

# RACINE COUNTY ALCOHOL AND DRUG TREATMENT COURT

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Policies and Procedures Manual



Racine County Alcohol and Drug  
Treatment Court funded by:

Bureau of Justice Assistance Grant  
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**STEERING COMMITTEE**

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

**Judge Wynne Laufenberg**, Judge and Chair

**Judge Mark Nielsen**, Judge and Co-Chair

**Tricia Hanson**, District Attorney

**Hope Otto**, Human Services Director

**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 County Sheriff

**Lisa Yeates**, Department of Corrections Regional Chief

**Representative Voting Members:**

**Brian Smith**, Operations Captain, Mt. Pleasant Police Department

**Janet Bernberg**, County Supervisor

**Boyd Schwartz**, Racine Alternatives Program Supervisor

Bradley Friend, Captain, Racine Sheriff Department

Michelle Goggins, Human Services Adult Services Division Manager

M.T. Boyle, County Executive Chief of Staff

Gregory Bucholtz, DOC Jail Inspector

Margaret Johnson, Local Attorney Manager, State Public Defender

Michael Lanzdorf, Corporation Counsel

Lisa Neubauer, Chief Judge District II Court of Appeals

Louis Moore, DCA

Amy Vanderhoef, Felony/JV Case Manager

Jason Yohn, Lieutenant, Sheriff's Department

TBD, Deputy District Attorney

**\*Voting members are in BOLD print**

**RACINE COUNTY ALCOHOL AND DRUG TREATMENT COURT TEAM**

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Judge Maureen Martinez

Jennifer Hofmeister, Treatment Court Coordinator/Case Manager

Tricia Hanson, District Attorney

Brooke Erickson, Assistant District Attorney

Adrienne M. Moore, 1<sup>st</sup> Assistant State Public Defender

\_\_\_\_\_, Racine Public Defender

Deana Goetz, Department of Corrections

Teresa Reichmann, Department of Corrections Supervisor

Terra Roberts, Racine Alternatives Program Supervisor

Pauline Ortoff, Director of Behavioral Health Services of Racine County

Tracy Daniels, AODA Supervisor with Behavioral Health Services of Racine County

Jeff Chiapete, Racine County Sheriff Department

Jennifer Madore, Evaluator

## 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 with the goal of increasing the quality of personal and family life for Racine County residents and community.

## GOALS AND OBJECTIVES

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**Purpose:** Provide a treatment court option to non-violent offenders diagnosed with a substance use disorder.

**Goal 1: Improve quality of life for offenders with substance use disorders.**

*Objective:* Provide substance use and mental health treatment services to alcohol and drug-involved offenders.

*Objective:* Provide case management services to alcohol and drug-involved offenders.

**Goal 2: Improve public safety and reduce recidivism.**

*Objective:* Monitor program offenders through random drug and alcohol testing.

*Objective:* Coordinate treatment and case management services with the treatment court team and community providers.

**Goal 3: Utilize community resources to reduce criminal justice costs.**

*Objective:* Provide treatment court team with comprehensive clinical diagnoses and progress reports for decision-making.

*Objective:* Reduce the cost of alcohol and drug-related offenses for Racine County through the implementation of national and state treatment court standards.

## STRUCTURE

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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

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Target population:

- Individuals who are Racine County residents, with Racine County charges.
- Individuals with a second offense for simple THC or cocaine possession conviction, first-time felony possession offenders.
- Individuals with non-violent (refer to definition on page 5), minor offenses that are a direct result of drug or alcohol abuse.
- Individuals with a significant substance use disorder.

## **ELIGIBILITY CRITERIA**

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- Individual is an adult. The defendant was a resident of Racine County at the time of offense; the defendant must still be residing in Racine County at time of application; and remain living in Racine County for the length of the program.
- If no current charges, an Alternative to Revocation (ATR) was extended if on community supervision and the offender has a minimal of 18-months of community supervision to serve.
- Offenses related to alcohol and drug abuse behaviors.
- Assessed with a moderate or severe alcohol and/or drug use disorder; a mild or moderate cannabis use disorder alone, will not meet criteria for high need.
- 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.

### **Offenses that will qualify the person for the Program**

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

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.

### **Disqualified from entering the Program**

- Non-Racine County resident
- Racine County District Attorney's Office will not accept cases originating from outside of the county for participation in the program, despite current residency in Racine County.
- Violent offender-**Refer to definition below**
- Prior conviction for distribution of drugs for profit

**"Violent offender" means 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.  
Wisc. Stat. 165.95 Alternatives to incarceration; grant program

## ENTRY PROCESS

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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 the relevant data. Participants are also required to sign a release of information to the Wisconsin Department of Justice (DOJ) for collecting information used to support program monitoring, evaluation, and statistical analysis. This is a requirement of the Treatment Alternatives and Diversion Program (TAD). 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

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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. Equal treatment and services will be delivered without regard to race, color, sex, sexual orientation, religion, national origin, ancestry, or physical disability.

