

# **MANITOWOC COUNTY DRUG**

# **COURT PROGRAM (MCDCP)**



## **POLICY AND PROCEDURE**

## **MANUAL**

- 1. MISSION STATEMENT**
- 2. DRUG COURT OVERVIEW**
- 3. REFERRAL/ASSESSMENT/ENROLLMENT**
- 4. ELIGIBILITY REQUIREMENTS**
- 5. DISQUALIFICATION CRITERIA**
- 6. DRUG COURT MEMBERS AND ROLES**
- 7. PROGRAM AGREEMENTS**
- 8. ETHICS AND CONFIDENTIALITY**
- 9. RECORDKEEPING**
- 10. TREATMENT**
- 11. SUPERVISION**
- 12. COURT SUPERVISION**
- 13. HOME VISITS**
- 14. REQUIREMENTS OF PROGRAM**
- 15. DRUG COURT PHASES**
- 16. COMMUNITY SUPPORT GROUPS**
- 17. PEER RECOVERY SUPPORT**
- 18. INCENTIVES, SANCTIONS, AND SERVICE ADJUSTMENTS**
- 19. MEDICATIONS**
- 20. MEDICATION ASSISTED TREATMENT (MAT)**
- 21. DRUG AND ALCOHOL TESTING**
- 22. TRAVEL AND DRUG AND ALCOHOL TESTING**
- 23. PROCEDURES, RULES & EXPECTATIONS OF DRUG AND ALCOHOL TESTING**
- 24. FEES AND RESTITUTION**
- 25. GRADUATION**
- 26. TERMINATION POLICY AND PROCESS**
- 27. ADMINISTRATIVE DISCHARGE**
- 28. GRIEVANCE PROCEDURE**

## **MISSION STATEMENT**

**THE MISSION OF THE MANITOWOC COUNTY DRUG COURT PROGRAM (MCDCP) IS TO ENHANCE PUBLIC SAFETY THROUGH THE PARTNERSHIP OF ALL OF THOSE INVOLVED IN THE CRIMINAL JUSTICE PROCESS BY CREATING A COMMUNITY SYSTEM OF ACCOUNTABILITY AND REHABILITATION. THE UTILIZATION OF COORDINATED AND COMPREHENSIVE APPROACHES WILL RESULT IN BEHAVIORAL CHANGE AND BREAK THE CYCLE OF DRUG AND ALCOHOL ADDICTION. EVIDENCE BASED PRACTICES WILL BE USED TO PROMOTE EFFECTIVE TREATMENT APPROACHES DELIVERED IN A CULTURALLY COMPETENT, STRENGTH BASED, AND TRAUMA INFORMED MANNER.**

## **DRUG COURT OVERVIEW**

The MCDCP is a court that is specifically designated and staffed to handle cases involving substance-dependent offenders through an intensive, judicially-monitored program of drug and alcohol treatment, rehabilitation services, and strict community supervision. The Drug Court concept is based on an innovative program that was first developed in Miami, Florida in 1989. The Drug Court concept has since received widespread attention as an effective treatment strategy for drug-involved criminal offenders. There are more than 3000 such programs now in operation in jurisdictions throughout the nation.

Drug Courts are built upon a unique partnership between the criminal justice system and drug treatment community. One that structures treatment intervention around the authority and personal involvement of a Drug Court Judge. Drug Courts are also dependent upon the creation of a non-adversarial courtroom atmosphere where a judge and a dedicated team of community leaders work together toward a common goal of breaking the cycle of addictions and the related anti-social behaviors.

Because of the unique problems and opportunities that present themselves in working with addicted, justice-involved persons, treatment and rehabilitation strategies must be evidence-based and best practice. Drug Court programs must therefore recognize:

- Individuals dealing with substance use issues are most vulnerable to successful intervention when they are in the crisis of initial arrest and incarceration, so intervention must be immediate and up-front.
- Preventing gaps in communication and ensuring potential participant accountability are critically important. Therefore, court supervision must be highly coordinated and very comprehensive.
- Addiction to drugs/alcohol is a longstanding, debilitating, and insidious condition. Treatment must be long-term and comprehensive.
- Addiction to drugs/alcohol seldom exists in isolation from other serious problems that undermine rehabilitation, so treatment must include integration of other available services and resources such as educational assessments, vocational assessments/training, and job placement.
- Relapse and intermittent advancement are part of the recovery process. Service adjustments, sanctions, and incentives must be integral to the Drug Court Program strategy.

Eligibility criteria, screening and assessment tools will be nondiscriminatory in intent and impact. MCDCP will have access to the same levels of care and quality services regardless of race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion or socioeconomic status.

In order to improve the overall quality of life in our community, through the utilization and application of scientific data and evidence-based practices, The MCDCP has identified the following goals:

- REDUCE RECIDIVISM RATES FOR NONVIOLENT JUSTICE-INVOLVED PERSONS IN THE PROGRAM AND INCREASE PUBLIC SAFETY.
- REDUCE PRISON AND JAIL POPULATIONS BY DIVERTING NONVIOLENT JUSTICE-INVOLVED PERSONS TO COMMUNITY BASED INTERVENTIONS.
- CONSERVE JUSTICE SYSTEM RESOURCES THROUGH PROMPT SCREENING AND DIVERT JUSTICE-INVOLVED PERSONS INTO COMMUNITY BASED PROGRAMMING BASED ON ASSESSED RISK AND NEED.
- PROVIDE EFFECTIVE, PERSON-CENTERED INTENSIVE COURT SUPERVISION

#### REFERRAL/ASSESSMENT/ENROLLMENT

Eligible participants will be identified and referred to the MCDCP within 50 days or as soon as possible from the time of the arrest or trigger event. Prior to admission the eligible participants will be advised about MCDCP requirements. The referral procedure is listed as follows:

1. Referrals to the program in the form of application can be made by:
  - A) Manitowoc County Court Services
  - B) Manitowoc County District Attorney
  - C) Manitowoc County Probation and Parole
  - D) Manitowoc County District Judges
  - E) Defense Attorney's
  - F) Manitowoc County Law Enforcement (Police/Sheriff's Department)
  - G) Human Services providers
  - H) Anyone, Including Self-Referrals
2. Applications can be faxed to the MCDCP Coordinator at (920) 683-4243 or referrals can be made by phone to (920) 683-4234.
3. The MCDCP Coordinator will review the case and determine whether it appears appropriate for a screening interview.
4. Individuals meeting the criteria for the program will be screened by the MCDCP Coordinator. If they are on bond an appointment will be scheduled. If incarcerated, the MCDCP Coordinator will interview them at the jail (generally within 48-72 hours).
5. The screening interview will consist of:
  - A) Explanation of the MCDCP and its requirements;
  - B) Basic information interview/review of legal record and police report;
  - C) Administration of pre-trial risk screen tool or equivalent means
6. If the individual screens appropriate for the program, the MCDCP Coordinator will schedule a full COMPAS assessment for Risk/Need scores and determination of motivation.
7. The MCDCP Coordinator will review the interview results, case information, and comments with the MCDCP Team. If accepted into the program, the applicant will be scheduled for plea at the next Drug Court session or as soon as scheduling permits. If the referral is not approved by the MCDCP Team, the referring party will be notified of the reason.

8. At the time of the Plea hearing, the defendant will enter a plea pursuant to the plea agreement. They will be convicted of the offense(s). The applicant will be required to sign a participant agreement with the MCDCP.

### **ELIGIBILITY REQUIREMENTS**

1. Participant must be 18 years old or older.
2. Participant must be a resident of Manitowoc County. Incarceration time, residential treatment placement, and sober living time do not count towards residency.
3. Participant must be assessed as medium to high risk on COMPAS Risk Assessment, with preference given to high-risk high needs individuals.
4. Participant must enter the Manitowoc County Drug Court Program (MCDCP) voluntarily, demonstrate full understanding and acceptance of MCDCP rules and expectations, his/her obligations, the consequences of not meeting those obligations, and the rewards of successfully meeting those obligations.
5. Participant must be suitable for enhanced supervision as part of the MCDCP, as evaluated by the Participant's willingness and motivation to enter the MCDCP, history of chemical dependency, history of mental illness, treatment history, probation history, amenability to treatment in a probationary setting, and/or other related aspects.
6. Participant must have the ability to participate in all aspects of the MCDCP as it relates to mental health, physical health, and cognitive ability.
7. The Participant must be sentenced or has entered a plea for a felony level offense that was motivated by substance use disorder that would result in a presumptive executed prison sentence, or have violated probation for a previous charge which meets eligibility criteria.
8. The Participant has demonstrated prior criminal activity in which the use of chemicals was a clear contributing factor.
9. The participant must have a clinically diagnosed substance use disorder as defined by the most recent edition of the DSM.
10. Must sign necessary contracts and releases at MCDCP team request.

### **DISQUALIFICATION CRITERIA**

Applicants will not be eligible for the MCDCP if the current charged offense or offense of conviction include any of the following:

- Homicide (all levels)
- Felony Battery
- Criminal Sexual Conduct in the First, Second, Third or Fourth Degrees
- Possession/Manufacture of Pictorial Representation of Minors
- Any felonious DVO Related Offenses
- Felony Offenses Against Children
- Any Firearm Related Offenses
- Arson in the First and Second Degree

- Criminal Vehicular Operation
- Criminal Vehicular Homicide
- Kidnapping
- False Imprisonment
- Sex Offenders
- Robbery (All Levels)
- Crime Committed for Benefit of a Gang
- Possession/Reckless Use of Weapons (All Levels)
- Drug Dealing Offenses (purpose of financial gain/not support addiction)

No individual deemed to be a “violent offender” shall be accepted into the MCDCP. A “violent offender”, based on the applicable section from Wis. Stat. § 165.95, 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.

Decisions on individual cases and whether they meet the violent offender restriction will be decided by the MCDCP Team as part of the eligibility determination process.

A defendant shall be excluded from MCDCP if any one if the following apply:

- (1) The crime is a crime of violence as set forth in Wis. Stat. § 165.95
- (2) The defendant denies his or her use of/or addiction to drugs.
- (3) The defendant does not demonstrate a willingness to participate in a treatment program.
- (4) The defendant has been convicted of a crime of violence within the past ten (10) years excluding incarceration time, including, but not limited to; first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in a great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm.
- (5) The defendant is a registered sex offender.
- (6) The defendant is an active gang member.
- (7) The defendant is not medium to high criminogenic risk or does not have high behavioral health treatment needs as determined by the use of validated risk assessment tools and clinical assessment tools.
- (8) The defendant has been charged with drug dealing offenses primarily for purposes of financial gain and not to support their addiction.
- (9) No defendant shall be admitted to the MCDCP if, at the time of plea of guilty, felony charges are pending alleging a crime which would make the defendant ineligible to enter the MCDCP.

