Waukesha County Drug Treatment Court Participant Handbook

2019

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Program Information

The presiding Drug Treatment Court Judge is Judge Maria Lazar.

Court is held every Wednesday from 2:30 P.M. to 4:30 P.M. in courtroom 162 unless otherwise noted.

The public defenders working on the team are Katie Kegal and Anna Kees

The Assistant District Attorneys are Andrea Will.

Your case managers are Jeff Styka, Taylor Weis, Kelly Krepel and Susie Austin.

Their contact information is:

Office Phone Number:	(262) 544-4600 *****Please use during office hours*****
Drug Testing Line:	(414) 921-0409 & (866) 207-2911
Cell Phone Number:	(262) 993-1271 (Kristy) and (262) 424-6862 (Susie)
Fax Number:	(262) 544-9456
WCS Address:	414 W. Moreland Blvd. Room 200 Waukesha, WI 53188
Emails:	Kristy Gusse – kgusse@wiscs.org Jeff Styka – jstyka@wiscs.org Taylor Weis – tweis@wiscs.org Kelly Krepel – kkrepel@wiscs.org Susie Austin – saustin@wiscs.org
WCS Office Hours:	7:00 A.M. to 6:00 P.M. – Monday thru Thursday 7:00 A.M. to 4:00 P.M. – Friday 7:00 A.M. to 11:00 A.M. – Saturday
Drug Testing Times:	**Monday thru Thursday** 7:00 A.M. to 5:00 P.M. **Friday** 7:00 A.M. to 3:00 P.M. **Saturday** WCS 7:00 A.M. to 9:30 A.M. **Sunday** must test at a Police Department by 9:30 A.M.

*You must be in one hour **before** our office closes. You will be provided one opportunity to provide a specimen **no later** than ½ hour before our office closes*

Absences: Only you, and NOT a family member, are required to call your case manager if you will be unable to attend your treatment sessions, meetings with your case manager, and/or court sessions. Any reasons for a missed appointment will be discussed with the Drug Treatment Court Team and, if deemed necessary, a sanction will be imposed. **You need to notify your case manager 24 hours in advance if you need to reschedule your appointment.** Failure to do so may also result in a sanction.

Introduction

Waukesha County implemented the Drug Treatment Court (DTC) Program in 2012 to address the increasing opiate and other drug abuse issues within the County. The mission of the DTC is to advance public safety, reduce crime, reduce costs to our community, and improve individual and community health by providing intensive, integrated, evidence-based court supervision and comprehensive treatment services for drug dependent offenders. There are 25 active drug courts in Wisconsin and the Waukesha program is the first to focus solely on alcohol as the drug of choice. Waukesha County implemented the first Alcohol Treatment Court in the state of Wisconsin, and the DTC follows the same ten key components, established by the National Association of Drug Court Professionals, (NADCP).

The Waukesha County Drug Treatment Court offers its participants the opportunity to break the cycle of addiction, to improve their chance of a sober, crime free and healthy life, as well as to contribute to a safe community while under strict judicial and community supervision.

This program's multifaceted approach utilizes a team concept made up of the Judge, DTC Case Manager, DTC Supervisor, Defense Attorney, District Attorney, Department of Corrections, law enforcement and treatment professionals. It is a four-phase program and the intensity of services decrease as participants progress through the program.

In each phase, participants must comply with routine court appearances, case management appointments – including office and home visits, treatment requirements and random alcohol and drug testing. Intensive case management is a critical component to provide support and monitoring, assisting participants in reaching their goals.

Treatment for participants consists of: assessment and treatment planning, individual and/or group counseling for substance use and other issues, regular attendance at community self-help support meetings, and assistance with meeting individual participant needs, such as; education, life skills, parenting, financial and employment issues.

Positive reinforcement is provided for compliance in the program. Sanctions and therapeutic interventions will be imposed in response to non-compliance.

The average length of stay in the program is dependant on each participant's progress as they move through the four phases. Graduation **may** occur within one year, but it could take longer based on the participant's treatment needs and compliance with program requirements.

Participation in the program may require fees for drug testing if confirmation testing is required and for SCRAMx if this is imposed as a program sanction. Failure to comply with the any program fees may result in a sanction and/or a referral to Waukesha County Collections.

WAUKESHA COUNTY DRUG TREATMENT COURT TEAM MEMBERS

The team consists of the Judge, the Drug Treatment Court Supervisor, Case Manager, Assistant District Attorneys, Defense Attorney and treatment provider. Prior to weekly court sessions, the team reviews the progress of those participants scheduled to appear in court that week. WCS prepares staffing reports detailing the progress of participants in the program. The team operates on the basis of reaching a professional consensus whenever possible. In the event a consensus cannot be reached, the Judge has the final decision making authority on case management issues.

