

WALWORTH COUNTY DRUG COURT

Policies and Procedures Handbook



Revised June 2014

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I. Introduction

Mission Statement: The mission of the Walworth County Drug Court is to enhance public safety, to reduce prison and jail populations, and to reduce recidivism by effectively partnering with government agencies and community resources to focus non-violent, drug offender rehabilitation.

Values: The core of the Walworth County Drug Court relies on three distinct, set values to which the program heavily relies upon including:

- **Equality:** To provide a program for all individuals regardless of age, disability, national origin, race, color, religion, sex, sexual orientation, ethnicity, or socio-economic status.
- **Fiscal Responsibility:** To provide a program that decreases taxpayer costs and better utilizes criminal justice resources in Walworth County.
- **Teamwork:** Provide a multi-disciplinary, multi-agency, approach to address the problem of impaired operators.

The Drug Court Team: The Walworth County Drug Court (WCDC) will make all decisions regarding participation in the WCDC with input from the WCDC Team. In addition to the Judge, the Team consists of the following members:

- Defense Attorney Representative: Protection of the rights of the defendant
- Prosecuting Attorney Representative: Assists in reviewing cases for eligibility for program
- Probation Agent: Provides direct supervision of participants
- Treatment Provider: Responsible for educating the participants and helping them deal with alcohol/ Drug abuse issues
- Treatment Coordinator: Conduct screenings for new participants
- Law Enforcement Representative
- Corrections Representative
- Program Evaluator

Drug Court Team Staffings: Staffing meetings occur prior to every court session. During this meeting, WCDC Team members discuss the status of all participants including deciding appropriate incentives and sanctions to be applied to participants on an individual basis. Furthermore, attendees are required to sign in via an observer log prior to each staffing agreeing to confidentiality requirements; all WCDC staffings are non-public and confidential.

Cultural Competence: WCDC proudly identifies itself as a cultural competent program by demonstrating sensitivity to and understanding of cultural differences in program design, implementation, and evaluation. WCDC accommodates for this trait by:

- Acknowledging culture as a predominant force in shaping behaviors, values, and institutions;
- Acknowledging and accepting that cultural differences exist and have an impact on service delivery;
- Believing that diversity within cultures is as important as diversity between cultures;
- Respecting the unique, culturally defined needs of various client populations;
- Recognizing that concepts such as “family” and “community” vary in differing cultures and can vary for subgroups within cultures;
- Understanding that people from different racial and ethnic groups and other cultural subgroups are usually best served by persons who are a part of or understand their culture and recognize the potential impact of one’s cultural values on one’s response to the DRUG Treatment Program;
- Recognizing that taking the best of both worlds enhances the capacity of all.

II. Goals and Objectives

Methods for Achieving Goals: WCDC provides ways in which achieving the program’s primary goals become feasible through implementing methods for successful fulfillment.

Goals: The Walworth County Drug Court has the following primary goals:

Goal #1: Reduce recidivism rates for nonviolent offenders in the program and increase public safety.

Objectives:

- Follow recognized methods and procedures, specifically The 10 Key Components of Drug Courts, which have been empirically shown to reduce recidivism.
- To avoid re-arrest on any criminal charge for 80% of the program.
- To assess re-arrest rates for 100% of graduates on an annual basis.

Measures of Impact/Outcomes: Monitor post-diversion program participant criminal activity; Evaluate offenders with jail sentences versus offenders who have successfully completed the WCDC treatment program and statistically analyze the correlation.

Goal #2: Reduce prison and jail populations by diverting nonviolent offenders to community-based interventions.

Objectives:

- Mandate regular court appearances, probation appointments, and treatment group sessions.

- Mandate regular and truly random drug and alcohol testing.
- Impose immediate sanctions for non-compliance, including minor violations, to correct behavior.
- Terminate, immediately convict, and sentence participants who commit serious violations or repeatedly commit minor violations.

Measures of Impact/Outcomes: Research and analyze jail statistics prior to WCDC creation, measure number of program participants versus those incarcerated and their sentences; Monitor program enrollment that 75% of eligible drug offenses are being referred into WCDC Program.

Goal #3: Improve treatment outcomes for substance dependent offenders.

Objectives:

- To achieve clinical classification as drug free for at least 5 continuous months for 100% of those recommended for graduation from the Drug Court Program with an additional 6 months of sobriety before probation discharge.
- To engage 100% of program graduates in aftercare planning.

Measures of Impact/Outcomes: Evaluate recidivism rates of drug offenses on an annual basis; Implement a tool to measure behavioral changes before, during, and after participation in the WCDC Program.

Goal #4: Develop and implement a holistic and comprehensive program model specific to treatment needs for each Drug Court participant.