## **DRUG COURT MEMBERS AND ROLES**

The Manitowoc County Drug Court Team is comprised of individuals from a variety of disciplines that come together to handle cases involving dependent justice-involved persons through an intensive, judicially-monitored program of drug and alcohol treatment, rehabilitation services, and strict community supervision. The following is a list of the Drug Court Team members and a summary of each individual's role:

- One or more Circuit Court Judges: The drug court judge presides over non-traditional court appearances for drug court clients. Interactions with the clients during court should be guided by evidence-based practices and should last between 3-5 minutes. While the judge is part of the drug court team and works in collaboration with the team to make decisions on how to proceed with clients and their cases, the judge retains the final authority over decisions related to the clients' court cases.
- A representative from the District Attorney's office: A drug court prosecutor is usually the "gate keeper" and assists in the selection of offenders who legally can participate in the program. He /she obtains prior criminal histories of offenders, participates in team meetings, attends court hearings, and prosecutes any termination hearings. The Prosecutor is also responsible for ensuring compliance with victim rights.
- A representative from the Public Defender's office: When accepted into the program, the Drug Court defense attorney, who will be a staff attorney from the State Public Defender's Office, will advise participants about the program, specifically as to what their rights are, and will act to ensure impartiality and evidence-based responses, and to preserve all legal rights of the participants. The defense attorney will advocate for fair, impartial and equal treatment of the participants in the Manitowoc County Drug Court by participating in team meetings, staffing and non-adversarial court proceedings as well as meeting with participants as needed.
- Department of Corrections/Probation Officer: A drug court probation agent(s) actively monitors drug court participants outside the drug court setting including office visits, conducting home and drug testing. All participant contact is documented and visits logged to help encourage positive participant behavior.
- A representative from Law Enforcement: A drug court law enforcement officer actively monitors drug court participants outside of the drug court setting including conducting home and job visits and drug testing. All participant contact is documented and visits logged to help encourage positive participant behavior.
- The Drug Court Coordinator: A drug court coordinator actively monitors drug court participants outside the drug court setting including home visits, maintains participant data, prepares participant progress reports, and coordinates services from each discipline and the local community.
- SUD Treatment Provider: A SUD treatment provider is to ensure the participant's receive evidence-based services that align with their assessed needs and that these services are delivered in an effective manner. The SUD treatment provider keeps team members updated on a participants progress in treatment and explains the implications of treatment progress for important team decisions, including phase advancement, program completion, and delivery of incentives, sanctions, and service adjustments. The SUD treatment provider develops and protects the therapeutic alliance with the participant and helps them to identify and reach their preferred treatment goals.
- Mental Health Treatment Provider: A mental health treatment provider is to work with

participant's in identifying their goals for wellness and advocating their needs to the team. The provider does this by performing assessments to identify areas of clinical need and providing services that are evidence-based in a way that align with client goals. The mental health treatment provider is on the team to advocate for the participants and provide insight on how mental health and substance use play a role in addiction and recovery, as well as how stressors throughout drug court could affect participants, and how participants mental health may affect their participation in drug court. The mental health provider can assist with co-occurring treatment including individual and group settings, providing coping skills, discussing life stressors, and helping identify other resources.

- **Jail Representative:** A drug court jail representative helps monitor drug court participants while in custody and observes interactions with others. While doing so, they help promote positive behavior changes and guidance for when they are released.

Training for the MCDCP team members will be viewed as an ongoing process. Each member of the MCDCP Team will work towards obtaining the necessary hours of training per year. This training will be tracked by the MCDCP Coordinator. The MCDCP will emphasize training that reinforces a familiarity with and emphasis of the "Ten Key Components". Role specific trainings and other formal trainings provided by recognized organizations will be utilized along with conferences, webinars and other training resources. Observation of outside drug court programs will be utilized as an opportunity to see the process other courts utilize.

Upon the transition of new team members, the members will be provided with all MCDCP information, role specific training and an overview to the MCDCP similar to implementation training. The MCDCP coordinator will meet with all new team members to ensure a thorough orientation process.

### **PROGRAM AGREEMENTS**

1. During MCDCP participants are required to attend: court, treatment counseling, support meetings and appear for random drug testing. A participant's case plan may include: education and/or self-improvement courses such as, but not limited to, parenting, budgeting and recovery foundation support.
2. Participant acknowledges that drug testing is a major component of the MCDCP. Participants agree to comply with each component of the testing requirements. These requirements include submission of urine samples or other methods of testing, compliance with testing protocols, and the waiver of all confidentiality as to the results of the test, any re-testing or supplemental testing. Collection can include breath, blood, urine, saliva, hair, or other form of collection. Failure to cooperate fully with drug testing could result in termination from MCDCP.
3. The results of the drug test helps to determine the participant's compliance with the agreements relating to abstinence. The MCDCP will presume that drug test results or lab results are accurate upon confirmation.
4. When responding for a drug test, participants agree to arrive for testing at the designated facility between 8am-9am. Failure to do so could result in a sanction to reset phase time.

5. Participants agree to personally call in/check in on a daily basis (Monday-Sunday), between the hours of 5am-7:55am, to see if they are required to provide a urine analysis (UA) on that day. It is unacceptable to have others call in/check in for the participant, and will result in a sanction.
6. When responding for a drug test, participants agree to produce a sample during the prescribed time period. That time period is 15 minutes. Failure to produce a sample will result in phase time being reset.
7. Participants agree to follow the directions of the authorized drug tester as to how to submit a sample.
8. Participants agree to provide a urine sample that is undiluted. Diluted samples will be considered positive and will be result in an appropriate sanction.
9. All UA collection will be observed including direct observation of the flow of urine from the body.
10. Participants agree to provide a UA before leaving the designated testing facility. Failure to do so will be considered a positive UA.
11. If a participant is found to be tampering with the testing process in any way, it will be considered a serious violation and would be grounds for immediate termination from the MDCP.
12. Participants agree to be responsible for any substance going into their body that may affect drug testing results. This includes fluids that are consumed in a quantity that results in a diluted drug test, any over-the-counter substance including supplements, anything inhaled or applied to one's skin. These actions will be considered "tampering" and could result in termination. Please be mindful of the impact this has on your program and the MDCP program.
13. Participants agree that they will avoid high-risk environments. This could include people, places & things which do not align with a healthy lifestyle of recovery. The resources offered will assist you in making these changes if you agree to trust the process.
14. Participants agree not to consume "NA beers" etc. This is a behavior that would not align with the change process in which you are engaged.
15. Participants may dispute a positive test result and ask for a lab confirmation. All positive UA results are automatically confirmed during the initial part of the lab's process. If you feel that the test is inaccurate, the MDCP team will decide if additional confirmations are necessary. Honesty is the best policy. If you slipped, please own it and learn from it.
16. Any participant that enters into the MDCP agrees to be drug/alcohol tested at any time by a police officer, probation agent, program coordinator, treatment provider or at the request of the court of any agency designated by the court. This includes during home visits.
17. Participants agree to not consume or possess any mood-altering substances which produce a euphoric effect. Mood-altering substances are defined as: (1) altered or modified so that they do not fit within chemical definitions that would otherwise make them illegal and; (2) altered or modified in order to circumvent drug monitoring. Examples are "spice", "K2", and other synthetic cannabinoids. An example of "other substances" is synthetic cathinone's, commonly referred to as bath salts, CBD, GBL/GHB. This list is not all inclusive and can have products added or removed at the drug court team's discretion.

18. Participants agree to be held responsible for items that are found in their car or home. Paraphernalia or drugs that are found in those locations could result in new legal charges or even termination.
19. Participants are encouraged to disclose any significant relationship that they are in when they enter the MCDCP or that they enter while in the MCDCP.
20. Participants agree to inform the MCDCP coordinator every time they visit a medical facility, and have the medical staff complete the supplied form. Permission is not needed from the coordinator prior to scheduling a visit, but the coordinator must be advised once the medical visit takes place. Such advisement should occur within 24 hours. The participant agrees to disclose any prescribed medications to the coordinator, sober living facility, etc.
21. Participants agree that they must supply the MCDCP physician notice form to medical personnel during a healthcare appointment and ask that it be completed prior to the appointment ending. If a treating physician wishes to treat a participant with narcotic or addictive medication, the participant must disclose this fact to the MCDCP coordinator and sign the necessary releases for the treating physician and the MCDCP. Participants will complete a safety plan for all mood-altering prescribed medications within 24 hours of picking the medication up from the pharmacy.
22. Participants agree to inform any law enforcement officer who contacts them that they are in MCDCP. Upon said contact the participant agrees to report the contact within 24 hours to the MCDCP coordinator and probation agent.
23. Participants agree that they will not act as a confidential drug informant with any law enforcement agency while in the MCDCP, and avoid all contact related to such purpose.
24. Participants agree to keep the MCDCP Team advised of their current address and phone number at all times and whenever changed.
25. A request to leave the county, needs to be submitted to the MCDCP coordinator by noon on Tuesdays, throughout phases 1-4. The team will then discuss the request and inform the participant if it was approved on Wednesday at or after court. Once the participant enters phase 5, they will inform the coordinator every time they leave the county but do not need permission to do so from the MCDCP Team.
26. Participants agree that any requests for travel or overnights to the MCDCP team will be submitted by noon the Tuesday prior to staffing so the team is able to discuss on Wednesday morning. No requests will be granted without team approval. If the request for travel/overnights will affect normal drug and alcohol testing procedures, an Overnight/Travel Request Form must be completed and submitted to the MCDCP coordinator at least 7 days prior to the travel start date so that the team can discuss and make a decision on that request. All requests also need to include a safety plan.
27. If in the first 30 days of the program, overnights or out of county requests will not be approved. If a participant is sanctioned the period before their next appearance, an out of county request or overnight will not be approved for that week.
28. Participants may be precluded from working or from gaining employment. Employment is subject to preapproval by the drug court team and you must continue to maintain treatment court requirements, if employed.

29. Honesty is an essential element to your program. If a participant is dishonest in court, it could result in termination from the program. It's your program, and its foundation starts with honesty & transparency.

30. Participants agree to comply with all treatment recommendations and successfully complete all recommended treatment. If unable or unwilling to complete recommended groups, you will likely be terminated from the program.

31. If a participant is placed into a community-based residence, a treatment facility, or any other similar type of living situation, they agree to comply with all rules established there. Should any of those rules be violated, the MCDCP team reserves the right to sanction if needed in addition to any external facility consequences.

32. Participants agree that they must comply with any special conditions ordered by the Court as part of their participation in the MCDCP.

33. Participant agrees to attend counseling sessions or treatment in its entirety except with the consent of the provider. Please remember to come prepared with your planner and any assigned work completed.

34. Inappropriate comments by MCDCP participants that refer to race, color, condition, status, religion, sexual preference will not be tolerated.

35. Participants agree to not communicate with any person who is in an incarcerated setting for any reason unless the communication is PRE-APPROVED (which means before you communicate) by the MCDCP team. Participants agree to avoid communication through phone calls, texts, emails, written letters, or through a third party. People who are on electronic monitoring (EMP) or who are released on Huber privileges for work or school are considered incarcerated.

36. Signatures for "Rule of 40" sheet and meeting sheet, need to be on the sheets for it to count toward the participants 40 hours and required meetings. Signatures need to be obtained prior to court appearance.

37. No Gambling: this includes but is not limited to casinos, scratch off tickets, slot machines, pull tabs, betting on sports, card games for money, Powerball games, etc.

38. Participant agrees to return any drug court cell phone in working condition to the program coordinator within 60 days of obtaining any employment.

39. Participant agrees to avoid working cash jobs or "off the books" type of work, as a primary source of income.

#### **ETHICS AND CONFIDENTIALITY**

Each team member should abide by their professional roles and rules on ethics and confidentiality.

Case-related Information: Treatment Court staff are to regard all materials and information as confidential, and such information is not allowed to be released to anyone without proper authority.

All Treatment Court professionals are required to be familiar with and abide by the Federal confidentiality regulations regarding alcohol and drug abuse prevention and treatment confidentiality. Treatment Court professionals must understand the criminal and civil liability if there is a violation.

