

Clark County Recovery Court

POLICIES AND PROCEDURES MANUAL



**517 Court Street, Room 400
Neillsville, Wisconsin 54456**

Phone: (715) 743-6704

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INTRODUCTION

In August 2019, Clark County committed to the planning and implementation of the Clark County Recovery Court Program, an adult drug treatment court, to assist participants who are struggling with substance use disorder issues as a substantial factor in their criminal behavior. The Program is a judicially monitored, intensive program that incorporates rehabilitation services and community supervision. The treatment court concept is based on an advanced program that was first developed in Miami, Florida in 1989 and has since received national attention as an effective treatment strategy for individuals involved with the criminal justice system with a substance use disorder.

Treatment courts are built upon a unique partnership between the communities of the criminal justice system as well as treatment providers. In May 2021, a group of Clark County stakeholders attended the Wisconsin Association of Treatment Court Professionals State Conference where they learned how to incorporate the Adult Drug Court 10 Key Components into the design of the Clark County Recovery Court Program. The Clark County Recovery Court represents the collaborative effort of criminal justice stakeholders working together to break the cycle of substance abuse and criminal behavior, ensuring the safety of the community while restoring the lives of those struggling from substance use disorder.

Unique problems and opportunities arise when working with a criminal offender with substance use disorder, which is why treatment and rehabilitation strategies must be “reality based.” It is imperative that treatment court programs recognize and understand the dynamics of substance use disorder among participants. For instance, a high number of individuals with substance use disorder are most susceptible to treatment or intervention when they are in the crisis of an initial arrest or incarceration, making it important to intervene at the onset of the criminal activity or court proceedings.

Substance use disorder is a debilitating and devious condition so treatment must be long-term and wide-ranging. Substance use disorder seldom happens in isolation and other serious problems, such as mental illness or vocational or educational struggles, are common so treatment will include a combination of other available resources and services that are available to the offender. The Clark County Recovery Court Program provides individuals the opportunity to change life circumstances and embrace recovery. This is accomplished by comprehensive assessment and treatment (substance use and mental health), intensive supervision, random drug testing, regular court appearances, and immediate sanctions and incentives. Other components of the program include assessment for participation in other programming, participation in community support groups, obtaining employment or pursuing education, and participation in pro-social activities. Honesty and individual accountability are at the foundation of the program.

The Clark County Recovery Court Program fully integrates evidence-based practices through the use of an actuarial risk assessment in its delivery of services and works in collaboration with community providers for substance use disorder treatment and ancillary services. The unique position of the Clark County Recovery Court as a partnership between the communities of the criminal justice system and treatment providers allows all team members to be involved with the offender’s progress throughout his or her participation in Recovery Court. Constant communication between all individuals involved with the offender is extremely important for the participant to have the most benefit from treatment. Cognitive behavioral programming and enhanced mental health services are inherent pieces of the program. The program is a minimum of 13 months and is divided into five major phases. Movement

through phases is based on accomplishment of goals and requirements. The Recovery Court understands behavior change is difficult and will work with participants accordingly. Depending upon the progression or regression of the individual, sanctions and incentives will be vital to the Recovery Court strategy. By providing coordinated interventions for substance use disorder with judicial oversight, the likelihood of re-arrest for any offense decreases, resulting in safer communities and reduction in crime.

Mission Statement

The mission of the Clark County Recovery Court is to reduce recidivism and the social and economic costs of criminal activity through a judicially supervised, collaborative treatment and recovery program that is focused on participant accountability, empowering participants to achieve lifelong recovery from substance use disorder, and improving the lives of participants, their families, and the community.

Goals

The Clark County Recovery Court has the following primary goals:

1. Reduce recidivism rates for nonviolent offenders in the program and increase public safety.
2. Reduce prison and jail populations by diverting nonviolent offenders to community-based interventions.

Methods for Achieving Goals

Goal 1: Reduce recidivism rates for nonviolent offenders in the program and increase public safety.

- Deliver evidence-based cognitive behavioral programming and substance use disorder treatment to participants in the context of intensive case management and community supervision.
- Encourage participant engagement in recovery supportive behaviors through the judicious use of incentives and sanctions.

Goal 2: Reduce prison and jail populations by diverting nonviolent offenders to community-based interventions.

- Admit individuals who are high-risk, high-need, and non-violent for whom substance use contributes to criminal behavior to Clark County Recovery Court.
- Support engagement and accountability by providing participants opportunities for ongoing judicial interaction.
- Ensure efficient and equitable access to the Recovery Court program for eligible individuals.

History

The Clark County Criminal Justice Coordinating Council (CJCC) was created via an ordinance passed by the Clark County Board of Supervisors March 2021 to improve the effectiveness and efficiencies of the local criminal justice system. Through the work of the CJCC, a proposal was written to create the Clark County Recovery Court and an application for Treatment Alternatives and Diversion funding was submitted September 2021 to the Wisconsin State Department of Justice. In January 2022, Clark County was awarded funding to start the Recovery Court Program. Implementation occurred throughout 2022.

RECOVERY COURT ORGANIZATION AND STRUCTURE

Criminal Justice Coordinating Council

The Clark County Board of Supervisors passed an ordinance approving the creation of a Clark County Criminal Justice Coordinating Council (CJCC) to improve the effectiveness and efficiencies of the local criminal justice system in March of 2021. Responsibilities of the Clark County CJCC are as follows:

- Develop local criminal justice policies designed to strengthen public safety, reduce recidivism, and improve offender and system accountability by strengthening the criminal justice system through the promotion of evidence-based practices, risk reduction programming, and implementation of effective strategies for crime prevention, diversion, rehabilitation, and community-based alternatives to confinement.
- Investigate and disseminate information about effective and innovative criminal justice-related programs and services available at the state and county levels, including treatment alternatives, diversion initiatives, and specialty courts (i.e., treatment or recovery courts).
- Collect and analyze criminal justice data in order to proactively identify what factors are driving criminal justice costs/demands and to determine more effective strategies to deploy criminal justice resources.
- Provide recommendations to the Clark County Board of Supervisors and other governing bodies regarding funding sources for the criminal justice system and identify programs or services where greater cost-effectiveness and efficiencies could be achieved.
- Promote the evaluation of new and current criminal justice policies with the consideration given to the impact of current laws on public safety, policies, and program effectiveness on crime reduction, recidivism, prison and jail populations, and overall criminal justice costs.
- Identify areas in which improved collaboration and coordination of activities and programs would increase the effectiveness and/or efficiencies of services by eliminating duplication, filling service gaps, and improving the quality of services provided within the local criminal justice system.
- Explore, identify, and actively pursue funding options and criteria for the development and implementation of specialty courts.
- Engage in other activities consistent with the responsibilities of the CJCC.
- Upon request, submit a report to the County Board of Supervisors on the CJCC's work.
- Create subcommittees as deemed necessary to engage other stakeholders and members of the public to participate in subcommittee activities.

The CJCC reports to the Clark County Board of Supervisors Executive Committee and is chaired by the Circuit Court Judge. Membership is selected and appointed by the Committee on Committees and includes:

- One Member of the Community Services Board
- One Member of the Executive Committee
- Circuit Court Judge
- Sheriff or designee
- District Attorney or designee
- County Attorney
- Representative from the State of Wisconsin Public Defender's Office
- Representative from the State of Wisconsin Department of Corrections

- Director of Community Services

Given the directive of the CJCC to facilitate, collaborate, and coordinate the delivery of services by the local criminal justice system to maximize justice, effectiveness, and public safety, the Clark County Recovery Court Program falls under its purview. The CJCC provides high-level oversight to the Recovery Court with day-to-day operations falling to the Recovery Court Team.