CASE MANAGER

The case manager's role is to oversee the participant's recovery and treatment program, and is the link between the Court, the participant, and the treatment provider.

The case manager is responsible for:

- assessing potential participants for eligibility in the program
- monitoring and encouraging participants during their program
- maintaining participant information
- providing the Court with current information about client progress
- recommending treatment changes to the Court

The case manager also has specific responsibilities in the following areas:

a. **Drug Treatment Court Team Staffings:** The case manager is a member of the Drug Treatment Court Team and is responsible for the preparation of cases for review at the team staffings. In addition, the case manager may, at anytime, provide information concerning any participant to the Drug Treatment Court Judge on a formal or informal basis; provided the necessary waivers have been signed by the participant and the content of the communication is made known to the participant.

b. **Referrals:** The case manager refers Drug Treatment Court participants to providers for substance abuse treatment and other services, as determined in the case plan developed by the case manager and approved by the Court. The case manager maintains close contact with the treatment provider and monitors the services received by the participant.

c. **Case Management:** The case manager periodically assesses the progress of each participant and the participant's adherence to the requirements of the Drug Treatment Court and the participant's approved case plan. They update the case plan as needed and make recommendations to the Court for appropriate changes.

d. **Other Direct Client Services:** The case manager ensures participants are linked to services within Waukesha County on an as-needed basis, including: family counseling, education, group counseling and other activities as may be reasonably appropriate to maintain a client in the Drug Treatment Court Program.

e. **Participant Documentation:** The case manager maintains a written record on each participant.

DEFENSE ATTORNEY

Each participant may have their individual attorney attend any and all treatment court staffings that occur prior to each treatment court session, as well as the court sessions.

DISTRICT ATTORNEY

A representative of the District Attorney's Office may attend all court staffings and treatment court sessions. The District Attorney also makes the initial eligibility determination of each participant.

TREATMENT PROVIDERS

The treatment providers have the primary responsibility for educating the participants and helping them deal with their substance abuse issues. They are responsible for ensuring that each participant is provided the treatment that he or she needs.

DEPARTMENT OF CORRECTIONS

A representative from Department of Corrections who supervises participants, attends the team staffing, providing updates on the participants' progress and compliance with their supervision.

THE JUDGE

The Judge plays a continuous role in reviewing treatment progress. The Judge responds to each participant's positive efforts and noncompliant behavior.

a. The Judge presides over the Drug Treatment Court sessions and staffings.

b. The Judge meets weekly with the Drug Treatment Court Team and is actively involved in determining appropriate sanctions and incentives.

OVERVIEW OF PROGRAM-PHASE REQUIREMENTS

	PHASE I 120 Days*	**PHASE II** 90 Days*	**PHASE III** 90 Days*	**PHASE IV** 60 Days*
Court Obligations	-Appear before Judge every 2 weeks *More frequently if non-compliant	-Appear before Judge every 2 weeks *More frequently if non-compliant	-Appear before Judge every 4 weeks *More frequently if non-compliant	-Appear before Judge every 4 weeks *More frequently if non-compliant
Supervision/ Monitoring Requirements	-Random drug testing at least 3 times per week -Meet with case manager at least once every week -Random alcohol testing at least 3 times per week	-Random drug testing at least 2 times per week -Meet with case manager at least once every 2 weeks -Random alcohol testing at least 2 times per week	-Random drug testing at least 2 times per week -Meet with case manager at least once every 2 weeks -Random alcohol testing at least 2 times per week	-Random drug testing at least 2 times per week -Meet with case manager at least once a month -Random alcohol testing at least 2 times per week
Treatment Requirements	-Complete assessment and individualized treatment plan -Attend treatment as identified in the assessment - Attend at least 3 self-help meeting per week - Obtain a sponsor within 30 days	-Attend treatment as identified in assessment -Attend at least 3 self-help meetings per week -Minimum of weekly contact with sponsor	-Attend treatment as identified in assessment -Attend at least 2 self-help meetings per week -Minimum of weekly contact with sponsor	-Develop aftercare plan -Attend AODA recovery group 1 time per month -Attend 2 self-help meetings per week -Minimum of weekly contact with sponsor
Other Requirements	-Determined on an individualized basis -Attend one DTC/HHS Alumni meeting per month	- Determined on an individualized basis -Attend one DTC/HHS Alumni meeting per month	- Determined on an individualized basis -Attend one DTC/HHS Alumni meeting per month	-Pre-graduation conference and exit interview -Attend one DTC/HHS Alumni meeting per month