**Release of information to Agencies and Agency Personnel:** Information gained through Treatment Court and all other related information may be disclosed to authorized agencies and their authorized personnel in accordance with statutory provisions of Federal and Wisconsin Law and established Treatment Court procedures. Authorized agencies and their authorized personnel who receive client information from the Treatment Court are prohibited from releasing that information to any other parties or agencies.

Participants will be provided with a copy of the department's privacy practices at orientation and upon request. Individuals who refuse to sign consent forms allowing essential communications are in violation of program rules and are subject to termination.

A participant's criminal court file is maintained by the Clerk of the Circuit Court and will include a basic record that documents the participant's participation in treatment court proceedings.

Information that may be part of the criminal file may include, order referring the participant to treatment court, waivers that pertain to court proceedings (waiver of confidentiality regarding discussion of treatment-related issues, waiver of ex parte contact by judge), orders regarding court-ordered sanctions, order or notice of the participant's voluntary termination from the program, motions, proceedings, and orders regarding involuntary termination from the program, acknowledgment of successful completion of the program, transcripts of any in-court review sessions if prepared, and clerk's minutes that provide a very brief summary of in-court review sessions.

A participant's treatment court file will be locked in a secured area of the office of the respective case coordinator. The participant's file is a confidential file that holds information related to the participant's substance use diagnosis, treatment notes, progress, and related medical and psychological information. The file may contain the participant's application for treatment court, information gathered for evaluating the application, treatment court participation contracts, medical information, and history of substance abuse: diagnosis, drug and alcohol use, monitoring, medical and psychological reports, prescriptions, etc., weekly staffing reports, information provided by team members, and team members recommendations. Agreement by team members that information in the treatment file shall be used only for purposes of treatment court.

To safeguard participant confidentiality, any professionals who would like to observe Treatment Court staffing discussions must ask in advance and sign a form agreeing to maintain the confidentiality of all information exchanged during their observation. Failure to abide by a signed confidentiality agreement may subject the observer to penalties under Federal law and discipline under state law for licensed professionals.

Federal and State laws require that the participant's privacy be protected. In response to these regulations, the MCDCP Team has developed policies, procedures and designated forms for the

participant to sign in order to guard their privacy. The MCDCP Coordinator will review these forms with the participant so that they fully understand the limits of confidentiality.

### **RECORDKEEPING**

MCDCP will follow the guidelines for program evaluation as required by any state or federal funding sources. The management information system to be utilized by the drug courts is the CORE reporting system. Drug Court files will be maintained separate from traditional case files. Treatment information and progress reports will be kept separate from court files, by one or more of the methods described below:

- Maintained in a separate treatment file, located in the MCDCP Coordinator's office.
- Shredded after team meetings and/or drug court sessions;
- Maintained in locked cabinets, separate from the court files.
- Entered in a timely manner by the MCDCP Coordinator into the CORE Data Tracking instrument

The MCDCP file will contain information related to the participant's substance abuse diagnosis, treatment, progress and related medical and psychological information, including the following:

- Any application to participate in the MCDCP.
- Any information gathered to evaluate the applications.
- Any MCDCP participation contract and phase applications.
- All medical information and history of substance abuse: diagnosis, drug and alcohol use, drug and alcohol testing results, medical and psychological reports, prescriptions, collateral records, etc.
- All MCDCP treatment team information: progress notes, information provided by team members, team member recommendations.
- Any agreement by MCDCP team members that information in treatment file shall be used only for purposes of treatment court.
- Established case plan signed by the participant and an identified MCDCP team member.
- Recorded community service efforts and meeting attendance.

The MCDCP Coordinator will collect demographic information including but not limited to race, gender, age, referral, admission and exit type.

### **TREATMENT**

A primary goal of the MCDCP is to ensure the participant adheres and complies with treatment. The participant will be involved in some form of treatment for the majority of time that they are involved in the MCDCP. This treatment may include, but is not limited to medically monitored inpatient, clinically managed residential, medication assisted treatment (MAT), intensive outpatient treatment or outpatient treatment. Treatment will be in the form of both group and individual sessions. Family members and other pro-social natural supports will be included in treatment when possible and appropriate.

The appropriate level of care should be determined by treatment professionals through the use of a validated evidence-based placement instrument (ASAM 4<sup>th</sup> edition). An individualized treatment plan should be developed for each participant. These plans should take into account general factors related to the participant's clinical needs, prognostic risks, and personal strengths and resources. Given that

treatment modalities are determined by these individual risks and needs, it is important to ensure that the program accepts participants with needs that can be met by the types of treatment available in the community. These plans are inclusive of what the client would like to work on as treatment goals.

Both the substance use disorder and mental health symptoms should be addressed in order to most effectively treat participants with co-occurring mental health disorders. The treatment plan should be comprehensive in addressing both substance use disorder issues and mental health issues, such as depression, anxiety, and trauma-related issues, including post-traumatic stress disorder.

Other treatment services utilized will include, but not limited to, educational services, vocational services, peer support recovery services, employment services, domestic violence services, medical treatment services, dental services, mental health services, contingency management, and financial education services.

All treatment providers will be required to submit progress reports/updates to the MCDCP Coordinator as appropriate (preferably weekly).

### **SUPERVISION**

The Supervising Agent will conduct routine office visits and field visits (scheduled and unscheduled), applying Core Correctional Practices during visits. Office visits are held at least weekly until participant is psychosocially stable. Collateral contacts will be made with participant's family or support system to obtain information about participants functioning and/or needed support until psychosocially stable. Contacts with the participant are increased or decreased based on the participant's progress in the program. The Supervising Agent develops a working alliance with the participants, provides support and advice, models prosocial behaviors, expresses approval for positive behaviors and disapproval for infractions. Until conditions are achievable (proximal), service adjustments are delivered. Individualized case plans are developed collaboratively with the participant and team based on risk-needs-responsivity assessment. The Supervising Agent engages participants through evidence-based behavior modification techniques delivering cognitive behavior interventions, connecting participants to resources and monitoring compliance with Court requirements. Unless immediate response is necessary to protect the participant's welfare of public safety or unless standard supervision conditions are required by statute or Department regulations, the Supervising Agent should confer with the team before imposing substantial sanctions or other consequences.

The MCDCP Coordinator will maintain frequent contact with the participant. Together they will discuss what areas of the participant's life they need assistance with. Areas of their life to discuss include: housing, education, employment, transportation, family and general living needs (driver's license, financial management, etc.). The participant will create a case plan with the Supervising Agent and MCDCP Coordinator, which will help the participant set and meet their goals. The case plan will be reviewed and updated on a regular basis so the participant can see their progress and problem solve ways to meet their goals. The case plan is the plan the participant develops with the Supervising Agent and Drug Court Coordinator. The treatment plan is separate from the case plan and is made with the treatment provider to plan the participant's treatment needs and goals.

### **COURT SUPERVISION**

Staffing is a weekly meeting prior to court that includes the entire Drug Court Team. It is a time for the Team to review the participant's case. Updates from the MCDCP coordinator, supervising agent, treatment providers and any other program the participant is involved in will be reviewed for progress. Based on performance, the Drug Court Team will determine next steps to take that may be appropriate for the participant: rewards (incentives), service adjustments, or sanctions. Other changes to the participant's case plan may be agreed on by the team and/or judge to help the participant achieve and maintain sobriety.

The participant will be required to appear in court on a regular basis based on their current phase in the program, unless otherwise requested by MCDCP team. At each court hearing the participant will speak for themselves and be encouraged to ask the Judge questions or discuss matters that may impact their efforts to maintain sobriety. The Judge will talk to the participant about their progress, ask clarifying questions and discuss specific problems they may be experiencing. The Judge will administer any rewards, service adjustments, sanctions or order other case plan adjustments during this time.

### **HOME VISITS**

Random home visits (scheduled and unscheduled) can occur during the day, evening or weekend where the participant resides by the Supervising Agent, MCDCP Coordinator, and possibly other team members, including Law Enforcement. Additional Law Enforcement officers or supervising agents may assist; however, they will be knowledgeable about the protocols of the MCDCP. Drug and breath testing can occur during the random home visit. Home visits will be utilized as an extra supervision tool for the program to provide supportive monitoring to assess the participant's needs and compliance while in the community.

Reports to the MCDCP Team about the condition of the home will be noted. Sanctions and service adjustments may be imposed for violations of the MCDCP rules discovered during home visits.

The participant is required to respond to the visit by answering the door and allowing the Law Enforcement Officers, Supervising Agent and/or MCDCP Coordinator into their home. If not home, they will attempt to reach the participant by cell phone and request that the participant either meet them at the participant's residence, somewhere in the community, or request that they report to the Supervising Agent or the MCDCP Coordinator by the following morning.

### **REQUIREMENTS OF PROGRAM**

There is a mandatory minimum of time that must be spent in Drug Court. The minimum amount of time a participant must spend in the MCDCP is 14 months.

### **DRUG COURT PHASES**

<b>PHASE ONE</b>	
<b>Key Concept:</b>	<b>Acute Stabilization</b>
<b>Length of Phase:</b>	<b>AT LEAST 60 DAYS</b>
<b>PHASE TWO</b>	
<b>Key Concept:</b>	<b>Psychosocial Stabilization</b>
<b>Length of Phase:</b>	<b>AT LEAST 90 DAYS</b>

<b>PHASE THREE</b>	
<b>Key Concept:</b>	<b>Pro-Social Habilitation</b>
<b>Length of Phase:</b>	<b>AT LEAST 90 DAYS</b>
<b>PHASE FOUR</b>	
<b>Key Concept:</b>	<b>Adaptive Life Skills</b>
<b>Length of Phase:</b>	<b>AT LEAST 90 DAYS</b>
<b>PHASE FIVE / GRADUATION PHASE</b>	
<b>Key Concept:</b>	<b>Recovery Maintenance</b>
<b>Length of Phase:</b>	<b>AT LEASET 90 DAYS</b>

The MCDCP is broken down into 5 phases. Each Phase has its own requirements that need to be satisfied before advancing to the next Phase. Each Phase utilizes what is called a “Rule of 40”. The “Rule of 40” states that you agree to document that you have completed 40 hours per week of the approved activities. There is a list of approved activities at the end of this packet.

