



**Green Lake County
Treatment Court Program**

**POLICIES AND PROCEDURES
MANUAL**

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Treatment Court Mission Statement

The primary purpose of the Green Lake County Treatment Court Program is to increase community safety and quality of life by breaking the cycle of drug and alcohol addiction through a balance of accountability, treatment and rehabilitation as an alternative to incarceration.

4-April-17

INTRODUCTION

The Green Lake County Treatment Court Program is a court that is specifically designated and staffed to handle cases involving drug and alcohol offenders through an intensive, judicially monitored program of drug/alcohol treatment, rehabilitation services, and strict community supervision. Our focus will include treatment and programs to instill accountability in citizens involved in drug and alcohol-related offenses against our community. The goal is to have a more productive citizen upon completion of these programs, thereby lowering the rate of recidivism.

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 1,700 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 single judge and a dedicated team of court officers and staff work together toward a common goal of breaking the cycle of drug/alcohol abuse and criminal behavior.

Because of the unique problems and opportunities that present themselves in working with drug/alcohol-involved criminal offenders, treatment and rehabilitation strategies must be “reality-based.” Drug Court programs must therefore recognize:

- Persons with a substance misuse disorder 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 offender 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, so 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, so progressive sanctions and incentives must be integral to the Drug Court Program strategy.

The goals of the Green Lake County Treatment Court Program are:

- Reduce drug/alcohol-related crimes;
- Reduce offender contacts with the Criminal Justice System;
- Reduce costs associated with criminal case processing and re-arrest;
- Introduce offenders to an ongoing process of recovery designed to achieve total abstinence from illicit/illegal drugs and alcohol; and
- Promote self-sufficiency and empower persons with a substance misuse disorder to become productive and responsible members of the community.

*Green Lake County
Treatment Court Program*

POLICIES AND PROCEDURES

I. TARGET POPULATION

The Green Lake County Treatment Court Program targets high-risk/high-need, non-violent, offenders whose crimes are directly or indirectly motivated by alcohol and or drug use.

The COMPAS assessment tool is utilized by the Green Lake County Treatment Court Program to assess prognostic risk and criminogenic need to determine appropriateness for program admission.

The assessment tool is administered prior to program admission and is completed by either the Green Lake County Treatment Court Coordinator and/or Probation & Parole.

II. ELIGIBILITY STANDARDS

Individuals meeting the following criteria will be considered for admission to the Green Lake County Treatment Court Program.

- Resident of Green Lake County.
- Applicant has/will have a felony conviction of possession, use, or sale of a controlled substance or a crime that was motivated by an addiction to alcohol or drugs.
- Applicant will be on probation for at least 18 months.
- Applicant does not have any prior felony convictions for violent crimes and/or prior felony convictions, as defined in 941.291(1)(b), Wis. Stats., or a conviction involving use of a dangerous weapon.
- Applicant has been previously diagnosed with a Substance Use Disorder or is likely to meet the DSM-5 criteria for Alcohol/Drug Dependence.
- Applicant must agree to participate in and abide by the rules of the Green Lake County Treatment Court Program.

III. TREATMENT COURT TEAM

The Treatment Court Team shall consist of the following:

- *Circuit Court Judge* who provides leadership to the Treatment Court program, makes final programmatic/participant decisions, and participates fully as a treatment court team member.

The judge presides over non-adversarial court appearances for Treatment Court participants and monitors the appropriate application of sanctions and incentives while maintaining the integrity of the court. Further roles include providing encouragement and motivation to each Treatment Court participant and establishing a rehabilitative relationship with each participant through intensive interactions during court appearances.