All program components represent **minimum requirements. Phase length represents minimum time frame required to complete. It is expected that most participants will remain in Drug Treatment Court for 12 months.*

Waukesha County Drug Treatment Court
Phase I Contract

Name _____ Color _____

In addition to the rules listed previously, you will also be required to:

1. Report to your case manager's office in person, at least once per week, and/or as directed by your case manager.
2. Schedule and attend an assessment at HHS within 5 business days of intake.
3. Follow through with all recommendations made by HHS and sign up for the first available program.
4. Submit to random urinalysis and/or breath tests at least three times per week, or as directed by your case manager and/or treatment provider. (See page 15 for the procedure)
5. Attend Drug Treatment Court at least twice a month, or as directed by your case manger. (Please dress appropriately!!)
6. Attend at least three self-help support meetings per week and provide written verification, as directed by the case manager. (See page 16)
7. Obtain a sponsor within 30 days. Contact your sponsor at least once per week and provide written verification, as directed by case manager.
8. Attend **one** DTC/HHS Alumni meeting per month.
9. Participant must stay current with financial obligations, including but not limited to: all court costs, and program fees that apply.

I understand and agree to abide by all conditions and rules of the Phase I Contract. Any violation of these conditions may result in sanctions, incarceration, or expulsion from the program.

I understand that I will follow all conditions outlined in my signed Drug Treatment Court Diversion Contract with the Court.

_____ _____
Participant Date

_____ _____
Case Manager Date

Waukesha County Drug Treatment Court
Phase II Contract

Name _____ Color _____

In addition to the rules listed previously, you will also be required to:

1. Report to your case manager's office, in person once every two weeks, and/or directed by your case manager.
2. Attend substance abuse counseling and/or group sessions as directed by your treatment provider.
3. Submit to random urinalysis and/or breath tests at least twice a week, or as directed by your case manager and/or treatment provider. (See page 15 for the procedure)
4. Attend Drug Treatment Court at least twice each month, or as directed by your case manager. (Please dress appropriately!!)
5. Attend at least three self-help support meetings per week and provide written verification, as directed by your case manager. (See page 16)
6. Continue contact with your sponsor at least once per week and provide written verification, as directed by the case manager.
7. Attend **one** DTC/HHS Alumni meeting per month.
8. Participant must stay current with financial obligations, including but not limited to: all court costs, and program fees that apply.

I understand and agree to abide by all conditions of the Phase II Contract. Any violation of these conditions may result in possible sanctions, incarceration, return to Phase I or expulsion from the program.

_____ _____
Participant Date

_____ _____
Case Manager Date

Waukesha County Drug Treatment Court
Phase III Contract

Name _____ Color _____

In addition to the rules listed previously, you will also be required to:

1. Report to your case manager's office, in person once every two weeks, and/or as directed by your case manager.

2. Attend substance abuse counseling and/or group sessions as directed by your treatment provider.

3. Submit to random urinalysis and/or breath/blood tests at least twice a week, or as directed by your case manager and/or treatment provider. (See page 15 for the procedure)

4. Attend Drug Treatment Court at least once a month, or as directed by your case manager. (Please dress appropriately!!)

5. Attend at least two self-help support meetings per week and provide written verification, as directed by your case manager. (See page 16)

6. Continue contact with your sponsor at least once per week and provide written verification, as directed by your case manager.

7. Attend **one** DTC/HHS Alumni meeting per month.

8. Participant must stay current with financial obligations, including but not limited to: all court costs, and program fees that apply.

I understand and agree to abide by all conditions of the Phase III Contract. Any violation of these conditions may result in possible sanctions, incarceration, return to Phase II or expulsion from the program.

_____ _____
Participant Date

_____ _____
Case Manager Date

Waukesha County Drug Treatment Court
Phase IV Contract

Name _____ Color _____

In addition to the rules listed previously, you will also be required to:

1. Report to your case manager's office in person, once every four weeks, or as directed by your case manager.

2. Attend Drug Treatment Court at least once every month, or as directed by your case manager. (Please dress appropriately!!)

3. Submit to random urinalysis and/or breath/blood tests at least twice a week, or as directed by your case manger and/or treatment provider. (See page 15 for the procedure)

4. Attend at least two self-help support meetings per week and provide written verification, as directed by your case manager.

5. Continue contact with your sponsor at least once per week and provide written verification, as directed by your case manager. (See page 16)

6. Develop an aftercare treatment plan.

7. Attend **one** DTC/HHS Alumni meeting per month.

8. Participant must stay current with financial obligations, including but not limited to: all court costs, and program fees that apply.

