

**MILWAUKEE COUNTY
DRUG TREATMENT COURT**



**POLICY AND PROCEDURE
MANUAL**

(REVISED September 2016)

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I. INTRODUCTION

A. Mission Statement

The mission of the Milwaukee County Drug Treatment Court (DTC) is to enhance public safety through the reduction of recidivism by coordinating effective and accountable substance abuse treatment and supportive services for offenders with substance abuse problems.

B. Goals

The Milwaukee County Drug Treatment Court has the following primary goals:

1. Reduce recidivism among drug using offenders;
2. Provide an effective and accountable community-based alternative to incarceration;
3. Improve public safety;
4. Effectively manage limited criminal justice system resources.

The following **ancillary goals** and benefits are also achieved in pursuit of the Primary goals:

1. Reduce criminal justice costs through reduced reliance on incarceration for non-violent offenders;
2. Promote community awareness of Milwaukee County's drug problem and community participation in solving it.

C. Methods for Achieving Goals

Goal #1-Reduce recidivism among drug using offenders

- Mandate intensive substance abuse treatment with comprehensive ancillary support services, close judicial supervision and monitoring of all offenders, with appropriate sanctions and incentives based on performance;
- Require enrollment in job training, education program or institution, or employment.

Goal #2- Provide an effective and accountable community-based alternative to incarceration

- Mandate regular court appearances;
- Mandate a minimum of twice weekly supervision contacts;
- Mandate regular, random substance testing;
- Respond immediately to instances of non-compliance, including minor violations;
- Terminate and immediately convict and sentence offenders who commit serious violations, repeatedly commit minor violations or continually fail to comply with program/supervision requirements.

Goal #3- Improve public safety

- Follow evidence-based best practices, methods and procedures, which have been empirically shown to reduce recidivism.

Goal #4- Effectively manage limited criminal justice system resources

- Quickly screen offenders for eligibility and start program participation soon after charging;
- Utilize sanctions and rewards to avoid long-term incarceration costs.

Ancillary Goal #1- Reduce criminal justice costs through reduced reliance on incarceration for non-violent offenders

- Quickly screen offenders for eligibility and start participation within 30 days of eligibility determination;
- Utilize sanctions and rewards to avoid long-term incarceration costs;
- Target offenders who face a prison term or lengthy (9 mos. straight time) local jail sentence.

Ancillary Goal #2- Promote community awareness of Milwaukee County's drug problem and encourage community participation in solving it.

- Create a DTC Speaker's Group to inform and enlist community support and engagement;
- Create a DTC Community Advisory Committee with broad and diverse community representation.

Ancillary Goal #3- Collaborate with community legal service providers to address civil legal needs arising from or related to military service or trauma

II. DRUG TREATMENT COURT TEAM PHILOSOPHY

A. Statement of Core Values

Our team is successful and effective in that we have:

1. Mutual respect and respect for each other's roles, ethical concerns, boundaries, ideas and perspectives;
2. Shared expectations for programs and understanding for each other's roles;
3. A high level of commitment from all team members.

The work of our team contributes to community needs. The DTC helps improve family stability and identifies and addresses a range of underlying needs. The team contributes a framework for addressing these needs and providing access to necessary services.

Community values reflected in our team’s decisions.

The DTC team operates with values congruent to our community, such as accountability, promoting individual dignity, using treatment rather than incarceration whenever appropriate and decreasing criminal justice system costs.

B. New Team Member Orientation

We will orient new team members by providing our policy and procedures manual and encouraging new team members to participate in the process alongside the outgoing team member if possible. As previously stated, each team member will be encouraged to respect the roles, ethical concerns, boundaries, ideas and perspectives of other team members, including a new team member. We have formalized and codified a consensus process that encourages new members to propose additions/modifications to the program after they have been with the team for a period of time. New team members are encouraged to ask questions, obtain information and provide input as a professional member of the DTC team.

III. DRUG TREATMENT COURT ORGANIZATION/STRUCTURE

A. Drug Treatment Court Policy and Planning Team-The DTC Policy and Planning team will work together to develop and implement Milwaukee County’s Drug Treatment Court. The team will be responsible for development and review of the program model, program policies and procedures and full program implementation and evaluation. The policy and planning team shall consist of the following individuals and/or a representative from the following agencies who have full decision making authority:

- Chief Judge
- DTC Judge
- Judicial Operations Manager
- District Attorney
- Public Defender
- Behavioral Health Division
- DTC Coordinator
- DTC Community Supervision provider
- Law Enforcement
- Evaluator

B. Drug Treatment Court Staffing Team Members and Roles

The participant will be supervised and supported by the drug treatment court team which includes the drug treatment court judge, prosecutor, defense attorney, DTC coordinator,

case manager, treatment provider(s), and the drug treatment court law enforcement liaison.

The team meets weekly to discuss the progress of each individual in the program. The team will formulate strategies to support and facilitate the individual's progress through the program phases and toward successful outcomes. These staffing sessions and discussions offer an opportunity for information sharing and allow team members to hear perspectives on a participant from those filling other roles on the team. Often new strategies for supervision or treatment emerge from these meetings. The team will make recommendations to the judge regarding the application of incentives to reward progress or the imposition of sanctions for noncompliance based on the Drug Treatment Court Behavior Response Guidelines. (Appendix #11) The team also reviews Drug Treatment Court Referral Summaries (Appendix #3) for individuals determined to be program eligible and discusses the merits of the applicants for admission to the program.

Judge- will provide leadership to the DTC program and make final programmatic/participant decisions and participate fully as a DTC team member. The judge presides over the proceedings and monitors the appropriate application of sanctions and incentives while maintaining the integrity of the court. The judge will:

- Lead staffing and make final decisions based on collaborative team input;
- Provide encouragement and motivation to each DTC participant;
- Establish a rehabilitative relationship with each participant through intensive interaction with participants during court appearances;
- Participate on the Milwaukee County Drug Treatment Court Community Advisory Board.