Planning and Oversight Team

The Recovery Court Planning and Oversight Team will work together to develop, implement, and maintain the Clark County Recovery Court. The Planning and Oversight Team is responsible for development and review of the program model, program policies and procedures, and full program implementation and evaluation. The Planning and Oversight Team shall consist of the following individuals and/or a representative from the following agencies who have full decision-making authority:

- Recovery Court Judge
- District Attorney or designee
- Representative from the State of Wisconsin Public Defender's Office
- Corporation Counsel
- Representative from the State of Wisconsin Department of Corrections
- Recovery Court Coordinator
- Representative(s) from Clark County Community Services Department
- Representative(s) from Clark County Social Services Department
- Sheriff or designee
- Peer Support Provider
- Others as designated by Clark County Recovery Court Judge (e.g., evaluators)

Staffing Team and Roles

The participant will be supervised and supported by the Recovery Court Team, which will consist of at least the following:

- Circuit Court Judge
- District Attorney/Assistant District Attorney
- Public Defender
- Probation Agent
- Representative from Clark County Community Services Department (Treatment Provider)
- Recovery Court Coordinator
- Representative from Clark County Social Services Department
- Law Enforcement Representative
- Peer Support Provider
- Others as identified by the team

The Team meets biweekly to discuss the progress of all program participants. The Team will formulate strategies to support and facilitate the progress of participants through the phases of the program and toward successful outcomes. These staffing sessions will offer an opportunity for information sharing and allow team members to hear perspectives on a program participant from multiple disciplines and point of views. These meetings lead to new and innovative strategies for addressing the supervision and treatment needs of participants. The Team will make

recommendations to the Judge regarding the application of incentives to reward progress or the imposition of sanctions for noncompliant behavior based on the Recovery Court Behavior Response Guidelines (*Appendix 1*). The Team also reviews the Recovery Court Admission Staffing Report (*Appendix 2*) for individuals determined to be program eligible and discusses the merits of the applicant(s) for admission to the program.

Recovery Court Judge

The Judge is the central figure in the operation of the Recovery Court program. Research shows that the judge is a powerful symbol of the law-abiding community and the criminal justice system. It is essential that the Judge maintain an ongoing judicial interaction with each participant. Although a personal relationship is not appropriate, the Judge will develop a closer rapport with participants in Recovery Court than in the usual courtroom atmosphere.

The Judge will maintain a regular and frequent Recovery Court calendar and will preside over status hearings to monitor the progress of participants. The Judge will maintain a positive, non-adversarial atmosphere in the court. The Judge will assure that sanctions and incentives are applied appropriately. The Judge will also arrange for a replacement Judge during times of leave. Furthermore, the Judge will serve as an advocate for the Program in the community.

The Judge at no time relinquishes the final authority of the proceedings in the courtroom or the decision regarding incentives or sanctions to impose. The Judge will give all participants and members of the Team the opportunity to speak during court proceedings. The Judge has the discretion over the order of appearance of the participants and the imposition of incentives and sanctions.

The Judge will consider all input from members of the Team, respectfully considering their views, and understanding that the Program is a multidisciplinary Program.

District Attorney/Assistant District Attorney

The District Attorney will ensure that community safety concerns are met and will participate fully as a Team member. The District Attorney will review cases for potential acceptability into the program, should potential participants meet eligibility requirements. The District Attorney will contact collaborative agencies, such as law enforcement and the Department of Corrections, and will obtain victim input and comply with victim notification requirements. Furthermore, to effectuate the goals of early entry, the District Attorney agrees to consider early disclosure of police reports upon request. The District Attorney agrees to a “no-use” policy on information received during staffing or on information disclosed by the participant to the Team or the Court (e.g., the District Attorney agrees not to charge out drug possession charges based solely on admission by participants of drug use). However, the District Attorney may make recommendations for termination and new charges, such as bail jumping, in order to balance community needs and therapeutic outcomes. During status hearings, the District Attorney will operate in a non-adversarial manner, promoting a sense of a unified team presence. The District Attorney will ensure participant understanding of sanctions and present rewards to recognized participants. The District Attorney will name a replacement for the Team during absences.

Public Defender

The Public Defender will review cases for potential suitability for the Program, including meeting with potential Recovery Court participants to evaluate their interest and acceptability into the program. As a Team member, the Public Defender will assist in determining fair and appropriate

sanctions while maintaining a non-adversarial relationship with the Team. For participants considering the Program, the Public Defender will provide education about the court, ensuring that participants are advised of and understand their legal and due process rights, including those rights that will be waived upon entry into the Program. The Public Defender will advise participants on their legal rights, legal options, program conditions, and potential termination outcomes. The Public Defender will participate fully as a Team member, including participating at status hearings in a non-adversarial manner at status hearings, thus promoting a unified Recovery Court Team presence. Finally, the Public Defender will collaborate with community legal service providers to address civil legal needs arising from or related to military service or trauma (e.g., family, citations, driver's license recovery, housing, disability).

Probation Agent

The Department of Corrections will assign an agent to be the primary agent to the Program. The agent will be responsible for providing the appropriate level of supervision for all participants placed on probation and participate as a full Team member. The agent will report back to the Team on progress of participants as they are monitored and supervised. The agent will assist in connecting individuals to community resources. The agent also agrees that when probation violations occur, those violations will, when possible, be brought to the Team for discussion. It is recognized that some violations will require immediate sanction. The agent, when possible, will take into consideration the views of the Team when responding to probation violations.

Community Services Department

The role of Clark County Community Services will be to provide substance use disorder diagnostic evaluations and treatment for those referred to Recovery Court. Community Services will be the treatment liaison for Recovery Court participants, which includes determining treatment level based on level of care criteria, maintaining and monitoring substance use disorder treatment, and making resources available to participants. The assigned Community Services Recovery Court provider will actively participate as a full Team member, including providing information regarding Recovery Court participants' progress to support informed decision-making, maintaining up-to-date records of participant performance, ensuring that the participant receives the most appropriate level of care available at a reasonable cost, and creating a treatment environment that is encouraging and restorative.

Recovery Court Coordinator

The Recovery Court Coordinator provides oversight for the day-to-day operations of the Recovery Court. The Coordinator will also monitor whether the program is adhering to the Clark County Recovery Court Policies and Procedures and meeting its short- and long-term goals and objectives. The Recovery Court Coordinator is the person primarily responsible for coordinating appropriate services for participants, keeping up-to-date information on each participant, and briefing the Team on the progress of each participant and any issues in the Team staffing. The Coordinator will be responsible to the Team for the following:

- Evaluate Program referrals and ensure the eligibility determination process is complete before scheduling a case for admission staffing.
- Provide orientation to new participants while identifying individual needs, which could include the medical, psychological, vocational, social, familial, and daily living spheres.
- Conduct regular meetings with participants to discuss progress within the Program.
- Coordinate substance abuse assessment.

- Coordinate all participant activity from the time of assessment/screening to termination/graduation within the Recovery Court.
- Collect data on all aspects of participant activity and report results to Recovery Court Team as required; maintain data for statistical Program evaluation.
- Coordinate and ensure collection of all drug and alcohol testing samples and report drug testing results to the Team.
- Create weekly reports to present to Recovery Court Team at staff meetings with other Team members and recommend participant rewards/sanctions based on participant performance.
- Create and maintain participant case files and case plans, including continuity of care and aftercare portfolios.
- Provide referral information to participants as needed using well-developed personal network of community contacts.
- Monitor payment of Program fees, fines, and restitution and advise the Team of each participant's compliance with the financial components of their treatment protocol.
- Assist participants with exploration of funding sources for treatment and other programming when county assets are unavailable or inadequate.
- Serve as an active member of the Team and work closely with the Judge and other Team members during staffing and court hearings to ensure policies are followed, participants' needs are addressed, and Program standards are met.
- Maintain appropriate documentation to support compliance with federal, state, and local laws; collect and monitor data outcomes; prepare reports, as necessary, and oversee Program evaluation.
- Network with community agencies and develop relationships with stakeholders throughout the community through speaking engagements, participation on various committees and boards, and utilization of media resources.