Objectives:

- To secure an agreement to participate in the program for at least 75% of those assessed as program-eligible.
- To develop individualized treatment plans for 100% of Drug Court participants within the first two weeks of acceptance into the Drug Court Program.
- To achieve a graduation rate of 75% of those who enroll in the Drug Court program.
- Increase employment stability and assist participants in obtaining an HSED/GED.

Measures of Impact/Outcomes: Monitor participant employment status and longevity; Administer bi-annual surveys to assess satisfaction throughout the program.

Goal #5: Reduce criminal justice costs through reduced reliance on incarceration for non-violent offenders.

Objectives:

- Provide alternative to incarceration programs for non-violent offenders in Walworth County.

- Target felony offenders who face substantial jail or prison sentences.
- Quickly screen and assess defendants for eligibility and begin participation as soon as possible after a plea has been entered.
- Utilize alternative sanctions to avoid additional incarceration costs and exercise incentives for positive reinforcement;
- Follow recognized methods and procedures which have been empirically shown to reduce recidivism.

Measures of Impact/Outcomes: Conduct regular program and outcome evaluations.

The 10 Key Components of Drug Courts encourage the reduction of recidivism rates through evidence based material. These components of DWI/ Drug Courts, as described by the U.S. Department of Justice in *Defining DWI/ Drug Courts: The Key Components* (1997) are reflected in the Walworth County DWI/ Drug Court, as noted below:

1. Drug courts integrate alcohol and other Drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights.
3. Eligible participants are identified early and promptly placed in the Drug court program.
4. Drug courts provide access to a continuum of alcohol, Drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other Drug testing.
6. A coordinated strategy governs Drug court responses to participants’ compliance.
7. Ongoing judicial interaction with each Drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective Drug court planning, implementation, and operation.
10. Forging partnerships among Drug courts, public agencies, and community-based organizations generates local support and enhances Drug court program effectiveness.

III. Program Entry

Target Population: The WCDC’s target population has the following characteristics:

- An adult, Walworth County resident;
- Charged under the Uniform Controlled Substances Act (ch. 961, Wis. Stats.), specific to opiate/opioid drugs;
- Identified as high risk/high need through screening and assessment.

Eligibility: This program is designed to serve high risk/ high need individuals who have significant substance dependence issues. In order to be determined eligible to participate in the WCDC, the defendant must meet the following criterion:

- Be an adult, Walworth County resident;
- Be a legal resident of the United States of America as demonstrated by passport, birth certificate, or green card;
- Charged with of a felony involving the possession/use of a controlled substance specific to Heroin;
- Be addicted¹ to illicit² drugs and are at substantial risk for reoffending;
- No history of violent³ behavior including offenses involving a weapon;
- Have no criminal cases pending in any jurisdiction (all charges need to be resolved prior to starting the program);
- Be able to read at least at sixth grade level – to be demonstrated through educational attainment or skills demonstration;
- Apply in writing by completing the program application form and all necessary screening/assessment requirements.

Capacity: Currently, there is no maximum capacity of the WCDC Program to allow for expansion of the target population and the program goal to increase the number of participants. However, the WCDC will accept applicants as long as funding is available; as funding becomes limited, the number of participants allowed into the program will become limited. Following funding limitations, it is possible that a waiting list may be implemented.

Disqualification Criteria: In addition, persons **will NOT be considered** if they meet the following:

- Non-county resident or outside the Court’s jurisdiction;
- Minor;
- Charges relating to a crash involving homicide or serious bodily injury;
- Has prior, serious violent offenses* ;
- Has a serious mental illness;
- Has a record of a felony weapons violation;
- A screening shows the perspective participant does not have a serious addiction;
- Has charges pending in another jurisdiction;

¹ Diagnostic terminology is in flux in light of recent changes to the 5th edition of *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5). The terms *addiction* and *dependence* are defined herein in accordance with the American Society of Addiction Medicine (ASAM), which focuses on a compulsion to use or inability to abstain from alcohol or other drugs.

² Illicit drugs include addictive or intoxicating prescription medications that are taken for a non-prescribed or non-medically indicated purpose.

^{3*} In March 2014, the WCDC Advisory Committee adopted the Wisconsin Department of Justice criteria and specifies that a violent offender is not eligible to participate in this program. A violent offender is defined as a person to whom one of the following applies: (a) The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm; (b) The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

- Any other reason(s) that would deem an offender inappropriate for the WCDC as determined by the WCDC Team.

IV. Referral Policy and Screening

Referral Process: The following procedure exists to ensure consistent treatment of defendants who request entrance into the WCDC.