- ***A representative from the District Attorney's office*** who seeks to ensure community safety concerns are met and participates fully as a treatment court team member. The prosecutor makes referrals and contacts collaborative agencies such as law enforcement and Department of Corrections for input, makes recommendations for terminations and new charges that balance community needs and therapeutic outcomes, promotes a sense of unified team presence by operating in a non-adversarial manner at drug court hearings, and explains sanctions and rewards to participants.
- ***A representative from the Public Defender's office*** who ensures participants' legal rights are protected and participates fully as a Treatment Court team member. The Public Defender's office educates other defense attorneys regarding Treatment Court policies and procedures. Defense Attorneys also make referrals and meet with potential participants to evaluate their interest and acceptability to the program, advises clients on their legal rights and legal options, advises clients on program conditions and potential sentencing outcomes, monitors client progress in the Treatment Court program, and participates in a non-adversarial manner at status hearings thus promoting a unified Treatment Court team presence
- ***A probation officer*** actively monitors Treatment Court participants outside the Treatment Court setting including conducting home and job visits, documents all visits to help encourage positive participant behavior, provides referrals and assistance in obtaining treatment and other supportive services as directed by the case plan, performs substance testing to determine presence or absence of forbidden substances in participants' bodies, monitors conditions of the Treatment Court contract to include treatment compliance, abstinence, housing arrangements, employment and legal/financial obligations, provides weekly input of data into Treatment Court database for weekly progress report, apprises other team members of the participants' compliance with court orders, and participates in weekly staffings and court hearings.
- ***Treatment Court Coordinator*** provides oversight for the day to day operations of the Treatment Court program. He or she also monitors whether the program is meeting its short and long term objectives with the participants, community and local criminal justice systems. Furthermore, the coordinator plans, organizes, coordinates and monitors the activities of the treatment court program; schedules and meets with participants to discuss program details; attends pre-hearing staffings and hearings in order to evaluate and direct treatment court operations, case management, and treatment court team cohesiveness and understanding of Treatment court concepts; gathers and prepares Treatment Court data for reporting mandates; collaborates with government and community agencies in order to meet programmatic goals and provides effective programming; completes clinical screening and assessments; develops the Treatment Court treatment plan with the participant; participates in random home visits to assess the participant's progress; and develop sa long-term sustainability plan for the program.
- ***Treatment representative*** who identifies and/or provides a continuum of care for participants including detoxification, residential treatment, outpatient treatment, and intensive outpatient

treatment, makes treatment recommendations to the team, and participates in weekly staffings to apprise other team members of compliance information.

- ***Law Enforcement representative*** who provides law enforcement presence during home visits, provides eligibility feedback during initial screening process, and follows up on warrants issued by the court.
- ***Jail representative*** who conducts urinalysis testing in accordance with the policies and procedures, staffs requests on participants and conveys the results to the treatment court team. Provides presence during home visits, accompanies probation agents in warrantless searches, observes and reports on participants' behavior in the community.

IV. REFERRAL/INTAKE

Referrals to the Treatment Court Program should take place as soon as possible after the arrest of a potential participant. The referral process should take place prior to the plea being entered. Referrals may come from the following sources:

- The arresting agency.
- The District Attorney's office.
- The defense attorney.
- A family member.
- A current treatment provider.
- Circuit Court Judge.
- Or in the case of an Alternative to Revocation (ATR), the supervising agent – see subsection below.

In all circumstances other than an Alternative to Revocation, notwithstanding where the referral originated, the first step requires a joint recommendation by the District Attorney's office and defense counsel. If the referring party is someone other than the defense counsel or District Attorney the referring party should contact the District Attorney's office to make a recommendation of Treatment Court for the defendant. Upon a joint agreement between the District Attorney's Office and the defense counsel, the defense counsel shall complete a Treatment Court Referral and forward it to the Green Lake County Treatment Court Coordinator so the initial assessment can be scheduled. All referred individuals must participate in an intake interview to identify needs and expectations of participation in the Treatment Court Program. All referred individuals must undergo an AODA assessment as part of the referral and intake interview. This shall be completed by the Department of Health Services for Green Lake County. All referred individuals must have an up-to-date COMPAS evaluation, completed within 90 days prior to their referral to Treatment Court or complete a new evaluation at the time of referral. The COMPAS evaluation will be completed by the Treatment Court Coordinator, a trained Green lake County Health Services representative or trained jail staff.

If the assessment/interview process results in a favorable recommendation, the potential applicant will be reviewed by the Treatment Court Team at weekly staff meetings, at which time the Team will discuss the potential participant's acceptance or denial into the Treatment Court Program. The

team must reach a unanimous agreement to accept the participant into the program.

ALTERNATIVE TO REVOCATION REFERRALS

In the case of an ATR, the underlying case must be for a Green Lake County conviction. The referral to the Treatment Court Program will be made by the supervising agent. The Treatment Court Coordinator will interview/assess the candidate as well as a treatment provider if necessary. Once the assessment process is completed, the candidate will be reviewed by the Treatment Court team at their next team staffing. If the team reaches a unanimous agreement to accept the participant into the program the Department of Corrections will be notified.