#### **PHASE 1 (Minimum 60 days)**

- Court weekly
- In good standing with treatment
- Comply with Coordinator appointments
- Comply with supervision & visits with agent as required
- Develop case plan & treatment plan
- Office visit with treatment providers as required
- Random home visit from team members (min. 1/month)
- Weekly random drug testing (minimum of 2)
- Attend 3 Community Support Group meetings per week.
- Complete “Rule of 40” consistently
- Complete Mental Health Evaluation
- Acquire safe, sober housing

In order to advance:

- Regular attendance at treatment & other appointments
- Compliance with all treatment recommendations
- Demonstrate honesty
- Consistent completion of weekly phase 1 obligations
- Clean time minimum of 14 consecutive days
- Completion of a phase 2 application
- Recovery planner & journal must be kept up to date
- “Rule of 40” kept up to date
- Team consensus on phase 2 readiness and promotion

## **PHASE 2 (Minimum 90 days)**

- Court bi-weekly
- In good standing with treatment
- Comply with Coordinator appointments
- Comply with supervision & visits with agent as required
- Review & update case plan & treatment plan
- Office visit with treatment providers as required
- Random home visits from team members (min. 1/month)
- Weekly random drug testing (minimum of 2)
- Attend 3 Community Support Group meetings per week
- Complete “Rule of 40” on a consistent basis
- Maintain safe, sober housing
- Engage in pro-social activities by end of phase
- If HSED or GED is needed, plan is in place by end of phase on what is required to obtain education if deemed applicable by MDCDP team (Must obtain by end of phase 4 if deemed applicable by MDCDP team)

In order to advance:

- Regular attendance at treatment & other appointments
- Compliance with all treatment recommendations
- Demonstrate honesty
- Consistent completion of all weekly phase 2 obligations
- Clean time minimum of 30 consecutive days
- Completion of Phase 3 application
- Recovery planner & journal must be kept up to date
- “Rule of 40” kept up to date
- Team consensus on phase 3 readiness and promotion

## **PHASE 3 (Minimum 90 days)**

- Court every 3 weeks
- In good standing with treatment
- Comply with coordinator appointments
- Comply with supervision & visits with agent as required
- Review & update case plan & treatment plan
- Office visit with treatment providers as required
- Random home visits from team members (min. 1/month)
- Weekly random drug testing (minimum of 2)
- Attend 3 Community Support Group meetings per week.
- Completed “Rule of 40” on a consistent basis
- Maintain safe, sober housing
- Established pro-social activities and regularly engages
- Review budget planning needs

- Actively working towards HSED/GED if deemed as applicable by MCDCP team

In order to advance:

- Regular attendance at treatment & other appointments
- Compliance with all treatment recommendations
- Demonstrate honesty
- Consistent completion of weekly phase 3 obligations
- Clean time minimum of 45 consecutive days
- Recovery planner & journal must be kept up to date
- “Rule of 40” kept up to date
- Completion of phase 4 application
- Team consensus on phase 4 readiness and promotion

#### **PHASE 4 (Minimum 90 days)**

- Court Every 4 Weeks
- In good standing with treatment
- Office visit with coordinator as required
- Comply with supervision & visits with agent as required
- Office visit with treatment providers as required
- Review & update case plan & treatment plan
- Random home visits (min. 1/month)
- Weekly random drug testing (minimum of 2)
- Attend 3 Community Support Group meetings per week
- Complete “Rule of 40” on a consistent basis
- Maintain safe, sober housing
- Maintain pro-social activities
- Continuing to address budget
- Obtain HSED or GED if deemed applicable by MCDCP team

In order to advance:

- Regular attendance at treatment & other appointments
- Compliance with all treatment recommendations
- Demonstrate Honesty
- Consistent completion of weekly phase 4 obligations
- Clean time minimum of 60 consecutive days
- Recovery planner & journal kept up to date
- Obtained HSED/GED (if deemed applicable by MCDCP team)
- Be up to date on drug court fees
- Completion of phase 5 application
- Team consensus on phase 5 readiness and promotion

### **GRADUATION PHASE (Minimum 90 days)**

- Court Every 4 Weeks
- Complete recommended treatment for SUD (all groups)
- Office visit with coordinator as required
- Comply with supervision & visits with agent as required
- Review & update case plan & treatment plan
- Office visit with treatment providers as required
- Random home visits (min. 1/month)
- Weekly random drug testing (minimum of 2)
- Attend 3 Community Support Group meetings per week
- Complete “Rule of 40” on a consistent basis
- Development of continuing care plan (aftercare plan)
- Maintain pro-social activities
- Maintain other areas (education/vocation/housing, etc.)
- Payment of all drug court fees

In order to graduate:

- Regular attendance at treatment & other appointments
- Complete all recommended treatment groups (completion of treatment plan)
- Continued demonstration of honesty
- Consistent completion of weekly phase 5 obligations
- Clean time minimum of 90 consecutive days
- Recovery planner & journal kept up to date
- Maintain pro-social activities
- Maintain other areas (education/vocation/housing, etc.)
- Sanction free for 30 days
- Payment of all drug court fees
- Attended at least 2 alumni meetings
- Complete & submit graduation packet for team approval
- Team consensus on graduation readiness & promotion

### **COMMUNITY SUPPORT GROUPS**

The participant will be required to attend a minimum of three (3) community support groups each week while in the MCDCP. Alcoholics Anonymous (A.A.) and Narcotics Anonymous (N.A.) are examples of community support groups. The participant will be given a list of AA and NA groups in Manitowoc County when they start the program. The goal is for the participant to build a sober support network which will remain in place once the participant has graduated from the MCDCP. Attendance will be verified by a signature and phone number from the individual who chairs the meeting. On-line meetings can be an excellent resource and are encouraged. No credit will be given towards the participant's minimum number of meetings each week for on-line meetings. Meetings that receive credit have to be attended in person. Individuals currently in the MCDCP are not allowed to sponsor other participants in the program.

### **PEER RECOVERY SUPPORT**

A peer recovery support specialist is a person in recovery from a behavioral health condition (substance use disorder, mental health, or co-occurring) with the proper training and experience to work in a peer support provider role who provides mentoring, access to recovery resources, and available support services to others who are experiencing behavioral health challenges.

The peer recovery support specialist will provide peer support services to participants in the MCDCP. The peer recovery support specialist will use their lived experience in recovery and history of criminal justice involvement to provide direct services and support to participants. They will serve as a role model for participants in recovery by demonstrating effective coping behaviors, life strategies, and the use of resources available to them to achieve a sense of well-being. This position will also assist treatment court participants in developing and building skills toward a meaningful and individualized recovery plan, including establishing a social support system.

The use of a peer recovery support specialist by the MCDCP participants is voluntary in nature. The MCDCP has peer recovery support specialists on the treatment court team. Every effort will be made by the MCDCP team to recommend same gender peer recovery support specialists to participants.

### **INCENTIVES, SANCTIONS, AND SERVICE ADJUSTMENTS**

The MCDCP applies evidence-based and procedurally fair behavior modification practices that are proven to be safe and effective for high-risk and high-need persons. Incentives and sanctions are delivered to enhance adherence to program goals and conditions that participants can achieve and sustain for a reasonable time, whereas service adjustments are delivered to help participants achieve goals that are too difficult for them to accomplish currently. Decisions relating to setting program goals and choosing safe and effective responses are based on input from the MCDCP team members.

The MCDCP will use a combination of rewards, service adjustments, and occasionally sanctions to reinforce compliance with the program. In general, all rewards and service adjustments that are imposed by the team are tailored to address the individual's unique history and needs. The team will attempt to develop service adjustments and rewards which are unique to the individual drug court participant to help them be successful. Occasionally a sanction is necessary when a service adjustment is not appropriate.

MCDCP provides clear and understandable advance notice to participants about program requirements, the responses for meeting or not meeting these requirements, and the process the team follows in deciding on appropriate individualized responses to participant behaviors. This information is documented clearly and understandably in the program manual and in the participant handbook that is distributed to all participants and team members. The judge and other team members also take every opportunity, especially when delivering incentives, sanctions, or service adjustments, to remind participants about program requirements, the responses that ensue for meeting or not meeting these requirements, and the rationale for the responses. The MCDCP team reserves reasonable and informed discretion to depart from responses in the MCDCP Policy & Procedure Manual and Participant Handbook after carefully considering evidence-based factors and identifying compelling reasons for delivering a different response. Because certainty and swiftness are essential for effective behavior modification, the

MCDCP follows best practices for monitoring participant performance and makes every effort to respond swiftly to achievements and infractions.

### **Incentives**

MCDCP Participants receive various incentives for engaging in beneficial activities that take the place of harmful behaviors and contribute to long-term recovery, such as participating in treatment, recovery support activities, healthy recreation, or employment. Examples of incentives utilized by the MCDCP include but not limited to: verbal praise from the judge or other team members, public recognition for phase changes, officer and/or judicial appreciation, gift cards, certificates of completion, acknowledgement of clean time, stars added to the court chart, written commendations, awesome job cards, fishbowl entry, reduced court appearance schedule, letters of recommendation, lunch with a team member, participant of the month, commencement ceremony.

### **Sanctions**

Sanctions are delivered for infractions of proximal goals, are delivered for concrete and observable behaviors, and are delivered only when participants have received clear advance notice of the behaviors that are expected of them and those that are prohibited. Examples of sanctions utilized by the MCDCP include but not limited to: verbal reprimand, increased contacts/reporting requirements, increased urine testing, community service, travel restriction, electronic monitoring/GPS monitoring, phase time extension, written assignments, incarceration, termination from program, revocation from supervision.

### **Service Adjustments**

Service adjustments, not sanctions, are delivered when participants do not meet distal goals. There are different methods utilized by the MCDCP when team members are deciding on service adjustments and which may be most appropriate in any given situation. Supervision adjustments are carried out based on recommendations from trained community supervision officers. Supervision is increased when necessary to provide needed support, ensure that participants remain safe, monitor their recovery obstacles, and help them to develop better coping skills. Treatment adjustments are predicated on recommendations from qualified treatment professionals and may include increasing or decreasing the frequency, intensity, or modality of treatment or delivering specialized services such as co-occurring disorder treatment, trauma services, or other evidence-based treatment interventions. Examples of service adjustments utilized by the MCDCP include but not limited to: increased thought journaling, daily activity scheduling, written assignments, behavior logging, treatment recommendations or adjustments, supervision recommendations or adjustments, increased drug and alcohol testing, increased court reporting, increased contact with coordinator, referrals for mental health, housing, employment, budgeting, or other support services.

The MCDCP Coordinator will monitor the delivery of incentives, service adjustments, and sanctions to ensure they are administered equivalently to all participants. Except where necessary to prevent harm, members of disadvantaged groups receive the same incentives and sanctions as other participants for comparable achievements and infractions, keeping in mind that all incentives, service adjustments, and sanctions are tailored to the participant's unique history and needs.

Sanctioning and/or Service Adjustment offenses (not all inclusive):

- Alcohol or drug use
- Missed UA
- Failure to provide UA
- Drug/alcohol possession
- Refusal of home visit
- Changes residence and does not give notification
- Changes phone number and does not give notification
- Positive drug screen with denial of use (confirmed)
- Submitting tainted/diluted or substituted drug screen
- Failure to report Law Enforcement contact
- Documented law violation
- Deliberate patterns of non-compliance
- Failure to follow court/agent/coordinator directives
- Unauthorized travel
- Failure to complete any required treatment
- Failure to pay court obligations
- Failure to seek employment/enroll in school program
- Dishonesty
- Missed session or appointments
- Late for scheduled appointments
- Late return from travel permit
- Violation of any court ordered condition
- Failure to have A.A/N.A Attendance sheet signed
- Failure to complete Community Service requirements
- Forging/Falsifying signatures

### **MEDICATIONS**

Any mood-altering medications, prescription or over-the-counter, must be prescribed under the direction of a licensed medical professional who is aware of a MCDCP participant's participation in the drug court program. In orientation and at each court appearance forms are made available to them to take to the doctor and have on their person in case of emergency.

If a mood-altering medication is approved by a licensed medical professional, the participant agrees to:

- Immediately notify the MCDCP coordinator, treatment providers and any sober living staff (if applicable)
- Notify the MCDCP coordinator and any treatment providers of any changes in medication with 24 hours
- Follow up with documentation of the medication and have the MCDCP Physician Notice signed by the licensed medical professional and submit to the MCDCP coordinator
- Create a safety plan to take and store the medication responsibly (shared with the drug court team)

- Turn in any unused portions to the law enforcement “Take-back” program for responsible disposal

The MCDCP will test for mood-altering substances found in prescribed and over-the-counter medications, including, but not limited to: Opiates, Tramadol, Alcohol and Dextromorphan. This means that most cold-medication will be off limits unless a licensed medical professional deems it necessary and that no suitable alternative exists.

