

RACINE COUNTY ALCOHOL AND DRUG TREATMENT COURT

Policies and Procedures Manual

Racine County Alcohol and Drug
Treatment Court funded by:

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STEERING COMMITTEE

Racine County Criminal Justice Coordinating Committee consists of the following individuals:

Judge Timothy Boyle, Judge and Chair
Judge Charles H. Constantine, Judge
Rich Chiapete, District Attorney
Hope Otto, Human Services Director
Tom Ditscheit, Chief of Police-Waterford Police Department
Bradley Friend, Lt. Racine Sheriff Department
Jonathan Delagrave, Racine County Executive
Samuel Christensen, Clerk of Courts
Adrienne Moore, Regional Attorney Manager, State Public Defender
Alice Rudebusch, Judicial Court Commissioner
Christopher Schmaling, Racine Sheriff Department
Lisa Yeates, Department of Corrections Regional Chief
Michelle Goggins, Human Services Adult Services Division Manager
Boyd Schwartz, Racine Alternatives Program Supervisor
M.T. Boyle, Chief of Staff
Gregory Bucholtz, DOC Jail Inspector
Tricia Hanson, Deputy District Attorney
Margaret Johnson, Local Attorney Manager, State Public Defender
Jon Lehman, Corporation Counsel
Lisa Neubauer, Chief Judge District UU Court of Appeals
Louis Moore, DCA
Amy Vanderhoef, Felony/JVCase Manager
Douglas Wearing, Racine County Captain, Sheriff Department
Monte Osterman, County Supervisor
***Voting members are in BOLD print**

RACINE COUNTY ALCOHOL AND DRUG TREATMENT COURT TEAM

Judge Timothy Boyle
Judge Gerald P. Ptacek
Jennifer Hofmeister, Treatment Court Coordinator/Case Manager
Tricia Hanson, Deputy District Attorney
Mark Cacciotti, Department of Corrections
Nancy Smith, Department of Corrections
Jackie Jones, Department of Corrections Supervisor
Adrienne M. Moore, 1st Assistant State Public Defender
Jennifer Madore, Evaluator
Mary Jane Whitmore, Racine County Liaison; Director of Behavioral Health Services

MISSION STATEMENT

The mission of Racine County Alcohol and Drug Treatment Court is to improve public safety by providing intense supervision and evidence-based services to non-violent, high risk offenders with a high need substance use disorder(s) with the goal of increasing the quality of personal and family life for Racine County residents and community.

GOALS AND OBJECTIVES

Purpose: To provide an alcohol/drug court option to a specified target population of those coming before the court on alcohol or drug related charges.

Goal 1: To reduce recidivism and relapse to alcohol and drug use for offenders.

Objective: To provide court officials/judicial staff with comprehensive knowledge for decision-making.

Objective: To coordinate treatment and case management services.

Goal 2: To improve the functioning of offenders with alcohol and drug use/abuse issues.

Objective: To provide substance abuse/dependence treatment services to alcohol and drug-involved offenders.

Objective: To provide case management services to alcohol and drug-involved offenders.

Goal 3: To improve utilization of community resources.

Objective: To assess the effectiveness of the Alcohol and Drug Treatment Court.

Objective: To reduce the cost of alcohol and drug-related offenses for Racine County residents.

STRUCTURE

The Racine County Alcohol and Drug Treatment Court identify individuals in need of alcohol and drug treatment resulting from a conviction for drug possession or other alcohol/drug related offenses. Potential participants are identified and placed in the program as a condition of a court-imposed sentence resulting from a negotiated plea agreement.

TARGET POPULATION

Target population:

- Individuals who are Racine County residents.
- Individuals with a second offense for simple THC or cocaine possession conviction, first-time felony possession offenders.
- Individuals whose non-violent, minor offenses are a direct result of drug or alcohol abuse.

ELIGIBILITY CRITERIA

- Individual is a Racine County resident.
- Assessed with a moderate or severe alcohol and/or drug use disorder.
- Determined to meet high risk criteria for recidivism.
- Have no prior convictions for violent and prior felony convictions involving weapons.
- Voluntarily agree to abide by the Racine County Alcohol and Drug Treatment Court program rules.

Prior to admission into the program, each potential participant is referred for screening and assessment by a Certified Substance Abuse Counselor.

