



# Walworth County Drug Court

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## *Participant Handbook*

The mission of the Walworth County Drug Court is to enhance public safety, to reduce prison and jail populations, and reduce recidivism by effectively partnering with government agencies and community resources to focus non-violent, drug offender rehabilitation.

*Revised October 2016*

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## **WELCOME**

Welcome to the Walworth County Drug Court (WCDC). This *Handbook* is designed to answer your questions and provide overall information about the WCDC. As a participant, you will be expected to follow the instructions given in the WCDC by the Judge and comply with the treatment plan developed for you by the probation agent and treatment team.

This *Handbook* will detail what is expected of you as a WCDC participant. It will review general program information. If you are reading this *Handbook* it means that you are considering the WCDC Program to help you learn how to make successful choices free of the influence of drugs or alcohol in the future.

## **OVERVIEW**

The WCDC is a four phase intervention program for non-violent<sup>1</sup>, adults who have been charged and plead guilty to a Possession of Heroin felony charge and who are having difficulty staying clean and sober. It is a collaborative effort between the circuit court, the prosecutor's office, defense attorneys, the probation department, community agencies, police agencies, case management, and treatment programs. By working together, the team seeks to provide a variety of programs and consistent supervision geared toward supporting and helping you maintain a drug and alcohol free life.

The WCDC involves frequent court appearances, random drug and alcohol testing as well as group and individual counseling. The Court awards incentives for compliant behavior and imposes sanctions for negative behavior. Participants who do not comply with the rules may be placed in short-term custody, have phase movement delayed or face a variety of other sanctions. They may also be terminated from the program. All of the staff working with the program will assist you to be sure you understand what is expected of you.

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<sup>1</sup> In March 2014, the WCDC Advisory Committee adopted the Wisconsin Department of Justice criteria and specifies that a violent offender is not eligible to participate in this program. A violent offender is defined as 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.

## **CONFIDENTIALITY**

By law your identity and privacy are to be protected. In response to these regulations, the WCDC Team and treatment providers have developed policies and procedures that guard your privacy. You will be asked to sign a Consent for Disclosure of Confidential Substance Abuse Treatment Information. This disclosure of information is for the sole purpose of hearings and reports concerning your specific WCDC case.

In addition, the program must have written procedures controlling access to, and use of, such records. Although court records ordinarily are available to the public, drug court records are not. Drug court files are kept separate from other court records. They have labels indicating that they are confidential and may only be viewed by members of the drug court team. All such files shall be under the sole and exclusive control of the Treatment Court Coordinator and shall be maintained in a confidential manner.

## **THE DRUG COURT TEAM**

The WCDC Judge will make all decisions regarding your participation in the WCDC with input from the WCDC Team. In addition to the Judge, the Team consists of the following members:

- Defense Attorney – Role is to protect the rights of the defendant.
- Prosecuting Attorney – Assists in reviewing cases for eligibility for program.
- Probation Agent(s) – Provides direct supervision of participants.
- Treatment Provider(s) – Responsible for educating the participants and helping them deal with alcohol/drug abuse issues.
- Treatment Court Coordinator – Conduct screenings for new participants.
- Law Enforcement Representative
- Corrections Representative
- Clerk of Courts Representative
- Program Evaluator

## **PROGRESS REPORT STAFFINGS**

Perhaps the most critical component of the WCDC is the use of “staffings”. These Meetings are just prior to your status hearings, where the team discusses each participant who will appear in court that day. The WCDC utilizes a strong team approach, which focuses on fairness and accountability. The team relies on accurate reports from the

Treatment Court Coordinator, Probation Officers, Treatment Providers, or any other WCDC Team member, who provides detailed, up-to-date information on the progress of each participant.

The progress report will discuss your drug testing results, attendance, participation and cooperation in treatment, employment or other requirements that may have been imposed. Recommendations for individual treatment plans, sanctions, and incentives can be made by any team member to determine the best approach for each participant. This requires each team member to be educated in all aspects of treatment and recovery. A final consensus will be reached by the WCDC Team, with final discretion determined by the Drug Court Judge. All staffings are to be held off the record and require each attending member to sign a confidentiality agreement.

### **DRUG COURT PROCEEDINGS**

As a WCDC participant, you will be required to appear in WCDC on a regular basis. The WCDC calendar is a priority and will be a specialized, separate court, operating on an every other week schedule, and dedicated to the evaluation, treatment and supervision of eligible and suitable participants. The WCDC shall be held as scheduled. The number of times you must appear depends on the phase you are in. Failure to appear will result in a warrant being issued for your arrest and detention in jail until you can appear before the Judge. All WCDC participants must be at court unless otherwise excused by the WCDC Judge or a WCDC Team member. Participants will stay for the entire court hearing unless given prior approval to leave early or treatment is scheduled for that time.

The Judge may ask questions about your progress and discuss any problems you may be having. If you are doing well, you may be rewarded with reduced program requirements or other incentives. If your progress reports show that you are not doing well, the Judge will discuss this with you and determine future action, which could include a sanction in order to help you remember your goals in the program. Sanctions and incentives may be assessed. If you have questions about your court appearances you may contact you're the Treatment Court Coordinator.