Social Services Department

The Clark County Social Services Department representative(s) will participate as needed and share information regarding participant progress related to involvement with Social Services. This typically will include co-involvement with Child Protective Services or Adult Services.

Law Enforcement Liaison

As members of the Team, liaisons from the Clark County Sheriff's Office will assist in coordinating with all law enforcement agencies in Clark County to provide assistance in monitoring compliance of participants. They will further assist in attempting assure appropriate measures are used in the monitoring of participants. Additionally, they will provide information regarding the suitability of candidates and participate as a full member of the Team during staffing and status update hearings. The law enforcement liaison agrees not to arrest a participant for possession or use disclosed during a Recovery Court session but will follow-up on warrants issued by the court.

Peer Support Provider

The peer support provider (recovery coach and/or peer specialist) will draw upon their lived experience with substance use disorder to provide peer support services to all Recovery Court participants and encourage connections to the recovery community and pro-social activities. The peer support provider will participate as a partial member of the Team and report on participant progress toward recovery.

All Team Members

All Team members will be responsible for providing liaison duties between the Court and their respective agencies. All Team members agree to provide education and training to the Team in their individual areas of expertise. All Team members agree to continuing education in the treatment court area. All Team members agree to maintain the strict confidentiality of information obtained during the course of their work with the Court, consistent with policies, procedures, and waivers. All Team members agree to dedicate their time and effort to achieve the goals of the Recovery Court. All Team members agree to be a liaison with the community and try to build support and relationships for the Recovery Court. All Team members agree to arrange for back-up support for the Team during absences.

PROGRAM PLAN

Model

The Clark County Recovery Court is designed to provide individuals the opportunity to address their substance use disorder and move beyond criminal behavior. It is a court-ordered program, with entrance occurring post plea/adjudication. The program will have distal and proximal goals toward abstinence and is intensive in nature. Requirements include mandatory substance use treatment, random drug/alcohol testing, regular court appearance, case management meetings, and attendance at support and/or mutual aid groups (e.g., AA, NA, CA, SMART). Participants will also be expected to obtain employment and/or pursue educational opportunities, participate in pro-social activities, and pay program fees.

Recovery Court is a minimum of 13 months and divided into five phases. Movement from phase to phase is contingent on the completion of phase requirements. An application process is utilized for phase movement and graduation.

Target Population

The target population includes Clark County residents 17 years of age or older with a felony or repeated misdemeanor drug offense or drug-related offense for whom substance use is a major contributor to criminal behavior. Such individuals must voluntarily agree to abide by the court's rules and accept responsibility for their actions with a guilty plea. Court participation may also be offered as an Alternative to Revocation (ATR). Eligible individuals must be assessed as with a moderate to severe substance use disorder and be considered high-risk, high-need.

Eligibility Criteria

All potential Recovery Court participants will be screened for substance use disorders, residency, and offense status for consistency with Recovery Court eligibility upon referral. Race, gender, religious affiliation, creed, color, sexual orientation, and national origin will not be considered when determining his or her eligibility. Similarly, co-occurring mental health and/or medical diagnoses or use of FDA-approved medications for substance use disorder treatment will not preclude participation (Wisc. Stat. §165.95(cd), 165.95(cg)). Offenders eligible for Recovery Court must meet **all** of the following criteria:

- The offender is a Clark County resident of at least 17 years of age at the time of admission to the Program. Any subsequent change of address must be approved by the Team.
- The offender has been placed on probation following a finding of guilt for a criminal offense relating to the use of abuse of any controlled substance or illegally obtained prescription

medication (e.g., felony drug offense or drug-related property offense, repeated misdemeanor drug offenses) (Wis. Stat. §165.95(3)a)).

- The offender is not a “violent offender” (Wis. Stat. §165.95(3)c)). A “violent offender” means a person to whom one of the following applies (Wis. Stat. §165.95(1)):
 - 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; OR
 - 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.
- The offender is diagnosed with substance dependency or substance use disorder with a need for clinical treatment by a qualified, dually certified substance abuse counselor and mental health therapist.
- Is classified as “high risk” via ORAS-CST assessment, which refers to the likelihood that an offender will not succeed adequately on standard supervision, and will continue to engage in the same behavior that got him or her into trouble in the first place. Among the risk factors are the following: current age < 25 years; delinquent onset < 16 years; substance abuse onset < 14 years; prior rehabilitation failures; history of violence; antisocial personality disorder; psychopathy; familial history of crime or addiction; and criminal or substance abuse associations. When appropriate those classified as “moderate-high risk” and high needs will be considered for admission and reviewed by the Team.
- Is classified as having a “high need” via ORAS-CST assessment, which refers to experiencing, in the past year, six or more of the following factors because of substance abuse: loss of control, unable to cut down on substance use, craving, giving up on other activities, increased tolerance, intensified withdrawal symptoms, unfulfilled school/work and family obligations, interpersonal problems, involvement in dangerous situations, and medical problems.
- The offender voluntarily agrees to abide by the terms of the Recovery Court Program.
- The offender is subject to a minimum of 18 months’ probation.

Defendants enter Recovery Court after the plea and the sentence is pronounced. They may also enter Recovery Court as an alternative to revocation if they are subject to an additional 18 months’ probation. Those with pending criminal cases in multiple jurisdictions may be considered for Recovery Court.

The potential participant is informed of his/her options and the minimum and maximum sentence if not processed through Recovery Court. The potential participant must provide a release of information for the Recovery Court Team.

Disqualification Criteria

Some potential participants may be disqualified from Recovery Court. Felony assault and weapons offenses will preclude an individual’s ability to participate in Recovery Court. Potential participants who have been charged with sexual assault, child abuse, or violent crime will not be allowed to participate in Recovery Court. People who have been charged with a drug offense, but do not have a clinically diagnosed substance use disorder will not be allowed to participate in the Recovery Court.

Referral, Screening, and Entry Process (excluding Judge): Sentenced to Recovery Court

An adult who is arrested for an eligible offense will undergo the following process in the criminal justice system:

Step 1: A potential participant, found guilty of or charged with a criminal offense and meeting the eligibility requirements can be referred by: Department of Corrections, Community Services Department, Social Services Department, Defense Attorney, Law Enforcement, and District Attorney.

Step 2: Upon receipt of a referral, it will be forwarded to the District Attorney's Office for initial review. The District Attorney's Office will note any objections and for the referral for an assessment by the Coordinator.

Step 3: The Coordinator will conduct a screening assessment of the ORAS-CST risk assessment for the referred offender. The Coordinator will complete an admission staffing report and schedule staffing to review the case for admission into Recovery Court.

Step 4: The Team will consider the information provided by the Coordinator in a closed session and will make a recommendation to either accept or deny the candidate. The Judge will make the ultimate decision on admission or denial of the candidate.

Step 5: A pretrial conference will be scheduled and conducted by the Defense Attorney and representative from the District Attorney's Office. Plea and resolution options will be discussed depending on the candidate either being admitted or denied into Recovery Court. Placement on probation is a required component for Recovery Court. Once a resolution has been made, the matter will be scheduled for a plea and sentencing hearing.

