sulfate (EtS)) testing in urine has greatly increased the ability to detect even trace amounts of alcohol consumption. Additionally, these tests are capable of detecting alcohol ingestion for significantly longer periods of time after a drinking episode. Due to the extreme sensitivity of these tests, there are some circumstances where exposure to non-beverage alcohol sources of ethanol can result in detectable levels of alcohol metabolites. In order to eliminate the concern of “innocent” positive alcohol metabolite tests due to unintentional exposure and to preserve the integrity of the Portage County Adult Drug Treatment Court testing program, it has become necessary for us to restrict and/or advise Adult Drug Treatment Court participants regarding the use of certain ethanol-containing products.

- It is **YOUR** responsibility to limit your exposure to the products and substances containing ethyl alcohol or ethanol discussed below.
- It is **YOUR** responsibility to read product labels and avoid ingestion or use of any over-the-counter (OTC) medications, body care products, and other personal hygiene products with ethyl alcohol or ethanol listed as either an active or inactive ingredient **BEFORE** you use them.
- Use of the products discussed below in violation of this contract will **NOT** be considered as an excuse for a confirmed, positive EtG/EtS test result. **When in doubt, don't use, consume, or apply.**

Cough syrups, over-the-counter medications (OTC), and herbal supplements:

Drug Treatment Court participants have always been prohibited from using ethanol or ethyl alcohol-containing cough/cold syrups, such as Nyquil. Other cough syrup brands and numerous other liquid medications contain ethanol as a solvent. Many herbal and homeopathic supplements (especially tinctures) contain ethanol (often listed as grain alcohol). Portage County Adult Drug Treatment Court participants are required to read the product labels on all cough syrups, flu remedies, and other OTC medications carefully to determine if they contain ethyl alcohol (ethanol). All prescription and over-the-counter medications should be reviewed with your case manager or the drug court coordinator prior to use. Information on the composition of prescription and OTC medications (be sure to check both active and inactive ingredients) should be available upon request

from your pharmacist. Alcohol-free cough and cold remedies are readily available at most pharmacies and major retail stores.

Non-Alcoholic Beer, wine, and kombucha:

Although legally considered non-alcoholic, NA beers (e.g. O’Douls, Sharps) do contain a residual amount of alcohol that may result in a positive alcohol test if consumed. Kombucha, a fermented tea found in health food stores, also contains trace amounts of alcohol and should also be avoided. Portage County Adult Drug Treatment Court participants are not permitted to ingest NA beer or wine and are strongly encouraged to avoid kombucha tea and other fermented health beverages.

Food and ingestible products:

There are numerous other consumable products that contain ethyl alcohol that could result in a positive test for alcohol. Flavoring extracts, such as vanilla or almond extract, and liquid herbal extracts could result in a positive screen for alcohol metabolites. Communion wine, food cooked with alcohol, and flambe (alcohol poured over food and ignited such as cherries jubilee, baked Alaska) should be avoided.

Mouthwash and breath strips:

Most mouthwashes (Listerine, Cepacol, etc.) and other breath cleansing products contain ethyl alcohol as the primary disinfecting ingredient. The use of mouthwashes containing ethyl alcohol can produce positive alcohol metabolite test results, although the likelihood under normal, routine use is minimal. Best practice is to avoid breath cleansing products that contain ethyl alcohol; Alcohol-free mouthwashes (Listerine Total Care Zero, Crest Pro-Health) are readily available and an acceptable alternative.

Hand sanitizers:

Hand sanitizers (e.g Purell, Germex, etc.) and other antiseptic gels/foams used to disinfect hands contain up to 70% alcohol. Excessive and repeated use of these products could result in a positive alcohol metabolite test. A study that investigated hand sanitizer use and effect on alcohol metabolite testing showed that excessive, repeated hand sanitizer application caused positive EtG test results, however, this occurred when applied repeatedly over large areas of the skin over several hours. Participants are encouraged to limit exposure to hand sanitizers; hand washing with soap and water is just as effective at killing germs as hand sanitizers.

Hygiene products:

Aftershaves and colognes, hair spray and mousse, astringents, insecticides (bug spray such as Off), and some body washes contain ethyl alcohol. While it is unlikely that limited use of these products would result in a positive test for alcohol metabolites, excessive, unnecessary, or repeated use of these products could potentially affect test results. Many body care products (lotions, shampoos, cosmetics) contain solid alcohols (cetyl and stearyl alcohol) which will not cause a positive test result for ethyl alcohol metabolites. Participants need to use hygiene products containing ethanol or ethyl alcohol sparingly and avoid choosing hygiene product with ethyl alcohol in the formulation. Just as the program requires Portage County Adult Drug Treatment Court participants to regulate fluid intake to avoid diluted samples, it is expected that each participant limits their use of topically-applied (on skin) products containing ethyl alcohol.

Solvents:

Many solvents, lacquers, and surface preparation products used in industry, construction, and the home contain ethyl alcohol. Both excessive inhalation of vapors and topical exposure to such products, can potentially cause a positive test result for alcohol. (NOTE: The use of rubbing alcohol (isopropyl alcohol) will not have any effect on alcohol metabolite testing as isopropyl alcohol does not metabolize to EtG or EtS). As with the products discussed above, Adult Drug Treatment Court participants must educate themselves as to the ingredients in the products they are using. There are suitable alcohol-free alternatives to nearly any item with ethyl alcohol in its formulation. Frequency of use and duration of exposure to ethanol-based solvents, lacquers, and surface preparation products should be kept to a minimum. A confirmed, positive alcohol metabolite test will not be excused by reference to use of an alcohol-based solvent. If you are in employment where contact with such products cannot be avoided, Adult Drug Treatment Court participants are required to discuss the situation with the Adult Drug Treatment Court Coordinator.