- Referrals to WCDC shall take place as soon as possible following the identification of a potential program participant to ensure critical intervention and immediate introduction of AODA treatment. Refer to eligibility guidelines. Referrals may originate from, but are not limited to the following sources:
 - The arresting agency
 - The District Attorney's Office
 - Defense Attorneys
 - Walworth County Department of Health and Human Services
 - Division of Community Corrections
- The District Attorney's Office, defense attorneys and/ or the Court shall provide potential participants with information regarding the WCDC either at the time of bond hearing or initial appearance.
- Referring agencies may provide potential participants with information regarding the WCDC at the time of arrest or other contact.
- The WCDC and District Attorney's Office shall require potential participants to complete the Drug Court Treatment Program Application and all Screening/Assessment Forms.
- The District Attorney's Office shall determine preliminary eligibility and retains the authority to decline a request for program admission.
- Candidates deemed eligible by the District Attorney's office shall be referred immediately to the Treatment Court Coordinator for further screening and assessment.
- When the Treatment Court Coordinator deems a defendant eligible for program participation, the potential participant's request may be further reviewed by the WCDC Team for final approval or rejection.
- The Walworth County District Attorney's Office shall hold sole discretion in accepting a plea for the offender to enter the program.

Participants are also subject to WCDC guidelines regarding plea and sentencing as enforced by the District Attorney's Office:

1. Two years of probation with a withheld sentence. As a condition of probation, the participant will be ordered to serve five days of jail without Huber. **This time must be served immediately after sentencing**. One year of conditional jail time will be imposed and stayed to be used at the discretion of the court and Huber privileges may be granted. Other conditions include court costs, a \$500 program fee, and comply with the rules and regulations of Walworth County Drug Court.
2. All participants must read and sign a consent for disclosure of treatment information.
3. All participants must read and sign the participant waiver and agreement.
4. Defendant **MUST** follow all Drug Court Program, Jail, and Probation rules with no violations. Any violation of rules or failure to adhere to treatment requirements could mean removal from the Drug Court program, revocation of probation, and an **immediate imposition of a jail sentence**.
5. Conditions of participation will include drug/alcohol screens and complete, meaningful compliance with ALL treatment programming and attendance at Drug Court sessions. This includes a requirement of no alcohol or drug use.
6. Upon successful completion of the program, the defendant's conviction will be expunged. If the defendant is not eligible for expunction, then the State will move to reopen and dismiss the case.

Incentives to participate in the WCDC program include; minimum mandatory jail sentence, minimum mandatory fine, monetary savings, access to quality treatment, large support system for WCDC team members, and the ability to complete GED through partnership with Gateway Technical College. Participation in the WCDC is completely voluntary; however, participation will be ordered by the court at the time of sentencing. Any voluntarily removal or termination from the program would be a violation of the participant's probation. Probation would be revoked and a new hearing would be scheduled. The participant would still face the maximum penalty for the charge they pled guilty to. Those who do not choose to participate in the WCDC Program would be sentenced as deemed appropriate by the Court through the traditional criminal justice process.

Screening and Assessment: The Walworth County Drug Court requires that participants be screened in order to assess the risks and identify the needs of each program participant.

Pre-Plea: All potential WCDC participants are required to meet with the Treatment Court Coordinator to determine eligibility for the program. All participants are required to complete and sign the Drug Court Application and the Comprehension Checklist as well as;

- Legal history screening conducted by the Walworth County District Attorney's Office.
- Be able to read at least at sixth grade level. This will be verified through a skills demonstration by completing the Shipley assessment. Those scoring lower than the acceptable range will complete an assessment with the WCDC treatment facilitator(s) to determine if the WCDC treatment curriculum will be appropriate for the proposed participant. The results of the assessment will determine if the participant is eligible.
- Complete the Alcohol Use Disorders Identification Test (AUDIT) to screen and identify those at risk of alcohol problems and harmful drinking behavior.
- Complete the Drug Abuse Screen Test (DAST-20) to assess the degree of problems and/or consequences related to Drug abuse.
- Complete the Walworth County Drug Court Eligibility Screener and the Global Appraisal of Individual Needs (GAIN-SS) to measure for both mental illness and substance use disorder and is utilized by the WCDC Clinician to assess risk.
- Complete the Wisconsin Risk/Needs Assessment (WRN) to determine risk/need level.

All participants who pass the above screening tools will be referred to the WCDC Clinician and must complete a full assessment diagnosis.

Post-Plea: Upon entrance to the WCDC, all participants are required to complete additional assessments at the respective intake appointments.

- Criminogenic needs are assessed at the probation intake appointment after the participant is released from the Huber facility. Probation administers the assessment tool COMPAS; calculates violent risk and general recidivism risk. The evidence-based practice is designed for the Department of Corrections and is used to determine what level of supervision the offender should be supervised, based on their calculated risk.
- The WCDC Clinical Coordinator utilizes the WI-Uniform Placement Criteria (UPC) to determine appropriate level of care.