Step 6: At plea and sentencing, the agreement will be placed on the record before the court. The Judge will have full discretion to accept or deny the plea offer. The court will retain its full sentencing discretion constitutionally conferred to it under Wisconsin Law as outlined in Chapter 973 and related statutory provisions despite any recommendations made.

If while on probation a defendant commits a violation whereby the Department of Corrections (DOC) believes an alternative to revocation (ATR) is appropriate, an ATR would be offered to the defendant. The defendant would be required to accept the ATR. The DOC would then refer the defendant to the Recovery Court program as an ATR. The District Attorney's Office would ensure the potential applicant meets eligibility requirements to move forward with the ATR referral. The District Attorney's Office will note any objections and forward the referral for an assessment by the Coordinator, a review will be scheduled and for a recommendation by the Team.

A flowchart of these processes is available in *Appendix 3* of this manual.

Admission Considerations

In determining admission for a candidate, the Team will consider the following:

- The presence or absence of initial program eligibility requirements
- Results of the ORAS-CST assessment
- Results of the substance use disorder assessment

- Results of any other assessments (e.g., mental health)
- Prior participation within a drug/treatment court or program
 - Previous inpatient or outpatient treatment
 - Ability to maintain prolonged periods of sobriety
- Stressors within the candidate's life potentially contributing to recidivism.
 - Personal tragedy
 - Strained or ended romantic relationship
 - Intra-family issues
 - Financial challenges
- The candidate's criminal record and risk to re-offend
 - The number and nature of prior offenses
 - The presence of alcohol and/or controlled substances within prior offense
 - The duration of time during which criminal conduct has occurred
 - Indication of impulsivity and negative decision making
- The candidate's attitude and receptiveness to treatment and intervention
 - Interview with the Coordinator
 - Written pledge to the Team
 - Degree of commitment to treatment
- The candidate's past performance on probation or supervision
 - Prior revocations
 - Alternatives to revocation(s)
 - Probation holds
 - Adherence to prior counseling or treatment regimens
- Support network or prosocial influences for the candidate
 - Family
 - Co-habitants
 - Dating/romantic relationship
 - Positive social contacts
 - Mentors
 - Co-workers
 - Social activities
- Employment history
- Transportation strengths/needs
- Co-occurring needs (e.g., mental illness, medical conditions)

If the candidate is denied entry into Recovery Court, a formal substance use disorder and mental health assessment will not be scheduled. The referring party will be notified of the decision within relative proximity of the decision. There is no appeal process. A candidate can be referred again if new relevant information is found. If new information pertinent to the candidate's acceptance is found, the program Coordinator can be contacted and will decide along with the Team whether the information should lead to a second admission staffing.

The voting members of the Team are the following:

- District Attorney/Assistant District Attorney
- Public Defender
- Probation Agent
- Representative from Clark County Community Services Department (Treatment Provider)

- Law Enforcement Representative

Ultimate decision-making authority rests with the Recovery Court Judge.

Court Hearings and Proceedings

The Clark County Recovery Court calendar will be a specialized, separate court, operating bi-weekly, and on an as-needed basis. It will be dedicated to the evaluation, treatment, and supervision of pending and active Recovery Court participants. Court will be held on **Monday** or as ordered by the court. A closed staffing will occur at **8:00 a.m.**, or as directed by the Judge, with court starting at **9:00 a.m.** All participants must attend at that time, unless excused by the Judge or Coordinator.

The Coordinator will prepare a report for all program participants scheduled for court. This document can be found in *Appendix 4*. During staffing meetings, the Coordinator and Team will report out the progress or any noncompliant behavior by program participants. During the hearing, the Judge will discuss the case with each participant, the Team, service providers, or other persons present. Rewards and/or sanctions will be imposed during this period.

Recovery Court Meetings, Files, and Confidentiality

Recovery Court files are separate and distinct from Circuit Court files and District Attorney's Office files. All Recovery Court files are considered confidential and are not open to the general public. All such files shall be under the sole and exclusive control of the Coordinator. All files shall be maintained in a confidential manner.

Information obtained by the Coordinator or Team members and/or discussed in Team meetings regarding participants' personal information, especially treatment, will be maintained in a confidential manner. Exceptions to confidentiality include:

- General information that does not identify the participant.
- Information relating to a medical emergency or other public safety emergency.
- Information relating to potential criminal conduct, child abuse, or child neglect.
- Information that must be disclosed pursuant to law or court order.
- Information for the purpose of research or audits.

If an exception exists, dissemination of such information should be confined to disclosure necessary to fulfill the professional purpose. Any personal information disclosed in treatment sessions or outside of weekly treatment court sessions should be treated as strictly confidential and not disclosed to anyone outside of the treatment court. It is expected that all participants in the Clark County Recovery Court program will respect the privacy of their fellow participants and therefore keep confidential what private information is learned in the program.

Visitors to Recovery Court Staffing

Visitors may be allowed to attend Recovery Court Staffing sessions. All potential visitors must request permission through the Recovery Court Coordinator to attend staffing at least one week prior to the date they would like to attend. The Recovery Court Team will review all requests. The Coordinator will notify the potential visitors if the request was approved or denied. No visitors will be allowed to enter the staffing session without prior approval of the Team. Visitors will be required to sign a confidentiality agreement at each session. Visitors may be asked to leave staffing at any time.

The Recovery Court Observer Confidentiality Agreement can be found in *Appendix 5* of this manual.

Treatment Services and Definitions

Outpatient Services (Level 1): Designed to treat an individual's level of clinical severity and functioning related to substance use at less than 9 hours of clinical contact per week. Services address major lifestyle, attitudinal, and behavioral issues that have the potential to undermine the goal of wellness and recovery or inhibit the individual's ability to ameliorate negative symptoms and cope with major life tasks. This level of care encompasses professionally directed screening, in-take evaluation, biopsychosocial assessment, diagnosis, treatment planning, treatment (individual or group interventions/therapy), relapse prevention, and after-care (ASAM, 2013; DHS 75.13 (1)).

Intensive Outpatient Services (Level 2.1): Designed to treat an individual's level of clinical severity and functioning related to substance use generally from 9 to 19 hours per week. Services address major lifestyle, attitudinal, and behavioral issues that have the potential to undermine the goal of wellness and recovery or inhibit the individual's ability to ameliorate negative symptoms and cope with major life tasks. This level of care encompasses professionally directed screening, intake evaluation, biopsychosocial assessment, diagnosis, treatment planning, treatment (individual and group interventions/therapy), psychiatric and medical needs, relapse prevention, and after-care (ASAM, 2013).

Residential Services (Level 3.5): Designed to treat an individual's level of clinical severity and functioning related to substance use in a planned and structured regimen of care in a 24-hour residential setting which typically lasts 7 to 28 days. Services address major lifestyle, attitudinal, and behavioral issues that have the potential to undermine the goal of wellness and recovery or inhibit the individual's ability to ameliorate negative symptoms and cope with major life task. This level of care encompasses 24-hour medical and treatment staff in which there are both medical and treatment screenings, intake evaluations, assessments, diagnosis, treatment planning, treatment (individual and group interventions/therapy; medical treatment if necessary, on a limited basis; and case management services), family education, relapse prevention education, and continuing-care services (ASAM, 2013; DHS 75.11 (1)).

The treatment services above are listed from least restrictive to most restrictive. Best practice indicates that participants are to enter treatment services at the least restrictive level possible that meets the participant's needs.

Terminology

Withdrawal Syndrome: The onset of predictable signs and symptoms following the abrupt discontinuation or rapid decrease in dosage of a psychoactive substance (ASAM, 2013; DHS 75.02 (95)).