### **COURTROOM RULES**

All individuals participating in the program will adhere to the following rules, remembering that although the WCDC is dissimilar to the traditional court proceedings; it is still a court proceeding that shall be treated with respect and participants shall govern themselves accordingly.

- When addressing the Judge, the participant shall approach the bench with the utmost respect for the position.
- Participants will attend all scheduled Court appearances on time and immediately be seated in the Courtroom.
- You are encouraged to bring family members to the review sessions.
- Participants will not talk in the Courtroom during proceedings. Family or children will need to keep quiet or step out of the courtroom should the need arise.
- Participants will not bring food or drink into the Courtroom.
- The participant will remain in the courtroom until he/she is dismissed by the Judge. In the event of an emergency, the participant may be excused from court or allowed to leave prior to court being dismissed. You will not be excused for transportation problems or issues; it is your responsibility to find transportation to each court appearance, treatment session, and probation appointment. Any requests for absences will be presented to the WCDC Team for review. The Drug Court Judge or the Treatment Court Coordinator will advise the participant of approval or denial.
- If a participant does not appear on his/her regularly scheduled court date and is not excused from court, the Judge may order that a warrant be for the arrest of the participant.
- The participant will not possess any dangerous weapon of any kind, including firearms and knives.
- The participant will turn off any cell phone or pager.
- The participant will dress appropriately for court as follows:
  - No shirts with obscene words or pictures
  - No hats, caps, bandanas, sunglasses, or gang attire of any kind
  - No tank tops or formed, tight, tank tops intended for wear as under shirts
  - No attire with alcohol, drug, or bar logos

### **PHASES OF THE DRUG COURT TREATMENT PROGRAM**

The WCDC Program is designed to be completed in 18 months. It is divided into four phases and includes a regular probationary period; Phase I-III have a minimum time length of 16 weeks, with Phase IV – Aftercare consisting of a minimum of 24 weeks (6 months). Some participants are able to complete their required objectives within those 16 weeks while staying in compliance with the program, while others may take a little longer, have minor setbacks, relapses, or imposed sanctions that would delay phase movement. A participant must successfully complete each phase before transitioning to the next phase.

**Phase I - Assessment and Primary Treatment**  
**Length – Minimum 16 weeks**

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*Requirements for Phase I:*

- Complete jail sentence.
- Adherence with any anti-relapse medications prescribed
- Develop a treatment plan
- The work with the WCDC Team to assess and identify additional treatment needs, as well as education, family, employability, medical, and housing needs.
- Begin treatment (Minimum Requirements):
  - Initial Treatment Plan developed;
  - *2 hour group treatment per week;*
  - *1 hour individual counseling per week, at minimum.*
- Random urinalysis testing and breathalyzer testing, call in daily, conducted multiple times per week.
- The Treatment Provider/Probation Agent may also make referrals to other support services, such as mental health, medical care, or family education/counseling.
- Attend face-to-face probation appointments once per week.
- Follow curfew as established by the WCDC Probation Agent
- Bi-weekly appearance in Drug Court
- Pay in full or establish a payment plan as determined by Collections with the Walworth County Clerk of Courts for fines and court costs.
- Phase Advancement Agreement completed and signed off by participant, treatment provider, probation agent, case manager/coordinator.
  - *Continuation of case plan – referral may be made for additional responsibility needs treatment or services. Participant must comply with these recommendations.*

*Advancement Requirements for Phase I:*

- At least 60 days free from non-medical drug and alcohol use (including furlough days), and a minimum of 16 weeks in Phase I
- Comply with supervision
- Comply with treatment
- Demonstrate honesty

## **Phase II – Treatment/Maintenance of Recovery**

### **Length – Minimum 16 weeks**

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In Phase II, the treatment plan may be updated by the Treatment Provider. The WCDC will continue to evaluate the participant's progress on a bi-weekly basis.

#### *Requirements for Phase II:*

- Continued treatment (Minimum requirements):
  - *Initial Treatment Plan reviewed and revised;*
  - *2 hour group treatment per week;*
  - *1 hour individual counseling per week, at minimum.*
  - *Actively work a relapse prevention plan.*
- Random urinalysis testing and breathalyzer testing, call in daily, conducted multiple times per week.
- Attend face-to-face probation appointments once per week.
- Follow curfew as established by the WCDC Probation Agent
- Bi-weekly appearance in Drug Court
- Actively seek and maintain work/school/community service of 20 hours per week
- Continuation of payment plan as determined by Collections with the Walworth County Clerk of Courts for fines and court costs.
- Phase Advancement Agreement completed and signed off by participant, treatment provider, probation agent, case manager/coordinator.
  - *Continuation of case plan – referral may be made for additional responsibility or criminogenic needs treatment or services. Participant must comply with these recommendations.*

#### *Advancement Requirements for Phase II:*

- At least 90 days free from non-medical drug and alcohol use (including furlough days), and a minimum of 16 weeks in Phase II
- Comply with supervision
- Comply with treatment

### **Phase III – Maintenance of recovery, integration, and preparation for aftercare**

#### **Length – Minimum 16 weeks**

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In Phase III, the Treatment Provider will assist the participant identify a continuing care plan that provides the necessary treatment and requires the use of the skills the participant has learned.