Participant Agreement and Consent for Disclosure of Confidential Substance Abuse Information: All participants entering the program are required to sign and abide by the program Participant Agreement, the Consent for Disclosure of Confidential Substance Abuse information, and the Comprehension Checklist. The participant and representing attorney, if applicable, will sign the agreements and turn into the Court at the time of sentencing to ensure complete understanding and program requirements prior to entering the WCDC program.

V. Program Criteria

CORE TREATMENT: The core treatment module is required for all drug court participants. It consists of five levels that, when taken together, prepare the individual to successfully participate in treatment programming, teaches the individual specific skills, and then assists the individual in the implementation of those specific skills in increasingly challenging settings. This module incorporates objectives that address stress management, social support, motivational interviewing, DBT skills, and financial recovery.

Phases: Specific requirements must be met in order for participants to move forward in the program. The WCDC Program is designed to be completed in 18 months. It is divided into three phases; each phase has a minimum time length of 18 weeks, with an additional 6 months of sobriety while on probation before discharge. Some participants are able to complete their required objectives within those 18 weeks while staying in compliance with the program, while others may take a little longer, have minor setbacks, or imposed sanctions that would delay phase movement. A participant must successfully complete each phase before transitioning to the next.

Phase I - Assessment and Primary Treatment **Length – Minimum 16 weeks**

Requirements for Phase I:

- Complete jail sentence.
- Continuously wear electronic monitoring bracelet, minimum of 16 weeks.
- Adherence with any anti-relapse medications prescribed
- Develop a treatment plan
- The work with the WCDC Team to assess and identify additional treatment needs, as well as education, family, employability, medical, and housing needs.
- Begin treatment (Minimum Requirements):
 - Initial Treatment Plan developed;
 - *1 hour of individual counseling per week;*
 - *4 hours group treatment per week*
- Random urinalysis testing and Breathalyzer testing, call in daily, conducted multiple times per week.
- The Treatment Provider/Probation Agent may also make referrals to other support services, such as mental health, medical care, or family education/counseling.
- Attend face-to-face probation appointments once per week.
- Follow curfew as established by the WCDC Probation Agent
- Bi-weekly appearance in Drug Court
- Pay in full or establish a payment plan as determined by Collections with the Walworth County Clerk of Courts for fines and court costs.

- *At least 90 days free from non-medical drug and alcohol use, and a minimum of 16 weeks in Phase I before advancing to Phase II.*

Phase II – Treatment/Maintenance of Recovery
Length – Minimum 16 weeks

In Phase II, the treatment plan may be updated by the Treatment Provider. The WCDC will continue to evaluate the participant’s progress on a bi-weekly basis.

Requirements for Phase II:

- Continued treatment (Minimum requirements):
 - *Initial Treatment Plan reviewed and revised;*
 - *1 hour of individual counseling per week;*
 - *4 hours of group treatment per week;*
 - *Actively work a relapse prevention plan.*
- Random urinalysis testing and Breathalyzer testing, call in daily, conducted multiple times per week.
- Attend face-to-face probation appointments once per week.
- Follow curfew as established by the WCDC Probation Agent
- Bi-weekly appearance in Drug Court
- Actively seek and maintain work/school/community service of 20 hours per week
- Continuation of payment plan as determined by Collections with the Walworth County Clerk of Courts for fines and court costs.
- *At least 90 days free from non-medical drug and alcohol use and a minimum of 16 weeks in Phase II before advancing to Phase III.*

Phase III – Maintenance of recovery, integration, and preparation for aftercare
Length – Minimum 16 weeks

In Phase III, the Treatment Provider will assist the participant identify a continuing care plan that provides the necessary treatment and requires the use of the skills the participant has learned.

Requirements of Phase III:

- Continued treatment (Minimum requirements):
 - *Continue to follow Treatment Plan;*
 - *1 hour of individual counseling per week;*
 - *2 hours of group treatment per week;*
 - *Preparation of continuing care/long-term safety plan.*

- Random urinalysis testing and Breathalyzer testing, call in daily, conducted multiple times per week.
- Adherence with any anti-relapse medications prescribed.
- Maintain full time employment, education, or vocational training.
- Attend face-to-face probation appointments once per week.
- Follow curfew as established by the WCDC Probation Agent
- Monthly appearance in Drug Court
- Continuation of payment plan as determined by Collections with the Walworth County Clerk of Courts for fines and court costs.
- *At least 180 days free from non-medical drug and alcohol and a minimum of 16 weeks in Phase III before eligible for graduation.*

Phase IV – Aftercare
Length – Minimum 6 months

In Phase IV, the participant will have graduated from the WCDC and continue on probation for a period of 6 months to ensure sobriety. The participant will continue to attend monthly court sessions, at minimum, be subject to random drug testing, and comply with treatment requirements.