9. Other_____.

I understand and agree to abide by all conditions of the Phase IV Contract. Any violation of these conditions may result in possible sanctions, incarceration, return to Phase III or expulsion from the program.

**Formal completion of the Drug Treatment Court Program means you will plead guilty to a lesser charge **

_____ _____
Participant Date

_____ _____
Case Manager Date

COMMENCEMENT REQUIREMENTS

Participants will graduate from the program if the following requirements are met:

1. **NO positive urinalyses and/or breath tests within three months of commencement.**
   - If the participant has a positive urinalyses and/or breathe test within three months of anticipated graduation date, contract will be extended three months from the date of positive urinalysis and/or breath test. Participant must have three months of sobriety in order to graduate.

2. **NO missed urinalysis and/or breath test in Phase IV.**
   - First and second missed urinalysis and/or breath in Phase IV will restart the phase. Any subsequent missed urinalyses and/or breath test in Phase IV will restart the phase and lead to a discharge hearing.

3. **NO missed court dates, treatment sessions, or case management appointments in Phase IV.**
   - The Court reserves discretion to deny graduation and extend the contract if a miss occurs in Phase IV.

4. **Complete all four phases of the program, and approval of the Drug Court Judge.**

5. **Completion of an aftercare plan with the case manager.**

6. **Pay all financial obligations associated with the offenses**
   - **i.e.: SCRAM or drug testing fees, fines, court costs, attorney fees, Huber fees, and treatment and assessment costs.**

7. **Upon graduation, prior participants who have not been sentenced may be subject to continued supervision and drug testing through the WCS Pretrial Supervision Program, as requested by the DTC Judge and team.**

Waukesha County Drug Treatment Court Rules

1. Do not possess or consume any alcohol or drugs. This includes "non-alcoholic" beer, foods cooked with alcohol, and drugs not prescribed to you.

2. NO driving/operating any vehicle without a valid driver's license.

3. You shall not enter or frequent any establishment where the primary function is the sale of alcohol, including bars, taverns and liquor stores without prior consent.

4. Meet with your case manager as directed, and attend all scheduled court sessions.

5. Your case manager can request an immediate urinalysis/breathalyzer at anytime and reserves the right to conduct a scheduled or unscheduled home visit at anytime.

6. Comply with all treatment requirements; including any aftercare recommendations and weekly attendance at self-help meetings. Must attend **one** DTC/HHS Alumni meeting per month.

7. NO use of any medications containing alcohol (i.e. Nyquil and cough medications) or any mouthwashes containing alcohol (i.e. Listerine). Make sure to read labels prior to use. It is your responsibility to be certain that the products you are using do not contain alcohol. Ignorance is not an excuse.

8. Report ALL medications you use to your case manager (including over-the-counter products). You need to report when you are prescribed a new medication, when you get your prescriptions refilled and when you stop taking a medication. You must provide the actual prescription bottle for verification and sign releases for your case manager to contact your prescribing physicians and dentists.

9. Report police contact of **any** sort and follow all probation/parole rules if applicable.

10. Submit work information to be verified by case manager.

11. Comply with all sanctions as a result of noncompliance in the program.

12. Seek permission of the Drug Treatment Court Team prior to making plans to leave town.

13. Comply with the Drug/Alcohol Testing Rules and Procedures.

14. Participants must hold or obtain full-time employment, and/or be enrolled in full or part-time school.

15. Participant must stay current with financial obligations, including but not limited to: SCRAM or drug testing fees when applicable, any fines or court costs, and assessment and treatment fees.

16. You shall have no contact with other members of drug court unless it is in a treatment setting.

YOUR CASE MANAGER NEEDS TO KNOW

1. **Alcohol or Drug Use:** *Any* use of drugs or alcohol needs to be self-reported to your case manager.

2. **Criminal Behavior:** *Any* police contact, including traffic stops, needs to be reported to your case manager.

3. **Employment:** *Any* change of employment status needs to be reported to your case manager.

4. **Money Management:** *Any* debt, fines, court costs (i.e. SCRAM, restitution, child support, probation supervision fees, etc) or other financial problems need to be reported to your case manager.

5. **Personal Relationships:** *Any* relationship issues that may affect treatment need to be discussed with your case manager.

6. **Health:** *Any* physical health or mental health issues that may affect treatment need to be discussed with your case manager.

7. **Prescription Medications:** *Any* medications prescribed for you must be reported to your case manager for verification. You need to report when you are prescribed a new medication, when you get your prescriptions refilled and when you stop taking a medication. Any over-the-counter medications must also be reported to your case manager.

8. **Residency:** *Any* change in address, phone number (change or disconnection) or living arrangements; including roommates; needs to be reported to your case manager.