By signing this document, I agree to the following conditions:

- 1) I understand that Adult Drug Court utilizes highly sensitive ethyl alcohol metabolite testing as part of their substance use testing program.
- 2) I understand that consumption or use of products containing ethyl alcohol can potentially cause a positive test for alcohol metabolites.
- 3) I have read and understand my responsibilities regarding use and consumption of products and substances that contain ethyl alcohol (ethanol).
- 4) I understand that it my responsibility to diligently avoid the use and/or consumption of products and substances containing alcohol. If I have questions about the use or consumption of any alcohol-containing product, I will discuss with my case manager prior to use or consumption.
- 5) I understand that a **confirmed, positive test result for alcohol metabolites will not be excused** due to use, consumption, or exposure to any of the following items that contain ethyl alcohol: Cough syrups, OTC medications, prescription medications, herbal tinctures and supplements, NA beer or wine, fermented teas or other fermented beverages, flavoring extracts, food cooked with alcohol, mouthwash and breath cleansers, hand sanitizers, personal hygiene and body care products, industrial solvents and lacquers, and any other products where ethanol or ethyl alcohol is listed as an ingredient and/or commonly known to be present.

Participant Signature

Date

Phases

Adult Drug Treatment Court is a five-phased, highly structured program lasting a minimum of 14 months; the actual length of time varying on a participant's individual progress.

Each phase consists of specific requirements for transition into the next phase. Phase movement will be the result of accomplishing the following: goals as determined by a case plan along with the specific phase requirements and other responsibilities as discussed with the case manager. Participants apply for phase moves and graduation by filling out an application packet. A review of their contract will occur to ensure total program compliance; the team will review their status and then make a recommendation for phase movement based on performance.

Phase 1: Minimum of 60 days

- Attend court weekly
- Follow the rules of treatment including meaningful participation in treatment
- Follow the rules of supervision
- Attend weekly office visit with the Drug Treatment Court Coordinator
- Comply with monthly home visits
- Comply with random drug testing
- Follow set curfew
- Complete a minimum of 32 hours of structured time
- Pay fee of \$50

In order to advance to Phase 2, participants must successfully comply with requirements of Phase 1 and have maintained at least 14 consecutive days of sobriety.

Phase 2: Minimum of 90 days

- Attend court bi-weekly
- Follow the rules of treatment including meaningful participation in treatment
- Follow the rules of supervision
- Attend weekly office visit with the Drug Treatment Court Coordinator
- Comply with monthly home visits
- Comply with random drug testing
- Begin a criminal thinking group (Thinking for a Change)
Participants may begin this group in either Phase 2 or Phase 3. The treatment team will determine when each participant is ready to begin the group.
- Minimum one self-help group per week (i.e. AA, NA, CA, SMART)
- Follow set curfew
- Complete a minimum of 32 hours of structured time
- Pay fee of \$100

In order to advance to Phase 3, participants must successfully comply with the requirements of Phase 2 and have maintained at least 30 consecutive days of sobriety.

Phase 3: Minimum of 90 days

- Attend court monthly
- Follow the rules of treatment including meaningful participation in treatment
- Follow the rules of supervision
- Attend bi-weekly office visit with the Drug Treatment Court Coordinator
- Comply with monthly home visits
- Comply with random drug testing
- Minimum one contact with sponsor/recovery coach/spiritual advisor per week.
- Minimum three self-help groups per (i.e. AA, NA, CA, SMART) or pro-social activities per week.

- One MUST be a self-help group.
- Create and utilize a Relapse Prevention Plan
- Begin a Criminal Thinking group* (Thinking for a Change)
 - *Participants may begin this group in either Phase 3 or Phase 4. The treatment team will determine when a participant is ready to begin the group.
- Begin a trauma group, if necessary* (Seeking Safety)
 - *Participants may begin this group in either Phase 3 or Phase 4. The treatment team will determine when a participant is ready to begin the group.
- Follow set curfew
- Complete a minimum of 32 hours of structured time
- Pay fee of \$150

In order to advance to Phase 4, participants must successfully comply with the requirements of Phase 3 and have maintained at least 45 consecutive days of sobriety.

Phase 4: Minimum of 90 days

- Attend court monthly
- Follow the rules of treatment including meaningful participation in treatment
- Follow the rules of supervision
- Attend your bi-weekly office visit with the Drug Treatment Court Coordinator
- Comply with monthly home visits
- Comply with random drug testing
- Minimum one contact with sponsor/recovery coach/spiritual advisor per week.
- Minimum three self-help groups per (i.e. AA, NA, CA, SMART) or pro-social activities per week.
 - One MUST be a self-help group.
- Participate in Criminal Thinking group (Thinking for a Change)
- Participate a trauma group, if necessary (Seeking Safety)
- Follow set curfew
- Based upon the individual case plan, engage in:
 - Job or job training
 - Parenting/Family support classes
 - Vocational Training
- Complete a minimum of 32 hours of structured time
- Pay fee of \$200

In order to advance to Phase 5, participants must successfully comply with the requirements of Phase 4 and have maintained at least 60 consecutive days of sobriety.

Phase 5: Minimum of 90 days

- Attend court monthly
- Follow the rules of treatment including meaningful participation in treatment
- Follow the rules of supervision
- Attend bi-weekly office visit with the Drug Treatment Court Coordinator
- Comply with monthly home visits
- Comply with random drug testing
- Develop a continuing care plan
- Begin work on the Graduation Life Plan
- Minimum one contact with sponsor/recovery coach/spiritual advisor per week.

- Minimum three self-help groups per (i.e. AA, NA, CA, SMART) or pro-social activities per week.
One MUST be a self-help group.
- Follow set curfew
- Based upon the case plan, maintain:
 - Job or job training
 - Parenting/Family support classes
 - Vocational Training
- Complete a minimum of 32 hours of structured time
- Pay fee of \$250

In order to request graduation, participants must successfully comply with the requirements of Phase 5 and have maintained at least 90 consecutive days of sobriety.

Graduation

When participants are in Phase 5 and maintaining their sobriety, they may begin to discuss graduation with the Drug Treatment Court Coordinator. In order for the Drug Treatment Court Team to consider a candidate for graduation, participants must successfully complete the following:

- Successful completion of all phases of Treatment Court
- Completion of the Graduation Life Plan
- Verified payment in full of all Drug Treatment Court program fees
- Recommendation from a collateral contact (i.e. parent, co-worker) for graduation

The Drug Treatment Court Coordinator will review the requirements of the Graduation Life Plan. Participants will be required to complete the Graduation Life Plan and present it to the Treatment Court Team. The Drug Treatment Court Team will review the progress in Drug Treatment Court, the Graduation Life Plan and progress in paying Drug Treatment Court fees. After that review, participants will either be approved or not approved for graduation. If participants are approved, a graduation date will be set for the graduation.