Prosecutor- will ensure community safety concerns are met and will participate fully as a DTC team member. The District Attorney's Office will designate a prosecutor to be responsible for Drug Treatment Court eligibility determinations and will participate in DTC hearings. The prosecutor will:

- Apply program eligibility criteria and contact collaborative agencies such as law enforcement and Department of Corrections for input;
- Obtain victim input and comply with victim notification;
- Make determinations for termination and new charges, such as bail jumping, that balance community needs and therapeutic outcomes;
- In status hearings will operate in a non-adversarial manner, promoting a sense of a unified team presence;
- Ensure participant understanding of sanctions and present rewards to recognized participants.

Defense Attorney- will ensure his or her clients' legal rights are protected and will participate fully as a DTC team member. The defense attorney will:

- Meet with potential DTC participants to evaluate their interest and acceptability into the program;
- Advise their client on their legal rights, legal options, program conditions and potential sentencing outcomes;
- Monitor client progress in the DTC program;
- Participate in a non-adversarial manner at status hearings, thus promoting a unified DTC team presence;
- Collaborate with community legal service providers to address civil legal needs arising from or related to military service or trauma (e.g.: family, municipal citations, drivers license recover, housing, disability).

Drug Treatment Court Coordinator- provides oversight for the day to day operations of the Drug Treatment Court. The DTC Coordinator will also monitor whether the program is adhering to the Milwaukee County Drug Treatment Court Policies and Procedures, meeting its short and long term goals and objectives and will serve as a liaison between the community and the local criminal justice system. The coordinator will:

- Plan, organize, coordinate and monitor the daily activities of the Drug Treatment Court;
- Insure eligibility determination process is complete before scheduling a case for staffing;
- Schedule and meet with participants to discuss program details;
- Attend staffing and court hearings in order to evaluate and direct the Drug Treatment Court, case management, and DTC team cohesiveness and understanding of DTC concepts;
- Gather and prepare DTC data for reporting mandates;
- Collaborate with government and community agencies in order to meet programmatic goals and provide effective programming;
- As needed, participate in random home visits to assess participant's progress;
- Develop long-term sustainability plan for the program;
- Participate on the Milwaukee County Drug Treatment Court Community Advisory Board;
- Collaborate with mentor coordinator to establish alumni group.

Case Manager- will provide case management services for all drug court participants and will participate fully as a DTC team member. The case manager will:

- Conduct intake interviews with participants and gather all relevant treatment and demographic information;
- Complete and review the Participant Supervision Agreement (Appendix 4);
- Provide referrals and assistance in obtaining treatment and other supportive services as directed by the case plan;

- Ensure compliance with random drug testing selection protocol;
- Monitor conditions of the DTC contract, including treatment compliance, abstinence, housing arrangements, employment, travel, and legal/ financial obligations;
- Perform random home visits to assess the participant's progress;
- Coordinate any community service performed by the participant;
- Provide weekly input of compliance data into the Milwaukee County Pretrial Services Information System for weekly progress report;
- Apprise DTC team members of the participants' compliance with the DTC agreement using the Drug Treatment Court Progress Report (Appendix 2);
- Participate in weekly staffing and court hearings and provide weekly input of treatment and drug testing data into the Milwaukee County Pretrial Services Information System.

Treatment Provider-will identify and/or provide a continuum of care for participants including, detoxification, residential treatment, outpatient treatment, and intensive outpatient treatment. The provider will:

- Make treatment recommendations to the team;
- Participate in weekly staffing, and if not able to attend, will provide DTC Case Manager with complete and timely compliance information.

Law Enforcement Liaison-provide law enforcement support for DTC activities and participate fully as a DTC team member. The law enforcement liaison will:

- Provide law enforcement presence during home visits;
- Provide eligibility feedback during initial screening process;
- Follow-up on warrants issued by the court.

Drug Treatment Court Peer Mentor- Provide support to court participants during court proceedings

- Assist participants in seeking ancillary services throughout the community;
- Assist in coordinating community service performance;
- Collaborate with DTC Coordinator to establish a program alumni group.

C. Drug Treatment Court Community Advisory Board. The DTC team will establish a board consisting of 12-15 members of the community for the following purposes:

- Assist with sustainability planning;
- Provide outreach to, and seek support from local/state government, healthcare providers, veteran organizations, local businesses and the community as a whole;
- Educate these organizations on the benefits of the DTC;
- Advise on community views and how these impact the DTC;
- The DTC Coordinator will serve as the DTC's liaison on the board.

IV. ELIGIBILITY, ASSESSMENT AND ADMISSION

A. Capacity

Milwaukee County's Drug Treatment Court will have a maximum capacity of 80 participants.

B. Eligibility Requirements

1) This program is designed to serve moderate to medium high risk/high need individuals who have significant substance abuse problems. In order to be eligible to participate in DTC, a defendant must meet the following criteria:

- Milwaukee County resident at time of arrest;
- Age 18 or older;
- AODA dependent (based on DSM-V diagnostic criteria);
- Be charged with a felony, or be chronic, habitual misdemeanant;
- Score a minimum of 24 but no more than 40 on LSI-R (Level of Service Inventory-Revised);
- Be amenable to the drug treatment court program;
- Cannot have pending cases in another jurisdiction unless that jurisdiction allows the defendant to enter into a DPA that runs concurrent with participation in the DTC;
- Cannot have pending OWI charges;
- Cannot be under the supervision of the Department of Corrections;
- Cannot be a violent offender by Federal definition. "Violent Offender" is defined as an individual who:
 - (1) is charged with or convicted of an offense (presenting offense) that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct-
 - (a) The person carried, possessed, or used a firearm or dangerous weapon;
 - (b) There occurred the death of or serious bodily injury to any person; or
 - (c) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (a) or (b) is an element of the offense or conduct of which or for which the person is charged or convicted; or
 - (2) Has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

The term "crime of violence" means--

- (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(b) Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

2) In addition, persons **will NOT be considered** if they face or have a history of the following offenses:

- Sex, dangerous weapons or firearms offenses;
- Manufacture, delivery, possession with intent or conspiracy to commit these offenses involving 40 or more grams of cocaine, 2,500 grams of marijuana or 15 or more grams of heroin.