Drug/Alcohol Testing Rules and Procedure

While you are in the program, you will be assigned various colors that will tell you when to report for testing. Listed below are instructions for urinalysis (UA) collection and Preliminary Breath Tests (PBT). Through cooperation with this program, you can help yourself by proving that you are drug and alcohol free.

Procedure:

1. You are assigned an ID # by your case manager.
2. Call the testing line, **(414) 921-0409 & (866) 207-2911**, each day after **4:00 A.M.** to find out if you are required to report for testing.
3. If you hear "You are required to test today", report to WCS between 7:00 A.M. and 5:00 P.M Monday through Thursday.
   - FRIDAYS 7:00 A.M. to 3:00 P.M.
   - SATURDAYS 7:00 A.M. to 9:30 A.M.

You must be in one hour **before** our office closes. You will be provided one opportunity to provide a specimen **no later** than ½ hour before our office closes

4. If you hear "Do not test today", you do not need to report for testing.
5. Follow the same procedure daily.

Rules:

1. You may be called upon to submit to a PBT or UA at anytime, 24 hours a day, seven days a week.
2. PBT's will be conducted each time you are in the office. Your case manager will not test you unless your mouth is empty. If you have gum, cough drops, chewing tobacco, etc., you will be instructed to wait 10 minutes before testing.
3. Be prepared to provide a urine specimen **EVERY** time you come to the office.
4. **DO NOT** use Nyquil, Listerine, or any other products containing alcohol. Use of such products may result in a positive PBT. This **WILL BE** deemed a failed test.

Positive Drug Tests: WCS offers the opportunity for participants to challenge the results of positive drug tests through a confirmation process. WCS adheres to strict chain of custody protocols to ensure the integrity of all samples collected and sent out for further testing. *The cost of the confirmation test is borne by the participant.*

Tampering with Drug-Testing: Tampering with urine or interfering with drug testing, including ingesting substances in an attempt to alter the result, putting something in the urine, providing a sample that is not urine or not from the person being tested or in any other manner is a very serious violation. A diluted or altered specimen will be considered a positive test. Success in the Drug Treatment Court Program depends on a relationship of trust among staff and participants, and participants are expected to be honest and truthful in their interactions with DTC personnel. Therefore; tampering offenses may result in termination from the program.

PARTICIPANT ACKNOWLEDGEMENT OF the DRUG TESTING COLLECTION PROTOCOL

The reliability of drug testing is dependant on the integrity and accuracy of the collection process along with the chain of custody of the sample. Staff realizes that drug testing can be an invasive procedure. However, strict adherence to the following collection protocol will ensure reliability and validity of all drug test results.

Participant Preparation for Urine Testing

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 (attached).

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.**
   a. 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 "Shy Bladder" procedure will be implemented.
   b, Children are not to be present during the drug testing process.
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. "Shy Bladder" procedure. 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, and all consumption of fluids will be strictly monitored**. **Participants are not allowed to leave to go to their car, get a drink, smoke, or any other reason.** 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. **NO EXCEPTIONS!**

Sample Collection

1. The case manager will prepare for drug testing, securing the proper forms and labels. The case manager will ask the participant if s/he is taking **any prescription medication.** This will be noted in the hard file, and all **prescriptions must be verified**.

2. The case manager will ask the participant if they are ready to provide a specimen and will escort the participant to the designated bathroom, while maintaining all drug testing documents in their possession.

3. Staff collecting the sample will verify the identity of the person to be tested by asking their name and date of birth. **Participants MUST match the photograph in the participant's file.**

4. Collection staff will enter the collection date, specimen number, last name, first name and date of birth of the participant on the "Drug Testing Collection Log".

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. The participant will thoroughly rinse and dry their hands **immediately** prior to testing. **This activity will be observed by collection staff.**

8. Collection staff will secure and wear gloves at this time and ensure that the toilet has been flushed prior to sample collection.

9. Collection staff will ask the participant to inspect the package to make sure it is sealed.

10. 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).

****Collection staff will ensure the collection of an unadulterated sample by monitoring the collection of the specimen.**
**** There will be no talking during the collection of the specimen!**

11. 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.

12. 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.

13. The participant will be instructed to dress, flush the toilet and wash their hands.

14. 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.**

15. The date and the offender ID number 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.

16. Participants will be asked to wait in the designated area for release to their case manager to return to the program office for the supervision appointment.

17. If collection staff believes an adulterated sample has been submitted, the participant will be required to submit a new sample.

18. If the specimen is diluted, the participant is instructed to remain in the waiting room and to provide a new specimen. The participant MUST wait an hour before providing a new specimen. The results of the second specimen are reported to the Court. In the event the second specimen is diluted, no additional specimens will be collected and those results reported to the Court.