Policy regarding purchases for graduates is as follows:

Termination

Termination from the program may occur if a participant's behaviors pose an immediate risk to public safety or is too impaired to benefit from treatments available. Participants may also be terminated if they are unwilling (refusing) or unable to participate in the treatment offered through the Drug Treatment Court. All decisions regarding termination from the program will be made by the Treatment Team.

Drug Treatment Court participants do not have the option to quit or remove oneself from Drug Treatment Court. Successful completion or termination are the only ways in which a participant may leave Drug Treatment Court.

A participant may be terminated from Drug Treatment Court for any of the following:

- Violating the rules of Drug Treatment Court or probation
- Commission of a crime
- Failure to attend scheduled Drug Treatment Court hearings
- Absconding from Drug Treatment Court

- Evidence that a participant is involved with drug use, drug dealings or driving while under the influence of an intoxicant
- Tampering with any required drug/alcohol test
- Inability to pass required drug/alcohol screening tests
- Revocation of Probation/Parole/Extended Supervision
- Any other grounds that the Drug Treatment Court finds sufficient for termination.

Termination Phase: Minimum of 30 days

A participant may be placed in the Termination Phase following a Termination Vote by the Treatment Team. Not all participants that are being considered for termination will be placed in the Termination Phase. Deciding factors for non-placement can be but are not limited to; new felony charges, safety risk to the community/self or others. If the treatment team decides that a participant should not be placed in the termination phase, a letter will be written to the participant indicating the reason(s) why he/she will not be placed in the Termination Phase. The Termination Phase is a minimum of a 30-day probationary period to give the participant a final chance at complying with the programming rules. A Participant may be placed in the Termination Phase directly from any other programming Phase. The Termination Phase rules are as follows:

- Attend court weekly
- Follow all of the rules of treatment
- Must have meaningful participation in treatment
- Follow the rules of supervision
- Attend weekly Case Management sessions with the Drug Treatment Court Coordinator
- Comply with random or court ordered drug testing
- Follow set curfew
- Minimum two contacts with sponsor/recovery coach/spiritual advisor per week.
- Minimum two pro-social activities per week.
- Minimum four self-help groups per week (i.e. AA, NA, CA, SMART)
- Complete 20 hours of Community Service
- Complete a letter to the Treatment Team stating why you should remain in programming
- Participant must complete a Round Table discussion with the Treatment Team

In order to successfully complete the Termination Phase, the participant must comply with the above rules. The participant must also have ZERO positive drug tests. The Treatment Team will review the participants' letter. Taking ONLY the participants actions while in the Termination Phase into account, the Treatment Team will again vote on termination.

Process for Termination

Any member of the Treatment Team may make a request for termination. The request for termination will be discussed at the Treatment Team meeting. After discussion, the Team will vote on the proposed termination. If a majority of the Team votes for termination, the participant will be notified of his/her terminated from the Drug Treatment Court Program.

Participants who are faced with termination are accorded due process protections that include notice and a right to be heard at a Court hearing (which can be the regularly scheduled Drug Treatment Court hearing). The participant will first receive notice of termination and the team defense counsel will represent the participant or SOPD will assign a different PD to the case, ensuring all consequences of program termination are explained to the participant. Participants who have

absconded or are not present at the hearing will be terminated from the program and a Termination Order will be sent to the participant's address that was provided to Drug Treatment Court by the participant. Upon termination, the case will be referred to Branch I or Branch II for sentencing. The Department of Corrections will follow the revocation procedure.

Reporting Contact with Law Enforcement

Participants are instructed to report any and all law enforcement contact immediately to the Drug Treatment Court Coordinator. During after hours, this contact may be made in the form of a text message. The Drug Treatment Court Coordinator will confirm the contact with both law enforcement and Probation and Parole.

Home Visits and Police Contract Policy

For Law Enforcement, Probation Agent(s), and Drug Treatment Court Coordinator:

Purpose

The Portage County Adult Drug Treatment Court Program is a court that is specifically designated and staffed to handle cases involving drug offenders (participants) through an intensive, judicially monitored program of drug treatment, rehabilitation services, and strict community supervision. Drug Treatment Court welcomes and encourages assistance from law enforcement and corrections in monitoring participant behavior should you come into contact with any participant.

Consent to Search Waiver

All drug treatment court participants have the understanding that law enforcement, probation agents, and/or drug treatment court coordinator will be conducting random home visits and may ask to conduct a search which includes the warrantless search of their person, vehicle that is under the control of the participant, and residence for illegal drugs, weapons, and other contraband. The agent/law enforcement officer is prohibited from forcibly entering the treatment court participant's residence for a home visit or forcing a search of their person or home. Refusal to allow entry or failure to cooperate with home visits and searches will be considered a violation which should then be reported to the treatment court liaison officer, drug treatment court case manager, or probation/parole agent.

Home Visits

A home visit is generally an unscheduled visit by an agent from the WI Department of Corrections – Division of Community Corrections (DOC), a law enforcement officer, or drug court coordinator to a drug court participant's reported residence. Entry into the residence should be made unless access is refused or if it does not appear that anyone is at home. Please use good judgment as to time of day and other circumstances. For instance, if it is late at night and no lights or activity is seen it would be inappropriate to initiate contact, but if lights are on AND other factors indicate unusual activity, don't hesitate to make contact.

If a drug treatment court participant refuses a probation agent, drug treatment court coordinator or a law enforcement officer entry into the residence, the drug treatment court participant is to be informed that such refusal is a violation of the drug treatment court program.

During a home visit if there are persons present, please don't hesitate to identify those persons. Participants are prohibited from associating with known drug dealers or users, and in some instances have been prohibited from contact with specific persons. After a home visit please e-mail

the drug treatment court coordinator so that positive visits can be tracked, and problematic visits dealt with.