#### *Requirements of Phase III:*

- Continued treatment (Minimum requirements):
  - *Continue to follow Treatment Plan;*
  - *2 hour group treatment per week;*
  - *1 hour individual counseling per week, at minimum.*
  - *Preparation of continuing care/long-term safety plan.*
- Random urinalysis testing and breathalyzer testing, call in daily, conducted multiple times per week.
- Adherence with any anti-relapse medications prescribed.
- Maintain full time employment, education, or vocational training.
- Attend face-to-face probation appointments once per week.
- Follow curfew as established by the WCDC Probation Agent
- Monthly appearance in Drug Court
- Continuation of payment plan as determined by Collections with the Walworth County Clerk of Courts for fines and court costs.
- Phase Advancement Agreement completed and signed off by participant, treatment provider, probation agent, case manager/coordinator.
  - *Continuation of case plan – referral may be made for additional responsivity, criminogenic, or maintenance needs treatment or services; this includes obtaining a GED or HSED as a requirement of the program. Participant must comply with these recommendations.*

#### *Advancement Requirements for Phase III:*

- At least 120 days free from non-medical drug and alcohol use (including furlough days), and a minimum of 16 weeks in Phase III
- Comply with supervision
- Comply with treatment

**Phase IV – Aftercare**  
**Length – Minimum 6 months**

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In Phase IV, the participant will have graduated from the WCDC and continue on probation for a period of 6 months to ensure sobriety. The participant will continue to attend monthly court sessions, at minimum, be subject to random drug testing, and comply with probation and any ordered treatment requirements, as well as the Phase Advancement agreement.

Phase Advancement Agreement completed and signed off by participant, treatment provider, probation agent, case manager/coordinator, which includes 150 days of sobriety.

- *Continuation of case plan – referral may be made for additional responsivity, criminogenic, or maintenance needs treatment or services; this includes obtaining a GED or HSED as a requirement of the program. Participant must comply with these recommendations.*

*Commencement Requirements:*

- At least 150 days free from non-medical drug and alcohol use (including furlough days), and a minimum of 24 weeks in Phase IV
- Comply with supervision
- Comply with treatment
- Maintain a sober support network

## **CORE TREATMENT**

The core treatment module is required for all drug court participants. It consists of five levels that, when taken together, prepare the individual to successfully participate in treatment programming, teaches the individual specific skills, and then assists the individual in the implementation of those specific skills in increasingly challenging settings. This module incorporates objectives that address stress management, social support, motivational interviewing, DBT skills, and financial recovery.

## **EMPLOYMENT/SCHOOL/COMMUNITY SERVICE REQUIREMENTS**

As a WDC participant, you are required to seek and maintain employment throughout the duration of the program; and are required to be in compliance in Phase II – Phase IV. If unemployed, you are required to complete 20 hours of community service per week or attend school. Community service assistance may be provided by the Treatment Court Coordinator if needed.

### **TO FIND A PLACE TO PERFORM COMMUNITY SERVICE**

Community service must be performed at a non-profit agency or organization in Walworth County, (unless you have prior written court approval to perform the community service elsewhere). It is your responsibility to find a non-profit agency or organization. No monetary compensation may be received for any community service work and the work cannot be performed for a business. If you cannot locate a place to perform community service on your own, you may contact the Treatment Court Coordinator at 262-741-7039 for assistance/suggestions of community service opportunities.

<b>EXAMPLES OF ACCEPTABLE PLACES TO PERFORM COMMUNITY SERVICE</b>	<b>EXAMPLES OF WORK <u>NOT ACCEPTABLE</u> AS COMMUNITY SERVICE COMMUNITY</b> (unless you have prior written court approval)
The United Way	Yard work for friends or neighbors
A neighborhood center	Odd jobs for friends or neighbors
A church	Snow shoveling for friends or neighbors
A Food Pantry	Babysitting
Goodwill	Working at your job without pay

## **WHEN YOU ARE DONE PERFORMING COMMUNITY SERVICE**

You must get written proof from the non-profit agency or non-profit organization. The accompanying form must be used for all Drug Court community service hours. If you do not have the Drug Court Community Service Time Sheet, an alternate document *must* include the following information:

- The date(s) you performed the community service
- The number of hours you worked
- The duties you performed
- The name and telephone number of a contact person for the non-profit agency or non-profit organization.

After all information is gathered and documented, turn in the Drug Court Community Service Time Sheet(s) to the Treatment Court Coordinator for review and confirmation.

## **COSTS**

These costs are estimates and are subject to change at any time without notice, including the addition of further costs. You will be responsible for the following costs:

- Fines – assessed and ordered by Court
- Fees – \$500 WCDC program fee; additional fees may be assessed and ordered by the Court
- Restitution will be determined on an individual basis and ordered by the court.
- Jail Costs –\$18/day (2015) while on EM
- Supervision – Costs are calculated based on income and can vary in increments of \$20, \$40, or \$60 per month.
- Treatment Costs – Based on sliding scale, through insurance, etc.