Employment/Community Service Requirements: Participants are required to seek and maintain employment throughout the duration of the program. If unemployed, participants are required to complete 20 hours of community service per week, full-time student status, or any combination of work, school, or community service totaling 20 hours per week. Legally disabled or severe medical problems that prevent a participant from performing work or community service will be exempt from this requirement, provided appropriate documentation and verification is supplied.

Community service assistance is provided by the Treatment Court Coordinator to help facilitate relationships in communities closest to the participant’s home. This unique aspect of the program allows WCDC participants to engage and give back to their communities, while establishing relationships, creating community ties, increasing their cost-benefit analysis, and providing potential employment opportunities. In addition, community service must be performed at a non-profit agency or organization in Walworth County, unless you have prior written court approval to perform the community service elsewhere. It is the responsibility of the participant to find an agency or organization, and no monetary compensation may be received for any community service work. The work may also not be performed for a business.

Incentives and Sanctions: Incentives and sanctions are standardized to the point of exhibiting fairness, but are also tailored based on an individual participant’s situation. Proximal and distal goals will be considered when considered making therapeutic adjustments, phase advancements, jail sanctions, or termination. Each violation will be considered for a sanction individually, to relate each behavior to a specific consequence, in an effort to avoid habituation and ceiling effects. The use of graduated sanctions and positive reinforcement will be used whenever possible to ensure the best outcomes.

Issues of compliance/noncompliance will be addressed at bi-monthly staffings where the WCDC will collectively discuss and determine an appropriate incentive/sanction. Sanctions and incentives as well as participant progress will be handled during bi-monthly court hearings. The WCDC Judge will facilitate ongoing judicial interaction with each drug court participant to enforce compliance, encourage appropriate behavior, and solidify the Drug Court Program. The Judge has the discretion to apply incentives and sanctions as found suitable.

Incentives:

- Phase promotions awarded with certificates;
- Positive recognition from Judge/WCDC team member(s), including applause and praise;
- Ability to leave court early;
- Permission to travel out of area;
- Drawing of gift cards with biweekly and/ or monthly compliance;
- Commencement ceremony, including certificate and medal

Sanctions: The WCDC has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. It is best practice to sanction each program violation separately. Jail sanctions are imposed judiciously and sparingly. Unless a participant poses an immediate risk to public safety, (i.e. actively under the influence of alcohol or other substance), jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.

Violation	Phase 1	Phase 2	Phase 3	Phase 4
Failure to pay fines and court costs	1	1	1	1
Failure to complete work/school/community service requirement	1	1	1	1
Failure to attend individual treatment appointment	3-4	3-4	1-2	1-2
Failure to receive prior permission to change your address	2	2	2	2

Entering an establishment where alcoholic beverages are sold	1-2	1-2	3-4	3-4
Failure to follow established curfew hours	1	1	1	1
Failure to attend group	3-4	3-4	1-2	1-2
Failure to attend probation appointment	3-4	3-4	1-2	1-2
Failure to attend court	3-4	3-4	3-4	3-4
Failure to be present at scheduled home visit	3-4	3-4	1-2	1-2
Failure to submit to Breath analysis or Urinalysis	2	2	2	2
Failure to report after a 2 nd attempt missed Drug test	4	4	2	2
Buying, selling, or possessing an alcoholic beverage or any substance for the purpose of intoxication	2	2	4	4
Driving Violation – Law Enforcement Contact (driving without a license, outside of occupation hours, etc.)	2	2	2	2
Driving Violation – Reported to or by WCDC Team (driving without a license, outside of occupation hours, etc.)	2	2	2	2
Confirmed Alcohol Use (Alcohol Dependent)	1	1	3	3
Confirmed Alcohol Use (Alcohol Abuse)	1	2	3	3
Confirmed Drug Use - abuse or outdated prescription	1	1	3	3
Confirmed Drug Use – Illegal Substances	1	1	3	3
Failure to participate in group	3	3	3	3
Tampered UA test	4	4	4	4
Non-compliance with Electronic Monitoring	4	4	4	4
Cutting of Electronic Monitoring bracelet	4	4	4	4
Lying to the Court or WCDC Team	4	4	4	4
New Arrest – Traffic	4	4	4	4
New Arrest – Other Crimes	4	4	4	4
New Drug/Alcohol Arrest	4	4	4	4

1st Violation: Use corresponding sanction as a starting point for discussion.