For Law Enforcement:

Forced Entry/Force Sobriety Testing

Forced entry to the participant's home is NOT permitted unless otherwise authorized by law such as a search warrant or exigent circumstances. Entry refusal shall be reported to your agency drug treatment court liaison officer, drug treatment court coordinator, or participant's probation/parole agent. All participants are on probation or extended supervision. Coerced or forced field sobriety testing such as PBT by a law enforcement officer is NOT permitted. Refusal to comply with requests shall be reported to your agency drug treatment court liaison officer, drug treatment court coordinator, or probation/parole agent.

Rules

All drug treatment court participants must notify any law enforcement officer during contact that they are a drug treatment court participant. Furthermore, all probation, parole, and extended supervision offenders whether they are a drug treatment court participant or not MUST disclose their status during ANY law enforcement contact.

Participants may not possess any firearm while in Drug Treatment Court. The participants must comply with the law as it relates to being a convicted felon and possessing a dangerous weapon. If a weapon is located please respond according to law, DOC direction or department policy; if possession is not a law violation please forward information. Standard rules include 100% sobriety—no drugs—no alcohol—no intoxicants or using behavior of any kind (K2, bath salts, huffing, etc.) and NO BARS. The participant's person and residence is subject to a police search for contraband without cause and a signed waiver is part of their drug treatment court contract. This includes a request to submit to a preliminary breath test (PBT). As part of this waiver, Drug Treatment Court regularly conducts observed UA's, but it is common that participants attempt to avoid detection and alcohol use which can be problematic because the alcohol dissipates very quickly—hence the need for field PBTs. However forced searches and coerced PBTs are NOT permitted. If a participant refuses to comply with a search or PBT please email the name and circumstances to your drug treatment court liaison officer—the Drug Treatment Court Judge will likely sanction them for refusals to comply with your requests. Do not abuse the search waiver. Should you come into contact with a participant under circumstances that are suspicious, a general rule of thumb is to remind the participant they are subject to search as a Drug Treatment Court participant and ask permission. Do not force the issue should they refuse unless you have other probable cause. It is not the intent of the drug treatment court consent to search waiver to overuse the search authority. It is a useful tool when non-compliant behavior is detected.

Enforcement Options

Seize, document, and inventory any contraband according to your department policy.

Alcohol may be documented and destroyed on scene if consistent with your department policy.

In most cases unless otherwise dictated by law, a law enforcement officer may exercise discretion depending on circumstances whether or not to make a physical arrest for criminal or ordinance violations and/or contact the Department of Corrections for a probation/parole hold. At a minimum, please report all criminal and local ordinance law violations as well as drug treatment court rule violations to your drug treatment court liaison officer, drug treatment court coordinator, or probation/parole agent.

Bear in mind that all participants are on probation or extended supervision and a call to the after-hours DOC will most likely result in a hold IF they are drinking alcohol for instance. Use your judgment— self reporting to probation agent or drug treatment court in the morning is usually a viable option for minor offenses.

Incentives and Sanctions

Incentives Defined: A positive consequence that is the direct result of and is a reward for the participant's positive behavior.

Sanctions Defined: the imposition of negative consequences in response to undesirable behaviors. They must be predictable, consistent and immediate.

The sanctions and incentives will be applied as soon as possible after notice of the participant's behavior. The principle applied is that the participant should receive the least restrictive sanction based upon earlier behavior and sanctioning.

Incentives may include, but are not limited to:

- Recognition/Praise by the Judge
- Certificate of Recognition
- Applause in court
- Fee reduction(s)
- Fishbowl Drawings
- Bus passes
- Medallions for sobriety benchmarks
- Books
- Travel privileges
- Curfew reduction
- Phase advancement
- Gift certificate (movie, food, gas card, etc.)

Sanctions may include, but are not limited to:

- Warnings: verbal or written
- Increased drug testing
- Increased supervision (Drug Treatment Court Coordinator and/or Probation Agent)
- Increased court appearances
- Curfew
- Essay for Court
- Purchase gift cards for fishbowl drawings
- Jail time
- Community service hours
- Loss of travel privileges
- Written assignments for court
- Electronic monitoring
- Return to earlier phase of program

Program Fees

Every Drug Treatment Court participant shall pay a fee to participate in the program. The fees must be paid in full prior to graduation unless other arrangements are approved by the Drug Treatment Court Team. The fees for Drug Treatment Court are:

Phase 1	\$50
Phase 2	\$100
Phase 3	\$150
Phase 4	\$200
Phase 5	\$250

The total cost of Drug Treatment Court is \$750. Participants may complete community service to reduce the fee by \$250 (\$10 per hour x 25 hours = \$250). Participants must have approval from the Drug Treatment Court Team in order to work off \$250 of fees with community service. Participants may pay the full cost of Drug Treatment Court at any time however, if a participant is terminated from Drug Treatment Court fees are not refundable.

The Drug Treatment Court Coordinator will be responsible to keep an accounting of fees paid and community service hours completed by each participant toward their fee obligation. The Justice Programs Department will also keep an accounting of fees paid. All fees shall be paid by money order or cash and shall be provided to the Portage County Treasurer's Office located at 1516 Church Street, Stevens Point, Wisconsin.

The fees paid will be used to purchase and provide program needs (such as bus passes, planners), incentives and rewards. The use of the fees for the aforementioned purposes must be approved by a majority of the Drug Treatment Court Team and reviewed by the steering committee. Any excess revenue will be used to offset other costs of the Drug Treatment Court in Portage County (urinalysis testing, treatment, etc.).

At sentencing, participants may also be ordered to pay restitution. Court-ordered restitution and probation fees need to be paid by the time a participant completes *probation*.

Treatment Team Meetings

Drug Treatment Court Treatment Team meetings occur each week for prior to Drug Treatment Court. The disciplines represented at the staffing table will include judge, county attorney, defense counsel, community corrections, treatment provider, law enforcement, and coordinator.

The Drug Treatment Court Coordinator will prepare brief, written updates on each participant which will be provided to and reviewed with the entire team. Input on sanctions, incentives or other program related responsibilities imposed on participants is provided, with decisions arrived at by consensus.