19. All positive specimens will be placed in a secure (locked) container and collected for transport to the secure storage site on a frequent basis. **All positive samples will be stored in the designated, locked refrigerator on-site at the Waukesha office for 10 days.**

20. After the testing process is completed, the participant MUST wait to meet with 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 24 hours of the participant receiving notice of the positive result.**

2. When a test is positive and participants have presented verified prescriptions, the only way WCS can verify the positive result is due to a prescription is through a confirmation test. If a participant declines a confirmation test, the result is reported as positive and details the verified prescription(s).

3. The participant is responsible for informing their attorney of their intent to challenge the drug test result.

4. The participant and/or their attorney must notify the assigned case manager if a confirmation test is being requested within 24 hours of the positive result. The case manager will then notify the WCS Drug Testing Lab of the challenge and request for confirmation.

5. The participant will be responsible for **pre-paying for the confirmation test ($25/test) and that fee MUST be paid within 48 hours of the positive 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 of 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. Energy drinks, 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.

8. **CBD Oil:** It is possible to test positive for marijuana after using CBD oil/products depending on the purity of the products. To avoid this issue, participants must refrain from using CBD oils and products.

SECOND HAND MARIJUANA SMOKE

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/her self from that situation.***

Participant Preparation for Saliva Testing

The reliability of saliva drug testing is dependent on the integrity and accuracy of the collection process along with the chain of custody of the sample. Strict adherence to the following collection protocol will ensure reliability and validity of all drug test results. Saliva testing will be conducted on Saturdays only and is not permissible as an alternative to a urine test at any other time during your supervision.

1. No food or beverage, including water, will be allowed in the testing area.
2. You must wait a minimum of 15 minutes after the consumption of food or beverage before the saliva test is administered.
3. You must be tobacco free, including electronic cigarettes and chewing tobacco for a minimum of 15 minutes prior to testing.
4. There will be no talking during the *collection* process. You must stay in direct view of the case manager conducting the test until the sample is secured in the testing cup. If you leave during the testing process the test will be recorded as a refusal. Participants should expect the *complete* testing process to last approximately 15-20 minutes.
5. If you test positive for a substance, other than a substance you have a valid script for, you will be required to provide another specimen with a confirmation test swab.

I, _____ (FULL name) acknowledge that my case manager thoroughly reviewed the above procedures for drug testing. I understand and agree to comply with all above procedures as an active participant of the WCS Pretrial Program in accordance with my court ordered conditions of release. I understand that failing to sign this document will be reported to the Court.

Participant: _____ Date: _____

Witness (Case Manager): _____ Date: _____

PARTICIPANT ACKNOWLEDGEMENT OF THE SALIVA DRUG TESTING COLLECTION PROTOCOL

The reliability of saliva drug testing is dependent on the integrity and accuracy of the collection process along with the chain of custody of the sample. Strict adherence to the following collection protocol will ensure reliability and validity of all drug test results. Saliva testing will be conducted on Saturdays only and is not permissible as an alternative to a urine test at any other time during your supervision.

Participant Preparation:

6. No food or beverage, including water, will be allowed in the testing area.

7. You must wait a minimum of 15 minutes after the consumption of food or beverage before the saliva test is administered.

8. You must be tobacco free, including electronic cigarettes and chewing tobacco for a minimum of 15 minutes prior to testing.

9. There will be no talking during the *collection* process. You must stay in direct view of the case manager conducting the test until the sample is secured in the testing cup. If you leave during the testing process the test will be recorded as a refusal. Participants should expect the *complete* testing process to last approximately 15-20 minutes.

10. If you test positive for a substance, other than a substance you have a valid script for, you will be required to provide another specimen with a confirmation test swab.

I, _____ (FULL name) acknowledge that my case manager thoroughly reviewed the above procedures for drug testing. I understand and agree to comply with all above procedures as an active participant of a WCS Program in accordance with my court ordered conditions of release. I understand that failing to sign this document will be reported to the Court.

Participant: _____ Date: _____

Witness (Case Manager): _____ Date: _____

Self-Help Support Meeting Rules

1. Attend the required self-help support meetings weekly (two to three times per week depending on current phase) throughout the entire program. You are encouraged to attend 12-step meetings, such as AA, NA, HA, MA or CA; however, you can also attend other self-help support meetings, such as SMART Recovery, Celebrate Recovery or SOS (Save Our Selves).

2. The required self-help meetings must occur on separate days of the week. You may attend more than one meeting in one day; however, these will not full-fill the required weekly self-help meeting requirements.