V. COURT PROCEEDINGS

The Treatment Court calendar is a priority and will be a specialized, separate court, operating on an as needed basis, and dedicated to the evaluation, treatment, and supervision of eligible and suitable participants. Treatment Court shall be held each week on Monday, except as ordered by the court. A closed staffing will take place at 2:30 p.m., or as otherwise directed by the Treatment Court Judge. All Treatment Court participants must be in the courtroom at 3:30 p.m., unless otherwise excused by the Treatment Court Judge or the Treatment Court Coordinator.

At the staffing, the Treatment Court Team will advise the Treatment Court Judge of the progress or any violation of each participant. During each Treatment Court hearing, the Treatment Court judge may discuss the case with each participant, the treatment provider, any family members, and any other persons interested in the welfare of the Treatment Court participant who is present, as the court deems appropriate. Sanctions will be imposed for violations. All hearings will be held “on the record,” with a clerk and court reporter present.

VI. TREATMENT COURT FILES

Treatment Court files are separate and distinct from Circuit Court files and District Attorney’s office files. All Treatment Court files are **confidential** and are not open to the general public. All such files shall be under the sole and exclusive control of the Treatment Court Coordinator. All files shall be maintained in a confidential manner. Each Treatment Court participant will be assigned a unique case number, as follows: [last two digits of entered year]-TCP-[sequential number of the Treatment Court participant] (i.e., 17-TCP-001). Treatment Court participant’s files are protected under the Federal Drug and Alcohol Confidentiality Law, 42 C.F.R Part 2.

VII. CONFIDENTIALITY

Treatment Court proceedings are held in open court and therefore are open to the public. However, due to the sensitive nature of the topics covered during court sessions, observers will be asked to sign a Confidentiality Agreement and will be asked to maintain respect for the participants and the Court by not further disclosing what is discussed in court hearings. Treatment Court participant’s confidentiality are protected under the Federal Drug and Alcohol Confidentiality Law, 42 C.F.R Part 2.

VIII. TREATMENT

The Green Lake County Treatment Program shall consist of five phases with various requirements for completing each phase, as set forth in these Policies and Procedures. The expectation is for each participant to graduate upon 18 months. Violations of the rules as a participant works through the phases may result in sanctions as determined by the Treatment Court Team. The Treatment Court Judge, upon recommendation of the Treatment Court Team, shall determine promotions to a higher phase.

Phase 1 (60 days)

- Attend court weekly
- Comply with and participate in all treatment recommendations
- Attend at least one office visit per week with probation agent and treatment court coordinator
- Comply with supervision rules and requirements
- Comply with rules and conditions set forth in the Participant Contract
- Comply with home visit requirements set forth by probation agent and/or treatment court coordinator
- Comply with random drug testing at a minimum of 3 times per week
- Develop and comply with a case plan and individualized treatment plan
- Comply with a 9pm curfew
- ❖ 14 days of consecutive clean time is necessary in order to advance to Phase 2 (time spent incarcerated does not count towards clean time)

Phase 2 (90 days)

- Attend court weekly
- Comply with and participate in all treatment recommendations
- Attend at least one office visit per week with probation agent and treatment court coordinator
- Comply with supervision rules and requirements
- Comply with rules and conditions set forth in the Participant Contract
- Comply with home visit requirements set forth by probation agent and/or treatment court coordinator
- Comply with random drug testing at a minimum of 3 times per week
- Begin to develop a plan for support group attendance
- Comply with a case plan and individualized treatment plan
- Comply with a 9pm curfew
- Complete a minimum of 10 hours of community service
- ❖ 30 days of consecutive clean time is necessary in order to advance to Phase 3 (time spent incarcerated does not count towards clean time)

Phase 3 (90 days)

- Attend court bi-weekly
- Comply with case plan and participate in all treatment recommendations
- Attend bi-weekly office visits with probation agent and treatment court coordinator
- Comply with supervision rules and requirements
- Comply with rules and conditions set forth in the Participant Contract
- Comply with home visit requirements set forth by probation agent and/or drug court coordinator
- Comply with random drug testing at a minimum of 3 times per week
- Attend and participate in a minimum of 1 support group per week
- Comply with a 9pm curfew
- Seek and/or maintain employment
- Develop a realistic budget
- Complete a minimum of 10 hours of community service
- Obtain a sponsor/mentor prior to advancing to Phase 4
- ❖ 45 days of consecutive clean time and 21 days sanction free is necessary in order to advance to Phase 4 (time spent incarcerated does not count towards clean time)