2nd Violation for same/similar offense: Use corresponding sanction, add a level.

3rd Violation for same/similar offense: Use corresponding sanction, add two levels.

4th Violation for same/similar offense: Use corresponding sanction, add three levels.

Level 1 Sanctions	Letter of Apology to victim/WCDC Team/WCDC Participants
	Develops and Maintains Job Log/Itinerary
	Verbal Warning by Judge
	Verbal Warning by Probation Agent
	Verbal Warning by WCDC Team Member
	Thinking Report – Specific to Incident
	Essay – on Specific topic (honesty, attitude)

	Daily Activity Log
	Journaling
	Life Skills Assignments
	Referral to Individual Treatment evaluation

Level 2 Sanctions	Referral to GED
	Referral to individualized therapies (anger management, family violence, parenting classes)
	Referral to Individual Treatment sessions
	Impose/increase community service hours
	Increase frequency of alcohol and Drug testing
	Increase frequency of home/office visits with probation agent
	More Frequent Status Hearings
	Reverse Incentives - Take Something Away

Level 3 Sanctions	Impose Electronic Monitoring
	House Arrest
	Impose/Increase community service hours
	48 hours Jail Commitment
	Phase Demotion
	Pre-Arranged Community Service Hours
	Warning Tours to Correctional Facilities
	Intensive Out Patient Treatment
	Meeting with WCDC Team
	Status Hearing on the Record

Level 4 Sanctions	Day Reporting
	Issuance of Warrant
	Placement in residential substance abuse treatment
	Flash Jail Sanctions (3-5 days)
	Motion for Termination
	Termination from Court

In instances where a program violation requires an immediate response, the Treatment Court Coordinator will facilitate email communication between WCDC members. Emails will have detail the situation and ask for feedback and suggestions on the violation and will be held to a time deadline for replies. The collective decision will then be summarized and sent out to the team with the appropriate plan of action to alert the necessary members. A coordinated strategy

governs court responses to participant compliance can also be found in the WCDC the participant handbook.

Termination Criteria: The program design is one which makes it difficult for participant to leave the program. However, certain participant behaviors may cause the Judge or WCDC Team to consider termination. Termination behaviors include, but are not limited to: Warrants or new arrests for a significant crime (felony), other violations which may result in termination include: missing several or having a series of positive Drug or alcohol tests, producing adulterated Drug tests, any chronic abuse of rules such as failing to cooperate with the probation agent or treatment program or any violence or threat of violence directed at treatment staff, other participants or other clients of the treatment providers.

Violations of program rules, including some noted above, are typically addressed through a series of graduated sanctions that could eventually lead to termination. A participant may also leave the program by choice. The participant will also be subject to the original maximum penalties of the charge.

Any member of the WCDC Team may make a motion for termination of a participant from the program. When the motion for termination is made and seconded, the judge will inform the participant in court that termination is being considered. Following court, the individual will have the right to retain counsel and given a status hearing regarding the motion for termination. At the given WCDC session, the participant will appear with an attorney, provide information to the WCDC Team, and make statements and/or answer questions from any member of the WCDC Team, including the Judge. The team shall reconvene to vote on the proposed termination. If a majority of the Team votes for termination, the participant will be terminated from the program. Upon termination, the WCDC Judge shall recuse himself and the matter will be scheduled for sentencing. The terminated participant shall not have any appeal rights to the termination decision; termination decisions determined by the WCDC Team are final.

Commencement Criteria: Successful completion of the WCDC Program would require that the participant has completed all Phase I through Phase III requirements or a court mandated substitute for any requirement. No participant will be discharged prior to 48 weeks of participation. The participant will have remained sober for 150 days and have all court fees paid prior to graduation. The participant will also successfully complete all treatment objectives and present their Long Term Safety Plan to the Drug Court Team. The participant will then remain on probation for a period of 6 months to ensure sobriety. All program graduates will be required to meet with the Treatment Court Coordinator to complete an exit interview questionnaire allowing the graduate to answer questions honestly about their time in the program with no ramifications. The information gathered will be for informational and statistical purposes and be used as a guide for adjustments and/or improvements to the WCDC.

VI. WCDC Protocol

Treatment Protocol: Drug Court treatment programming shall be provided by Walworth County Department of Health and Human Services. Walworth County's treatment team has adopted a Relapse Prevention program (RP) as the core treatment model for addressing drug dependent offenders in Walworth County. Relapse Prevention programming specifically addresses the nature of the relapse process and requires participants to develop and practice specific skills. RP is a flexible, empirically validated model that has consistently proven effectiveness addressing alcohol use disorders.