PERSONS WILL NOT BE CONSIDERED UNLESS THEY ARE FACING A RECOMMENDATION FROM THE DISTRICT ATTORNEY'S OFFICE OF AT LEAST 9 MONTHS STRAIGHT TIME AT THE CCF-S (HOUSE OF CORRECTION).

C. Eligibility Determination Process

In order to ensure consistent application of objective program eligibility criteria and best use of DTC staffing time, JusticePoint will screen all potential candidates for the drug treatment court. Should a prosecutor or defense attorney wish to refer a defendant to the program, the referral must be made to JusticePoint and JusticePoint must complete the eligibility determination process before a case is staffed for admission. To the extent possible, the eligibility determination process shall be prioritized and completed based on the date the defendant was referred to the program. The eligibility screening process must include the following steps:

1. Review of statewide CCAP, NCIC and Milwaukee County JUSTIS systems for convictions that would disqualify a defendant from the DTC or make the defendant ineligible under the Federal definition of violent offender.

If the defendant has no prior convictions for offenses outlined in Section IV(b) above, eligibility screening will proceed with the following steps:

2. Intake Interview/Verification of Residence/LSI-R/SOCRATES
 - Update or complete Intake Interview with the defendant
 - Verification of residence
 - Level of Service Inventory-Revised (LSI-R)-the defendant must Score between 24-40 to be eligible for DTC.
 - Stages of Change Readiness and Treatment Eagerness Scale

If it is determined that the defendant was not a Milwaukee County resident at the time of arrest and/or the defendant's LSI-R score does not meet the above

criteria, the DTC eligibility screening process ends and the parties will be notified in writing. If the defendant meets the residency and LSI-R eligibility criteria, screening will continue with the following steps:

3. Clinical Assessment/Staffing Preparation
 - DTC Coordinator Interview and recommendation
 - Clinical Assessment-ASI/ASAM
 - Referral Summary Report (Appendix 1)-this report will be completed and submitted to the DTC Staffing Team at staffing. NOTE: Only cases with complete Referral Summaries will be staffed for admission.

D. Drug Treatment Court Team Staffing

The DTC Team will meet weekly to review completed Referral Summaries and determine admission for potential new candidates. All team members will come fully prepared to staff all cases (with eligibility summaries, files, documents, records, etc.).

E. Admission/Appearance in Drug Treatment Court

If the DTC Team determines that a potential candidate is appropriate for admission to the drug treatment court, the defendant will make an appearance before the DTC judge. At or prior to this appearance, the following must be accomplished:

- Transfer of case to the DTC judge;
- If not already done, waiver of preliminary hearing;
- Entry and acceptance of guilty plea;
- Entry of Drug Treatment Court Agreement (Appendix 3);
- Review of basic program conditions;
- Release/Bail Order with TOT Justice Point;
- DA-Victim Notification.

NOTE: Cases should not be transferred to the DTC judge until the defendant's case has been staffed and the defendant has been accepted into the DTC.

F. Opt Out Period

If the defendant refuses to cooperate with the drug treatment court, requests a jury trial after admission to the program, or the DA newly discovers information that would make the defendant ineligible for participation in the DTC, the defendant will be terminated from the program and sentenced pursuant to the terms of the DTC agreement.

V. PROGRAM PHASES AND COMPONENTS

A. Phase Requirements

Phase 1: Orientation/Stabilization (60 days minimum)

In Phase 1, participants will begin the stabilization process and learn to manage their physical and psychological withdrawal symptoms from drug and/or alcohol addiction/dependence. Participants will begin to engage in formalized treatment and familiarize themselves with the Drug Treatment Court program.

Phase Objectives

- Encourage the participant's CHOICE to work toward a drug free life and provide assistance for securing drug treatment at the appropriate level of care;
- Identify the full spectrum of funding and resources available to each participant and ensure these funds and resources, both private and public, are utilized appropriately so each individual has access to drug treatment, health care, and ancillary services;
- Support participant with detoxification and stabilization from withdrawal, and with the management of physical cravings, triggers and the symptoms of brain dysfunction caused by their drug use;
- Address any mental and physical health issues and encourage the participant to obtain treatment;
- Orient participant to the DTC program;
- Collaborate with participant to devise a drug treatment court case plan that identifies realistic and measurable goals, with specific steps and projected time frames to meet their goals. This plan will be developed by the participant and their individual team which will include both formal and informal supports;
- Monitor the participant's progress in treatment and review and revise drug treatment case plan regularly.

Participant Requirements:

- 21 days substance free as measured starting after the second consecutive negative drug test;
- Participate in the random drug testing schedule as ordered;
- Familiarize self with the requirements of the program and comply with policies and procedures of drug treatment court, treatment providers, and other community agencies that the participant is enrolled in and utilizes for supportive services;
- Engagement in the appropriate drug treatment based upon the individual's assessment for a minimum of 10 hours per week;
- Work with the drug treatment court team to identify informal supports, i.e. family or friends to be included on their team and part of case planning;

- Actively engage in the development of a drug treatment court case plan with realistic and measurable goals;
- Participate in regular reviews of the case plan with the treatment team to recognize successes and identify barriers to meeting goals, modifying the plan as needed;
- No unexcused missed supervision or treatment contacts in the last 30 days. (verifiable excused absences only);
- Be honest regarding new drug use, new police contacts and changes in circumstances;
- No new arrest rising to the level of probable cause as determined by the drug treatment court prosecutor;
- Weekly appearance before DTC Judge;
- The participant must provide a written request to the DTC team to progress to Phase 2. It should include an account of their treatment experience in Phase 1 and their plans for continued treatment and early recovery in Phase 2.

Phase 2: Treatment Plan Phase/Early Recovery (90 days minimum)

In Phase 2, participants fully engage in treatment and the treatment process by taking an active role in understanding their addiction. They begin to make personality and lifestyle changes to avoid relapse and move toward recovery. Participants will examine their behaviors and thought patterns as it relates to their criminal offending.

