

RACINE COUNTY ALCOHOL AND DRUG TREATMENT COURT

Policies and Procedures Manual



Racine County Alcohol and Drug
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STEERING COMMITTEE

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

Judge Maureen Martinez

Jennifer Hofmeister, Treatment Court Coordinator/Case Manager

Tricia Hanson, District Attorney

Adrienne M. Moore, 1st Assistant State Public Defender

Deana Goetz, Department of Corrections

Kenya Mason, Department of Corrections Supervisor

Boyd Schwartz, Racine Alternatives Program Supervisor

Pauline Ortoff, Director of Behavioral Health Services of Racine County

Lorice Pearson, AODA Supervision-Behavioral Health Services of Racine County

Tom Knaus, 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

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

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

ELIGIBILITY CRITERIA

- 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 whose 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

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

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.

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. The reason for termination will be disclosed and participant will return to the original sentencing judge and their sentence will be determined.

PROGRAM PHASES

The Racine County Alcohol and Drug Treatment Court Program is 18 to 24 months. In some cases, the program could take longer than 18 months for successful completion.

Phase 1: Orientation-Estimated 1 to 3 months (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-Estimated 5 to 7 months in length

- 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-Estimated 4 to 6 months in length

- 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- Estimated 4 to 6 months in length

- 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- Estimated 4 or more months in length

- 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 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

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

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

- 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

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

- 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

Racine County Alcohol and Drug Treatment Court is held every Wednesday at 3:30 pm. Your phase will correlate with how often you must report to court, ranging from every week to every (4) 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.

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

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 on the same day of the test, within normal hours of operation to the agency providing testing, unless an alternative payment date has been set up with the testing agency. 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

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 is due (cash or check only) on the same day that the test was conducted. 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

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.
- Completion of any court orders
- Completion of probation or be in good standing
- Payment of supervision fees, fines and restitution

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.

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, the participant is either allowed to remain in the program or terminated. 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. If termination is voted, the participant is notified of the team's decision to terminate them from the program in court. A notice containing the allegation(s) for termination shall be given to the participant or mailed to last known address. The notice will contain information on their right to appeal the decision and to be represented by counsel.
- d) If 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 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 (ATR), 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 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 two weeks; required treatment and required keeping of 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