Judicial review sessions are held weekly with participants' attendance linked to their current Phase. Members of the staffing team are present during court.

Health and Human Services Representative

The Child Protective Services (CPS) Social Worker provides information to the Treatment Team regarding the family dynamics in the home, reason for CPS involvement, and information on the services CPS had and has provided to the family. The social worker is not a voting member of the

treatment team; however, is subject to the same confidentiality that the Treatment Team members adhere to. The CPS supervisor will be sent the time(s) that a CPS involved participant(s) will be discussed at the Treatment Team and the social worker will be able to attend the meeting at that time. The social worker can attend the Treatment Court hearing only as a viewer, not a Treatment Team member.

Record Keeping

It is the intent of the Adult Drug Treatment Court to utilize a dual record keeping system to assure that matters occurring in the courtroom are recorded, while team staffing and activities related to treatment are recorded but kept in a confidential manner consistent with the appropriate law. The Clerk will utilize For The Record (FTR) to record all Portage County case file hearing. Additionally, the Clerk will enter each Portage County case status hearing into CCAP and only comment on the participant's incentive, sanction, and/or the next required appearance in Court. On all non-Portage County cases, the Clerk will submit a form to the county of origin with the above disclosed information.

The Adult Drug Treatment Court Coordinator will update and maintain a separate confidential file on all referrals, active and discharged participants. Documents included in that file are, but are not limited to assessment, diagnosis, medical conditions, mental health information, application, evaluative information on the participant, treatment information, team notes and, team case plan. This file will be kept in the Adult Drug Treatment Court office.

Record Retention Policy

Wisconsin State Statute 19.21(5)(c), requires records to be retained for seven years after the date of discharge.

Lending Library

All Portage County Adult Drug Treatment Court participants have access to the lending library located in the Treatment Court office. All books focus on recovery, self-help, mindfulness, 12-step groups, and children's books assisting adults in speaking with children on incarceration, recovery, etc. Participants will have to sign an agreement when checking out a book(s) indicating an agreed upon return date and that a fee will be imposed if the book is damaged or lost.

III. Confidentiality

Every Drug Treatment Court participant's identity and privacy will be protected consistent with federal confidentiality laws (42 United States Code (USC) Section 2990dd-2, and the regulations implementing these laws at 42 Code of Federal Regulations (CFS), Part) and Wisconsin Law. Drug Treatment Courts and confidentiality laws are designed to achieve the shared goal of encouraging those with addictions to alcohol and/or drugs to obtain and remain in treatment. The Portage County Adult Drug Treatment Court can only function if information is shared among team members.

The goals of Drug Treatment Court and confidentiality laws are compatible; both seek to help substance abusers overcome their drug and/or alcohol addiction, for the benefit of themselves and society at large. If a situation exists where Drug Treatment Court practice conflicts with confidentiality laws, then the law prevails. Drug Treatment Court will eliminate any unnecessary

conflict by obtaining the participant's consent for information disclosure. The participant will be asked to sign a waiver authorizing the transfer of information among all participating agencies.

Valid consent from a participant allows the use of information in a matter that would otherwise violate federal regulations regarding confidentiality. Individuals referred to alcohol and/or drug treatment programs by the criminal justice system do not have a right to revoke their consent until successful completion of the program. Participants must be informed that their consent is irrevocable but not permanent.

First, the participants should have an opportunity to consult with a lawyer before signing the form. The lawyer should not necessarily present the form to participant, as that may give the impression that the lawyer is trying to obtain the participant's consent rather than assisting the participant in deciding whether to consent.

Second, whoever presents the form should thoroughly review it with the participant, with particular attention to the possibility that the participant is illiterate or cannot read or comprehend the language in which the waiver is written. If the participant cannot understand or read English, a translator will assist the person reviewing the form. Typically, the Drug Treatment Court Coordinator will be the person obtaining signed copies of confidentiality forms and consent to disclose private information form. The Drug Treatment Court Coordinator will maintain copies of all signed forms in each participant's Drug Treatment Court File.

Third, regulations require that the participant be advised, orally and in writing, that federal law protects the confidentiality of treatment records. The notice must cite Section 290dd-2 and the implementing regulations (Sections 2.1 through 2.67 of Title 42 of the Code of Federal Regulations) and state that:

1. Treatment information is ordinarily kept confidential;
2. It is a crime to violate this confidentiality requirement, which the participant may report to the authorities;
3. Federal law does not protect information relating to crimes committed on the premises of the program, crimes against program personnel or the abuse or neglect of a child.

The participant may be asked to re-execute the consent. The re-execution should occur as soon as the court is satisfied that the participant is not suffering from any effects of being under the influence of alcohol and other drugs or the withdrawals associated with drug use. Routine re-execution is required when a new entity joins the Drug Treatment Court Team.

Title 42, Section 2.31(a) of the Code of Federal Regulation lists nine elements that must be included in a written consent:

1. The specific name or general designation of the problem or person permitted to make the disclosure
2. The name or title of the individual or the name of the organization to which disclosure is to be made
3. The name of the Portage County Adult Drug Treatment Court participant
4. The purpose or need for the disclosure
5. How much and what kind of information is to be disclosed
6. The signature of the patient, or when required for a patient who is incompetent or deceased, the signature of a person authorized to sign under § 2.15 in lieu of the patient
7. The date which the consent was signed

8. A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure had already acted in reliance on it. Acting in reliance includes treatment services in reliance on a valid consent to disclose information to a third-party payer
9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.

NOTE: The eighth element, concerning the revocation of consent, should not be included in consent forms in criminal Drug Treatment Courts but it must be included in juvenile and family drug court waivers. *See 42 C.F.R. § 2.35.*

A general medical release form or any consent form that does not contain all of the elements listed above and herein, is not acceptable.