The Drug Court treatment program consists of several components. All participants will attend weekly 90 minute group session facilitated by Mental Health and AODA treatment staff at Walworth County Department of Health and Human Services. In addition to group treatment, individual participants will be referred to therapists who will provide individual services as needed to facilitate success in the program. The treatment program itself is divided into specific modules that must be completed in order prior to moving forward. This process requires participants to develop and demonstrate mastery of skills and steps necessary to eliminate continued drug use.

The use of medication assisted treatment (MAT), as determined from a duly trained addiction psychiatrist or addition physician, is supported by the Walworth County Drug Court Program. Participants who have been identified and referred for MAT will be required to comply with all conditions set forth by the WCDC including medication compliance drug testing, physical exams, frequent and regular visits with prescribing physician, and any other conditions determined by the WCDC Team. The WCDC takes the position that a participant shall not be on MAT one day longer than determined necessary.

Supervision Protocol: The Department of Corrections will assign an agent to be the primary agent to the Walworth County Drug Court. The agent will be responsible for providing the appropriate level of supervision for all participants placed on probation. The agent will provide the appropriate level of supervision to all participants placed on probation. The agent will provide information to the team on the progress of clients as they are monitored and supervised. The agent will assist in being a liaison between community resources and participant. The agent will bring any probation violations to the attention of the team when responding to probation violations. It is recognized that some violations will require immediate sanction.

The Department of Corrections has established a supervision plan for drug offenses which includes frequent contact and monitoring which closely matches what is recommended by the National Association of Drug Court Professionals⁴.

⁴ A copy of this supervision plan is included as an addendum to the Policies and Procedures Manual.

The participant will report to the Department of Corrections Division of Community Corrections office, located at 425 Milwaukee Ave, Burlington, WI 53105, immediately upon release from jail. If the Drug Court agent or his/her backup is unavailable, an appointment is given to the participant by support staff to meet with an agent the next available business day.

The agent makes referrals for appropriate community services within one week and begins the 60 day intake process. Electronic monitoring, including a potential for alcohol monitoring, equipment is requested and scheduled for installation and activation and an initial full panel drug test is administered for participants follow the afore mentioned electronic monitoring policy. Other components of the initial intake include development of an individual case plan, securing signed releases of information authorization, review and signing of Rules and Community Supervision, review of conditions of supervision as indicated on the Judgment of Conviction, completion of a risk and needs assessment conducted through COMPAS, and completion of a Social Investigation. In addition, information pertaining to installation of Ignition Interlock Device (IID) and other requirements for being allowed to operate a motor vehicle is reviewed with the participant.

The agent will maintain close communication with the Drug Court team and participate in regular reviews and Drug Court appearances.

Home Visits: Home visits are conducted randomly at any time during the day or evening and will be conducted by a probation agent, monitoring agent, and/ or law enforcement agent. A minimum of one home visit per month will be conducted by an agent as well as weekly random Drug testing conducted by monitoring agents. It is expected that participants will cooperate and comply with the probation agent, monitoring agent, or law enforcement agent who visits your residents.

Home visits serve as a way for team members to become better acquainted with a participant, their family, and also to assess living conditions. The WCDC Team views this as an opportunity for participants to demonstrate their commitment to a lifestyle change—not only in the court room, but also to family and friends.

In order to comply with the Home Visit Guidelines, participants must:

- Reside in a alcohol and Drug free residency;
- Submit to PBT testing and random urine screens;
- Follow curfew and answering the door when agents arrive;
- Be prompt in interactions with agents;
- Make others living in the residence aware that they are also required to answer the door when an agent arrives;
- Notify probation agent every time you do not plan to return home for the night, even if you are not on curfew;

Alcohol and Drug Testing: Drug and alcohol testing will be conducted on a completely random basis. Participants will not know that they need to submit to a test until they arrive for their scheduled appointment with their agent, their treatment session, or until asked to provide urine and/or breath sample during a home visits. Random Drug screens will be conducted multiple times per week. Drug testing will be conducted by means of a color call-in system. All participants will be required to submit a breath and direct observation urine sample at each visit. Random Drug testing can begin the day a participant is released from the Walworth County Jail. Furthermore, WCDC agents will make every effort to conduct these procedures in the most discreet and respectful manner that is possible.

All Drug and alcohol testing will take place at any of the following locations:

- Probation office
- Elkhorn Police Department
- Walworth County Health and Human Services Building
- Walworth County Judicial Center
- Participant's residence
- Participant's place of employment
- Any other location as determined by the WCDC Team

VII. Assessment Design

Evaluation: The Walworth County Drug Court program will be rigorously evaluated for its effectiveness. The implementation team is committed to an objective review of the program, dissemination of the results of this review, and a program of continuous quality improvement in order to maximize the effectiveness of the court.