#### **MEDICATION ASSISTED TREATMENT (MAT)**

Some participants with a substance use disorder will do better in recovery if they use medications to assist in their treatment. These medications are allowed in Drug Court when they are prescribed by doctors educated in addiction and recovery and when they are used as prescribed as part of their treatment plan.

Because Drug Court has an obligation to make sure that the medicines are not misused or used for illegal purposes, Drug Court has specific rules for participants using MAT.

A participant using MAT must provide a letter from Drug Court to their healthcare provider which outlines information we need from your doctor. (A copy of that letter is attached to this handbook.) The doctor prescribing MAT must provide Drug Court with a letter with the information requested.

Drug Court will require quarterly reports from the doctor regarding the participant’s compliance with MAT. Drug Court may require additional monitoring for the participant while on MAT to make sure the medications are taken as directed. This additional monitoring may include direct observation when the participant takes the medicine, additional drug testing, and the counting of medication.

In order to help participants who are finishing their MAT, Drug court may require the participant to come to court weekly after the medication is stopped. This should not be seen as a sanction or punishment but as a safety measure for their continued success.

A participant’s failure to comply with the rules for MAT or misuse of MAT will result in a service adjustment and/or sanction and may result in termination from Drug Court.

#### **DRUG AND ALCOHOL TESTING**

The MCDCP participants are subject to random drug and alcohol testing for the purpose of detecting the unauthorized use of alcohol or controlled substances. They will be tested no less than 2 times per week throughout their time in the program.

The MCDCP Judge, Court Coordinator, Department of Community Corrections, Treatment Providers, Manitowoc County Health & Human Services Department, and/or any officer or deputy working with the authority of the MCDCP may request testing at any time. Upon request, the MCDCP participant must immediately provide the requested sample. If a sample is not produced or is not of sufficient quantity, it will be treated as a positive sample for the presence of unauthorized drugs or alcohol. If the MCDCP participant is late for a test or misses a test, it will be considered positive. Substituting, altering, tampering with or trying in any way to change body fluids for purposes of testing will not be permitted, and could mean immediate termination from the MCDCP.

Testing may include urine, breath, sweat, saliva, blood, and/or hair testing. Participants must produce a sample that is undiluted. Diluted samples will be considered positive. When responding for a drug test, participants must be able to produce a sample during the prescribed time period. That time period is 15 minutes. Failure to produce a sample will be considered a positive test result.

Random drug and alcohol testing by the MCDCP requires the participant to complete a “check in” on a daily basis, 7 days per week, 365 days per year, to confirm if they are required to appear for testing that day.

MCDCP participants will have two different options for completing this daily “check in” procedure.

1. Participants can call the designated phone number (920) 943-1643 every morning between the hours of 5am and 7:55am and enter their specific pin. The phone system will advise participants if they are to submit a specimen that day, between the hours of 8-9am. If they are chosen to submit a specimen that day, the participant will travel to Lighthouse Recovery Community Center on 818 State Street in the city of Manitowoc to submit their UA.
2. Participants can log on to the app “Reconnect Community” between the hours of 5am and 7:55am where they will sign in to the app using their personalized username and specific pin. Once logged in on the app, the participant will be instructed to click on the daily check in box and submit a screenshot of their face. Once their identify has been verified, the app will notify the participant if they were chosen to provide a urine specimen that day. If they were chosen to submit a specimen that day, the participant will travel to Lighthouse Recovery Community Center on 818 State Street in the city of Manitowoc between the hours of 8-9am to submit their UA.

### **Confirmation Testing Policy**

Preliminary or rapid drug screen results that are positive must be confirmed by a certified laboratory using validated methods before sanctions are imposed. It is best practice for the MCDCP team to confirm all positive drug screen results unless the participant has otherwise admitted to substance use. Any usage of instant read urine drug screen methods will automatically be confirmed by sending the urine sample in to the laboratory for additional testing. Confirmation results shall be provided to the court and team and sanctions shall not be imposed until confirmation has been completed and verified.

Participants may request confirmation testing of a positive specimen within 72 hours of the initial test; the specimen will be stored under secure conditions pending confirmation and chain-of-custody documentation.

### **TRAVEL AND DRUG AND ALCOHOL TESTING**

Participants must seek permission from the MCDCP prior to planning travel. When there is a possibility of needing to be excused from the random drug and alcohol testing that is a requirement of the program, participants are required to submit a travel request in advance of planning the travel and explain to the MCDCP team why the travel is necessary (family event, recovery event, etc.). If the travel request is granted by the MCDCP team, participants may still be responsible for meeting their testing requirements. The team will discuss the travel request, the reason for requesting the travel, and the current phase level the participant is in to render a decision on the request to be excused from the

random testing that is a requirement of the program. Ways in which the MCDCP handles these requests includes the following:

Pre-Trip testing:

The participant may be required to voluntarily provide a drug and alcohol screen prior to leaving town.

During Trip Testing:

- If the MCDCP team decides it is not appropriate for the participant to have a built-in exemption from testing obligations while they are traveling, and a random test is scheduled while the participant is away, they may be required to return or make arrangements with the court ahead of time to provide a virtual sample.
- The MCDCP team may choose to coordinate with labs or probation offices near the location of travel with the intent on having the participant report while traveling for the random drug and alcohol screen.
- The MCDCP team may opt to excuse the participant from all random drug and alcohol screening while traveling.

After Returning:

Participants upon return may be required to report immediately for a drug and alcohol screen if one was excused during their absence. Participants should notify the MCDCP coordinator in advance regarding expected return time to fulfill any testing requirements upon their return.

All travel requests must be submitted to the MCDCP coordinator at least 7 days before the intended travel so that the MCDCP team can review the request. Out of state travel requires a separate travel permit from the Department of Corrections.

#### **PROCEDURE, RULES AND EXPECTATIONS OF DRUG AND ALCOHOL TESTING**

MCDCP participants will be expected to participate in the MCDCP's daily random drug testing procedure. Participants will be instructed to complete daily "check ins" with the purpose of learning whether they have been selected to submit a random urine drug screen that day. MCDCP participants will have two different options for completing this daily "check in" procedure.

1. Participants can call the designated phone number **(920) 943-1643** every morning between the hours of 5am and 7:55am and enter their specific pin. The phone system will advise participants if they are to submit a specimen that day, between the hours of 8-9am. If they are chosen to submit a specimen that day, the participant will travel to Lighthouse Recovery Community Center on 818 State Street in the city of Manitowoc to submit their UA.
2. Participants can log on to the app "Reconnect Community" between the hours of 5am and 7:55am where they will sign in to the app using their personalized username and specific pin. Once logged in on the app, the participant will be instructed to click on the daily check in box and submit a screenshot of their face. Once their identify has been verified, the app will notify the participant if they were chosen to provide a urine specimen that day. If they were chosen to submit a specimen that day, the participant will travel to Lighthouse Recovery Community

Center on 818 State Street in the city of Manitowoc between the hours of 8-9am to submit their UA.

Upon arrival the participant will be given the opportunity to admit if they will be testing positive for any substance. If the participant admits to using, the UA will still be collected as normal for verification of self-report. A participant reporting to provide a specimen should not be allowed to enter the bathroom unattended for any reason prior to providing the specimen.

Participant required to submit urine test:

- a) The participant shall be directed to remove all extra layers of clothing such as coats and jackets.
- b) The participant will be instructed to empty their pockets and place contents in a tray.
- c) To collect a urine sample, Lighthouse Recovery Community Center staff will escort the participant to the restroom facility designated for sample collections.
- d) Lighthouse Recovery Community Center staff will enter the bathroom area with the participant to ensure no tampering is evident, and the bathroom will be cleared of all possible contamination and tampering devices. Lighthouse Recovery Community Center staff will ensure that the toilet is cleared prior to sample collection.
- e) Lighthouse Recovery Community Center staff will provide the participant with the urine screen specimen cup.
- f) Lighthouse Recovery Community Center staff will direct the participant to provide a urine sample, filling the specimen's cup until it is at least half full.
- g) Lighthouse Recovery Community Center staff will ensure the collection of an unadulterated sample by witnessing the participant urinating into the specimen cup. Lighthouse Recovery Community Center staff will observe participants at all times. Lighthouse Recovery Community Center staff must ensure that they visually observe the urine leaving the participant's body and entering the specimen's cup. The specimen cup should not leave the collector's sight at any time.
  - 1) Male participants shall be instructed to position themselves at a urinal or toilet in a manner that allows the Lighthouse Recovery Community Center staff an unobstructed observation of the urine voiding process and sample transferring process, with their pants pulled down to mid-thigh.
  - 2) Female participants shall be instructed to place a urine hat under the toilet seat and void into the urine hat. After voiding, the female participant will be handed the specimen cup and instructed to transfer the urine from the hat to the specimen cup. Female participants shall be instructed to position themselves in a manner that allows the Lighthouse staff an unobstructed observation of the urine voiding process and sample transferring process.
- h) Upon completion of providing the sample, Lighthouse Recovery Community Center staff will direct the participant to place the lid securely on the specimen cup and hand the specimen to the Lighthouse Recovery Community Center staff.
- i) Lighthouse Recovery Community Center staff should place the order sticker on top of the sample vial and check to ensure the vial top is tightly secured.
- j) Lighthouse Recovery Community Center staff will package specimens and ship them to Options Lab for lab testing no less than 3 times per week.

## **FEES AND RESTITUTION**

Every MCDCP Participant shall pay a fee to participate in the program. Fees must be paid in full prior to graduation unless other arrangements are approved by the MCDCP Team. The fees for the Drug Court Program are \$500. The participant may pay the full cost of their fees at any time however; if the participant is terminated from the MCDCP their fees are not refundable. All fees must be paid in full before the participant graduates from the MCDCP unless other arrangements are approved by the MCDCP Team. When a participant begins working they will be expected to make a minimum payment of \$10 from each paycheck.

The Drug Court Coordinator will be responsible to keep an accounting of fees paid toward their fee obligation. All fees shall be paid by money order or cash and shall be paid to the Manitowoc County Human Services reception desk. The participant is responsible to retain copies of all receipts.

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

## **GRADUATION**

Participants must successfully complete all 5 phases of the program and have participated in the program for at least 14 months to be considered eligible for graduation. Any exceptions to this must be approved by the MCDCP Judge and MCDCP Team.

Once approved for graduation by the MCDCP Team, the participant will be scheduled for the graduation ceremony. The MCDCP graduate is encouraged to have family and healthy friends present. It will be encouraged to have support people speak on behalf of the graduate's accomplishments in their life. Graduation ceremonies will be scheduled throughout the year.

## **TERMINATION POLICY AND PROCESS**

### **Termination Criteria**

Noncompliance with the Manitowoc County Drug Court Policies and Procedures may justify termination from the program. Termination from the Manitowoc County Drug Court occurs after progressive service adjustments and/or sanctions have been imposed and the participant continues to disregard the rules of the Manitowoc County Drug Court Program 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 or terminated from treatment programming
- 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
- 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 motion for termination can be made by any member of the Treatment Court Team.
- The motion shall be evaluated by the Treatment Court team without the judge(s) being present.
- 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 Manitowoc County Drug Court Judge shall abstain from voting on the motion for termination but the judge will have the final decision.
- If at the court date the participant wishes to appeal the Manitowoc County Drug 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 Manitowoc County Drug 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 Manitowoc County Drug Court.
- The Department of Corrections reserves the right to revoke participants independent of the Manitowoc County Drug Court decision.
- 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 Manitowoc County Drug Court, he or she will then continue in the Treatment Court, subject to any appropriate sanctions deemed necessary to address his or her behavior.