These laws and regulations are designed to protect patients' privacy rights in order to attract people into treatment. The regulations restrict communications more tightly in many instances than, for example, either the doctor-patient or the attorney-client privilege. Violation of the regulations is punishable by a fine of up to \$500 for a first offense or up to \$5,000 for each subsequent offense

Federal confidentiality law and regulations protect any information about an offender if the offender has applied for or received any alcohol or drug related services from a program that is covered under the law. Services applied for or received can include assessment, diagnosis, individual counseling, group counseling, treatment or referral for treatment. The restrictions on disclosure apply to any information that would identify the offender as an alcoholic or other drug abuser, either directly or by implication. The general rule applies from the time the offender makes an appointment. It applies to offenders who are mandated into treatment as well as those who enter treatment voluntarily. It also applies to former clients or patients. The rule applies whether or not the person making an inquiry already has the information, has other ways of getting it, has some form of official status, is authorized by State law, or comes armed with a subpoena or search warrant.

Information that is protected by Federal confidentiality regulations may always be disclosed after the offender has signed a proper consent form. The regulations also permit disclosure without the offender's consent in several situations, including medical emergencies, program evaluations and communications among program staff. Offenders who refuse to sign consent forms permitting essential communications can be excluded from treatment or provided treatment temporarily in the hope that resistance to signing the consent forms will evaporate as treatment proceeds.

All members of the Drug Treatment Court Team must hold information discussed during pretrial interviews, assessment, Drug Treatment Court Treatment Team meetings, Drug Treatment Court status hearings and treatment sessions in confidence.

No test results or statements made by participants during the above mentioned proceedings, other than pleas of guilty or statements made at termination hearings, shall be admissible against participants in any prosecution other than in Drug Treatment Court proceedings to prove a violation of Drug Treatment Court rules, to establish grounds for termination of a defendant from the Drug Treatment Court program, or to prove a violation of probation based upon termination of a

defendant from the Drug Treatment Court program. However, evidence which is discovered either routinely in the course of a criminal investigation, shall not be inadmissible because such evidence is also disclosed or discovered during pretrial interviews, assessment, and treatment or Drug Treatment Court proceedings.

Evaluations, researchers or personnel from other courts visiting the Drug Treatment Court Treatment Team meetings and Drug Treatment Court hearings are required to sign a confidentiality agreement that is kept on file by the Drug Treatment Court Coordinator.

Visitors to the Court

Visitors may be allowed to attend Drug Treatment Court sessions. All potential visitors must request permission to attend court one week prior to the date they would like to attend. Requests must be submitted to Drug Treatment Court Coordinator. The Drug Treatment Court Team will approve all requests. The Drug Treatment Court Coordinator will notify the potential visitors if the request was approved or denied. No visitors will be allowed to enter the Drug Treatment Court session without prior approval of the team. Visitors will be required to sign a confidentiality agreement at each session. Visitors may be asked to leave the Court at any time.

IV. Roles and Responsibilities of Drug Treatment Court Treatment Team Members

Judge

The Judge supervises participant progress through the Drug Treatment Court based on weekly court hearings, team input, and your behavior. The Judge will hold participants accountable for their progress by use of sanctions and incentives.

Prosecutor

The District Attorney (DA) or Assistant District Attorney (ADA) identifies potential Drug Treatment Court participants and shares the information with the team for selection. The DA or ADA attends weekly team meetings and provides input on participant progress.

Public Defender

The Public Defender (PD) is an advocate for participant access to and continued participation in Drug Treatment Court. The PD attends weekly team meetings and provides input on participant progress.

Drug Treatment Court Coordinator

The Drug Treatment Court Coordinator provides supervision and case management services, attends weekly team meetings and provides input on participant progress. The Drug Treatment Court Coordinator is also responsible to the facilitation of cognitive group therapy.

Drug Treatment Court Technician/Case Manager

The Drug Treatment Court Technician assists the Drug Treatment Court Coordinator in providing direct services to potential and existing Drug Treatment Court Participants. The Drug Treatment

Court Technician is responsible for conducting participant contacts both in the office and in the community for the purpose of ensuring that program rules and expectations are being met.

Law Enforcement

The representative from local Law Enforcement provides the public safety perspective and can also identify potential candidates for Drug Treatment Court. The Law Enforcement representative attends weekly team meetings and provides input on participant progress. Law Enforcement will flag all active Drug Treatment Court participants in the CAD system.

Department of Corrections

The Probation Officer provides community supervision, attends weekly team meetings and provides input on participant progress.

Treatment Provider

The Treatment Provider provides clinical assessments, individual and group therapy, and provides input on participant progress at weekly team meetings and Drug Treatment Court Hearings.

V. Primary Treatment: Substance Abuse Treatment

The Drug Treatment Court Treatment Provider will use multiple treatment resources to provide substance abuse services to its participants. A Drug Treatment Court participant may receive additional community-based treatment, such as mental health treatment, from a provider who is not the Treatment Provider. The Drug Treatment Court Treatment Provider and community-based Treatment Providers must be licensed to provide substance abuse and/or mental health treatment by the State of Wisconsin. All Treatment Providers are required to follow all local, state, federal confidentiality laws. All Treatment Providers are required to provide regular progress reports to the Drug Treatment Court Coordinator on each client in their program as well as functional assessment results at discharge.

All participants will receive substance abuse treatment from the Drug Treatment Court Treatment Provider. A clinical assessment will identify what type of treatment is appropriate (e.g. inpatient, outpatient, primary and combinations of the two; extended care, ½ way house, sober living; detox). Continuing Care and relapse prevention will be a part of the treatment component of Drug Treatment Court. Treatment will be provided as soon as possible after assessment. Our goal is to get the participant into treatment within a week. If that is not possible, the Drug Treatment Court Coordinator and participant will develop an interim care plan (for housing, weekly court and weekly support group meetings).

The treatment plans developed for each participant in Drug Treatment Court will vary depending on the needs of the participant. Generally, however, each participant's treatment plan will:

- ✓ provide on-going group and individual counseling sessions. They may provide family sessions as needed;
- ✓ develop a treatment plan based on an individual assessment of the client's strengths, assets and needs. Certain decisions regarding treatment are made based on the strengths and needs of the client including outpatient treatment for those who have strong family relationships, or stable housing or employment;

- ✓ address the level of severity of the problem in the treatment plan, the level of care needed, and specific situational needs, including language, literacy, housing, medical and psychological;
- ✓ use community recovery groups to promote each participant's individual recovery;
- ✓ provide aftercare services, including continued case management, relapse prevention strategies and counseling and other supportive services.