Phase Objectives

Facilitate the participant's progress in treatment planning and early recovery by helping them:

- Understand and confront their addiction and identify underlying issues contributing to their substance abuse;
- Develop and implement recovery skills;
- Develop recovery-based values, thinking and behaviors to replace ones formed in addiction;
- Examine behaviors and thought patterns as it relates to their criminal offending;
- Identify services available to accomplish recovery goals and connect with community supports;
- Develop a personal recovery support system;
- Engage in ancillary services as identified and recommended by the Drug Treatment Court Team (i.e. parenting, education, anger management);
- Regularly review their individual drug treatment court case plan and revise as needed.

Participant Requirements

- 45 consecutive days substance free as measured by random drug/breathalyzer testing;
- Participate in treatment planning and reviews with the identified team members;
- A minimum of 10 hours per week of documented participation in treatment;
- No unexcused missed supervision, treatment or ancillary service contacts in the last 30 days. (verifiable excused absences only);

- Demonstrate progress in treatment and the development and use of social and recovery skills;
- Develop a Wellness Recovery Action Plan(WRAP) as part of their drug treatment case plan;
- Attend cognitive behavioral therapy focused on criminal thinking (if available);
- No new arrest rising to the level of probable cause as determined by the drug treatment court prosecutor;
- Appearance before the DTC Judge once every other week;
- Upon completion of Phase 2, participants are to submit a written account of their accomplishments in Phase 2, their goals for Phase 3 and their Wellness Recovery Action Plan (WRAP).

Phase 3: Integration/Community Transition/Relapse Planning (90 days minimum)

The focus of this phase is to effectively utilize recovery skills to maintain sobriety while transitioning to community living and self-sufficiency. Activities in this phase include: enrollment in education or job training; employment search and securing a job; and stable housing. The participant should begin to identify other life changes which will help them maintain sobriety such as addressing self-defeating behaviors, including past trauma, psychological issues, or cultural barriers; repairing relationships; engaging in healthy leisure activities; and planning for the accomplishment of other personal goals.

Program Objectives

Assist the participant with:

- Shifting from external motivators to internalization of recovery skills;
- Making necessary revisions to their personal wellness recovery action plan (WRAP) which outlines how the participant will continue to maintain sobriety and abstinence from substances and continued compliance with behavioral and medical health regimes;
- Relapse prevention services and support;
- Reintegration with family members and development of healthy social supports;
- Development of pro-social life skills and healthy coping mechanisms;
- Educational /Vocational services;
- Cognitive behavioral therapy that addresses criminal offending (if available);
- Plan to taper off of medically assisted treatment, as recommended by treatment provider;
- Restitution payment plan.

Participant Requirements

- 60 consecutive days substance free as determined by random drug/breathalyzer testing;
- Enroll in vocational/educational/employment programming; or obtain employment;
- A minimum of 10 hours per week of documented participation in treatment or recovery work (community recovery groups, DTC alumni groups, meeting with a sponsor, religious studies and activities, or spiritual support groups, community service);
- Attend cognitive behavioral therapy focused on criminal thinking (if available);

- Develop a restitution payment plan and make payments as specified;
- No new arrest rising to the level of probable cause as determined by the drug treatment court prosecutor;
- Appearance before the DTC Judge once a month;
- Be clean from all prohibited classes of drugs including prescribed opioid pain medications and MAT unless approved by the team by the end of Phase 3;
- Present to the team a written account of accomplishments in Phase 3 and goals for Phase 4. The participant must clearly address personal challenges as it relates to the maintenance of their wellness and sobriety and how they will address these issues in Phase 4.

Phase 4: Maintenance /After Care/Graduation Phase (90 days sobriety)

The focus of this phase is for the participant to maintain changes and regimens that are consistent with a sober, crime free lifestyle and the continued development of pro-social life skills as demonstrated by being dependable and reliable in all aspects of life. The participant should work toward the ability to provide for the basic needs for self and family (food, housing, financial), meeting program requirements, and demonstrating the ability to responsibly cope with adult life challenges.

Program Objectives

The participant will continue to work toward these accomplishments:

- Self-efficacy in remaining drug free and crime free;
- High school diploma or GED and/or;
- Employment or enrollment in an educational program or vocational training;
- Stable housing/living environment;
- Sufficient income or financial resources to meet the individual/family needs;
- Ability to cope with adult life transitions and to manage routine life challenges;
- Compliance with restitution payment plan.

Participant Requirements

- A minimum of 90 consecutive days substance free monitored by random drug/breathalyzer testing;
- Utilize their WRAP;
- Employed and/or enrolled in educational/vocational training;
- A minimum of 10 hours per week of documented participation in one or more of the following recovery support activities: community recovery groups, DTC alumni groups, meeting with a sponsor, religious studies and activities, or spiritual support groups, community service, journaling, art, music or drama therapy, exercise, or other activities approved by the team which support the individual's recovery;
- Appearance before the DTC Judge once a month;

- No new arrest rising to the level of probable cause as determined by the drug treatment court prosecutor;
- Stable housing/living environment and financial resources.

Graduation from the Program

To be eligible for graduation the participant must have:

- 1) 90 days of sobriety in Phase 4;
- 2) Completed a minimum 12 months in the program*;
- 3) Successfully completed each phase of the program;
- 4) Have in place a specific plan for after-care and continuing sobriety and Recovery;
- 5) A written Graduation Application must be submitted to the DTC coordinator and Case manager for preliminary review with the applicant and subsequent presentation to the DTC team. The application must set forth accomplishments and future goals in the following areas (must be submitted 4 weeks prior to graduation):
 - Progress/accomplishments in treatment
 - Summary of treatment court experience, including sanctions
 - Education and/or job training
 - Vocation and employment
 - Housing
 - Family and relationships
 - Emotional health
 - Leisure and recreation

In addition, the application should include a paragraph regarding how the participant will maintain their recovery and prevent relapse after graduation. In determining whether a participant should be graduated from DTC, the team will consider the participant's current circumstances and progress in each of the above goal areas.

The participant may petition the team to submit to less frequent drug testing and less frequent person to person contact with their DTC case manager if they have maintained 90 days of sobriety in Phase 4, but have not reached the 12 month mandatory time frame.