Wisconsin has a public access system, CCAP, which provides public access to information about court cases. Information will continue to be publicly available about participants during the pendency of the program, such as missed court appearances, jail sanctions, and termination from the program.

Anything concerning a participant's 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 program. However, statements and information about substance use will be shared with the Treatment Court Team members and treatment providers. This information may be used to evaluate current compliance with the program and to determine appropriate treatment responses and need for other services. It should be noted if the participant continues to violate programming rules, such as failure to comply with program expectations the participant may be terminated. If a participant is terminated from the program, the Judge will explain the reasoning on the record at the termination hearing and the prosecutor will submit an order outlining the findings at the termination hearing. Termination from the program does not mean a participant will be revoked from Department of Corrections supervision, but termination *may be* an allegation at revocation proceeding.

## **Role and Responsibilities of Key Team Members**

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The Treatment Court Team is comprised of representatives from various agencies and disciplines. At a minimum, the Team will include a judge, program coordinator, prosecutor, defense attorney, probation and parole agent, treatment representative, and a law enforcement officer. Prior to joining the Team, all new Team members are required to meet with program staff to complete new team member orientation. All Treatment Court Team members are expected to attend relevant training at least once per year and stay up to date on all state and national standards, as well as program policies and best practices for Treatment Courts. Team members are expected to attend and actively participate in scheduled staffing's on a weekly basis. If a representative is unable to attend regularly scheduled staffing, they should contact program staff to notify them and send a designee, if possible.

The following briefly summarizes each core Team member's minimum responsibilities consistent with state and national standards:

**Judge:** The Judge plays a continuous role in reviewing participant progress. The Judge presides over the Treatment Court sessions and participates in Team staffing's. The Judge interacts with each participant for a minimum of three minutes at every court review. The Judge shall respect and consider the expertise and opinion of all Team members when imposing a consequence. The Judge is responsible for making the final, balanced decision on participant incentives or sanctions. The Judge is not present during acceptance or termination discussions.

**Case Coordinator:** The Case Coordinator is the link between the Court, the participant, the treatment provider, and all other services. The Case Coordinator works with participants to develop individualized program plans, monitors progress, and makes appropriate referrals for services. The Case Coordinator will attend and participate in all staffing's and Treatment Court sessions. The Case Coordinator is responsible for maintaining accurate and timely program documentation.

**District Attorney:** The District Attorney advocates on behalf of public safety, victim interests, and holding participants accountable for meeting their obligations in the program.

**Public Defender:** The State Public Defender ensures participants' constitutional rights are protected and generally advocated for the participant's stated legal interests.

**Law Enforcement Representative(s):** The local Law Enforcement Officer(s) will provide updated information to the Team on any participant who is actively involved in Treatment Court or applying to Treatment Court. The officer may provide historical data from personal or professional knowledge on participants and all areas of their life pertinent to Treatment Court. The officer may assist in conducting curfew checks and searches. The officer is actively involved in providing participant and community updates.

**Probation & Parole Agent(s):** The Probation and Parole Agent will provide updated information to the Team on each participant. The agent will assist with performing tasks such as: drug and alcohol testing, home, or employment visits, enforcing curfews and travel restrictions, and assist in referrals to services that Department of Corrections has that meets participants needs. The Probation and Parole Agent will work collaboratively with the Case Coordinator to ensure compliance and case plan consistency.



**Treatment Specialist:** The Substance Use/Mental Health Treatment Specialist will provide the team with education on the effects of addiction and mental health disorders of the participants in Treatment Court. The Treatment Specialist will share clinical knowledge and expertise, including level of care and potential for relapse, for consideration during Team deliberations. The Treatment Specialist will advocate for effective incentives, sanctions, and therapeutic adjustments during staffing while maintaining integrity to the participant's therapeutic relationship.