Prior to implementation of the WCDC program, a database will be designed that captures relevant historical, legal, and demographic data. At the time of screening for participation in the program, each individual will complete a face-to-face interview conducted by the Treatment Court Coordinator and will also complete a brief written cognitive screen instrument. At the time of successful completion of the program, each participant will be asked to complete an evaluation form that provides feedback on the format and content of the program. Ratings will also be obtained from the participant's therapist and probation agent (if assigned). Objective outcome data will include re-arrest and reconviction rates for participants for drugs, non-drug/alcohol-related offense convictions, and other non-alcohol related convictions as obtained from official databases. Survival analysis will be applied to assess the effectiveness of the program, and multivariate analysis will be utilized to identify other factors that may be related to success or failure in the program. When available, data from matched control subjects that do not participate in the WCDC program will be collected for comparison purposes.

Reports for the Criminal Justice Coordinating Committee (CJCC) will be provided on a regular basis, and formal papers may be submitted for presentation at National or International conferences or publication as the opportunities to do so become available. The WCDC will be rigorously evaluated for effectiveness. The WCDC is committed to an objective review of the program, dissemination of the results of this review, and a program of continuous quality improvement in order to maximize the effectiveness of the court. Dr. Paul Gregory, associate professor at the University of Wisconsin Whitewater and treasurer of the WATCP, is assisting in the design and implementation and will be managing the program evaluation on an on-going basis. The non-bias program evaluation will measure relevant processes and practices and provide measurable feedback of the WCDC program. Monitoring and evaluation of program goals and gauging effectiveness will be faithfully carried out between a collaborative effort from the program evaluator and the Treatment Court Coordinator.

Additionally, the WCDC will provide quarterly reports to the Wisconsin Department of Justice and comply with all reporting requirements of the TAD Grant award. Specific program data will be collected and entered into the required database by the reporting deadlines.

VIII. Ethics and Confidentiality Statement

The Walworth County Drug Court has established guidelines for maintaining client confidentiality based upon the requirements of 42 USC Section 290dd-2.

- Information relating to the identity, diagnosis, prognosis or treatment of any participant will not be disclosed to anyone other than the WCDC Team including the judge, probation agent, treatment provider, Treatment Court Coordinator, district attorney representative, defense attorney representative, as well as random site checking agencies, after appropriate consent has been obtained. Information used for evaluation purposes will not disclose the identity of any participant.
- Due to prohibitions or the re-disclosure of information regarding identity, diagnosis, prognosis or treatment, information transmitted or received by any of the parties set forth above shall be subject to the same restrictions.
- Defendants are provided with a copy of the Consent for Disclosure of Confidential Substance eligible for the program. Notice of confidentiality requirements is also given to defendants orally. The Consent of Disclosure form stipulates it is effective until the participant completes the program or is terminated from the program. The defendant will have an opportunity to consult either his own attorney or a court appointed attorney prior to signing the consent forms.
- All participants are required to sign the Participant Waiver and Agreement that give consent for counseling, alcohol and/ or Drug use testing results and progress reports to be made available to WCDC Team members. Furthermore, a Consent for Disclosure of Confidential information from treatment to all team members and to any member of the

public who may be present during the open court review sessions. Information released may involve areas such as eligibility, attendance, prognosis, compliance and progress.

- Consent to disclosure of information is irrevocable. Defendants are informed that consents are irrevocable, but not permanent.
- A copy of the waiver form will be sent to along with the results of the screening to the appropriate treatment provider.
- Federal regulations allow the disclosure of information under the following circumstances:
 - Medical emergencies where the participant's well being may depend on the discloser of treatment related information to medical personnel
 - In the event of crimes on the program premises or against program staff, information concerning the details of the incident and the participant's name and whereabouts may be revealed.
 - Information necessary for a central registry to prevent patients from enrolling in multiple clinics
 - Outside auditors and researchers may be allowed to review information that identifies participants in order to evaluate the program. However, these persons or agencies must protect any covered information they receive. Before removing such information from a program's premises, they must submit written plans outlining their procedures for ensuring confidentiality.
 - Information necessary to comply with Wisconsin's reporting requirements for suspected abuse or neglect of a child
 - Information necessary to comply with Wisconsin laws concerning the collection of information relating to causes of death
- All written Treatment Program records will be stored in a secure room or locked cabinet. Treatment Program records are not available to the public and will be kept separately from other court records. All treatment Program records will be marked indicating they are confidential and may be viewed only by members of the WCDC Team. Staff of the WCDC will be regularly educated about procedures and the rationale behind them.
- Upon termination from the WCDC and revocation of probation, consent to disclosure expires and all paper records will be transferred to a more restricted storage facility.