B. Behavior Response Guidelines

In order to ensure participant accountability and encourage progress and compliance, Milwaukee County's Drug Treatment Court employs the use of behavior response guidelines (Appendix 6) to recognize prosocial behavior, treatment and program progress and to address program non-compliance.

Incentives-The DTC utilizes a continuum of incentives, tailored to appropriately recognize and encourage each participant's accomplishments and successes, ranging from congratulations and praise in open court to tangible rewards (e.g. sobriety tokens, gift certificates, food/clothing

vouchers, event tickets, movie passes, etc.) to the ultimate award of graduation from DTC and the dismissal/reduction of the pending charges. Incentives may include, but are not limited to:

- Recognition by the court/judge
- Reduction in certain program requirements
- Sobriety tokens
- Early dismissal from court session
- Certificates of accomplishment
- Gift certificates
- Movie/event passes/tickets
- Transportation coupons/passes
- Promotion to next court phase
- Video rental coupons
- Day Trip
- Fishbowl drawings
- Tattoo Removal
- Haircuts
- Dental Assistance
- Scholarships/donated Courses

Sanctions-The DTC utilizes the following continuum of sanctions, ranging from the least severe (e.g. admonitions in court) to the most severe (e.g. incarceration), selected to specifically discourage and deter non-compliance with DTC requirements and to aid in reinforcing compliance with treatment and services necessary for recovery. Sanctions may include, but are not limited to:

- Admonishment and/or assignment of homework by case manager
- Admonishment during court sessions
- Sequestration in jury box during court session
- Observe other court proceedings
- Increased court appearances
- Writing, reading or other assignments
- Increased home visits
- Increased substance testing
- Extension of current phase
- No contact orders
- Curfew
- Community service
- GPS/SCRAM monitoring
- Incarceration

C. Prohibited Relationships

In order to ensure that each individual has an optimal opportunity to focus their attention on their individual recovery, dating and sexual relationships with other Drug Treatment Court

participants is strictly prohibited and will be grounds for the severest sanctions, including termination.

Upon discovery of an inappropriate relationship between participants, the DTC Coordinator shall notify the Office of the Chief Judge, DTC Judge and the Judicial Operations Manager. The DTC Coordinator shall provide the names of the involved participants and their status in the program. The DTC Team will staff the participants with the DTC Judge and the DTC Judge will determine whether termination is warranted. **Note:** The final decision on the sanction to be imposed is subject to approval of the Chief Judge.

D. Drug Testing Policies and Procedures

PARTICIPANT ACKNOWLEDGEMENT OF MILWAUKEE COUNTY DRUG TESTING COLLECTION PROTOCOL

All DTC participants will be subject to drug testing six (6) days a week and will be selected for testing on a random basis. The reliability of drug testing is dependent on the integrity and accuracy of the collection process along with the chain of custody of the sample. Staff realizes that drug testing is a somewhat invasive procedure. However, strict adherence to the following collection protocol will ensure reliability and validity of all drug test results.

All specimen collection will take place in room 417 of the Safety Building except for DTC participants who may be required to test on Saturday. Saturday testing will take place in the Criminal Justice Facility-Level 1.

Participant Preparation

1. Upon admission to the program, case managers will review the drug testing collection protocol with the participant and provide the participant with a copy.
2. Upon admission to the program, participants will be provided with a list of over-the counter medications and foods they **MUST** avoid while in drug testing.
3. Because selection for testing is done on a random basis, **ALL program participants MUST appear in the office ready to provide a urine sample for testing.**
Participants who cannot provide a sample will wait in a designated area for 15 minutes, and will be monitored to ensure no consumption of fluids. If the participant cannot produce a sample within 15 minutes, the participant will be escorted to room 417 by their case manager, and will be informed of and sign off on the “Shy Bladder Proceedings”.
4. **All drug testing will take place first**, followed by the supervision appointment with the participant’s case manager. The case manager will review the results of the drug test at the supervision appointment after the drug testing process is complete and the participant is escorted back to the office by the case manager.

5. If a participant cannot provide a sample once escorted to room 417, they will remain in the designated drug testing waiting room until they are able to do so. **THEY WILL NOT BE ALLOWED TO LEAVE AND RETURN TO PROVIDE A SAMPLE**, and all consumption of fluids will be strictly monitored. If the participant leaves the drug testing waiting area for any reason before providing a sample, a “Refusal” will be documented and reported to the Court.

Urine Sample Collection

1. The case manager will prepare the Drug Test Request Form and print the required form and labels. The case manager will ask the participant if s/he is taking any prescription medication. This will be noted in the proper area on the request form.
2. The case manager will ask the participant if they are ready to provide a specimen and will escort the participant to the drug testing area, while maintaining all drug testing documents in their possession to turn over to the Drug Testing Technician.
3. The Drug Testing Technician (DTT) collecting the sample will verify the identity of the person to be tested by asking their name and date of birth. **Participants MUST bring some form of identification with a photograph to every supervision appointment** in the event they are selected for random drug testing.
4. The DTT will enter the collection date, specimen number, last name, first name and date of birth of the participant on the “Drug Testing Collection Log”. In addition, collection staff will again verify prescription drug use and document this information in the proper area on the Drug Test Request Form.
5. Participants will be required to remove **ALL extra layers of clothing down to one layer of clothing**, including: coats, jackets, hooded sweatshirts or large pocket clothing items prior to testing.
6. Participants will empty ALL pockets, and place all items in a storage tray (any money will remain in possession of the participant) until the testing process is complete.
7. All shirts, blouses, or sweaters must be pushed/rolled up/lifted **above the navel** and all pants, trousers, or skirts and undergarments **lowered to the mid-thigh**. At this time, **the participant MUST turn around in a complete circle** so the collection staff can observe and ensure there are no efforts to tamper with the testing process.
8. The participant will thoroughly rinse and dry their hands **immediately** prior to testing. **This activity will be observed by collection staff.**
9. Collection staff will secure and wear gloves at this time and ensure that the toilet has been flushed prior to sample collection.
10. Collection staff will ask the participant to select a test package to hand to the collector.
11. The collection staff will direct the participant to provide a urine sample, filling the testing cup to the minimum fill line (as marked on the test cup).