### **Program Phases**

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**The Racine County Alcohol and Drug Treatment Court Program is minimal of 14 months in length. For some, the program could take longer to successfully complete.**

#### **Phase 1: Orientation-Minimal of 60 days (if in the community)**

- Complete orientation for drug testing and assignment of testing color
- Demonstrate compliance with drug testing on assigned color days successfully
- Sign up for state health insurance, if needed
- Review and sign treatment plan and start AODA treatment services
- Consult with AODA therapist about possible use of Vivitrol in early recovery if appropriate
- Complete the intake process with the Department of Corrections
- Weekly contact with probation agent
- Identify positive support in recovery and identify resources. Meet with peer supports in the program or contact temporary self-help contacts to learn more about support meetings. Attend support groups as directed by the treatment team.
- Show up to all court appearances, every week
- Successfully pass the Orientation Quiz
- Violation free and documented clean time for 14 consecutive days prior to advancement, or at discretion of team\*

#### **Phase 2: Clinical Stabilization-Minimal of 90 days**

- Mandatory random urine drug screen and PBT's, several times weekly
- Cooperate and participate in all aspects of the treatment plan with providers.
- Maintain housing
- Weekly office visits with community supervision agent
- Attend a minimal of 2 weekly self-help groups.
- Share experiences, questions, or concerns about community self-help groups with peer supports in the program or temporary self-help contacts.
- Connect with temporary contact(s) and obtain a sponsor
- Attend all Treatment Court appearances, every 2 weeks
- Make regular payments toward fees and costs as determined by the court
- Violation free and documented clean time in this phase for 30 consecutive days prior to advancement, or at discretion of team\*

**Phase 3: Active Recovery- Minimal of 90 days**

- Mandatory random urine drug screen and PBT's, several times weekly
- Cooperate and participate in all aspects of the treatment plan
- Bi-Weekly office visits with community supervision agent
- Complete the Change Journals, as deemed appropriate by probation agent or team
- Attend a minimal of 2 weekly self-help groups and maintain weekly contact with sponsor
- Attend Treatment Court appearances once every 3 weeks, or as ordered by the Judge
- Employed or involved in employment activities/education
- Make regular payments towards any fees and costs as determined by the court
- Violation free and documented clean time in this phase for 45 consecutive days prior to advancement, or at discretion of team\*

**Phase 4: Maintenance- Minimal of 90 days**

- Mandatory random urine drug screen and PBT's, several times weekly
- Cooperate and participate in all aspects of the treatment plan
- Bi-Weekly visits with community supervision agent
- Complete the Change Journals, as deemed appropriate
- Attend a minimal of 3 weekly self-help groups and maintain weekly contact with sponsor
- Attend Treatment Court appearances once every 4 weeks
- Employed or attending school
- Payments on all fees and costs
- Complete the Relapse Prevention and Commitment to Recovery Plan
- Discuss peer support track with the treatment team if interested
- Violation free and documented clean time in this phase for 60 consecutive days prior to advancement, or at discretion of team\*

**Phase 5: Transition to Commencement- Minimal of 90 days**

- Mandatory random urine drug screen and PBT's, several times weekly
- Cooperate and participate in all aspects of the treatment plan
- Monthly office visits with community supervision agent
- Attend a minimal of 3 weekly self-help groups and maintain weekly contact with sponsor
- Attend Treatment Court appearances once every 4 weeks
- Employed or attending school
- Payments on all fees and costs
- Complete Commencement Application and get approval from the treatment team
- Transition to the "Blue" drug testing group
- Complete a program exit interview
- Violation free and documented clean time in this phase for 90 consecutive days prior to advancement, or at discretion of team\*

**\*Phase time does not begin until participants establish a sobriety date by submitting a clean alcohol and drug screen. Clean time is determined by negative drug screens, not by self-reported sobriety dates.**

## INCENTIVES AND SANCTIONS

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### Possible Incentives

- Verbal encouragement/handshakes
- Merchandise donated to the Treatment Court
- Gift certificates
- Self-Help recovery books
- Bus passes
- Phase advancement and reduced court appearances
- Restoration of lost privileges
- Reductions in sanctions/fines/other penalties
- Public graduation ceremony and certificate

### Early Discharge Opportunity

- A) Participants may have an opportunity for early discharge from probation if the following requirements are met:
  - a. The participant has completed at least 50% of their probationary sentence time.
    - i. i.e. If sentenced to 2 years of probation, participant must have completed at least 1 year of probation.
  - b. The participant has completed all 5 phases of the drug treatment court program.
  - c. The participant is in good standing with DOC and the drug treatment court team.
    - i. i.e. no recent or continuous violations
  - d. The participant is on low-level supervision with the Department of Corrections (DOC).
  - e. The participant has completed any outstanding financial obligations from the underlying criminal case, such as restitution.
- B) If the participant meets all these criteria, they should meet with their DOC agent to confirm early discharge eligibility.
- C) Provided eligibility exists, the participant should make an oral motion to the court requesting early discharge from probation.
- D) The judge will make a decision on early termination within 10 business days and let the participant know at their soonest court date.
- E) DOC has the right to independently deny early discharge from probation.