Withdrawal Management (Detox) Services (this is not a treatment level of care; however, this can be done in conjunction with treatment): A medically monitored inpatient service that provides 24-hour nursing and physician care along with other hospital recourses to monitor and manage severe withdrawal symptoms (ASAM, 2013; DHS 75.06 (1)).

Relapse: A process in which an individual who has established abstinence or sobriety experiences a recurrence of signs and symptoms of active addiction, often including resumption of the pathological pursuit of reward and/or relief through the use of substances and other behaviors (ASAM, 2013).

Co-Occurring Disorder: Concurrent substance use and mental disorders. The use of the term carries no implication as to which disorder is primary and which is secondary, which disorder occurred first, or whether one disorder caused the other (ASAM, 2013; DHS 75.02 (24)).

Recovery: A process of sustained action that addresses the biological, psychological, social, and spiritual disturbances inherent in addiction. Actions lead to reversal of negative, self-defeating internal processes and behaviors, allowing healing of relationships with self and others (ASAM, 2013).

Managed Care Programs

Comprehensive Community Services (CCS): CCS is a program that provides support to individuals of all ages to address their unique needs related to mental health and substance use. CCS case management is intended to assist individuals who are not inpatient residents.

Community Support Program (CSP): CSP is a program that provides coordinated professional care and treatment within the community for adults with serious and persistent mental health needs. CSP is designed to meet an individual's unique personal needs, reduce symptoms, and promote individual recovery goals. CSP case management is tailored to meet a person's needs ranging from minimal to intensive care/treatment.

Family Care: Family Care is a long-term program for adults with physical, developmental, and/or intellectual disabilities and frail elders. Individuals in this level of care will receive services that promote independence in a least restrictive environment. Family Care integrates long-term care services and all health services into one inclusive benefit.

These managed care programs can be accessed via a screen through Clark County Community Services and can provide support for qualifying individuals while in the Recovery Court Program and after discharge from the program.

PROGRAM RULES AND REQUIREMENTS

The following are requirements for participation in the Clark County Recovery Court Program. This list is not necessarily inclusive.

Main Requirements

1. Attend all court hearings (unless given permission by the Judge or Coordinator to be absent).
2. Attend all treatment and counseling sessions (unless those sessions are cancelled by the provider).
3. Appear and provide a sample for all random drug and alcohol testing and comply with all substance use testing procedures.

General Rules

1. Be honest. Honesty is an essential element and foundation of the program. If a relapse or a violation of a rule occurs, the participant must self-report this to the Coordinator at the earliest opportunity. Honesty regarding new use will impact the court's response to behavior.
2. Attend all appointments (unless excused).
3. Comply with all phase requirements.
4. Sign all requested release of information forms.
5. Abstain from use of illicit drugs and alcohol at all times.
6. Participants may use medication-assisted treatment as prescribed for treatment of substance use disorder.
7. Do not violate the law.
8. Inform any law enforcement officer they encounter that they are a participant in the Recovery Court program. The participant must report the contact to the Coordinator.
9. Place of residency is subject to court approval.
10. Keep the Team apprised of current telephone number and address. Report any changes immediately.
11. Cooperate fully with home visits.
12. Participants are responsible for anything in their possession, their car, or their home.
13. Participants agree they will not be in an environment where drugs or alcohol are used.
14. Do not associate with individuals that use or possess drugs.
15. Disclose any significant relationship(s) they are in upon entry into the program. This is a continuing obligation. The Team wants the participant to be involved in healthy relationships. Significant relationship is defined as any person with whom the participant spends time on a regular basis.
16. Treat everyone with respect.
17. Cooperate fully with the Recovery Court Team.
18. Comply with all testing procedures.
19. Participants must notify their medical professional(s) that they are a participant in Recovery Court.
 - a. Provide medical professional with disclosure form for signature and return to Coordinator.
20. Notify the Coordinator of the following:
 - a. Any visit to any medical facility.
 - b. Any prescribed or over-the-counter medications they are taking.
 - c. Any medications taken or given in the case of a medical emergency, as soon as possible.
21. Comply with random medication counts.
22. Take only prescription medications prescribed to you and as prescribed, including dosage and method of ingestion.
23. Except for the occasional use of an over-the-counter product for relief of a temporary ailment (headache, cold, etc.), participants must obtain approval from the Coordinator before using any non-prescription substances, such as dietary aides, herbal supplements, etc. Permitted over-the-counter products must be used as specified on the directions. Alcohol-based products must be avoided.

At any time, the Clark County Recovery Court Judge can order additional requirements for an individual participant or all participants, depending on the circumstances.

PROGRAM PHASES

The Clark County Recovery Court is not solely a sobriety court. The goal of the court and program is to guide participants with a variety of needs toward recovery, using an evidence-based and holistic approach. This section highlights program components and phases that all participants in Recovery Court will be required to participate in and/or complete.

Phase 1: Stabilization

This phase is a minimum of **30 days in duration**. In this phase the participant will start the stabilization and acclimation process. They will be expected to learn to manage their physical and psychological withdrawal symptoms as they relate to their substance use. In this phase they will be required to engage in formal treatment.

- Requirements in this phase:
 - 14 consecutive days substance free as measured from their sobriety date as evidenced by negative drug testing.
 - Full participation in the random drug testing schedule as ordered.
 - Familiarity and understanding of the requirements of the program and general compliance with the policies and procedures of the Recovery Court and with community-based supports.
 - Full engagement in substance use disorder treatment based upon assessed level of need.
 - Participants should engage in 10 hours of structured recovery activities per week in this phase.
 - 100% attendance at treatment is expected.
 - Active engagement with Recovery Court Team in the development of their case plan with realistic and measurable goals.
 - Informal support system should be identified and included in their case plan. (e.g., family, friends)
 - Participation in regular reviews of their case plan with their treatment Team. During this review they should:
 - Recognize their successes.
 - Identify barriers in meeting their goals.
 - Modify their plan as needed.
 - 100% attendance at office contacts (weekly) with the Coordinator and probation agent is expected.
 - Only verified excused absences will be accepted.
 - Honesty regarding new drug use, new police contacts, and changes in circumstances is expected.
 - No new arrests rising to the level of probable cause as determined by the District Attorney or designee.
 - Bi-weekly court appearance before the Recovery Court Judge (unless excused by the Team due to participation in a residential treatment program).
 - Completion of the Recovery Court Orientation session.
 - No fee payment is required to move to Phase 2.
 - If all these conditions are met, then a participant is eligible for Phase 2 and the **Application for Phase 2** can be submitted.

Phase 2: Clinical Care and Recovery

This phase is a minimum of **90 days in duration**. In this phase the participant will be fully immersed in the treatment process and taking an active role in understanding their substance use disorder. They will begin to make personality and lifestyle changes to avoid relapse and continue down their road to recovery. They will be required to examine their behaviors and thought patterns as they relate to their actions that led them into the criminal justice system.

- Requirements in this phase:
 - 30 consecutive days substance free as measured from their established sobriety date as evidenced by negative drug testing.
 - Full participation in the random drug testing schedule as ordered.
 - 100% attendance at office contacts (weekly alternating) with the Coordinator and probation agent is expected.
 - Only verified excused absences will be accepted.
 - Full engagement in substance use disorder and/or mental health treatment based on current level of need.
 - No participant should have less than 10 hours of structured recovery activities per week in this phase.
 - 100% attendance at treatment is expected.
 - Only verified excused absences will be accepted.
 - 100% attendance in ancillary services as identified and incorporated into their treatment and case plan.
 - Recovery coach and/or peer support specialist
 - Demonstrated progress in treatment as well as beginning development and use of social and recovery skills.
 - Continued participation in regular reviews of their case plan with their treatment Team.
 - Honesty regarding new drug use, new police contacts, and changes in circumstances is expected.
 - No new arrests rising to the level of probable cause as determined by the District Attorney or designee.
 - Bi-weekly court appearance before the Recovery Court Judge.
 - Development of a budget, fee payment plan, and restitution payment plan (if applicable).
 - Phase 2 program fees in the amount of \$100 must be paid for phase advancement.
 - If all these conditions are met, then a participant is eligible for Phase 3 and the **Application for Phase 3** can be submitted.