Payment progress will be monitored. Frequent delinquent payments can effect phase movement. All WCDC participants will be required to pay in full or set up a payment plan with Collections. All fines/fees/court costs and supervisions fees are required to be paid in full to be in compliance for graduation.

## **DRUG COURT RULES RELATING TO DRUGS**

As a participant you will be required to abide by the rules outlined in the participant contract, including, but not limited to the following:

- Totally abstain from the use of drugs and alcohol, including non-alcoholic beer, energy drinks containing alcohol, and synthetic cannabinoid.
- There is a NO NEEDLE policy within Drug Court, unless determined to be medically necessary by a licensed physician. This will need to be noted and signed by the prescribing physician on the PRESCRIBED MEDICATION FORM the same day that you are given the prescription. Needles will be allowed to administer Narcan but the participant shall complete certified Narcan training.
- Inform the treating physician(s) that you are in recovery and may not take narcotic or addictive medications or drugs. In addition, prescribed medications must have the physician sign the PRESCRIBED MEDICATION FORM the same day that you are given the prescription. Failure to abide with this condition will result in a sanction or possible termination from the program.
  - **Any prescribed narcotic medication will result in a furlough of sober days.** This is utilized to encourage the use of non-narcotic medications and remaining on the medication for only when medically necessary.
- Attend court sessions and treatment sessions as scheduled, submit to random alcohol and drug testing, remain clean and sober and law abiding.
- Not associate with people who use or possess drugs.
- Keep all members of the WCDC Team informed of your current address and phone number at all times; you must remain a Walworth County resident throughout your participation in the program.
- As a condition of participation in the program, your person, property, place of residence, vehicle or personal effects may be searched at any time with or without a warrant, and with or without reasonable cause, when required by a Probation Agent or other law enforcement agent.
- Must live in an alcohol/drug free residence.
- Must inform Probation Agent immediately should you come in contact with any form of law enforcement. Abide by all other rules and regulations imposed by the WCDC Team.

### **INCENTIVES AND SANCTIONS**

Incentives and sanctions are standardized to the point of exhibiting fairness, but are also tailored based on an individual participant's situation. The Judge has the discretion to apply sanctions as found suitable. Incentives and sanctions include, but are *not* limited to:

#### **Incentives for compliance:**

- Certificates awarded for phase and program completion.

- Positive recognition from Judge and WCDC team member(s).
- Promotion to next phase of program.
- Permission to travel out of area.
- Drawings for gift cards.
- Commencement ceremony and certificate of completion.

### **Examples of Program Violations**

Failure to pay fines and court costs
Failure to complete work/school/community service
Failure to attend individual treatment appointment
Failure to receive prior permission to change your address
Entering an establishment where alcoholic beverages are sold
Failure to follow established curfew hours
Failure to attend group
Failure to attend probation appointment
Failure to attend court
Failure to be present at scheduled home visit
Failure to submit to Breath analysis or Urinalysis
Buying, selling, or possessing an alcoholic beverage or any substance for the purpose of intoxication
Driving Violation – Law Enforcement Contact (driving w/o a license, outside of occupation hours, etc.)
Driving Violation – Reported to or by WCDC Team (driving w/o a license, outside of occupation hours, etc.)
Operating motor vehicle without IID/WCDC approval
Confirmed Alcohol Use (Alcohol Abuse/Dependent)
Other Drug Use - abuse or outdated prescription
Other Drug Use – Illegal Substances
Failure to participate in group
Tampered UA test
Non-compliance with Electronic Monitoring
Cutting of Electronic Monitoring bracelet
Lying to the Court or WCDC Team
New Arrest – Traffic
New Arrest – Other Crimes
Absconding – anything over 30 days without contact with probation or any member of the Drug Court Team will be considered absconding and grounds for termination

Sanctions used for noncompliance:

<b>Examples of Sanctions</b>	Letter of Apology to victim/WCDC Team/WCDC Participants
	Develops and Maintains Job Log/Itinerary
	Verbal Warning by Judge
	Verbal Warning by Probation Agent
	Verbal Warning by WCDC Team Member
	Thinking Report – Specific to Incident
	Essay – on Specific topic (honesty, attitude)
	Daily Activity Log
	Journaling
	Life Skills Assignments
	Referral to Individual Treatment evaluation
	Referral to GED
	Referral to individualized therapies (anger management, family violence, parenting classes)
	Referral to Individual Treatment sessions
	Impose/increase community service hours
	Increase frequency of alcohol and drug testing
	Increase frequency of home/office visits with probation agent
	More Frequent Status Hearings
	Reverse Incentives - Take Something Away
	Impose Electronic Monitoring
	House Arrest
	Impose/Increase community service hours
	48 hours Jail Commitment
	Phase Demotion
	Pre-Arranged Community Service Hours
	Warning Tours to Correctional Facilities
	Intensive Out Patient Treatment
	Meeting with WCDC Team
	Status Hearing on the Record
	Day Reporting
Issuance of Warrant	
Placement in residential substance abuse treatment	
Flash Jail Sanctions (3-5 days)	
Motion for Termination	
Termination from Court	

*Release Plans or Alternative to Termination Agreements may be administered while in the WCDC. Should these plans not be complied with, termination is imminent.*

## **HOME VISIT GUIDELINES**

Home visits are conducted randomly at any time during the day or evening and will be conducted by your probation agent, monitoring agent, and/or law enforcement agent(s). A minimum of one home visit per month will be conducted by your agent as well as weekly random drug testing conducted by monitoring agents. It is expected that you will cooperate and comply with the probation agent, monitoring agent, or law enforcement agent who visits your residence.