**Procedure for Termination of Drug Court Proceeding:**

- The Participant shall have a right to be represented by an Attorney. This includes a right to be represented through the Wisconsin State Public Defender's Office or Court Appointed Counsel.
- The Participant or their Attorney shall have a right to a list of the violation(s) that support the Drug Court's Team's basis for the recommendation that the individual be terminated from Drug Court. The D.A will provide a list of violations to the participant if the participant requests a hearing.
- The Participant shall have a right to a hearing before the Drug Court Judge in open court and on the record.
- The State has the burden of proof to show the Court through testimony by clear and convincing and satisfactory evidence that the Participant has violated the drug court rules and based upon the nature of the violation should be terminated from Drug Court.
- The rules of evidence as it relates to hearsay shall not apply, provided the evidence or the testimony has a sufficient indicia of reliability for the court to consider this information.

6. The State and the Participant have the right to subpoena witnesses to testify at the hearing. Each side will have the right to present their respective sides of the case. All witnesses called will be subject to direct and cross examination.

7. At the close of the hearing the Drug Court Judge will first determine whether the Participant has violated the rules of the drug court. If this is not proven the Participant will remain in drug court. If the violation(s) are proven the court will determine whether the Participant should remain in drug court due to the nature of the violation(s).

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

#### **ADMINISTRATIVE DISCHARGE**

If it becomes apparent to the team that the MCDCP is unable to meet the treatment needs of a participant, through no fault of the participant, the team may pursue Administrative Discharge of the participant, based on one or more of the following conditions:

- The team in consultation with the treatment provider(s), determines the participant has reached a maximum therapeutic benefit
- The available resources would not appropriately and effectively meet the participant's needs
- The participant is unable to engage in recommended treatment, despite multiple efforts to adjust treatment to fit the needs of the participant

If the MCDCP team in consultation with the treatment provider(s) deems that the participant is appropriate for Administrative Discharge, the decision will be communicated to the participant. If the participant opposes the Administrative Discharge, the participant may request a hearing on the team's decision, which will be handled similarly to the termination procedures outlined above.

Note: Decisions regarding the participant's supervision are made by the Department of Corrections and are separate from the Treatment Court discharge decision.

#### **GRIEVANCE PROCEDURE**

When a participant has a complaint, or feels their rights are being violated, they may initiate the following grievance procedure:

##### **Step One – Informal Discussion:**

The complaint procedure may start with the participant's request of their assigned case manager for an informal discussion between the parties involved. This request must be made within 30 days of the incident or problem causing the grievance.

##### **Step Two – Complaint Investigation and First Decision:**

If no resolution is obtained through Step One, within 45 days of the incident, the person making the complaint should fill out a written complaint form and send it to the MCDCP Coordinator. The Coordinator will study the complaint, make an investigation, and report the findings to the Manitowoc Human Services Clinical Services Director. The program director will make a formal written decision within seven days and send it to the Participant.

##### **Step Three – Hearing and Administrative Decision:**

Within 15 days of Step Two decision, the complainant may request that the complaint be forwarded to the County Criminal Justice Collaborating Council Chair (CJCC). The CJCC Chair or their appointed designee will hold a hearing within 15 days.

**Step Four – Final Hearing and Decision:**

An impartial decision maker will be appointed by the CJCC Chair to hear and make a decision for grievances in the final stage. The impartial decision maker will not have participated in making or reviewing the initial appeal and may be an individual, a board, or a commission.

The Final Stage Hearing shall be available only after exhaustion of remedies available in Steps One and Two.

The request for a final determination shall be made within 15 days after a Step Three decision. Within 20 days of conducting a hearing under Step Three, the decision maker shall mail or deliver to the Participant a written determination, stating the reasons for the findings.

The participant may, at any time, choose to use the Court instead, in which case the grievance procedure will end.

## **APPENDIX**

PARTICIPANT CONTRACT

PHASE 1 RESPONSIBILITY CONTRACT

PHASE 2 RESPONSIBILITY CONTRACT

PHASE 3 RESPONSIBILITY CONTRACT

PHASE 4 RESPONSIBILITY CONTRACT

GRADUATION PHASE RESPONSIBILITY CONTRACT

DRUG COURT ORDER AND OBSERVER AGREEMENT

DRUG COURT PROGRAM PHYSICIAN NOTICE

DRUG COURT CONFIDENTIALITY EX-PARTE FORM

DRUG COURT PROGRAM PARTICIPANT HIPPA WAIVER

OVERNIGHT / TRAVEL REQUEST FORM

## **MANITOWOC COUNTY DRUG COURT PROGRAM (MCDCP)**

### **Participant Contract**

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

By initialing each section of this contract you are indicating that you understand each requirement of the program and acknowledging the possible consequences if you do not succeed in the program.

**Drug court is:**

A condition of my probation \_\_\_\_\_

Required by an alternative to revocation \_\_\_\_\_

**I understand that if I fail to complete the program**

I could have my probation revoked \_\_\_\_\_

Revocation proceedings could be reinstated \_\_\_\_\_

1. I will obey all rules of the Manitowoc County Drug Court Program, hereafter referred to as MCDCP. \_\_\_\_\_ (initial)
2. I understand that if I enter this program and fail to complete it, I may be barred from future participation. \_\_\_\_\_ (initial)
3. I understand that participation in MCDCP involves a minimum time commitment of 14 months. \_\_\_\_\_ (initial)
4. I agree to follow all rules of the MCDCP. Failure to follow the rules may be met with sanctions from the MCDCP Team. \_\_\_\_\_ (initial)
5. I will participate in alcohol and/or other drug treatment as directed by the Court, as set forth in my treatment plan, and I agree to be supervised by the MCDCP Coordinator. \_\_\_\_\_ (initial)
6. I agree to inform any law enforcement officer who contacts me that I am in MCDCP. \_\_\_\_\_ (initial)
7. I will obey all federal, state and local laws and ordinances. I will notify the MCDCP Coordinator of police contacts, within 24 hours of the contact. \_\_\_\_\_ (initial)
8. I agree to keep the Judge, treatment providers, my Supervising Agent, and the MCDCP Coordinator informed of my current address and telephone number(s), and to report any changes to the MCDCP Coordinator within 24 hours. \_\_\_\_\_ (initial)
9. I will pay The MCDCP program fee of \$500 before completion. I will pay any additional fees as directed by the court. \_\_\_\_\_ (initial)
10. I understand that I will be required to obtain health insurance that includes coverage for substance abuse and behavioral health treatment. This insurance may be acquired privately with a subsidy and/or through a government program. \_\_\_\_\_ (initial)
11. I understand that I will be required to submit to random chemical tests, and I may be subject to random searches, to determine my compliance with MCDCP rules. I agree that I must comply with such a request and I will immediately provide the requested sample or submit to the requested search. If I fail to provide a sample, or if the sample is of insufficient quantity, it will be considered a positive test for the presence of drugs or alcohol. I understand that any attempt to falsify any test will be considered a positive test for the presence of drugs or alcohol. I further understand that any attempt to falsify a test may be grounds for termination from the MCDCP or imposition of other sanctions as deemed appropriate by the MCDCP Judge. If I refuse to submit to any requested search, I will likewise be subject to imposition of appropriate sanctions, which may include expulsion from the MCDCP. \_\_\_\_\_ (initial)
12. If a sample of my blood, breath, hair, saliva, or urine is requested, I may first be asked whether or not the test will be positive. If I acknowledge that my test will be positive for alcohol or drugs before taking the test I will still be tested. I acknowledge that I have the right to request a confirmation test if a test returns as positive that I dispute. \_\_\_\_\_ (initial)

13. Participants are encouraged to disclose any significant relationship that they are in when they enter the MCDCP or that they enter into while in the MCDCP. This is a continuing obligation. The MCDCP wants participants to be involved in healthy relationships. If the MCDCP believes that there is an unhealthy relationship in existence, the MCDCP might impose some form of a restriction on that relationship. Significant relationship is defined as a relationship that is romantic, sexual, dating, co-habitation or spending time with someone that is more than a friend. \_\_\_\_\_ (initial)
14. I will sign a consent form waiving confidentiality of any medical, treatment or social service records. If I withdraw consent, I understand that I will be terminated from the MCDCP. \_\_\_\_\_ (initial)
15. I will sign all Releases of Information that are requested of me. Failure to sign a Release of Information is grounds for termination from the program. \_\_\_\_\_ (initial)
16. I understand that, after I have been admitted to the MCDCP, statements made by me to any Supervising Agent, MCDCP Team member, or the MCDCP Judge regarding the specific offenses with which I was originally charged are confidential and will not be used against me in any action or proceeding concerning those charges. \_\_\_\_\_ (initial)
17. I understand that any information shared about me during a MCDCP Team meeting will be kept confidential by all parties, unless I waive my right to confidentiality by referring to what occurred at the staffing at a hearing that is conducted outside of the MCDCP. \_\_\_\_\_ (initial)
18. I understand that a failure to appear for a court date or any other breach of this agreement may result in the immediate issuance of a bench warrant for my arrest. \_\_\_\_\_ (initial)
19. I am required to take a MCDCP Physician Notice Form to any dental, medical or psychiatric provider, and turn in the completed original to the Drug Court Coordinator before my next court date. Prescribed medication must be listed on the form. \_\_\_\_\_ (initial)
20. I will only take medications that are prescribed under the direction of a licensed medical professional and understand that I need to report them to the MCDCP Team. \_\_\_\_\_ (initial)
21. I will not discontinue use of any prescribed medication unless directed to do so or approved by a physician. \_\_\_\_\_ (initial)
22. I agree to not communicate with any person who is in an incarcerated setting for any reason unless the communication is pre-approved by the MCDCP team. \_\_\_\_\_ (initial)
23. I agree to follow any rules or conditions set by my probation or parole officer or the Department of Corrections. A violation of the rules or conditions of my probation or parole will be considered a violation of the rules and conditions of my participation in the MCDCP. \_\_\_\_\_ (initial)
24. I understand that my probation period may be extended in order to complete the MCDCP. \_\_\_\_\_ (initial)

I have read the above contract and I understand what I have read. I understand that I am responsible for knowing all of the above rules during my participation in the program. I am willing to enter into this agreement with the Manitowoc County Drug Court Program.

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Participant's Signature

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Date

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Drug Court Coordinator

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Date

## PHASE 1 – RESPONSIBILITIES CONTRACT

I, the undersigned Manitowoc County Drug Court Program (MCDCP) participant, acknowledge that in addition to complying with my Drug Court Performance Contract and Supervision Rules, I will complete the following minimum Phase 1 Program Requirements before I am permitted to advance to Phase 2:

1. I will attend Drug Court weekly.
2. During Phase 1, I will attend and participate in treatment sessions as required. Additional treatment sessions may be required by the treatment provider or at the discretion of the MCDCP Judge/Team.
3. I will comply with all supervision requirements and attend supervision appointments as required.
4. I will attend appointments with the MCDCP Coordinator as required.
5. I will actively collaborate with my providers/MCDCP team to develop a case plan and a treatment plan.
6. I agree to participate in random home visits from MCDCP team members (minimum of 1/month).
7. I will submit to urine analysis and/or breath/hair/oral swab analysis tests at the designated drug testing location whenever I am randomly selected or “on demand” when requested by a MCDCP Team member, no less than 2 times per week.
8. I will attend a minimum of 3 Community Support group meetings a week, and any additional meetings if required. I will keep a dated and signed support group log sheet. I will bring log sheets to all court appearances for review.
9. I will be on time for all of my weekly responsibilities.
10. I will abide by the “Rule of 40” and bring completed “Rule of 40” sheets to all court appearances. \*\*
11. I will acquire safe, sober housing.
12. I will remain in Phase One until all milestones have been met. I must maintain recovery for at least fourteen (14) consecutive days prior to promotion to Phase Two.
13. I will complete a Phase Promotion Form and submit to the MCDCP team for possible advancement. The MCDCP team will make final determination.