Phase 3: Integration, Community Transition, and Relapse Planning

This phase is a minimum of **90 days in duration**. In this phase the participant will be expected to effectively utilize their recovery skills to maintain sobriety within their natural community and be self-sufficient. They will begin looking at employment, job training or educational options. They will begin to identify other life changes that will help them maintain their sobriety; these include addressing self-defeating behaviors, addressing past trauma, psychological issues, cultural barriers, repairing relationships, engaging in health and leisure activities, and planning for the accomplishment of other personal goals.

- Requirements in this phase:

- 45 consecutive days substance free as measured from their established sobriety date as evidenced by negative drug testing.
- Full participation in the random drug testing schedule as ordered.
- 100% attendance at office contacts (weekly alternating) with the Coordinator and probation agent is expected.
 - Only verified excused absences will be accepted.
- Full engagement in substance use disorder and/or mental health treatment based on current level of need.
 - 100% attendance at treatment is expected.
 - Only verified excused absences will be accepted.
- 10 hour minimum per week of documented participation in treatment or recovery work.
 - Community recovery groups (AA/NA/CA)
 - Meeting with a sponsor
 - Mental health treatment
 - Recovery coach and/or peer support specialist
 - Religious studies and activities
 - Spiritual support groups
 - Community service (non-profit agency – preapproved by Coordinator)
 - Advanced practice cognitive behavioral programming
 - Others (must be approved by Coordinator and RC Team)
- Enrolled and attending a required Cognitive Behavioral Program.
 - Moral Reconciliation Therapy (MRT)
 - Dialectic Behavioral Therapy (DBT)
 - Other modality
- Enrolled in vocational, educational, or employment program; or employment obtained (if applicable).
- Continued participation in regular reviews of their case plan with their treatment Team (if applicable).
- Honesty regarding new drug use, new police contacts, and changes in circumstances is expected.
- No new arrests rising to the level of probable cause as determined by the District Attorney or designee.
- Bi-weekly court appearance before the Recovery Court Judge.
- Review of budget, fee payment plan, and restitution payment plan (if applicable).
- Phase 3 program fees in the amount of \$150 must be paid for phase advancement.
- If all these conditions are met, then a participant is eligible for Phase 4 and the **Application for Phase 4** can be submitted.

Phase 4: Maintenance and Life Skills

This phase is a minimum of **90 days in duration**. In this phase you will be expected to maintain the changes you have made and regimes you have established that have led to a sober and crime free lifestyle. You will continue to develop pro-social life skills and demonstrate dependability and reliability. You will be expected to be working toward providing for the basic needs of yourself and family (housing, food, and financial) while meeting program requirements, and demonstrating the ability to cope with adult life challenges.

- Requirements in this phase:

- 60 consecutive days substance free as measured from their established sobriety date as evidenced by negative drug testing.
- Full participation in the random drug testing schedule as ordered.
- 100% attendance at office contacts (bi-weekly with Coordinator, monthly with probation agent) is expected.
 - Only verified excused absences will be accepted.
- 10 hours minimum per week of documented participation in one or more of the following recovery support activities:
 - Community recovery groups (AA/NA/CA)
 - Counseling
 - Engagement in Comprehensive Community Services (CCS) case management
 - Engagement in Community Support Program (CSP) case management
 - Meeting with a sponsor via community recovery group (approved by Coordinator)
 - Mental health treatment
 - Peer Support (Recovery coach and/or peer specialist)
 - Religious studies and activities
 - Spiritual support groups
 - Community service
 - Advanced practice cognitive behavioral programming
 - Journaling
 - Art therapy
 - Music therapy
 - Drama therapy
 - Exercise (as determined and approved by Coordinator)
 - Others (must be approved by Coordinator and Recovery Court Team)
- Enrolled and attending a required Cognitive Behavioral Program.
 - Moral Reconciliation Therapy (MRT)
 - Dialectic Behavioral Therapy (DBT)
 - Other modality
- Enrolled in vocational, educational, or employment program; or employment obtained (if applicable).
- Stable housing or living environment and suitable financial resources.
- Honesty regarding new drug use, new police contacts, and changes in circumstances is expected.
- No new arrests rising to the level of probable cause as determined by the District Attorney or designee.
- Once a month court appearance before the Recovery Court Judge.
- Review of budget, fee payment plan, and restitution payment plan (if applicable).
- Phase 4 program fees in the amount of \$250 must be paid for phase advancement.
- If all these conditions are met, then a participant is eligible for Phase 5 and the **Application for Phase 5** can be submitted.

Phase 5: Continuing Care and Pre-graduation

This phase is a minimum of **90 days in duration**. In this phase you will be expected to maintain the changes you have made and regimes you have established that have led to a sober and crime-free lifestyle. You will continue to develop pro-social life skills and demonstrate dependability and reliability. You will be expected to be working toward providing for the basic needs of yourself and

family (housing, food, and financial) while meeting program requirements, and demonstrating the ability to cope with adult life challenges.

- Requirements in this phase:
 - 90 consecutive days substance free as measured from their established sobriety date as evidenced by negative drug testing.
 - Full participation in the random drug testing schedule as ordered.
 - 100% attendance at office contacts (monthly with Coordinator and probation agent) is expected.
 - Only verified excused absences will be accepted.
 - 10 hours minimum per week of documented participation in one or more of the following recovery support activities:
 - Community recovery groups (AA/NA/CA)
 - Counseling
 - Engagement in Comprehensive Community Services (CCS) case management
 - Engagement in Community Support Program (CSP) case management
 - Meeting with a sponsor
 - Mental health treatment
 - Peer Support (Recovery coach and/or peer specialist)
 - Religious studies and activities
 - Spiritual support groups
 - Community service
 - Advanced practice cognitive behavioral programming
 - Journaling
 - Art therapy
 - Music therapy
 - Drama therapy
 - Exercise (as approved by Coordinator)
 - Others (must be approved by Coordinator and RC Team)
 - Completion of a required Cognitive Behavioral Program.
 - Moral Reconciliation Therapy (MRT)
 - Dialectic Behavioral Therapy (DBT)
 - Other modality
 - Enrolled in vocational, educational, or employment program; or employment obtained.
 - Stable housing or living environment and suitable financial resources.
 - Honesty regarding new drug use, new police contacts, and changes in circumstances is expected.
 - No new arrests rising to the level of probable cause as determined by the District Attorney or designee.
 - Once a month court appearance.
 - Restitution paid or paid to an amount determined to be considered a good faith effort (as determined by the Recovery Court Team) for the benefit of successful completion from the Recovery Court program.
 - Phase 5 program fees in the amount of \$250 must be paid for phase advancement.
 - Participants can work off (\$250.00) of program fees through participation in preapproved community services at a non-profit agency. Community service must be done in 5-hour increments. See section titled Program Fees.

- If all these conditions are met, then a participant is eligible for Graduation and the **Graduation Application** can be submitted.

Graduation

To be eligible for graduation participants must have **90 days of sobriety in Phase 5**. They must also have completed a **minimum of 13 months in the program**. While the Graduation Application outlines items such as a relapse prevention plan, monthly budget, and graduation life plan that must be completed to graduate.