Home visits will serve as a way for team members to become better acquainted with you and your family and assess living conditions. The WCDC Team views them as an opportunity to demonstrate your commitment to a lifestyle change – not only to the court, but also family and friends.

- Your residence must be alcohol and drug free.
- You must submit to PBT testing and random urine screens.
- If you have a curfew, you must be at your residence during the hours set by the Judge and/or your Probation Agent. You are responsible for making sure that you hear the door bell or knock on the door when the agent or agent arrives. Failure to answer will result in a curfew violation.
- Your house/vehicle/person may be subject to search (without a warrant) for alcohol and other illegal substances.
- When an agent or agent comes to your home it is expected that you will be prompt in your interaction with him/her. Please stop any ongoing conversations on the phone or with another person.
- People living at your residence should be advised that even if you are not home, they are required to answer the door when the agent or agent arrives.
- You must notify your probation agent every time you do not plan to return home for the night, even if you are not on curfew.

Everyone in your home, including yourself, is expected to be courteous and respectful to all agents and agents reporting to your home.

## **DRUG AND ALCOHOL TESTING**

ALL DRUG AND ALCOHOL TESTING WILL TAKE PLACE AT ANY OF THE FOLLOWING LOCATIONS:

- THE PROBATION OFFICE

- ELKHORN POLICE DEPARTMENT
- WALWORTH COUNTY HUMAN SERVICES BUILDING
- WALWORTH COUNTY JUDICIAL CENTER
- SOUTHEASTERN MONITORING, INC.
- YOUR RESIDENCE

Drug and alcohol testing will be conducted on a completely random basis. You will not know that you need to submit to a test until you arrive for your scheduled appointment with your agent, your treatment session, or until asked to provide a urine and/or breath sample during a home visit. In other words, be prepared to provide a urine sample on each occasion which you have contact with a treatment court team member.

Random drug screens will be conducted multiple times per week. Random drug testing will be conducted by a local provider via the UA call-in system. Each participant will be assigned a client phone ID number and will need to call in to determine if they must report. If the call line tells you to report, you are required to report to the centralized testing facility within a time window to provide both a urine sample and preliminary breath test. Testing will be done 7 days a week. If you are unable to produce a sample or fail to report, the WCDC Probation Agent will be contacted for possible sanction or custody hold. Missed tests, failure to provide a sample, positive drug results will also be addressed at your bi-weekly status hearings and will be sanctioned appropriately.

**\*\* Please see Drug Testing Policy and Procedure addendum for full description of the random drug testing procedure \*\***

Random drug testing can begin the day you are released from the Walworth County Jail. When providing a urine sample you will be expected to remove all outer clothing – jackets, hoodies, coats, coveralls, hats, etc. You will be expected to turn out your pockets. You will be expected to submit to a visual inspection of your waistband. You **will be observed** by a member of the same sex during the process of obtaining a urine sample. We will make every effort to effect these procedures in the most discreet and respectful manner that is possible.

DILUTED URINE SAMPLES OR OTHER EVIDENCE OF TAMPERING WILL BE VIEWED AS ATTEMPTS TO BEAT A DRUG TEST. IF YOU SUBMIT A DILUTED OR TAMPERED SAMPLE, YOU WILL BE SANCTIONED.

*You have also been ordered not to consume alcohol. You are responsible for ensuring that alcohol does not enter your body. You may not consume any foods in which alcohol is an*

*ingredient. Contrary to common beliefs, alcohol is not removed in the cooking process. You may not use medications, including NyQuil or other cold/cough medicines with alcohol, mouth wash, breath sprays, teeth whitening gel, or any other products which contain alcohol, including non-alcoholic beer. Positive PBT's will result in sanctions, whether the positive PBT resulted from consuming alcohol or not.*

**No use of drugs of any kind, outside from those who have a valid prescription from a licensed physician with a Prescribed Medication Form on file, is allowed while in the WCDC. This includes but not limited to scheduled narcotics, K2, Spice, Bath Salts, Synthetic Drugs of any kind, misuse of prescription drugs including the injection of those drugs (i.e. pills, Suboxone, Methadone, etc.). Misuse of prescription drugs will be considered a relapse and result in restarting sobriety days.**

A \$15.00 cash deposit to Southeastern Monitoring, Inc. will be required on any denied positive test. Any denied positive test that is confirmed positive will result in the cost being imposed on the participant for confirmation testing. This cost can vary based off the type of test required and will be added to the fines/fees/court costs as assessed by the WCDC. The \$15.00 cash deposit will be refunded on any denied positive test that is NOT confirmed.