Phase 4 (90 days)

- Attend court monthly
- Comply with case plan and participate in all treatment recommendations
- Attend bi-weekly office visits with probation agent and treatment court coordinator
- Comply with supervision rules and requirements
- Comply with rules and conditions set forth in the Participant Contract
- Comply with home visit requirements set forth by probation agent and/or treatment court coordinator
- Comply with random drug testing at a minimum of 3 times per week
- Attend and participate in a minimum of 1 support group per week
- Maintain weekly contact with sponsor/mentor
- Comply with a 9pm curfew
- Maintain employment
- Demonstrate an ability to maintain a realistic budget
- Complete a minimum of 10 hours of community service
- ❖ 60 days of consecutive clean time and 35 days sanction free is necessary in order to advance to Phase 5 (time spent incarcerated does not count towards clean time)

Phase 5 (90 days)

- Attend court monthly
- Comply with case plan and participate in all treatment recommendations
- Attend monthly office visits with probation agent and treatment court coordinator
- Comply with supervision rules and requirements
- Comply with rules and conditions set forth in the Participant Contract
- Comply with home visit requirements set forth by probation agent and/or treatment court coordinator

- Comply with random drug testing at a minimum of 3 times per week
- Attend and participate in 1 support group per week
- Maintain weekly contact with sponsor/mentor
- Develop a continuing care plan
- Maintain employment
- Demonstrate an ability to maintain a realistic budget
- Complete a minimum of 10 hours of community service
- ❖ 90 days of consecutive clean time and 63 days sanction free is necessary in order to graduate (time spent incarcerated does not count towards clean time)

If a participant who is deemed eligible for the Treatment Court Program receives a conditional jail sentence, the participant will be encouraged to participate in the Recidivism Reduction Program while serving the jail sentence. The participant will be brought to court for weekly reviews. Alcohol and Drug Treatment services will begin while the participant is in custody to ensure a smooth transition into community based programming. Phase one requirements will commence upon release from the jail.

IX. SENTENCING COURT NOTIFICATION

A sentencing court shall be notified as follows:

- When the Treatment Court participant successfully completes the Treatment Court Program, the sentencing court will be so notified.
- If the Treatment Court participant is terminated from the Treatment Court Program, the sentencing judge will be so notified. A copy of the findings and conclusions placed on the record by the Treatment Court Judge will be provided to the sentencing Judge.

X. TERMINATION

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

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

- Revocation by the Department of Corrections.
- Any grounds that the Treatment Court finds sufficient for disqualification.

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

Procedure for Termination

- a) A motion for termination can be made by any member of the Treatment Court Team.
- b) The motion shall be evaluated by the Treatment Court Team.
- c) Upon a majority vote, a notice containing the allegation(s) for termination shall be sent or given to the participant and a hearing will be set in front of a judge. The Green Lake County Treatment Court Judge shall abstain from voting on the motion for termination but the judge will have the final decision.
- d) If at the court date the participant wishes to appeal the Green Lake County Treatment Court Team's decision, the matter will be set for further proceedings in front of a judge. The participant is brought before a judge for a formal hearing, in open-court and on the record. The participant will be afforded due process including the right to be represented by counsel. After hearing the allegations that warranted the recommendation for termination by the Green Lake County Treatment Court Team, and the participant's response to those allegations, the judge will make a ruling. The sentencing judge will make a ruling based on participant behavior(s) and program policies as to whether or not grounds exist for terminating the participant from the Green Lake County Treatment Court.
- e) The Wisconsin Department of Corrections reserves the right to revoke participants independent of the Green Lake County Treatment Court decision.
- f) If at the hearing the judge makes a ruling that grounds exist to terminate the participant, the participant may be scheduled for sentencing if required. If the judge makes the ruling that a participant should not be terminated from the Green Lake County Treatment Court, he or she will then continue in the Treatment Court, subject to any appropriate sanctions deemed necessary to address his or her behavior.

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

XI. GRADUATION

Upon successful completion of all five phases, including the payment of all assessed fees, and recommendation of the Treatment Court Team, and following participation in a graduation exit interview, the Treatment Court Judge shall declare the participant a graduate of the Treatment Court Program. The graduation ceremony will be a celebration of sobriety and success of the participant.