### Possible Sanctions

- Verbal Warning from the court judge.
- Essays or journaling
- More frequent court appearances
- Daily reporting
- Community service work
- Increased supervision, including 24-hour alcohol monitoring or location monitoring, Curfews
- Jail time
- Extension of probation
- Termination from program

## TREATMENT PROTOCOL

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- 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. Mental health counseling and access to prescribers are made available as determined by need. 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.

## COMMUNITY SUPPORT GROUPS

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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 TWO support groups per week is required in phase 2 and phase 3. During phase 4 and phase 5 participants are required to attend THREE weekly support groups.** 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 3. 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

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- Case management is provided by the Department of Corrections and Treatment Court Coordinator who provides reports to the Treatment Court team.
- Case management includes orientation to the program and scheduled appointments with the development of a case plan and notification of rules.
- 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.
- Supervision through the Department of Corrections requirements payment of monthly supervision fee determined by the Department of corrections.

## **COURT APPEARANCES**

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Racine County Alcohol and Drug Treatment Court is held every Wednesday at 3:00 pm. Your phase will correlate with how often you must report to court, ranging from every week to every four weeks. If the judge is not available, the team will hold informal reviews. Everyone will still be required to report to the courtroom unless otherwise directed. Each court participant will have a conversation with the treatment court team members.

### **Excused Misses**

If you miss a drug test, treatment, or probation appointment, you need to provide documentation that you were seen by a doctor or proof of the emergency during the timeframe of the miss, for it to be excused. For example, if you miss a drug test on a given day and provide a proof of doctor visit at 3:30 pm you will not be excused, because testing hours are available all day. If you miss a treatment appointment because you were seen at walk-in during treatment hours, you will be excused. Team members will review information from you on a case-by-case basis taking into consideration that time might have been needed for transportation or special situation.

### **Early Recall Notice**

Court participants who do not comply fully with all program expectations will be required to report early to court, regardless of current phase assignment and originally scheduled court appearance date. **This means you must report to court at the next Wednesday that court is held.** The following list will require a mandatory court appearance.

- **Missed drug test that is not excused by the probation agent or other team member**
- **Positive drug/alcohol test**
- **Substance use relapse**
- **Failure to comply fully with sanction ordered within time specified, unless excused by probation agent**
- **Any new charges, police contact, or probation violations listed in community supervision case plan**
- **Failure to attend scheduled treatment sessions, or termination from treatment**

## **TESTING PROTOCOL**

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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.

- Copies of all test results will be sent to the coordinator and community supervision agents.
- 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 requires payment of \$25.00 to be made by the participant within 3 business days, within normal hours of operation to the agency providing testing, The test will not be sent to the lab until payment is made.
- All lab testing will follow chain of custody procedures.

- 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.
- Confirmed attempts at tampering will be sanctioned more harshly and this includes diluted samples.

## **DRUG / ALCOHOL TESTING PROCEDURES**

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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 7-days a week to see if they are required to take an observed, urine drug test and breathalyzer. Oral saliva tests may be used as an alternative testing method randomly. Method of testing is only determined by the vender.

**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.

**Testing Hours Monday-Friday:** 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.

**Saturday and Sunday Hours:** 9 a.m. to Noon

**NOTE:** There are no afternoon testing hours on the weekend

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

**Challenging Drug Testing Result:** If you wish to challenge your test results, you must complete the drug test challenge process with the assigned drug tester on the date the sample was collected. Payment (cash or check only) is due within 3 business days of the positive test. The cost is \$25.00. Failure to notify tester, 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 unless an alternative payment plan date is arranged. The testing agency may save the sample up to a week and will not be sent to the lab until payment is received.

## **COMMENCEMENT**

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Commencement recognition is done on the court participant’s last court appearance. The Judge will ask the participant to approach the courtroom bench to receive their framed certificate and incentive reward. After the judge, has spoken the graduating participant will have an opportunity to talk to the team and his/her peers in the courtroom.

### **Criteria**

- Completion of all 5 phases of the program and requirements in each phase.
- Submit a completed Commencement Application
- Completion of any court orders
- Completion of probation or be in good standing
- Complete an exit interview with coordinator, upon approval of Commencement
- Payment of supervision fees, fines, and restitution

## TERMINATION POLICY AND PROCESS

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### Last Chance Contract

- A) Every participant may have an opportunity to complete a Last Chance Contract (LCC) before Termination proceedings are considered. However, certain circumstances may cause a motion to terminate to be brought prior to a “last chance contract”—these will be reviewed on a case-by-case basis depending on the alleged violations.
- B) An LCC may last up to 30 days. Once on LCC the participant may be terminated at any point.
- C) Each participant is entitled to only **one** (1) LCC for the duration of their time in drug court.
- D) An LCC is a final notice to the participant that due to the number of violations that have occurred in drug court, they are receiving one final chance before being considered for termination.
- E) If the participant continues to violate during the pendency of the LCC, the participant will move into termination proceedings.
- F) If the participant successfully completes the LCC, they will return to their regular standing and phase.
- G) If the participant then continues to violate, after the LCC was successfully completed, they can be considered for termination immediately.
- H) DOC reserves the right to move forward with revocation at any time, independent of the drug court, should violations warrant such.