\*\*The Drug Court participants are required to document that they have completed 40 hours per week of pro-social activities. See “Rule of 40” Inclusion list which is included in your Drug Court folder.

***\*Time spent in confinement does NOT count towards phase advancement!***

I understand and agree to abide by all conditions of the Phase 1 contract. Any violation of these conditions may result in sanctions, service adjustments, possible incarceration, or expulsion from the program.

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MCDCP Participant

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Date

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MCDCP Coordinator

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Date

## PHASE 2 – RESPONSIBILITIES CONTRACT

I, the undersigned Manitowoc County Drug Court Program (MCDCP) participant, acknowledge that in addition to complying with my Drug Court Performance Contract and Supervision Rules, I will complete the following minimum Phase 2 Program Requirements before I am permitted to advance to Phase 3:

1. I will attend Drug court bi-weekly, unless otherwise notified.
2. During Phase 2, I will attend and participate in treatment sessions as required. Additional treatment sessions may be required by the treatment provider or at the discretion of the MCDCP Judge/Team.
3. I will comply with all supervision requirements and attend supervision appointments as required.
4. I will attend appointments with the MCDCP Coordinator as required.
5. I will actively collaborate with my providers/MCDCP team to review and update my case plan and treatment plan.
6. I agree to participate in random home visits from MCDCP team members (minimum of 1/month).
7. I will submit to urine analysis and/or breath/hair/oral swab analysis tests at the designated drug testing location whenever I am randomly selected or “on demand” when requested by an MCDCP Team member, no less than 2 times per week.
8. I will attend a minimum of 3 Community Support group meetings a week, and any additional meetings if required. I will keep a dated and signed support group log sheet. I will bring log sheets to all court appearances for review.
9. I will be on time for all of my weekly responsibilities.
10. I will abide by the “Rule of 40” and bring completed “Rule of 40” sheets to all court appearances. \*\*
11. I will maintain safe, sober housing.
12. I will actively work on engaging in pro-social activities by the end of phase 2.
13. If I do not currently have an HSD, HSED or GED, I will have a plan in place on what is required to obtain this education prior to promotion into phase 3 (if deemed applicable by MCDCP Team).
14. I will remain in Phase Two until all milestones have been met. I must maintain recovery for at least thirty (30) consecutive days prior to promotion to Phase Three.
15. I will complete a Phase Promotion Form and submit to the MCDCP team for possible advancement. The MCDCP team will make final determination.

\*\*The Drug Court participants are required to document that they have completed 40 hours per week of pro-social activities. See “Rule of 40” Inclusion list which is included in your Drug Court folder.

**\*Time spent in confinement does NOT count towards phase advancement!**

I understand and agree to abide by all conditions of the Phase 2 contract. Any violation of these conditions may result in possible incarceration, reduction of phase time or expulsion from the program.

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MCDCP Participant

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Date

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MCDCP Coordinator

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Date

### PHASE 3 – RESPONSIBILITIES CONTRACT

I, the undersigned Manitowoc County Drug Court Program (MCDCP) participant, acknowledge that in addition to complying with my Drug Court Performance Contract and Supervision Rules, I will complete the following minimum Phase 3 Program Requirements before I am permitted to advance to Phase 4:

1. I will attend Drug Court every 3 weeks, unless otherwise notified.
2. During Phase 3, I will attend and participate in treatment sessions as required. Additional treatment sessions may be required by the treatment provider or at the discretion of the MCDCP Judge/Team.
3. I will comply with all supervision requirements and attend supervision appointments as required.
4. I will attend appointments with the MCDCP Coordinator as required.
5. I will actively collaborate with my providers/MCDCP team to review and update my case plan and treatment plan.
6. I agree to participate in random home visits from MCDCP team members (minimum of 1/month).
7. I will submit to urine analysis and/or breath/hair/oral swab analysis tests at the designated drug testing location whenever I am randomly selected or “on demand” when requested by an MCDCP Team member, no less than 2 times per week.
8. I will attend a minimum of 3 Community Support group meetings a week, and any additional meetings if required. I will keep a dated and signed support group log sheet. I will bring log sheets to all court appearances for review.
9. I will be on time for all of my weekly responsibilities.
10. I will abide by the “Rule of 40” and bring completed “Rule of 40” sheets to all court appearances. \*\*
11. I will maintain safe, sober housing.
12. I will establish pro-social activities and regularly engage in these activities.
13. If I do not currently have an HSD, HSED or GED, I will be actively working on obtaining this education (if deemed applicable by MCDCP Team).
14. I will review my budget planning needs with a MCDCP team member.
15. If I am employed, I will make a minimum payment of \$10 per paycheck towards my Drug Court fees or begin to address how I am going to pay my program fees.
16. I will remain in Phase Three until all milestones have been met. I must maintain recovery for at least forty-five (45) consecutive days prior to promotion to Phase Four.
17. I will complete a Phase Promotion Form and submit to the MCDCP team for possible advancement. The MCDCP team will make final determination.

\*\*The Drug Court participants are required to document that they have completed 40 hours per week of pro-social activities. See “Rule of 40” Inclusion list which is included in your Drug Court folder.

***\*Time spent in confinement does NOT count towards phase advancement!***

I understand and agree to abide by all conditions of the Phase 3 contract. Any violation of these conditions may result in possible incarceration, reduction of phase time or expulsion from the program.

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MCDCP Participant

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Date

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MCDCP Coordinator

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Date

#### PHASE 4 – RESPONSIBILITIES CONTRACT

I, the undersigned Manitowoc County Drug Court Program (MCDCP) participant, acknowledge that in addition to complying with my Drug Court Performance Contract and Supervision Rules, I will complete the following minimum Phase 4 Program Requirements before I am permitted to advance to Graduation Phase:

1. I will attend Drug Court monthly, unless otherwise notified.
2. During Phase 4, I will attend and participate in treatment sessions as required. Additional treatment sessions may be required by the treatment provider or at the discretion of the MCDCP Judge/Team.
3. I will comply with all supervision requirements and attend supervision appointments as required.
4. I will attend appointments with the MCDCP Coordinator as required.
5. I will actively collaborate with my providers/MCDCP team to review and update my case plan and treatment plan.
6. I agree to participate in random home visits from MCDCP team members (minimum of 1/month).
7. I will submit to urine analysis and/or breath/hair/oral swab analysis tests at the designated drug testing location whenever I am randomly selected or “on demand” when requested by an MCDCP Team member, no less than 2 times per week.
8. I will attend a minimum of 3 Community Support group meetings a week, and any additional meetings if required. I will keep a dated and signed support group log sheet. I will bring log sheets to all court appearances for review.
9. I will be on time for all of my weekly responsibilities.
10. I will abide by the “Rule of 40” and bring completed “Rule of 40” sheets to all court appearances. \*\*
11. I will maintain safe, sober housing.
12. I will maintain the pro-social activities that I regularly engage in.
13. I will complete my education HSED/GED (if deemed applicable by MCDCP Team).
14. I will continue to address my budget planning needs with a MCDCP team member.
15. If I am employed, I will make a minimum payment of \$10 per paycheck towards my Drug Court fees or identify my plan to pay my program fees.
16. I will start to attend the MCDCP monthly alumni meeting.
17. I will remain in Phase Four until all milestones have been met. I must maintain recovery for at least sixty (60) consecutive days prior to promotion to Graduation Phase.
18. I will complete a Phase Promotion Form and submit to the MCDCP team for possible advancement. The MCDCP team will make final determination.

\*\*The Drug Court participants are required to document that they have completed 40 hours per week of pro-social activities. See “Rule of 40” Inclusion list which is included in your Drug Court folder.

**\*Time spent in confinement does NOT count towards phase advancement!**

I understand and agree to abide by all conditions of the Phase 4 contract. Any violation of these conditions may result in possible incarceration, reduction of phase time or expulsion from the program.

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MCDCP Participant

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Date

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MCDCP Coordinator

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Date

## GRADUATION PHASE – RESPONSIBILITIES CONTRACT

I, the undersigned Manitowoc County Drug Court Program (MCDCP) participant, acknowledge that in addition to complying with my Drug Court Performance Contract and Supervision Rules, I will complete the following minimum Graduation Phase Program Requirements before I am permitted to graduate from the MCDCP:

1. I will attend Drug Court monthly, unless otherwise notified.
2. During Phase 5, I will attend and participate in treatment sessions as required. Additional treatment sessions may be required by the treatment provider or at the discretion of the MCDCP Judge/Team.
3. I will comply with all supervision requirements and attend supervision appointments as required.
4. I will attend appointments with the MCDCP Coordinator as required.
5. I will actively collaborate with my providers/MCDCP team to review and update my case plan and treatment plan.
6. I agree to participate in random home visits from MCDCP team members (minimum of 1/month).
7. I will submit to urine analysis and/or breath/hair/oral swab analysis tests at the designated drug testing location whenever I am randomly selected or “on demand” when requested by an MCDCP Team member, no less than 2 times per week.
8. I will attend a minimum of 3 Community Support group meetings a week, and any additional meetings if required. I will keep a dated and signed support group log sheet. I will bring log sheets to all court appearances for review.
9. I will be on time for all of my weekly responsibilities.
10. I will abide by the “Rule of 40” and bring completed “Rule of 40” sheets to all court appearances. \*\*
11. I will develop a continuing care plan (aftercare plan with my providers/MCDCP team).
12. I will maintain the pro-social activities that I regularly engage in.
13. I will maintain all areas of employment, vocation, housing, etc. if applicable.
14. I will complete payment of all drug court program fees prior to graduation.
15. I will remain in Phase Five until all milestones have been met. I must maintain recovery for at least ninety (90) consecutive days prior to promotion to Graduation AND remain sanction free for 30 days prior to graduation.
16. I will attend the MCDCP monthly alumni meeting at least twice prior to graduation.
17. I will complete the graduation packet and submit to the MCDCP team. The MCDCP team will make final determination.

\*\*The Drug Court participants are required to document that they have completed 40 hours per week of pro-social activities. See “Rule of 40” Inclusion list which is included in your Drug Court folder.

**\*Time spent in confinement does NOT count towards phase advancement!**

I understand and agree to abide by all conditions of the Phase 4 contract. Any violation of these conditions may result in possible incarceration, reduction of phase time or expulsion from the program.

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MCDCP Participant

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Date

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MCDCP Coordinator

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Date

# **Manitowoc County Drug Court Program (MCDCP)**

## **Observer's Agreement to Keep Confidential Drug Court Information**

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### **Order**

It is hereby ordered that the invited observers to the Drug Court Team meetings are to honor the confidentiality of these sessions, and information obtained through any means or source concerning any particular Drug Court Participant is not to be divulged in any manner to any other person or agency, except as authorized pursuant to the executed Release of Information signed by and concerning any particular Drug Court Participant.