In this graduation life plan they will need to explain the following:

- How they will engage in recovery after completing the program.
 - Include information on their aftercare plan and specify what activities they will be involved in.
 - Include feedback on how the Recovery Court Team can better support people in recovery so that we can continue to make improvements to the program.

Participants will be asked to present to the Recovery Court Team at the final staffing prior to graduation to discuss these bullets and provide their feedback to the team.

PROGRAM TERMINATION

Criteria

It is the goal of the Clark County Recovery Court Program to see all participants through the duration of the program and to successfully graduate whenever possible. The Team recognizes that relapse can occur and will not be sole cause for termination unless it continues to the point that the participant is not working to maintain sobriety. The following items can lead to a motion for program termination:

- Violation of rules of the court and/or directives of the Team.
- Moving out of Clark County.
- Refusal to sign or renew the required releases and waivers, resulting in the Team being unable to follow the progress of the participant.
- Mental stability of the participant becomes such that it is clear they have become a threat to themselves or others, or their mental stability has resulted in disruptive or inappropriate behavior that makes it impossible for them to continue progress through the program, or they have become legally not competent (sec. 971.13).
- Threats of violence to staff or to participants.
- The charge or a conviction of a crime that makes the participant unavailable for a significant period.
- Participant has been charged with or convicted of a crime while a participant in the Recovery Court Program.
- Participant has not responded to sanctions and incentives, and a substantial period of time has occurred without significant progress in the Recovery Court program.
- Participant repeatedly fails to appear for court.
- Participant taints, substitutes, or otherwise tries to falsify a urine sample.
- Participant fails to or refuses to engage in treatment.
- Participant continually fails to show for drug testing.
- Performance in the program is no longer beneficial to the participant.
- Participant's behavior may decrease the credibility of the program.

- Participant's behavior is adversely affecting the likelihood of success for other program participants.

Participants facing termination for the Recovery Court program will have certain due process rights. The Clark County Recovery Court will allow a participant a meaningful opportunity to address the court regarding the proposed termination. Due process rights are as follows:

- The right of notification that program termination has been deemed appropriate and recommended.
- The right to be notified of the grounds for program termination.
- The right to have a judicial hearing to determine if termination from the Recovery Court program will occur.
- The right to have an attorney present at the termination hearing. If the participant qualifies, the Public Defender upon request will appoint counsel. Otherwise, the participant may hire an attorney or apply for court-appointed counsel.
- At such hearing, the burden is on the party requesting termination to present information that has led to the decision to expel the participant from the program. The burden is the preponderance of evidence. Rules of evidence do not apply. Hearsay is permitted although the court will consider the reliability of this information. The participant may present argument against termination and call witnesses. Cross-examination is permitted. The hearing will be held in open court.

Process

Any member (excluding the Judge) of the Recovery Court Team can initiate a discussion regarding termination of a participant. If a discussion regarding termination is taken up, the Judge will excuse herself from any portion of the termination discussion. This discussion will require new information regarding participant behavior justifying the necessity of termination. If through a vote (not including the Judge), the Team finds that the behavior is sufficient to warrant termination, the participant will be advised of the following:

- The grounds for termination.
- The right to a hearing, the right to counsel, and the right to call non-victim witnesses without permission of the court.
- The process by which to request a hearing within 10 business days of notice.

If the Recovery Court Team decides termination is appropriate and notifies the participant of such, and if no request is made for a hearing within ten (10) business days of notice (in court or by letter to last known address), the participant will be deemed expelled. The participant may also advise the court or the Coordinator that they are not contesting the termination. Once the participant has waived their right to a hearing, the court will notify the District Attorney's Office so that traditional court processing can be initiated. Once a waiver is provided, appearance in Recovery Court, drug testing, or other requirements of the program are not necessary.

If a hearing is requested, the court will schedule one separate from Recovery Court proceedings. The hearing will resemble a probation revocation hearing. Information will be presented by the Coordinator. The hearing will be held on the record and any witnesses will be sworn in. If the Judge determines that grounds for termination exist by a preponderance of the evidence, the Judge will then decide if termination is appropriate. The participant will be notified of the findings and conclusion,

the court clerk's minutes will serve as notice of the disposition of the termination request for the case. This information will be provided by the Coordinator.

While the termination hearing is pending the participant is required to continue to follow the rules and policies of the Recovery Court program, this includes substance use testing, contact with the probation officer and Coordinator, and Recovery Court hearings (unless told otherwise by the Team).

Voluntary Removal

With consent of the Team the participant has the right to withdraw from the Recovery Court program.

Administrative Discharge

Administrative discharge may occur in order to discharge a participant from Recovery Court due to the participant's inability to complete through no fault of his/her own. Examples include, moving out of Clark County or a participant is deceased.

CASE MANAGEMENT

All participants of the Recovery Court program will be required to work with the Coordinator for case planning, supervision accountability, and for direct service. The Coordinator will access or complete the Ohio Risk Assessment System Community Supervision Assessment Tool (ORAS-CST) with each participant. Information will be gathered through this risk and needs assessment that includes alcohol and drug use history as well as other criminogenic needs that increase an individual's likelihood of recidivism.

Each participant will continue to work with the Coordinator to develop a comprehensive, individualized case plan that aligns with the ORAS-CST findings. This case plan will be reviewed and effectuated through agreement between the participant and the Coordinator. The case plan will include client strengths and how they can use them to be successful in the program, areas of needs and treatment or programming required to reduce or mitigate those needs, conditions set by the Recovery Court program, personal goals, and responsibility needs identified that need to be addressed at the onset of programming to provide effective intervention to the participant.

The Coordinator will initially meet with participants on a weekly basis in addition to the required twice weekly at minimum random substance use testing. As the participant progresses through the program, contact will decrease and as indicated in the description of Program phases. The Coordinator is responsible for attending and providing written reports of case management progress at staffing and Recovery Court hearings (*Appendix 4*).

The Coordinator will utilize a wide variety of community resources to assist participants in increasing their stability and meeting case management goals. Community resources include collaborating with social service organizations, housing agencies, workforce development agencies, and adult continuing education. The Coordinator will work with participants to ensure they are structuring at least 32 hours of their week in community service, work, education, and other approved activities. The Coordinator will be trained in one-on-one behavioral interventions such as Carey Guides and BITS and will utilize behavioral change groups such as MRT that are offered to participants after primary treatment is completed.

DRUG AND ALCOHOL TESTING

Drug and alcohol testing is one of the most important components to program integrity. The tests must be frequent, random, observed, and credible; accuracy is essential. The Recovery Court Program uses urine and saliva testing to measure a participant's progress in the program and hold that person accountable to the requirements of the program. Alcohol testing is done using Portable Breathalyzer Testing (PBT). Frequency of testing will not change throughout the program.

Participants will be given a color and will be required to call the drug testing line daily between 8:15 AM and 9:15 AM (715-743-5111). If their color is called, they will be required to report for drug testing that day. Drug testing days will be Monday through Friday during hours set by the program Coordinator and will fall between business hours of 8:15 AM and 4:30 PM. Drug testing days are subject to change with the approval of the Planning and Oversight Team.

Drug testing is conducted via urinalysis (UA) and oral fluid (OF) testing and occurs in the Clark County Courthouse. Participants will follow instructions provided on the call-in line. These instructions will provide important information for the client regarding who to check in with for testing. The Coordinator and other staff completing drug testing receive regular training on proper testing procedures. All urinalysis/oral fluid tests are observed. All participants are given an individualized panel drug screen with a range of substances that they will be tested for. At any time, substances tested for can be modified without notice to the participant.

If the client fails to call in or to report for urinalysis/oral fluid testing, they will be reported as missing their test for that day and will receive a consequence such as being considered a positive test, missed test, or refusal.