12. Collection staff will ensure the collection of an unadulterated sample by **WITNESSING THE PARTICIPANT URINATING INTO THE SAMPLE CONTAINER. COLLECTION STAFF WILL STAND DIRECTLY IN FRONT OF THE PARTICIPANT AND OBSERVE THE PARTICIPANT AT ALL TIMES WHILE IN THE PROCESS OF COLLECTING THE SAMPLE.**
13. Upon completion of providing the sample, the participant will hand the testing cup to the collection staff to place the container lid securely on the cup.
14. The collection staff will verify the temperature of the sample by inspecting the temperature strip on the testing cup to ensure the validity of the sample.
15. The participant will be instructed to dress, flush the toilet and wash their hands.
16. The collection staff will activate the test, and secure the sample by placing the key in the cup lid and placing a green drug testing sticker over the lid and key down the side of the cup **in the presence of the participant.**
17. The date, the specimen number, and the participant's last name will be documented on the testing cup with a Sharpie marker. Collection staff will ask the participant to verify all information documented on the cup label to ensure its legibility.
18. Participants will be asked to wait in the designated drug testing area for release to their case manager to return to the program office for the supervision appointment.
19. If the DTT believes or the cup results indicate that an adulterated or diluted sample has been submitted, the participant will be required to submit a new sample.
20. All positive, negative, diluted, adulterated and invalid test cups will be Scanned into the client record in the Milwaukee County Pretrial Service Information System.
20. All positive, diluted and adulterated specimens will be kept for 10 business days. They will be placed in a secure (locked) container and collected for transport to the secure storage site on a frequent basis.
21. After the testing process is completed, the participant **MUST** be released to their case manager by the lab technician. Participants must not leave the drug testing waiting room without proper release by their case manager.

Challenges to Accuracy of Test Results

1. Under **no circumstance** will a participant be allowed to submit a "new" specimen based on a claim of lab error. If a participant wishes to challenge the accuracy of a test result, **the challenge MUST be made within 10 business working days of the participant receiving notice of the positive result.**
2. The participant must contact their attorney to discuss and challenge test results.
3. The participant and/or their attorney must notify the assigned case manager if a confirmation test is being requested. The case manager will then notify the WCS Drug Testing Lab of the challenge and request for confirmation.

4. The participant will be responsible for pre-paying for the confirmation test (\$25/test). If a participant is unemployed and indigent and wishes to challenge the results of a drug test, Milwaukee County may pay for the confirmation test.

OVER-THE-COUNTER MEDICATIONS AND FOODS TO AVOID WHILE BEING URINE/BREATH/SCRAM TESTED

It is the participant's responsibility to limit exposure to the below list of products. It is the participant's responsibility to read labels or inquire of a pharmacist or assigned case manager before using/consuming the following products. Use of the products detailed below will NOT be allowed as an excuse for a positive drug, breathalyzer or SCRAM test. When in doubt, do not use or consume:

1. **Cough and Other Liquid Medications:** Alcohol containing cough/cold syrups such as Nyquil. Other cough syrup brands containing ethyl alcohol. All prescription and over the-counter medications must be reviewed with your case manager before use. Non-alcohol containing cough/cold remedies are readily available at most pharmacies and major retail stores.
2. **Non-Alcoholic Beer/Wine:** Although legally considered non-alcoholic, NA beers (Sharps, O'Doul's) contain a residual amount of alcohol that may result in a positive test result for alcohol, if consumed.
3. **Food and Other Ingestible Products:** There are numerous other consumable products that contain ethyl alcohol. Flavoring extracts such as vanilla or almond extract, and liquid herbal extracts (such as Ginkgo Biloba), could result in a positive screen for alcohol or its breakdown products. Communion wine, food cooked with wine and flambé dishes (alcohol poured over a food and ignited such as cherries jubilee, baked Alaska) must be avoided.
4. **Mouthwash and Breath Strips:** Most mouthwashes (Listermint, Cepacol, etc.) and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol may produce a positive test result. Non-alcohol breath fresheners are readily available and are an acceptable alternative.
5. **Hygiene Products:** After shaves, colognes, hairsprays, mousse, astringents, bug sprays (Off) and some body washes contain ethyl alcohol. While it is unlikely that limited use of these products would result in a positive test for alcohol, excessive, unnecessary or repeated use of these products could affect test results. Participants must use these products sparingly to avoid reaching detection levels.
6. **Solvents and Lacquers:** Many solvents, lacquers and surface preparation products contain ethyl alcohol. Both excessive inhalation of vapors, and topical exposure to such products, can potentially cause a positive test result for alcohol. Frequency of use and duration of exposure to such products must be kept to a minimum. There are alternatives to nearly any item containing ethyl alcohol. A positive test result will not be excused by reference to use of an alcohol-based solvent. If a participant is employed where contact with such products cannot be avoided, this must be discussed with the case manager.

7. **Poppy Seeds:** It is possible to test positive for opiates after having consumed poppy seeds. Poppy seeds contain trace amounts of opium, which like heroin, is derived from the poppy plant. Research measuring the amount of seeds necessary to produce a positive result is varied. To avoid this issue, participants must avoid consuming poppy seeds. If a participant insists a positive result is due to poppy seeds, that person will be required to produce another urine sample the next day.