XII. ALUMNI ASSOCIATION

Upon graduation, all Treatment Court Program graduates will be invited to join the Alumni Association. The rules of the Alumni Association shall be established by the members of the Alumni Association with the approval of the Treatment Court Judge.

XIII. VIOLATIONS/SANCTIONS

Any violations of the rules of the Treatment Court Program may result in the immediate imposition of sanctions, as determined by the Treatment Court Judge. Sanctions may include, but are not limited to, the following:

- Curfew/check-in time
- Electronic monitoring
- Increased supervision
- Day reporting
- Verbal and/or written warnings
- Increased drug testing
- Increased court appearances
- Verbal and/or written apology letters
- Written assignments
- Team intervention/round table
- Community service work
- Monetary fines
- Sit in the jury box
- A day on the bench with the judge
- Journaling
- House arrest
- Jail

**Time spent in confinement will NOT count toward phase advancement.*

XIV. INCENTIVES

The Treatment Court Judge and the Treatment Court Team will acknowledge compliance and success of participants. Incentives can include, but are not limited to, the following:

- Applause/special recognition
- Verbal praise, from the Judge/Team
- Vouchers (various types)
- Candy/Food
- Decrease in court appearances
- Tickets (concerts, movies, sporting events, art fairs etc.)
- Fee reduction/waive fees
- Phase acceleration

- Books
- Increase privileges
- Grant or increase travel privileges
- Fish bowl drawings

XV. SUPERVISION/TESTING

A critical component of successful Treatment Court participation involves intense supervision and random testing to determine compliance with the rules of the Treatment Court Program. Accordingly, each Treatment Court participant will be subject to the following **minimum** supervision/testing schedule:

Phase I

- Drug and/or alcohol testing, a minimum of three times weekly, on a random basis.
- Office visits per Department of Corrections Standards and home visits as determined by agent.

Phase II

- Drug and/or alcohol testing, a minimum of three times a week, on a random basis.
- Office visits per Department of Corrections Standards and home visits as determined by agent.

Phase III

- Drug and/or alcohol testing, a minimum of three times a week, on a random basis
- Office visits per Department of Corrections Standards and home visits as determined by agent.

Phase IV

- Drug and/or alcohol testing, a minimum of three times a week, on a random basis.
- Office visits per Department of Corrections Standards and home visits as determined by agent.

Phase V

- Drug and/or alcohol testing, a minimum of three times a week, on a random basis
- Office visits per Department of Corrections Standards and home visits as determined by agent.

(NOTE: These are **minimum** supervision/testing standards. Any participant is subject to testing at any time. The testing protocol is set forth in section XV.)

XVI. TESTING PROTOCOL

Each client is subject to random testing for the purpose of detecting the unauthorized use of alcohol or controlled substances under the following program:

The Treatment Court Judge, the Treatment Court Coordinator, the Department of Community Corrections, the treatment providers, the Green Lake County Department of Human Services, and any officer or deputy working with the authority of the Treatment Court Program may request testing of a Treatment Court participant at any time.

Upon request, the Treatment Court participant shall immediately deliver the requested sample. If a sample is not produced, is not of sufficient quantity, or is adulterated in any way, it will be treated as a positive sample for the presence of unauthorized drugs or alcohol.

Prior to delivering the sample, the Treatment Court participant will be asked whether or not the test will be positive. If the Treatment Court participant acknowledges that the test will be positive, it will be considered a positive test, and the test may not take place. If the Treatment Court participant indicates the test will be negative but the test is found to be positive, the Treatment Court participant will be informed of the positive result and assessed the test fee. The Treatment Court participant will be given an opportunity to request a confirming test. If the confirming test is positive, participant will be assessed a fee for both tests. Participants will be subject to sanctions for both the positive test results as well as for lying to the Treatment Court staff. If the confirming test is negative all fees associated with the first and confirming test will be waived.

The cost of the tests must be paid within 30 days of when the confirming test was administered.

XVII. COSTS

The total cost of participation in the Green Lake County Treatment Court Program is \$700. Participants will be charged \$100 during Phase III, \$200 during Phase IV and \$400 during Phase IV. These fees must be paid prior to advancing to the next phase and graduation. Throughout the phases participants may be rewarded by having these fees reduced.