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Robert Dewane  
Drug Court Judge  
Circuit Court Judge, Branch III  
Manitowoc County

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### **Agreement**

The undersigned observer of the Manitowoc County Drug Court Program Team meeting and Drug Court hearing hereby acknowledge receipt of the above Order, issued by the Drug Court Judge, that orders said Observer to keep confidential all information obtained through the Manitowoc County Drug Court Program Team meeting and hearing. The Drug Court Participant provided said consent in conjunction with the guarantee by the Drug Court Team and the Drug Court Judge that information discussed during the Drug Court Team meeting and Drug Court hearing will remain absolutely confidential. This means that the Observer may not discuss this information with any other person, unless said Observer has a specific Release of Information signed by the Drug Court Participant allowing such discussions or dissemination of said information

Signed at Manitowoc, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Observer Signature: \_\_\_\_\_

## **MANITOWOC COUNTY DRUG COURT PROGRAM PHYSICIAN NOTICE**

The Manitowoc County Drug Court Program is a program designed to reduce recidivism by teaching individuals who are chemically dependent on substances to learn behavioral techniques that are combined with court intervention, supervision, community living and drug and alcohol testing. The Drug Court Team would like to make a request of physicians prescribing medication(s) to a person the physician knows to be a Drug Court participant. It is requested the physician attempt to prescribe medication that will not pose a risk to a patient's recovery from addiction. The Drug Court Team is aware it is not always possible, but asks that alternatives be explored prior to prescribing a habit-forming medication.

The Drug Court Team has learned that certain medications increase the potential for relapse. When a participant takes a medication that will test positive for a restricted medication, such as Benzodiazepines or Opiates, it allows the patient to take additional medications over and above the prescribed dosage and the abuse will be undetected. In other words, it makes it difficult for the Drug Court Team to verify that the patient has only ingested the prescribed amount.

Thank you for your time and consideration. If you have further questions please feel free to contact Mandy Keagle, Drug Court Coordinator at 920-683-4234 or by e-mail at [amandakeagle@manitowoccountywi.gov](mailto:amandakeagle@manitowoccountywi.gov).

### **DRUG COURT NOTICE**

I, \_\_\_\_\_ AM A LICENSED PHYSICIAN, PRACTICING

AT \_\_\_\_\_.

I UNDERSTAND \_\_\_\_\_ IS A PARTICIPANT IN THE MANITOWOC  
(PATIENTS NAME)

COUNTY DRUG COURT PROGRAM. IN MY CLINICAL OPINION, HE/SHE REQUIRES

\_\_\_\_\_ TO BE TAKEN \_\_\_\_\_.  
(MEDICATION NAME) (FREQUENCY)

THIS MEDICATION IS PRESCRIBED FOR:

\_\_\_\_\_  
(CONDITION)

THIS MEDICATION IS TO BE DISCONTINUED EFFECTIVE ON: \_\_\_\_\_  
(DATE)

THIS MEDICATION HAS \_\_\_\_\_ REFILLS.

\_\_\_\_\_  
PHYSICIAN PRINTED NAME

\_\_\_\_\_  
PHYSICIAN SIGNATURE

\_\_\_\_\_  
DATE

**Manitowoc County Drug Court Program (MCDCP)**  
**Waiver of Confidentiality and Agreement to Ex Parte Communication**

All Manitowoc County Drug Court Program participants, whether proposed or accepted into the program, are required to provide authorization to disclose confidential information as part of their application to and participation in the Drug Court. The purpose of this authorization is to give the Drug Court Team access to any and all necessary participant healthcare and non-healthcare information to evaluate and assess the participant's entry into the treatment court program, to determine an appropriate and individualized treatment plan, and to evaluate and monitor the participant's success under that plan.

<b>1</b>	I agree to execute a consent for disclosure of confidential health and medical and non-health information. I understand that members of the Drug Court Team may require me to provide very personal information. This may include, but is not limited to, drug and alcohol use, my criminal record, education and work history, family history, medical information, physical and sexual abuse history, and psychiatric information.	
<b>2</b>	I understand that information and documents received through any consent for disclosure of confidential health and medical and non-health information may be copied and shared between members of the Drug Court Team, which consists of the Drug Court Judge, Drug Court Coordinator, Public Defender, District Attorney, Law Enforcement, Probation Agent, and Treatment Providers. I understand that the members of the Treatment Team may change.	
<b>3</b>	I understand that information and documents received through this waiver and information relevant to my progress and participation in treatment may be discussed in open court and may be disclosed to other participants in Drug Court and observers of Drug Court including, but not limited to, members of the public and/or media. No pictures or representations of me and no identifying information about me may be disclosed to the public other than in the Drug Court courtroom without my express written consent.	
<b>4</b>	I understand that occasionally people other than Drug Court Team members may observe a Drug Court Treatment Team meeting/staffing, with the understanding that the meetings are confidential	
<b>5</b>	I understand that some information relating to my Drug Court participation will be publicly available in my criminal court file, which is kept by the clerk of circuit court. This information includes: <ul style="list-style-type: none"> <li>• Any order referring the participant for a Drug Court assessment;</li> <li>• Any notice admitting or rejecting the participant to Drug Court;</li> <li>• Any proceedings or orders regarding involuntary termination from Drug Court;</li> <li>• Any acknowledgement of successful completion of Drug Court.</li> </ul>	
<b>6</b>	I understand that some information relating to my Drug Court participation will be kept separate from the regular court file and kept confidential. Access to this information is limited to members of the Drug Court Team unless I consent to additional disclosure or unless otherwise ordered by the Court. This information includes: <ul style="list-style-type: none"> <li>• Any application to participate in the Drug Court;</li> <li>• Any information gathered to evaluate the application;</li> <li>• A Drug Court participation contract;</li> <li>• All medical information and history of substance abuse: diagnosis, drug and alcohol use, monitoring, medical and psychological reports, prescriptions, etc.;</li> <li>• All Drug Court Team information: weekly progress reports, information provided by team members, team member recommendations;</li> </ul> Any agreement by Drug Court Team that information in treatment file shall be used only for purposes of Drug Court.	
<b>7</b>	I understand that there are exceptions to the confidentiality of the information referenced in #6. Those exceptions include: <ul style="list-style-type: none"> <li>• General information that does not identify me</li> <li>• Information pertaining to a medical emergency</li> </ul>	

	<ul style="list-style-type: none"> <li>Information that must be released via a court order</li> <li>Information regarding a crime perpetrated during the course of the program, or while on program premises, or in Court or staffing, or against team personnel</li> <li>Information pertaining to child abuse or child neglect</li> <li>Information for the purpose of research or audits.</li> </ul>	
<b>8</b>	I understand that the Judge may initiate, permit, or consider ex parte communication with members of the Drug Court Team at team meetings, or by written documents provided to all members of the Drug Court Team. I understand that this means that even when I am not present, the Judge may discuss me and learn or review any information about me that could affect my participation in Drug Court.	
<b>9</b>	I understand that statements I make in Drug Court or to treatment providers about personal drug and alcohol use are not for any other purpose including use in any other criminal proceeding or investigation in which I am either a potential witness or suspect.	
<b>10</b>	For the purposes of Drug Court hearings, I agree to waive my right to have my attorney of record present. I understand that my case may be discussed without my attorney or the prosecutor present. It is my responsibility to contact my attorney if I have a legal question or a legal issue arises that I am unclear about and for which I need legal clarification.	
<b>11</b>	I understand that failure to sign this waiver will be grounds for exclusion from Drug Court.	

#### **Participant's Information & Understanding**

I am \_\_\_\_\_ years old. I have completed \_\_\_\_\_ years of school.

I	DO	DO NOT	Have a high school diploma, GED, or HSED.
I	DO	DO NOT	Understand the English language.
I	AM NOT	AM	Currently receiving treatment for a mental illness or disorder.
I	HAVE NOT	HAVE	Had alcohol, medication, or drugs within the last 24 hours.

I have read this waiver or had it read to me. I understand this entire document and any attachments. I have had an opportunity to discuss and ask questions and I have answered all questions truthfully. By signing this waiver I confirm that it accurately reflects my wishes regarding disclosing confidential information and ex parte communication.

\_\_\_\_\_  
Signature of Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Initial here if participant refuses to sign waiver.

\_\_\_\_\_  
Signature of Defense Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Drug Court Coordinator

\_\_\_\_\_  
Date

Original: Participant's Drug Court File

Copies to: Participant

Probation Agent

District Attorney

Public Defender/Defense Counsel

## **CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE TREATMENT INFORMATION**

Consumer/Participant Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Case/Court File #: \_\_\_\_\_

I authorize the release of my protected health information about substance abuse treatment from my treatment provider(s) to the following Drug Court/Family Treatment Court team members in Manitowoc, Wisconsin:

- Drug Court Judge(s)
- Treatment Court Coordinator
- Probation/Parole Agent(s)
- Treatment Provider(s)
- Law Enforcement Representative(s)
- Court-Appointed Counsel
- District Attorney
- Other Team Members: \_\_\_\_\_

Information to be disclosed (check all that apply):

- Attendance and participation in treatment
- Treatment compliance or non-compliance
- Drug/alcohol screening/testing results
- Treatment diagnosis and prognosis
- Phase advancement/progress updates
- Discharge status
- Other: \_\_\_\_\_

Purpose of this disclosure:

Monitoring my participation, progress, compliance, and treatment needs as part of my requirements in the Manitowoc County Drug Court Program.

I understand that:

This authorization permits disclosure of HIPAA-protected health information and confidential substance use treatment records protected by 42 CFR Part 2.

The information shared will be used by the Drug Court Team to assess my compliance with the program and make decisions regarding my court status.

I may revoke this consent at any time by giving written notice to the treatment provider and Drug Court, except to the extent that action has already been taken based on this authorization.

Information disclosed under this authorization may be re-disclosed by the recipient and no longer protected under HIPAA/Part 2, except where Part 2 specifically applies (e.g., redisclosure for legal proceedings).

My signing this authorization is voluntary but may be required as a condition of participation in the court program.

Expiration of Authorization:

- Upon successful completion of the Drug Court Program
- Upon termination/exit from the Drug Court Program
- On: \_\_\_\_\_

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness/Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

# Manitowoc County Drug Treatment Court Overnight / Travel Request Form

## Participant Information

Participant Name: \_\_\_\_\_

Phase Level: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Current Address: \_\_\_\_\_

## Overnight / Travel Details

Destination Address (include city & state):  
\_\_\_\_\_

Reason for Overnight/Travel: \_\_\_\_\_

Date Leaving: \_\_\_\_\_ Time: \_\_\_\_\_

Date Returning: \_\_\_\_\_ Time: \_\_\_\_\_

Total Number of Nights Requested: \_\_\_\_\_

## Transportation Information

Mode of Transportation: \_\_\_\_\_

Driver Name (if applicable): \_\_\_\_\_

## Drug & Alcohol Testing Acknowledgment

I understand I may be required to submit to testing before departure and/or upon return.

I understand I may be required to test at an approved facility while away.

I understand failure to comply may result in sanctions or denial of future requests.

I understand approval is not guaranteed.

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

MDCP Coordinator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Drug Treatment Court Team Review**

Approved  Denied  Approved with Conditions

Conditions: \_\_\_\_\_

Drug Testing Instructions: \_\_\_\_\_

**Judicial Authorization**

Judge Signature: \_\_\_\_\_ Date: \_\_\_\_\_