SECOND HAND MARIJUANA SMOKE

A positive test result due to the passive inhalation of second-hand marijuana smoke is not feasible given the conditions necessary to produce the 50 ng/ml level at which the Milwaukee County Pretrial Drug Testing Program tests. In various studies on passive inhalation, positive results have occurred where individuals were exposed to the smoke of 4-16 marijuana cigarettes in an extremely small, sealed, unventilated area for one hour a day over the course of several days. The conditions were extremely uncomfortable, causing watering of the eyes and irritation to the mucous membrane of the nose and throat. The few positive test results were detected at the 20 ng/ml level which is the most sensitive testing level. The only study where the results were detectable at the 50 or 100 ng/ml level were a product of hour long exposure in the above sealed conditions to 16 cigarettes over 6 consecutive days. It is highly unlikely that the extreme conditions necessary to produce ANY positive test (even at the lowest 20 ng/ml level) could be encountered in a real-life situation without, at least, the tacit consent of the participant. *Accordingly, it is the participant's responsibility to remove him/herself from that situation.*

MEDICAL PROFESSIONAL DISCLOSURE/PRESCRIPTION DRUG POLICY

DTC participants are required to notify any medical, mental health or dental practitioner whom they have visited for medical treatment of the following information using the Medical Professional Disclosure Form (Appendix 5):

- I am a participant in the Milwaukee County DTC program.
- I am required to disclose that I have an addiction to chemical substances.
- Unless absolutely medically necessary in the treatment of an illness or injury, I am NOT to be prescribed a medication in the benzodiazepine or narcotics class, or any other type of medication that may result in addiction or interfere with the treatment of my addiction.
- I must request that my practitioner write on my medical file that I am a participant in the DTC, sign and date the file.
- I must request a copy of this entry from my practitioner and will present it to my case manager at my next scheduled contact.

Failure to comply with this policy may result in application of a sanction and/or termination from DTC.

E. Case Management/Community Supervision

Community supervision is the effort to monitor the participant's behavior and program compliance outside of the courtroom. Supervision is accomplished through a system of support, monitoring, advocacy and accountability to assist the participant through the change process.

Purpose of Case Management/Community Supervision:

- Protect public safety
- Provide accountability
- Protect program integrity
- Support the progress of the participant
- Provide early intervention
- As an adjunct to treatment/reinforce treatment
- Confirm, inform and identify discrepancies
- Extend the DTC Team into the community
- Collaborate with Peer Mentors
- Provide information to the DTC Team

Community supervision for DTC participants will consist of the following:

- Ongoing assessment of criminogenic/treatment needs
- Case/supervision plan based on assessment outcome
- Ongoing field contacts and regular home visits
- Regularly scheduled office contacts
- Random drug/breathalyzer testing
- Ongoing verification
- Referrals to AODA and medical treatment, GED, vocational, educational and employment programming. Referrals to other supportive and "life skills" programming such as parenting classes, anger management, CIP, MRT, etc.
- Serious Violations: Dating and sexual relationships with other DTC participants is strictly prohibited to ensure each individual has an optimal opportunity to focus their attention on their individual recovery.

The DTC case manager is responsible for providing primary case management and supervision of all DTC participants. The functions that comprise case management, assessment, planning, linkage, monitoring, and advocacy must always be adapted to fit the particular needs of the participant and program. During the period between each DTC session, the case manager or an approved designee will personally review progress with each participant. Case management and supervision will provide:

- (1) Planning for intervention services and the fulfillment of criminal justice obligations;
- (2) Brokering treatment and other services and assuring continuity as the participant progresses through treatment and program completion;
- (3) Monitoring and reporting progress of the participant;
- (4) Supporting the participant by identifying problems, and advocating for the participant with legal, treatment, social service, and medical systems;
- (5) Monitoring urinalysis, breath analysis or other chemical testing; and
- (6) Monitoring of phases.

The case management/supervision continuum must be designed to provide engagement and motivation, primary treatment services at the appropriate intensity and level, and support services that will enable the individual to maintain long-term sobriety while managing life in the community. Treatment must be structured to ensure smooth transitions to the next level of care, avoid gaps in service, and respond rapidly to the threat of relapse. Case management can help accomplish all of the above.

The case management of DTC participants is built around the use of the substance abuse assessment, any mental health records, and current evaluation tools. It entails an interactive, coordinated process between the case manager and participant, with the ultimate goal of identifying the strengths and challenges of the participant and developing interventions and strategies around those issues. Each participant is required to attend scheduled appointments with their assigned case manager. The schedule, frequency and location of these meetings are based on phase, progress and random testing schedule.

Essential Skills for DTC case Manager:

- Previous case management experience with persons having substance abuse disorders.
- Motivational interviewing
- Relapse prevention
- Understanding of the Stages of Change
- Drug/substance testing
- Identify and respond rapidly to threat of relapse
- Understanding use of sanctions and incentives
- Pharmacology
- Addiction
- Cultural competence
- Extensive knowledge of community-based services

F. Treatment

All residents of Milwaukee County who are at least 18 years of age, who meet DSM-V diagnostic criteria for a substance use disorder (American Psychiatric Association, 2013) and who meet financial eligibility criteria based on Wisconsin's HFS1 Uniform Fee System, will be eligible for services in Wiser Choice. Entry into the system will include

case identification, eligibility determination, registration, comprehensive screening, level of care determination, referral, voucher authorization and linkage to appropriate services. The Addiction Severity Index (ASI) will be used to assess clinical and functional needs. It will be supplemented to gather information that will further define the circumstances surrounding the substance use and the individual readiness for change. The comprehensive screening process will identify individuals' strengths, challenges and needs across multiple life dimensions in order to determine appropriate services and the optimal level of care for the individual to begin enrollment in AODA and recovery support services. The ASI and the additional information gathered will be interpreted to determine intensity/severity rating on the dimensions of the American Society for Addiction Medicine's *Patient Placement Criteria for the Treatment of Substance-Related Disorders (Second Edition – Revised)* (ASAM PPC-2R). The Intake Worker will enter the ASAM and ASI data online, and the Care Coordinators, treatment, recovery support providers and DTC Team will be able to access the reports.

The CIU will provide a list (online or paper) of treatment providers who offer the designated level of care to the client from which to choose. After obtaining the client's consent, the Intake Worker will make the referral and the client will have contact with the Care Coordinator (known as a Recovery Support Coordinator, or RSC) within 24 hours, immediately if the client has urgent needs. The CIU will electronically authorize vouchers for care coordination services. The Recovery Support Coordinator may request any recovery support services and/or flexible expenditures to address pressing client needs identified by the assessment that might serve as a barrier to the client seeking treatment. The same procedures will be used to ensure genuine, free choice of recovery support services as those used for the treatment providers. The Intake Worker will make sure that a slot is available with the client's provider of choice, authorize treatment, contact the provider and schedule the initial appointment.