The Treatment Court team makes the final determination regarding who is recommended into the Treatment Court program. Referrals to the Treatment Court can be made by the arresting agency, district attorney, defense attorney, family member, a current treatment provider, or a judge.

To qualify for the Program:

- Racine County resident
- Substance abuse/addiction
- Adult (17 years, plus)
- Prior convictions for alcohol or drug-related offenses
- Offenses related to alcohol and drug abuse behaviors

Disqualified from entering the Program:

- Non-Racine County resident
 - Violent offender
 - Prior conviction for distribution of drugs for profit

Offenses that will qualify the person for the Program:

- Second offense simple THC or cocaine possession conviction, first-time felony possession offenders.
- Persons whose non-violent, minor offenses are a direct result of alcohol or drug abuse.

ENTRY PROCESS

Participants in the Racine County Alcohol and Drug Treatment Court Program are referred from any Racine County Circuit Court. A prospective participant in the program, as part of a plea agreement, enters a plea in the Treatment Court. Prior to the Court accepting a plea agreement, including participation in the program, a member of the Treatment Court staff conducts a prescreening interview with the offender to determine eligibility. Prior to assessment, the participant signs a release of information form for the Coordinator/Case Manager to begin collecting all of the relevant data. At assessment interview and before sentencing the participant is informed of the Treatment Court program phases, requirements and expectations with an opportunity to have all questions answered. The sentence is imposed by the Treatment Court after the offender has been determined to be eligible for the program.

ETHICS AND CONFIDENTIALITY

All participant records are protected by federal and state laws regarding confidentiality. Racine County Alcohol and Drug Treatment Court, cannot release written or verbal information without the participant's written, signed consent. However, a participant cannot participate in Racine County Alcohol and Treatment Court without a "Release of Information" which allows the Treatment Team to discuss individual cases and progress. Persons outside of the Treatment Team will not be provided information about the participant's progress. There may be additional emergency, medical or legal circumstances that may require release of information such as: by a court order or for an audit; to medical personnel in a medical emergency; participant commits a crime; to appropriate authorities to report suspected child or elder abuse and/or neglect; and participant is threatening suicide or homicide.

Anything concerning a participants prior or current substance use while in the Racine County Alcohol and Drug Treatment Court Program cannot be used against the participant to prosecute the participant on the legal case that brought them into the Racine County Alcohol and Drug Treatment Court. However, statements and information about treatment will be shared with the Veteran Court Team members. This information may be used to evaluate current compliance with the program and to determine appropriate treatment responses and other services. It should be noted if the participant continues to violate programming rules, such as continued substance use and is terminated the reason for termination will be disclosed and they will return back to the original sentencing judge and their sentence will be determined.

PROGRAM PHASES

Phase 1: Orientation

- Complete the intake process with the Department of Corrections.
- Complete orientation for drug testing and get assigned color.
- Weekly contact with coordinator and probation agent.
- Demonstrate successfully drug testing on color days.
- Show up to all court appearances.
- Start AODA treatment services.
- Learn about positive support in recovery and identify resources.
- Successfully pass the Orientation Quiz.

Phase 2: 3 to 4 months

- Mandatory random urine drug screen or PBT (Portable Breath Test), several times weekly.
- Must cooperate and participate in all aspects of the treatment plan.
- Must be violation free for 30 consecutive days prior to advancement.
- Must make regular payments toward fees and costs as determined by the court.
- Weekly office visits with community supervision agent.
- Must attend all Treatment Court appearances, every 2 weeks.
- Must be involved in a self-help program and find a sponsor.

Phase 3: 4 to 5 months

- Mandatory random urine drug screen or PBT, several times weekly (SCRAM may be used).
- Must cooperate and participate in all aspects of the treatment plan.
- Must be employed or involved in employment activities/education.
- Must be violation free for 60 consecutive days.
- Weekly office visits with community supervision agent.
- Must attend Treatment Court appearances once every 4 weeks.
- Must be involved in a self-help program and have a sponsor.
- Must be making regular payments towards any fees and costs as determined by the court.

Phase 4: 5 to 7 months

- Mandatory random urine drug screen or PBT, several times weekly (SCRAM may be used).
- Must cooperate and participate in all aspects of the treatment plan.
- Must be employed or attending school.
- Must be violation-free for 90 consecutive days.
- Must attend Treatment Court appearances once every 6 weeks.
- Every other week office visits with community supervision agent.
- Must be involved in a self-help program and have a sponsor.
- Must have completed paying all fees and costs.