### **TERMINATION FROM THE WCDC PROGRAM**

There are two ways to leave the WCDC; graduation or termination. Voluntary removal is not an option. Warrants, new arrests, or a violation of any aspect of your treatment plan may result in a probation violation and your termination from the program. Other violations, which may result in termination, include the following:

- Habitual missing and/or positive drug tests
- Altered drug test
- Demonstrating a lack of program response by failing to cooperate with the Probation Agent or treatment providers
- Violence or threat of violence directed at WCDC staff, other participants of the program, and/or other clients of the treatment providers
- Pattern of substance-related violations
- Commission of a violent crime
- Failure to attend scheduled WCDC hearings.
- Involvement in or committing assaultive behavior
- Any other grounds that the WCDC Team deems sufficient for termination.

Any member of the WCDC Team may make a motion for termination of a participant from the program. If a motion for termination is made, and seconded, the Judge will decide to accept or deny the motion and inform the participant in court of the termination decision. Following court, the individual will have the right to retain counsel and given a status hearing regarding the motion for termination. At the given WCDC session, the participant will appear with an attorney, provide information to the WCDC Team, and make statements and/or answer questions from any member of the WCDC Team, including the Judge. The team shall reconvene to discuss the hearing on the proposed termination. Final decision for termination will remain with the WCDC Judge once all facts have been received, who determines to accept or deny the motion for termination. Upon termination, the WCDC Judge shall recuse himself and the matter will be scheduled for sentencing. The terminated participant shall not have any appeal rights to the termination decision; termination decisions determined by the WCDC Judge are final.

#### *AFTER TERMINATION*

Upon termination, the WCDC Judge shall recuse himself and the matter will be scheduled for sentencing.

#### **COMMENCEMENT REQUIREMENTS**

- Satisfactory attendance at all treatment services.
- 150 days of continuous clean drug tests.
- Participant has obtained and maintained fulltime employment and/or is involved in an academic program.
- Participant has completed a continuing recovery plan with treatment provider.
- Drug Court Team agrees that the Participant has sufficiently integrated the information to support recovery.
- Completion of a minimum of 48 weeks in the program.
- Participant must submit complete a continuing care/long-term safety plan.
- Participants will be required to remain on probation for a minimum period of 24 weeks for an aftercare phase.

Upon successful completion of all four phases (including aftercare) of the WCDC, including a good faith effort toward payment of all assessed fees and restitution and continued sobriety, and upon recommendation of the WCDC Team, the WCDC Judge shall declare the participant a graduate of the WCDC Program. The commencement ceremony will recognize

successful completion of all required phases. The WCDC commencement is recognized as a very important event. Your loved ones will be invited to join you at a special ceremony as the Team congratulates you for successfully completing the program and achieving your goal to establish a chemical free life.

## **ALUMNI REUNIONS**

In order to provide you with a continuing support system we will host annual alumni reunions where you will have the opportunity to meet with other graduates and members of the team. Invitations will be sent to you by mail, therefore it is important to keep the Treatment Court Coordinator informed of any changes in address or phone number.

## **CONCLUSION**

The goal of the Walworth County Drug Court Program is to help you achieve a life free of dependence on mind-altering substances. The Judge and the WCDC Team are here to guide and assist you, but the final responsibility is yours. To succeed, you must be motivated to make this commitment to a drug/alcohol free life.

## **CONTACT INFORMATION**

Clerk of Court: 262-741-7012

Clerk of Court – Collections: 262-741-7017

Treatment Court Coordinator: 262-741-7039

Walworth Department of Health and Human Services: 262-741-3200

Department of Corrections – Community Corrections: 262-767- 2060 (Burlington Office)  
or 262-741-6360 (Elkhorn Office)

**WALWORTH COUNTY DRUG COURT  
PRESCRIBED MEDICATION FORM**

I am a participant in the Walworth County Drug Court Treatment Program. As such, I am in recovery and not permitted to use any controlled substances or alcohol, unless, medically, it is absolutely necessary that I do so pursuant to the orders of a physician. Before giving or prescribing me a controlled substance, please review and consider the following:

*Make every effort to treat me without giving or prescribing me a controlled substance. Please note in my medical record why a controlled substance was medically necessary, if such is given or prescribed. Should I be on such medication, my progress will be furloughed until I am free of any controlled substances. Please provide me with a letter for the court stating that I have disclosed my addiction problem by completely the form below.*

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

Date of Visit: \_\_\_\_\_

Medication Prescribed: \_\_\_\_\_

Dosage and Frequency: \_\_\_\_\_

By completing and signing this form, I, the physician, acknowledge that the above patient is an active participant in the Walworth County Drug Court and I am prescribing the above medication because it is medically necessary.

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Physician Signature	Printed Name	Date
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Drug Court Participant: Please have your physician complete the above form the same day you are prescribed the medication. Include contact information for your health care provider and return this form to your Probation Agent or the Walworth County OWI Coordinator as soon as possible. Any questions can be directed to 262-741-7039.