### 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.

### Procedure for Termination

- a)** A motion for termination can be made by any member of the Treatment Court Team. In order for a motion to terminate to be brought, the participant must have been subject to a “last chance contract.”
  - 1. Certain circumstances may cause a motion to terminate to be brought prior to a “last chance contract”—these will be reviewed on a case-by-case basis depending on the alleged violations.
- b)** The motion shall be evaluated by the Treatment Court team.
- c)** If the team votes and majority agree on termination, the Judge will be made aware of the decision of the team. If there is a tie, then the Motion to Terminate is withdrawn and a participant may be placed on a behavioral contract.
- d)** If the decision of the team is to move forward with the motion to terminate, the Prosecutor will file a motion to terminate, and the Judge will inform the participant of the following in court:
  - 1. The team’s majority vote to terminate the participant.
  - 2. The scheduled termination hearing date (within three weeks of the motion)
  - 3. The participant’s right to an attorney and assign an attorney (if applicable)
  - 4. The participant’s obligation to continue following all program rules and requirements until a decision has been made on termination; the Judge may suspend court appearances while termination is pending
- e)** Prior to the formal termination hearing, the attorneys may request additional documents related to the alleged violations. All requested documentation must be provided to both the prosecution and defense.
- f)** At the formal termination hearing, the prosecution and defense may offer relevant witness testimony and evidence. The coordinator and/or the DOC agent of record will testify on behalf of the program and team. However, the standard rules of evidence do not apply (hearsay is admissible) and the burden of proof is a preponderance of the evidence. Cross-examination is permitted. The Treatment Court Judge will preside over the termination hearing unless the defense makes a timely request for a different judge.
- g)** At the conclusion of the termination hearing, the Judge will issue a verbal decision based on the information presented whether the grounds of termination have been proven. If the Judge finds that the grounds for termination have been proven, the Motion to Terminate will be granted. If the Judge finds that the grounds for termination have not been proven, the Motion to Terminate will not be granted, and the participant will continue full program participation and resume all obligations immediately. When a Motion to Terminate is not granted, the Judge may also issue a sanction related to the violations prompting the Motion to Terminate. If the Judge grants the Motion to Terminate, the participant’s enrollment in the program is terminated immediately. Within two weeks of the formal hearing, the Judge will issue a written Termination Order documenting the decision. Copies will be provided to the participant, Treatment Court Coordinator, DOC agent of record, the defense attorney, and the District Attorney’s office.
- h)** The Department of Corrections reserves the right to revoke participants independent of the Racine County Alcohol and Drug Treatment Court decision.
- i)** Waiver of termination hearing:
  - 1. After having been appointed counsel and informed of your rights, you are able to waive a formal termination hearing.
  - 2. Waiver means that you are not contesting the alleged violations of the diversion contract.
  - 3. If you waive, this means that the Judge will make a termination decision based on the information provided by the Program Coordinator or DOC agent.



4. You must enter this waiver knowingly and voluntarily.
  5. Judge will engage in a colloquy to ensure that your attorney has explained the consequences of the waiver
- j) Automatic termination**
1. If a participant absconds for 30 days or more, the participant is automatically terminated from the program.
  2. An order will be signed by the Judge and filed in the drug court matter.
  3. Copies will be mailed to the participant's last known address, and provided to the Treatment Court Coordinator, DOC agent of record, and the District Attorney's office.
- k) Termination from Drug Court and Revocation**
1. Termination from the drug court treatment program is SEPARATE from DOC Revocation proceedings.
  2. Termination from drug court CAN be used as an allegation at a revocation hearing.

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

## **EVALUATION DESIGN**

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### **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 been explained the expectations of the program that included: abstaining from use of all drug and alcohol use for the duration of the program. I understand that the use of CBD oils or products are NOT allowed in the program. Court appearances are initially every week; I will be required to attend treatment and required appointments; weekly office visits with probation; random drug and alcohol testings-2-3 times a week on average; 2-3 required self-help groups; and required orientation appointments with the coordinator. 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