Within 24 hours following intake, the Recovery Support Coordinator and the client will:

- 1) Develop an initial plan of care based on the comprehensive screening/assessment, and
- 2) Choose additional services consistent with the plan in manner that ensures free choice, the providers for those services.

The RSC will submit the plan of care to BHD and request authorization for the additional services. The BHD Care Manager will check the authorization requests against the plan of care and the assessment, and will provide authorization accordingly. The Recovery Support Coordinator helps the client to form a Recovery Support Team consisting of both formal and informal/natural supports. The formal supports consist of representatives from various systems with whom the client and family are involved, e.g., treatment, recovery support providers, criminal justice, TANF, child welfare, etc. Informal supports may include relatives, friends, clergy or other members of the faith community, school personnel, and/or other community members. The purpose of the team is to assist the client to develop and achieve the goals of a *Single Coordinated Care Plan (SCCP)* that incorporates the needs of the client and the requirements and resources of all involved systems. The Recovery Support Team will meet early in the client's enrollment and develop the initial SCCP, which in addition to identifying goals also identifies service

needs and available resources. Based on the SCCP, the Recovery Support Coordinator helps the client select additional services and choose providers, and requests voucher authorization for those services. The SCCP is reviewed at a minimum of every 30 days or as necessary and amended as the client's needs emerge or change.

Initial authorizations for treatment and recovery support services will be issued for a standard number of units and duration, according to level of care for treatment, in sufficient quantity to permit the SCCP team and the RSC to become familiar with the client's functioning. For clinical treatment, during the authorization period, the Recovery Support Team can apply an assessment of the client's functioning against the ASAM criteria and request a change (in either direction) of level of care at any time. The expiration of the authorization period or units will automatically trigger a re-evaluation of the placement criteria if further services are desired, with submission of clinical justification to the care manager required. By this point, the team will have a sense of how much more time will be needed at the current level of care. Therefore, the length and intensity of a subsequent authorization, rather than being standard, will be driven by the individual client's clinical presentation and needs. Reauthorization for recovery support services must also be justified by functional assessment and reflected in the Single Coordinated Care Plan.

G. Graduation Requirements

To be eligible for graduation from DTC, participants must, at a minimum, have actively participated in DTC for 12 months, have successfully completed each of the phases of DTC, and have in place a specific plan for after-care and continuing sobriety and recovery. In determining whether a participant should be graduated from DTC, the team will consider the participant's current circumstances, including;

- (1) Stability in family and other significant personal relationships
- (2) Housing and employment/education
- (3) Support systems in place for continued sobriety
- (4) Progress in treatment of substance abuse and/or co-occurring disorders
- (5) Recommendations of treatment providers, and
- (6) Plans for and commitment to continued sobriety and recovery.

When a participant qualifies for completion of phase IV and graduation from DTC, a written application for graduation will be submitted to the DTC team. A written application, prepared by the participant in the form prescribed by the DTC team, will be submitted to the coordinator and case manager for preliminary review with the applicant and subsequent presentation to the DTC team. The participant will be required to attend the team staffing at which the application for graduation is presented and reviewed. Graduation ceremonies will take place in the courtroom and will be scheduled as needed. Upon graduation, a participant is relieved of all DTC requirements.

H. Termination from Drug Treatment Court

Termination from DTC will occur upon a participant's election to opt out of DTC following the execution of the DTC participant agreement. Termination will also occur if a new charge(s) is filed against a participant alleging an offense(s) that is ineligible for DTC. If a participant, while in drug treatment court, is charged with a new offense that would otherwise be eligible for DTC participation, the DTC team will consider the participant's circumstances on a case-by-case basis and determine if continued participation in DTC is appropriate and compatible with the new charge. Termination from DTC MAY occur as the consequence of particularly serious violations of DTC requirements or policies or persistent noncompliance with DTC requirements.

Serious violations that may result in termination include, but are not limited to:

- Violence or threatened violence to another participant or to DTC personnel
- Filing of any new felony charge against the participant
- Tampering with a test sample
- Absconding from DTC
- Engaging in an inappropriate or prohibited relationship with another drug treatment court participant.

Persistent failures to comply with DTC requirements MAY result in termination, but in most instances, only after a succession of interventions has been imposed that has not resulted in improved compliance and progress.

Persistent failures that MAY result in termination include, but are not limited to:

- Positive/adulterated drug test results
- Missed or refused drug tests
- Dishonesty
- Missed court sessions
- Missed treatment sessions
- Missed supervision sessions
- Violations of criminal laws
- Failure to participate in treatment or other services
- Failure to demonstrate, over a reasonable period, progress through DTC and toward sustained sobriety

Upon the recommendation that a participant be terminated, the team will consider the recommendation at the next scheduled staffing.

VI. REPORTING

A. Referral Summary

The referral summary is completed and provided to the team after the eligibility determination process and clinical assessment is complete. This comprehensive report outlines the defendant's criminal history, risk and needs, treatment level of care, readiness for change and any other information that may assist the team in making an admission decision.

B. Violation Reports

Major violations will be reported to the judge immediately. If a bench warrant is issued for a drug treatment court participant, this information will be immediately provided to the MPD DTC Liaison.

C. Status/Compliance Reports

Participant compliance reports shall be submitted to each Team member. Said report will provide a detailed accounting of the participant's compliance with and progress in supervision, treatment, drug testing, and any other programming.

VII. PROGRAM EVALUATION

The University of Wisconsin-Milwaukee Center for Applied Behavioral Health Research (UWM-CABHR) performs evaluation of the Milwaukee County Drug Treatment Court and examines program completion rates, changes (reduction) in substance use and rearrest rates for program participants. DTC participants may be asked by UWM-CABHR to partake in the research. Participants will be asked to complete the Participant Consent to Participate in Research form (Appendix 7) prior to engaging in any research activities.

VIII. APPENDICES