Health Care Provider: \_\_\_\_\_

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

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

*This form is required for any controlled substances as stated by section 1, item 7 in my Participant Waiver and Agreement form. My waiver of Consent for Disclosure is signed and on file with the Walworth County Drug Court and shall act as authorization for release of the above information.*

# WCDC Drug/Alcohol Testing Rules and Procedures

## My Phone ID is:

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You must call in to Southeastern Monitoring, Inc. (SEM) UA Call Line each day after 5am to determine if you are required to report for testing. You are required to report in for testing should it be your day to test. Testing hours are 7 days a week, 6:30-10:15am. Doors are locked at 10:15am so all participants must report by 10am on testing days.

Southeastern Monitoring, Inc.  
7 W Walworth St  
Elkhorn, WI 53121

**UA Call Line: 262-753-2405**

Office Number: 262-723-4849 during business hours  
Home Visits: 262-723-4849 – leave message before 8:30am

## **WCDC DRUG TESTING PROCEDURE**

Walworth County Drug Court (WCDC) participants are expected to be drug and alcohol free. The WCDC monitors compliance with this requirement by frequent, random, and observed drug tests. Drug testing is essential to the WCDC program by providing a framework for accountability to gauge the participant's treatment progress. 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. Drug tests confirm when a participant is clean, demonstrating program compliance which serves as the foundation for rewards and movement through the paths toward graduation.

- Upon admission to the program, case managers will review the drug testing collection protocol with the participant and provide the participant with a copy.
- Participants agree that the court may generally rely on a presumptive chemical test results (urinalysis results). A participant may request a further confirming test of any positive urinalysis, but the participant agrees that if the confirming test comes back positive, the participant's sanction may be increased or may face termination for dishonesty. Additionally, this cost would be the sole responsibility of the participant.
- **If you have any changes in schedule, requests, issues, etc., you must inform your probation agent/Treatment Coordinator and gain approval prior to your test. You do NOT contact SEM in such instances.**
- 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.
- **All participants are required to report 30 minutes prior to closing to ensure sufficient time is available for collection.**

### **Random Collection – UA Call Line**

WCDC participants are randomly tested for drugs/alcohol at a minimum of once per week. Random Urinalysis Drug Testing is required of all participants and facilitated by a call-in procedure.

- All participants will be assigned a client phone ID number by the Treatment Court Coordinator.
- Participants will call the testing line each day after 5:00 A.M. to find out if they are required to report for testing. The line is active between the hours of 5 am and 7:59 pm (closes at 8 pm).
- If the call line tells the participant to report for testing, he or she must report to Southeastern Monitoring, Inc. between 6:30 am and 10:15 am, 7 days a week.
  - Participant will be expected to provide a PBT and UA sample at each appointment and should be prepared to do so.
    - Participants will be required to wait in the SEM office until they are able to provide a sample.
    - All collections will be observed.
  - If the participant is not able to secure transportation, they will need to call SEM prior to 8:30am to arrange for a site checker to come to them and will be required to be at home and available from 10:30am-12:30pm same day. A cost of \$30 will be charged for the home visit.
  - Participants are responsible for adjusting their occupational hours to be prepared for daily tests.
  - Participants will be informed not to use Nyquil, Listerine, or any other products containing alcohol. Use of such products may result in a positive PBT and will be deemed a failed test.
- The participant will follow the same procedure daily.
- Participants could be tested multiple times per week.
- Any participant can be called upon to report for testing if deemed appropriate.
- The schedule shall be set up such that each participant is randomly screened for banned substances at least once per week, depending on which phase the participant is currently in.

### **Collection Procedure**

The WCDC will employ several techniques to minimize tampering and adulteration. The following procedure will be followed by collection staff to ensure accurate testing:

1. Collector will verify participant identification upon arrival.
2. Collector will conduct a PBT/breath test.
3. Same-gender collection staff member will supervise dropping of specimens. The tester will enter the bathroom area with the participant to ensure no tampering is evident.

4. The participant must leave all bags in the custody of the collector before entering the bathroom. The participant will empty all pockets and show the collector all possible areas of hiding. The bathroom will be cleared of all possible contaminants and tampering devices.
5. The participant will wash their hands.
6. Client lifts shirt to expose waist.
7. Participant is given specimen cup and collection wand.
8. Collector directly observes urine pass into the cup.
9. Collector reads and records results. All procedures are within view of the WCDC participant so that accusations of tampering cannot be charged to the tester.
10. The participant will wash their hands.
11. Both collector and participant sign paperwork.

### **Random Home Collection Procedure**

The WCDC will employ several techniques to minimize tampering and adulteration. The following procedure will be followed by collection staff to ensure accurate testing:

1. Collector will verify participant identification upon arrival.
2. Collector will conduct a PBT/breath test.
3. Same-gender collection staff member will supervise dropping of specimens. The tester will enter the bathroom area with the participant to ensure no tampering is evident and the bathroom will be cleared of all possible contaminants and tampering devices.
4. The participant will wash their hands.
5. Client lifts shirt to expose waist.
6. Participant is given specimen cup.
7. Collector directly observes urine pass into the cup.
8. Collector reads and records results. All procedures are within view of the WCDC participant so that accusations of tampering cannot be charged to the tester.
9. The participant will wash their hands.
10. Both collector and participant sign paperwork.
11. The participant shows the collector the contents of the refrigerator and food storage areas.