The Racine County Alcohol and Drug Treatment Court Program is 18 months. In some cases the program could take longer than 18 months for successful completion.

INCENTIVES AND SANCTIONS

INCENTIVES INCLUDE

- Verbal encouragement/handshakes
- Merchandise donated to the Treatment Court
- Restaurant certificates
- DVD rentals
- Self-Help Recovery books
- Bus passes
- Reduced court appearances
- Early phase promotion/phase development
- Restoration of lost privileges
- Movie tickets
- Reductions in sanctions/fines/other penalties
- Graduation certificates
- Public graduation and advancement ceremonies

SANCTIONS INCLUDE

- Verbal Warning from the court judge.
- Essays
- Journaling
- Increased supervision
- Home visits increased
- Restrictions on movements
- Curfews
- SCRAM (24 hour alcohol monitoring bracelet)
- Return to previous program phase
- Community service work
- Daily reporting
- Jail time
- Extension of probation
- Termination from program

TREATMENT PROTOCOL

- Participant undergoes a comprehensive assessment that includes a social, criminal, AODA treatment, and mental health history, with a review of available records and diagnostic impressions.
- Participate in alcohol and/or drug treatment, based on assessment and treatment planning, for a minimum of 12 months. Treatment may be extended, if there are unmet treatment needs.
- Individual counseling; group therapy; residential treatment services are available based upon participants needs.
- The therapeutic approach is evidence-based treatment.
- Referrals will be made to other services on a case by case basis to address participant's needs.
- Treatment providers are dedicated to the Racine County Treatment Court Model. Providers are state certified AODA facilities with state credential counseling staff.
- Mental health consultation or services are accessible

COMMUNITY SUPPORT GROUPS

Attendance will be required at support group meetings such as Celebrate Recovery, Narcotics Anonymous (NA); Cocaine Anonymous (CA); or Alcoholics Anonymous (AA). Alternative support groups through NAMI (National Alliance on Mental Illness) or SMART Recovery (Self-Management and Recovery Training) are available. A minimal of 2 support groups per week is required. Participants will be required to submit a signed meeting attendance sheets to their probation agent at every office visit. Participants need to have a sponsor of the same gender to advance to Phase 2. The purpose of attendance at the support group meetings is to develop a support network and create social bonds with others in recovery.

SUPERVISION PROTOCOL

- Case management is provided by the Department of Corrections and Treatment Court Coordinator who provides reports to the Treatment Court team.
- Case management includes clear written and verbal communication among all team members in a standardized format.
- The Treatment Team develops a network of qualified providers for treatment needs for program participants.
- Case management includes an opportunity for the participant to respond to or negotiate program goals.

TESTING PROTOCOL

The Treatment Court Team has determined that consistency with testing procedures and consequences for positive results are critically important. The Treatment Court Team agrees with the research that indicates immediate consequences have a better treatment effect. Therefore the following statements, procedures and consequences have been developed to address these concerns.

GENERAL DRUG / ALCOHOL STATEMENTS

1. Copies of all test results will be sent to the coordinator and community supervision agents.
2. All positive tests from the instant test will be assumed correct; however, the court participant may contest a positive result from an instant test. This requests payment of \$25.00 to be made by the participant on the same day of the test, within normal hours of operation to the vender providing testing.
3. All lab testing will follow chain of custody procedures.
4. Failure for a Treatment Court participant to show for a test or failure to provide a sample for a test within the timeframe given is considered a confirmed positive and will be treated as such.
5. Confirmed attempts at tampering will be sanctioned more harshly and this includes but is not limited to dilution as confirmed by a lab.

DRUG / ALCOHOL TESTING PROCEDURES

Drug and Alcohol Testing is done with a system called, **"Color of the Day Testing"**. It is the participant's responsibility to call the assigned telephone number each day to see if they are required to take a saliva drug test and breathalyzer. Justice Point currently provides the testing.

Drug testing phone number is: 262-638-6411. The colors being tested for the day will be posted starting at 6 a.m. and will remain on the message until 3 p.m.

If the phone system is not working when you first call, you need to keep trying back! You may also try to reach someone in the office at 638-3388. However, the office phone is only answered when there's staff available. **Don't rely on this for obtaining your color.**

Testing Hours: 8 a.m. to Noon AND
1 p.m. to 4:30 p.m.