The treatment plan is reviewed and frequently revised for the first phase of Drug Treatment Court since the participant is required to appear in court weekly. During the second phase, the plan should have stabilized and should not have to be reviewed more than once per month. When a participant is nearing the completion of treatment, the Drug Treatment Court Coordinator, Treatment Provider and the participant will meet to develop a continuing care plan based on real-life needs of the participant.

Treatment phases are goal-oriented and not based on time, although approximate duration of treatment is estimated. Generally, treatment protocol is based on the least restrictive level of care possible to address the participant's particular problem. The progression is based on the results of UA tests, compliance with program requirements, severity of the problem, and treatment team agreement. The length of stay varies based on individual need; the extended care criteria are used to determine the need for continued care (e.g. clinical assessment of individual's progress through treatment and the prognosis).

The Treatment Provider is required to develop treatment case plans, maintain client records, monitor clients during treatment, and continue to provide case management as the client moves into recovery in the community. The Drug Treatment Court Coordinator is also involved in case planning and supportive services with the Treatment Provider and the client during treatment, aftercare and to successful completion of Drug Treatment Court.

Medication-Assisted Treatment

Drug Treatment Court supports every participant's right to utilize Medication-Assisted Treatment (MAT). Drug Treatment Court requires participants to have a current prescription for the medication and are in full compliance with the MAT prescribing physician's recommendations for care. The Drug Treatment Court will also require an Authorization for the Release of Confidential Information to allow the Drug Treatment Court Coordinator and the prescribing physician to communicate regularly to ensure a participant's full compliance with MAT.

VI. Secondary Treatment

Cognitive Groups

All participants must attend Cognitive Programming after primary treatment is completed. Participants are required to attend Moral Reconciliation Therapy (MRT) which is a program that teaches offenders how to change their thinking patterns and behavior. Completion of a cognitive skills program is required for graduation from Drug Treatment Court.

Trauma Groups

Participants who are assessed to have trauma will be encouraged to attend Seeking Safety, an evidence based cognitive group for people with trauma and substance abuse needs. Interested participants will attend Seeking Safety after primary treatment is completed. Seeking Safety

consists of 25 lessons to empower participants to create safety in their thinking, behaviors and emotions. There will be a male and female Seeking Safety group.

Alumni Group

All participants are encouraged to attend the Alumni Group. The goal of the Alumni group is to provide a supportive environment and give participants a chance to be mentored by a graduate of the program. The foundation of the group is honesty. The format is support, not structured around the traditional twelve-step model. The content of the meeting promotes honesty and self-disclosure away from the court process, Drug Treatment Court Team, and is a confidential and safe place. Ideas and topics of discussion are introduced by the facilitator, which are then talked about with the group at large.

VII. Grievance Procedure

Every Drug Treatment Court participant has a right to utilize the Grievance Policy should a participant have a complaint or feel that his/her rights were violated. The Grievance Procedure is as follows:

Step 1 - Verbal Discussion

The participant must request a meeting to discuss the matter with the Drug Treatment Court Coordinator as soon as possible after the incident occurs (within 5 days). If the participant is not satisfied with the decision or solution of the Drug Treatment Court Coordinator, the participant may proceed to Step 2.

Step 2 - Written Complaint

If the participant did not achieve a resolution in Step 1, the participant must put the complaint in writing within 5 days following Step 1 and turn the written complaint into the Portage County Justice Programs Director. The Director will make a formal written decision within seven business days and send it to the participant. This decision is final, and the Drug Treatment Court Coordinator will also be included in the written response.

VIII. Goals and Objectives

Goal: Drug Treatment Court will reduce recidivism for non-violent offenders and increase public safety.

Objective: Reduce criminal behavior and recidivism among Drug Treatment Court participants.

Measures of Impact/Outcomes

- Decreased in-program recidivism rate
- Decreased post-program re-arrest rate at 6-month, 12-month, 24-month, 36-month intervals
- Compliance rate with required Status Hearings
- Compliance rate with required home visits.

Objective: Target Drug Treatment Court services to high risk and high need participants only.

Measures of Impact/Outcomes

- Ratio of participants who are screen in to screened out
- All participants will have a criminogenic risk of “high risk”
- All participants will have a substance abuse need of “high need”

Goal: Portage County will reduce prison and jail populations by diverting non-violence offenders into its Drug Treatment Court.

Objective: Successfully engage participants with the Drug Treatment Court model to avoid the imposition of prison or jail sentences.

Measures of Impact/Outcomes

- Program retention rate
- Program termination rate
- Prison bed days averted by a successful completion of Drug Treatment Court
- Jail bed days averted by successful completion of Drug Treatment Court
- Decreased court processing time to minimize time between arrest and Court entry

Objective: Reduce the reliance on incarceration as the primary sanction for criminal offenses and violations of probation.

Measures of Impact/Outcomes

- Ratio of incentives to sanctions
- Rate of alternate sanction to jail sanctions

Goal: Portage County Adult Drug Treatment Court will reduce drug addiction in our community and improve the treatment outcomes for non-violent offenders with serious addictions.

Objectives: Reduce and eliminate the use of controlled substances and alcohol for Drug Treatment Court participants.

Measures of Impact/Outcomes

- Frequency of drug testing
- Increased percentage of drug tests free of drugs and alcohol
- Increased days of sobriety between urine tests for drugs and alcohol

Objective: Increased coordinated response to treatment and supervision will improve sobriety and recovery.

Measures of Impact/Outcomes

- Drug Treatment Court length of stay is a 14 month minimum
- Increased compliance with restitution payments (when ordered)
- Drug Treatment Court graduation and termination rates
- Dosage hours of individual and group treatment for addiction
- Percentage of participants engaged in community based recovery groups
- Percentage of graduates engaged in the Alumni Group
- Percentage of successful home visits completed by Treatment Team members
- Participant attendance rate in Drug Treatment Court
- Ratio of incentives to sanctions

- Attendance rate of Drug Treatment Court Team at Team Meetings
- Attendance rate of Drug Treatment Court Team at Drug Treatment Court Hearings

Goal: Portage County Adult Drug Treatment Court will implement a comprehensive and holistic treatment model that will improve the overall social functioning of each participant.