### **Unable to Provide**

If a participant cannot provide a sample, 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; 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. *Failure to produce a sample could be considered a positive.*

If a participant is unable to provide a sample before SEM closes, **the participant will immediately make contact with their agent and follow the instructions of the agent.** This could include reporting to the office to produce a sample or give a statement. Should the participant be required to report, the participant will inform reception that they are a member of the Walworth County Drug Court and need to provide a urine sample. The participant shall not leave until a sample is provided to an agent. If by close of business the participant is still unable to produce a sample, it will be considered a “refusal” and the participant will be transported to the Walworth County Jail.

### **Failure to Report**

If a participant falls to report to SEM for drug testing when the call line asks them to report, SEM agents will contact the participant via the phone number on file with the Drug Court. The participant will be informed that they need to **immediately make contact with their probation agent and report for testing at the discretion of the agent or SEM employees.** Upon arrival, the participant will inform reception that they are a member of the Walworth County Drug Court and need to provide a urine sample. The participant shall not leave until a sample is provided to an agent. If by close of business the participant is still unable to produce a sample, it will be considered a “refusal” and the participant will be transported to the Walworth County Jail. *Failure to report could be considered a positive.*

Participants will be responsible to secure transportation to the respective probation office. The participant will also immediately contact their probation agent and inform them the reason for missing the test. Failure to report may result in jail sanctions.

*\*\*The above procedure is in place and is expected to be followed. If a participant should miss a test, there is no excuse or question on what should be done in such an event. All failures to produce and/or report could be considered positive drug tests and be sanctioned.\*\**

## **Screening Test Results**

Urinalysis results and results of other monitoring techniques will be documented and provided to the WCDC Team. Any positive urine screens, tampered samples, refusal to provide a sample, or missed tests can be grounds for sanctions. Participants will be warned that certain substances can give “false positive” tests. A warning substantially in the following form will be given to all participants in the participant handbook:

*You have been ordered not to consume alcohol. You are responsible for ensuring that alcohol does not enter your body. You may not consume any foods in which alcohol is an ingredient. Contrary to common beliefs, alcohol is not removed in the cooking process. You may not use medications, including NyQuil or other cold/cough medicines with alcohol, mouth wash, breath sprays, cough drops, teeth whitening gel, or any other products which contain alcohol, including non-alcoholic beer. Positive PBT's will result in sanctions, whether the positive PBT resulted from consuming alcohol or not.*

Prior to each test, the participant will have an opportunity to state whether they have stayed clean and sober since the last test. If there is admittance or denial of usage prior to administering the test, that admission will be passed along to the participant's probation agent/WCDC Team as information to be used when determining sanctioning. A \$15.00 cash deposit to Southeastern Monitoring, Inc. will be required on any denied positive test. Any denied positive test that is confirmed positive will result in the cost being imposed on the participant for confirmation testing. This cost can vary based off the type of test required and will be added to the fines/fees/court costs as assessed by the WCDC. The \$15.00 cash deposit will be refunded on any denied positive test that is NOT confirmed.

**Participant non-compliance:** Non-compliance issues, such as positive UA results, are reported to probation and the WCDC via an incident report in a timely manner (same day).

Fake/Adulterated UAs will result in a 10 day jail sanction. If there is admittance or denial after the test is given, that admission will be passed along to the participant's probation agent/WCDC Team as information to be used when determining sanctioning.

Diluted UAs are treated as a faked UA and will result in a 10 day jail sanction. If there is admittance or denial after the test is given, that admission will be passed along to the participant's probation agent/WCDC Team as information to be used when determining sanctioning.

Participants may request a confirmation test at their own expense, amount to be determined by type of test being conducted. Collection staff will follow chain-of-custody procedures to ensure accuracy. Staff will obtain sealed, signed specimen and paperwork.

Sample is kept in locked cabinet until it is shipped via Fed Ex overnight to the drug testing facility who uses certified carriers to ensure safe and protective custody of the specimens while in transport.

### **Prescription Medications**

Participants in the WCDC are expected to be drug free, including the use of mood-altering, potentially addictive, prescription medications. Participants with medical needs requiring repeated use of prescription medications are to provide accurate, up-to-date prescription information to the WCDC Team. Participants are required to inform all treating physicians and dentists that they are in recovery and may not take narcotic or addictive medications or drugs. In the event a prescription medication is deemed medically necessary, the physician and/or dentist must sign the *Prescribed Medication* form. The prescription medication form and a copy of the prescription must be submitted to the WCDC Team. Medical emergency situations will be reviewed on a case-by-case basis.

### **Tampering**

Tampering with a urine sample can be substituting the urine of another, a diluted specimen, flushing, or an adulterated specimen. A diluted specimen is when an individual has intentionally ingested high levels of liquids in order to decrease the concentration and make it difficult for the lab to identify drugs. An adulterated specimen is when an individual has introduced a foreign substance into the collected sample to intentionally disguise drugs in the urine. All collections of urine are carefully observed by a same sex collector and the sample is checked for color, temperature, pH balance, specific gravity and creatinine to identify tampering issues. Tampering or attempting to tamper with a drug test is considered a positive and a sanctionable activity.