NOTE: The office is closed between noon and 1 p.m.

Testing Location: LEC: 717 Wisconsin Avenue, Racine, WI 53403

Challenging Oral Swab Drug Testing Result: If you wish to challenge your test results, you must complete the drug test challenge process with the assigned staff member on the date the sample was collected. Payment is due (cash or check only) on the same day that the test was conducted. The cost is \$25.00. Failure to submit paperwork and make payment by the close of business (4:30 p.m.) on the day of the test in questioned, will be deemed a waiver of your request for said confirmation.

GRADUATION CRITERIA

- Completion of all three phases of the program
- Completion of all jail time
- Full payment of any fines and restitution
- Completion of any court orders
- Completion of probation or be in good standing

TERMINATION POLICY AND PROCESS

Termination Criteria

Noncompliance with the Racine County Alcohol and Drug Treatment Court Policies and Procedures may justify termination from the program. Termination from the Racine County Alcohol and Drug Treatment Court occurs after progressive sanctions have been imposed and the participant continues to disregard the rules of the Racine County Alcohol and Drug Treatment Court and the orders of the Treatment Court Judge that may include, but is not limited to, the following:

- Commission of a criminal act and or new serious criminal charges
- Refusal to complete treatment recommendations
- Falsifying or tampering with alcohol or substance tests
- Lying to the Treatment Court Judge and/or failure to follow the court's orders
- Absconding from supervision or the Treatment Court Program
- Threats against other participants or staff
- Chronic non-compliance
- Negative attitude impacting other participants
- Revocation by the Department of Corrections
- Any grounds that the Treatment Court finds sufficient for disqualification.

Upon a majority vote, a recommendation for termination is made. If termination is recommended, a hearing is set before a judge.

Procedure for Termination

- a) A motion for termination can be made by any member of the Treatment Court Team.
- b) The motion shall be evaluated by the Treatment Court team.
- c) Upon a majority vote, a notice containing the allegation(s) for termination shall be sent or given to the participant and a hearing will be set in front of a judge. The Racine County Alcohol and Drug Treatment Court Judge shall abstain from voting on the motion for termination but the judge will have the final decision.
- d) If at the court date the participant wishes to appeal the Racine County Alcohol and Drug Treatment Court Team's decision, the matter will be set for further proceedings in front of a judge. The participant is brought before a judge for a formal hearing, in open-court and on the record. The participant will be afforded due process including the right to be represented by counsel. After hearing the allegations that warranted the recommendation for termination by the Racine County Alcohol and Drug Treatment Court Team, and the participant's response to those allegations, the judge will make a ruling. The sentencing judge will make a ruling based on participant behavior(s) and program policies as to whether or not grounds exist for terminating the participant from the Racine County Alcohol and Drug Treatment Court.

- e) The Department of Corrections reserves the right to revoke participants independent of the Racine County Alcohol and Drug Treatment Court decision.
- f) If at the hearing the judge makes a ruling that grounds exist to terminate the participant, the participant may be scheduled for sentencing if required. If the judge makes the ruling that a participant should not be terminated from the Racine County Alcohol and Drug Treatment Court, he or she will then continue in the Treatment Court, subject to any appropriate sanctions deemed necessary to address his or her behavior.

If the participant was in the Racine Alcohol and Drug Treatment Court as an alternative to revocation, the notice for termination will follow procedures by the Wisconsin Department of Corrections.

EVALUATION DESIGN

- Outcome Evaluation
 - Project Goal: To reduce recidivism and relapse to alcohol and drug use for offenders.
 - *Objective:* To engage offenders in judicially supervised structured treatment and other services.
 - *Objective:* To assess the effectiveness of the Treatment Court.
- Process Evaluation
 - Project Goal: To collect data on characteristics of clients enrolled in the Treatment Court.
 - Project Goal: To collect data on program operations of the Treatment Court.
 - Project Goal: To provide accurate descriptions of data sources, measures and time frames for data collection.

I, _____ have received a copy of the Racine County Alcohol and Drug Treatment Court Policy and Procedures Manual. I attest that I have read and understood my expectations. I understand that if I violate the rules the program I may receive a sanction and/or be terminated from the program.

Participant

Date

Treatment Court Team Staff

Date