Objective: The Drug Treatment Court Coordinator will assess each participant and collaborate with each participant to create an individualized, integrated and holistic case plan which addresses all areas of strength and need in a participant’s life.

Measures of Impact/Outcomes

- Number of COMPAS assessments completed
- Number of case plans created
- Number and types of referrals to community-based providers
- Improved employment status
- Improved educational status
- Improved housing stability
- Reunification with children through Child Protective Services (if applicable)
- Percentage of case plan goals completed by graduation

Objective: The Outpatient Treatment Provider will complete a clinical assessment with each participant and collaborate with each participant to create an individualized, integrated and holistic treatment plan which addresses all areas of strength and need in a participant’s life.

Measures of Impact/Outcomes

- Number of clinical assessments completed
- Number of treatment plans created
- Completion of 200 dosage hours of treatment
- Number and types of referrals to other mental health professionals
- Improved employment status
- Improved educational status
- Improved housing stability
- Reunification of children through Child Protective Services (if applicable)

Goal: Drug Treatment Court will engage community and internal stakeholders to create a long-term sustainability plan for the Court.

Objective: Increase community partnerships through education, awareness and an improved understanding of the role the Drug Treatment Court plays in treating addiction, supporting recovery, reducing recidivism and providing cost-savings to taxpayers.

Measures of Impact/Outcomes

Number of speaking opportunities scheduled and completed by Drug Treatment Court Team Members and Drug Treatment Court Graduates

Percentage and value of donations made by local businesses and organizations for incentives for Drug Treatment Court participants

Semi-annual roundtable, public forums scheduled and completed

Number of coalitions/organizations to which Drug Treatment Court Members have joined

Number of times Drug Treatment Court Team Members contributed to the meetings through education and awareness of the Drug Treatment Court's work

Objective: Increase internal partnerships through education, awareness and an improved understanding of the role the Drug Treatment Court plays in treating addiction, supporting recovery, reducing recidivism and providing cost-savings to the County.

Measures of Impact/Outcomes

Addition of the Drug Treatment Court into the Portage County Strategic Plan revision

Number of presentations give to County Board members about the Drug Treatment Court

Number of County Board members who attend Drug Treatment Court Hearings

Frequency of County Board members who attend Drug Treatment Court Hearings

Quarterly presentation of Drug Treatment Court data to the Justice Coalition

Quarterly presentation of Drug Treatment Court data to the Justice Coalition Executive Committee

Monthly presentation of Drug Treatment Court data to the Judicial General Government Committee

IX. Policies

Crisis Response Policy

The Portage County Adult Drug Treatment Court is an integrated and collaborative criminal justice system venture to provide treatment, rehabilitation and accountability to drug dependent offenders. Unfortunately, the unexpected passing or crisis involving a participant may occur while the participant is enrolled in Treatment Court. Due to multiple Treatment Team members and participants, it is necessary to coordinate communication between all parties and offer a safe place for staff and participants to debrief following such incidents. The policy is as follows:

Once the information is communicated to a team member, that team member should inform the Treatment Court Coordinator and/or the Justice Programs Director, who will oversee contacting specific team members.

The Treatment Court Coordinator, Justice Programs Director, and treatment provider will coordinate how best to inform participants. A Critical Incident Team from an outside county can be contacted if it is determined that an independent facilitator may be helpful to debrief with the participants. The debriefing should occur *no later than seven days* following the incident.

Treatment Team members will schedule extra time during the Treatment Team meeting to debrief about the incident. Debriefing will be used solely to process the incident, not to change program policies and procedures. Individual Team members who feel they need further assistance are encouraged to contact their individual employer's EAP program.

Details about an incident cannot be discussed with participants without a signed release of information from the participant involved in the crisis occurrence, or in the event of a participant's death, from an authorized representative of the deceased participant. The Treatment Court Coordinator or Justice Programs Director can request that the participant involved in the crisis

occurrence or the participant's authorized representative provide a written release of information in order to allow the team and program participants to debrief following the crisis occurrence.

Regardless of whether or not a signed release of information is obtained from or on behalf of the participant involved in the crisis occurrence, the team should be cautious about the information it shares with the participants. If there is no signed release, the team's only role is to listen and support.

Program staff and the team may owe a duty of confidentiality to the participant involved in the crisis occurrence, but participants are likely not bound by any duty of confidentiality. In circumstances where participants already have access to more information that the team possesses, it may be appropriate for the participants to share as much or as little information they feel comfortable sharing as part of a crisis occurrence response process.

Graduation Policy

The Portage County Adult Drug Treatment Court is an integrated and collaborative criminal justice system venture to provide treatment, rehabilitation and accountability to drug dependent offenders; and to improve the lives of offenders, their families and the community. As part of the program, participants are required to pay a program fee which is used toward incentives and graduation gifts and supplies.

The following items will be purchased with Treatment Alternatives and Diversion (TAD) funds and/or program fees for a participant's graduation:

- \$50 gift card to a vendor chosen by the participant.
- Dessert.
- Award with engraving.

The total amount will not exceed \$200 per graduate.

Graduation supplies also purchased with TAD funds and/or program fees include:

- Paper plates.
- Plastic silverware.
- Napkins.
- Serving utensils.

Re-Referral Policy

The team recognizes that participants in the program are offered an opportunity to avoid traditional sanctions (incarceration) by demonstrating the ability to live a clean, sober and productive life. Additionally, the team also recognizes that participation in or graduation from the program does not guarantee a lifetime of sobriety. It is understood that relapse and re-arrest can occur if a participant does not embrace a recovery lifestyle.

Therefore, as a matter of policy, there shall be no automatic bar to reentry in the program for any former participant, whether terminated or graduated, nor shall there be any limit on the number of

times a person may be referred. Each re-referred applicant will have to go through the same enrollment process as any other applicant referred to the program.