3. You must attend at least **one** DTC/HHS Alumni meeting per month. This may full-fill one of your weekly attendance requirements.

4. Fill out the self-help group attendance slips completely with the group name, location, date, time and secretary's name, signature and phone number. Also, include any contact you have had with your sponsor during that week. Your responses for categories 'How I was helped' and 'How I helped others' need to be a minimum of two sentences. Slips which are not filled out completely will not be accepted and will be given back to the participant to finish filling out.

5. **Slips are due by 5:00 P.M. each Monday.** Turn in your self-help group attendance slips on a weekly basis. Any meetings attended after 5:00 P.M. on Monday will be turned in the following week. Failure to turn in your self-help attendance slips on a weekly basis will likely result in a sanction.

6. You can turn slips in via the following methods:
   - In person at WCS
   - Fax to 262-544-9456
   - Email to kgusse@wiscs.org, jstyka@wiscs.org, tweis@wiscs.org, kkrepel@wiscs.org and saustin@wiscs.org
   - Mail to WCS Drug Treatment Court
     414 W. Moreland Blvd Room 200
     Waukesha, WI 53188

7. If you fax or email your slips, you need to hold onto all of the originals. You are expected to be able to provide the hardcopy to staff if requested at any time while you are in the program.

8. Obtain a sponsor or temporary sponsor within 30 days of beginning Phase 1 and contact them weekly throughout the entire program. You will not be promoted to Phase 2 until you have found a sponsor or temporary sponsor. Record your weekly contact with your sponsor on the Self-Help Group Attendance Slips.

PROGRAM COMPLIANCE AND NONCOMPLIANCE

As with any Drug Treatment Court, a participant's progress is measured through his or her compliance with the treatment regimen. The ultimate goal of the Drug Treatment Court is complete abstinence from alcohol and illegal drug use. Drug Treatment Court rewards compliance and sanctions noncompliance.

Treatment providers, the Judge and other program staff maintain frequent, regular communication to provide timely reporting of progress and noncompliance, enabling the Court to respond immediately. Responses to compliance and noncompliance are explained verbally and provided in writing to the Drug Treatment Court participants at orientation. Periodic reminders are given throughout the treatment court process.

Individual treatment providers will establish their own policies and procedures as to when noncompliance reports will be submitted to the Court and other Drug Treatment Court team members. Treatment providers **must** provide timely notification and/or reports to the Drug Treatment Court Team.

Behaviors that MUST be reported as noncompliance include, but are not limited to: failure to attend self-help support groups, failure to attend relapse group, failure to provide a urine specimen and/or breath for testing, a positive drug screen and/or breath test, providing a diluted specimen, tampering with a SCRAM bracelet, absences that are not excused, failure to do required sanction, failure to report police contact, and failure to attend individual or group counseling sessions, new arrest, as well as Drug Treatment Court sessions.

A positive breath, urine or blood test for the presence of alcohol or drugs or a confirmed consumption on SCRAM will be considered a probable cause violation of the absolute sobriety requirement. A sanction for noncompliance will be imposed. A participant, however, may request a hearing to challenge the finding of non-compliance.

The Judge is the ultimate authority for sanctions and incentives concerning Drug Treatment Court participants.

Incentives

Incentives which MAY be used to reward compliance:

- Encouragement and praise from the Drug Court Judge and Staffing Team
- Promotion to the next phase
- Certificates of completion
- Case called early during court sessions (Early Bird)
- Longer time between court appearances
- Reduced meetings with case manager
- Gift Cards (restaurants, grocery stores, etc.)
- Using imposed and stayed sanctions when appropriate, at the discretion of the Drug Court Judge, in order to recognize a participant's overall positive performance
- VIP Box

Sanctions/Therapeutic Interventions

Sanctions/Therapeutic Interventions which MAY be used:

- Warnings and admonishment by the Drug Court Judge in open court
- Time in jail with or without Huber
- Start current phase over or extend time spent in a current phase
- Phase demotion
- Increase frequency of court appearances and/or office visits
- Increase frequency of breath tests and/or urinalysis
- Increase intensity of treatment and/or re-enroll in treatment
- Increase self-help support meetings
- Community service hours
- Writing assignments
- Electronic Monitoring System/SCRAM
- Individually tailored sanctions

When sanctions MAY be imposed:

- Driving without a valid license
- Using alcohol or other controlled substance
- Missing urinalysis, providing a diluted specimen, and/or providing a fraudulent specimen
- Missing and/or being tardy for case management, court, or treatment appointments
- Missing and/or being tardy for testing when color is called
- Behavior inconsistent with a commitment to meeting Drug Treatment Court goals
- New arrests for any kind of offense

The following may result in *termination* from the program:

- Committing a violent crime, or the DTC becoming aware of behavior that is violent or threatening to the safety of others as defined by the standards of the Bureau of Justice Assistance (BJA)
- Co-occurring disordered individuals whose mental illness is so severe to prevent active and full participation in the DTC program
- A demonstrated lack of capacity or willingness to engage in treatment or comply with program requirements
- Continuing criminal activity while under the supervision of the DTC
- Acts of violence while under the supervision of the DTC, which includes any violence, or threats of violence, in the participant's home, place of work, or at treatment centers/programs

Participant Contract

1. I fully agree to participate in the Waukesha County Drug Treatment Court Program.
2. I agree to participate in all phases of the program as recommended by my case manager.
3. I understand that if I am referred to a treatment group, I will be involved in the group discussions and agree to actively participate.
4. I agree to abide by the Deferred Prosecution Agreement and all directives and decisions given by the Judge and the staff.
5. I understand that no violence or threats of violence or inappropriate conduct is allowed at Wisconsin Community Services and that legal prosecution will result from such actions.
6. I understand that all program participation information will be shared with the Drug Treatment Court Team, District Attorney, Defense Attorney, Treatment Providers and Department of Correction Agent if currently on probation.
7. I understand that I must stay current with all of my financial obligations, *including but not limited to*: any applicable SCRAM or drug testing fees, and other financial obligations related to involvement in the Drug Treatment Court.
8. As a condition of the program, WCS will be verifying all prescription medication. I hereby agree to bring my prescription medication in when asked. Your WCS Case Manager will ask to inspect the content of the prescription container. Should you refuse to comply you may be ineligible for continued program participation.

Search and Urinalysis Policy

I hereby give permission to Wisconsin Community Service staff to search my personal belongings while I am on WCS property, if I am suspected of carrying contraband. I hereby waive any constitutional objection to any such search and claim for invasion of privacy in connection with such searches.

I understand that as a participant in the Waukesha County Drug Treatment Court Program, I will be required to provide breath and urine specimens for analysis and that all positive results will be reported to all involved parties, i.e. Drug Treatment Court Judge, District Attorney, Defense Attorney and Department of Corrections Agent, if currently on probation.

_____ ____/____/____
Participant Signature Date

_____ ____/____/____
Case Manager/Witness Date

CLIENT RIGHTS STATEMENT

As a client in the Waukesha County Drug Treatment Court program through Wisconsin Community Services, Inc., you have certain rights.

First, you need to know that a qualified provider may consult with other experts on treatment issues. You are encouraged to discuss your progress in this program at any time with your provider. Unless you are court ordered or are here as a condition of your probation/parole, you may end treatment at any time.

You are entitled to receive information about the methods and approaches of the program you are enrolling in. You will be an active participant in the development of your treatment service plan. You may also seek consultation from another expert regarding the appropriateness of this program for you.

You need to know that the information you give us during your treatment is legally confidential except as required by law. This confidentiality is regulated by state law, and for individuals in substance abuse programs, also by federal law. Information about your treatment and your case can only be released upon your written request/consent. It may be that you have been ordered to attend this program or that attendance is a condition that a progress report must be sent to your agent. If this is the case, and if there is a condition that a progress report must be sent to your probation/parole agent, then you must sign a written consent for such information to be released. Your provider will provide this consent form for you.

There are exceptions to the law of confidentiality. These exceptions are as follows: if there is a "threat of harm" to self or others; the person is of imminent danger to self or others; there is suspicion of child abuse; or if an individual is considered to be gravely mentally disabled. In these cases a provider, by professional ethics and state statutes, is obligated to protect the individual or others. In any situation, they must be reported to the Department of Social Services in the county where the abuse is suspected.

You need to know that sexual contact between a client provider is not a part of any recognized therapy or rehabilitative process and is never seen as acceptable under any circumstance or condition. Sexual intimacy between client and provider is illegal and should be reported to the appropriate grievance or professional licensing authority.

I have been informed of my provider's professional credentials, training and experience. I have also read the above information and understand my rights as a client.

_____ ____/____/____
Participants Signature Date

_____ ____/_____/____
Case Manager Signature Date

GRIEVANCE PROCEDURE

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

Step One – Informal Discussion

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

Step Two – Complaint Investigation and First Decision:

If no resolution is obtained through Step One, within 45 days of the incident, the person making the complaint should fill out a written complaint form and send it to the coordinator. The coordinator will study the complaint, make an investigation, and report the findings to the WCS Program Director. The program director will make a formal written decision within seven days and send it to the client.

Step Three – Hearing and Administrative Decision:

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

Step Four – Final Hearing and Decision:

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

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

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

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