After check-in for drug testing, each participant will be given 30 minutes to provide a UA/OF sample for testing. If a client arrives less than 30 minutes to the end of testing and fails to provide a sample by the end of testing it will be documented as a refusal. If a client cannot provide a sample for testing, it will be considered a refusal and will result in appropriate sanction(s). Participants are made aware that they must report to the testing center prepared to provide a sample for testing each time. Each participant has the option of self-disclosing any alcohol/drug use prior to testing.

The chain of custody process for urinalysis tests are as follows:

1. The observer checks the provided sample for correct temperature range, dilution, and verifies the sample is positive or negative
2. The participant fills out the chain of custody form providing any required information and signs and dates it including the time they reported.
3. The observer signs, dates, and writes down the time the participant reported on the chain of custody form.
4. The participant and the observer sign and date the tamper resistant seal and it is placed on the cup.
5. The sample and paperwork are then placed in a specimen bag which is sealed and stored in a secure container and maintained for a period of 10 calendar days.

Positive Test Results Urinalysis

If a participant admits that the urine will be positive for drugs or alcohol, the process described above will not be followed, and the sample will be dumped. If the participant denies using drugs or alcohol and the test results are positive, the process described above will be followed, and the participant has 10 calendar days to challenge the results. Payment for confirmation testing where the participant denies using will be the responsibility of the participant. The cost for confirmation testing is \$35.00. Sanctions will be imposed for positive tests, diluted samples, tampered samples and missing tests. Improper temperature is considered a tampered sample. See *Appendix 6* for a positive no-admittance lab challenge form.

The chain of custody for oral fluid tests are as follows:

1. The observer checks the sample and verifies the swab test as reading positive or negative and records the result.
2. The participant fills out the chain of custody form providing any required information and signs and dates it including the time they reported.
3. The observer signs, dates, and writes down the time the participant reported on the chain of custody form.
4. The participant and the observer sign and date the tamper resistant seal and it is placed over the cap of the oral fluid collection device.
5. The sample and paperwork are then placed in a specimen bag which is sealed and stored in a secure container and maintained for a period of 10 calendar days.

Positive Test Results Oral Fluid

If a participant admits that the oral fluid sample will be positive for drugs or alcohol, the process described above will not be followed, and the sample will be disposed of. If the participant denies using drugs or alcohol and the test results are positive, the process described above will be followed, and the participant has 10 calendar days to challenge the results. Payment for confirmation testing where the participant denies using will be the responsibility of the participant. The cost for confirmation testing is \$35.00. Sanctions will be imposed for positive tests and missing tests. See *Appendix 6* for a positive no-admittance lab challenge form.

Participants are responsible for what they ingest. CBD oil, all products containing CBD oil, and hemp may contain small amounts of THC that will accumulate in the body after repeated use and may cause positive screening/confirmation test results. With current drug testing methods, it is impossible to distinguish positive THC results from CBD oil use and marijuana consumption. Non-alcoholic beer/wine will not be permitted in the Recovery Court program. See *Appendix 7* for drug and alcohol testing policy that program participants will be required to sign at intake.

HOME VISITS AND POLICE CONTACT POLICY

For Law Enforcement, Probation Agent(s), and Recovery Court Coordinator

Purpose

The Clark County Recovery Court Program is a court that is specifically designated and staffed to handle cases involving participants charged with drug-related offenses through an intensive, judicially monitored program of drug treatment, rehabilitation services, and strict community supervision. Recovery Court welcomes and encourages assistance from law enforcement and corrections in monitoring participant behavior should they encounter any participant.

Consent to Search Waiver

All Recovery Court participants have the understanding that law enforcement, probation agents, and/or the Recovery Court Coordinator will be conducting random home visits and may ask to conduct a search, which includes the warrantless search of their person, vehicle that is under the control of the participant, and residence for illegal drugs, weapons, and other contraband. The agent/law enforcement officer is prohibited from forcibly entering the treatment court participant's residence for a home visit or forcing a search of their person or home. Refusal to allow entry or failure to cooperate with home visits and searches will be considered a violation, which should then be reported to the Recovery Court liaison officer, Recovery Court Coordinator, or probation/parole agent.

Home Visits

A home visit is generally an unscheduled visit by an agent from the WI Department of Corrections – Division of Community Corrections (DCC), a law enforcement officer, or Recovery Court Coordinator to a Recovery Court participant's reported residence. Entry into the residence should be made unless access is refused or if it does not appear that anyone is at home. Staff should use good judgment as to time of day and other circumstances. For instance, if it is late at night and no lights or activity is seen it would be inappropriate to initiate contact, but if lights are on AND other factors indicate unusual activity, contact could be warranted.

If a Recovery Court participant refuses a probation agent, Recovery Court Coordinator, or a law enforcement officer entry into the residence, the Recovery Court participant is to be informed that such refusal is a violation of the Recovery Court program.

During a home visit if there are persons present, identification of those persons should be made. Participants are prohibited from associating with known drug dealers or users, and in some instances have been prohibited from contact with specific persons. After a home visit please e-mail the Recovery Court Coordinator so that positive visits can be tracked, and problematic visits dealt with.

Law Enforcement Specifically

Forced Entry/Forced Sobriety Testing

Forced entry to the participant's home is NOT permitted unless otherwise authorized by law, such as a search warrant or exigent circumstances. Entry refusal shall be reported to your agency Recovery Court liaison officer, Recovery Court Coordinator, or participant's probation/parole agent. All participants are on probation or extended supervision. Coerced or forced field sobriety testing such as PBT by a law enforcement officer is NOT permitted. Refusal to comply with requests shall be reported to your Recovery Court liaison officer, Recovery Court Coordinator, or probation/parole agent.

Rules

All Recovery Court participants must notify any law enforcement officer during contact that they are a Recovery Court participant. Furthermore, all probation, parole, and extended supervision offenders, whether they are a Recovery Court participant or not, MUST disclose their status during ANY law enforcement contact.

Participants may not possess any firearm while in Clark County Recovery Court. The participants must comply with the law as it relates to being a convicted felon and possessing a dangerous weapon. If a weapon is located, please respond according to law, DCC direction, or department policy; if possession is not a law violation, please forward information. Standard rules include 100% sobriety, meaning no drugs, no alcohol, no intoxicants or using behavior of any kind (K2, bath salts, huffing, etc.), and NO BARS. The participant's person and residence are subject to a police search for contraband without cause and a signed waiver is part of their Recovery Court contract. This includes a request to submit to a PBT. As part of this waiver, the Recovery Court program regularly conducts observed urine drug tests, but it is common that participants attempt to avoid detection and alcohol use which can be problematic because the alcohol dissipates very quickly—hence the need for field PBTs. However, forced searches and coerced PBTs are NOT permitted. If a participant refuses to comply with a search or PBT please email the name and circumstances to your Recovery Court Liaison Officer—the Recovery Court Judge will likely sanction them for refusal to comply with your requests. Do not abuse the search waiver. Should you encounter a participant under circumstances that are suspicious, a general rule of thumb is to remind the participant they are subject to search as a Recovery Court participant and ask permission. Do not force the issue should they refuse unless you have other probable cause. It is not the intent of the Recovery Court consent to search waiver to overuse the search authority. It is a useful tool when non-compliant behavior is detected.

Enforcement Options

Seize, document, and inventory any contraband according to your department policy.

Alcohol may be documented and destroyed on scene if consistent with your department policy.

In most cases unless otherwise dictated by law, a law enforcement officer may exercise discretion depending on circumstances whether to make a physical arrest for criminal or ordinance violations and/or contact the DCC for a probation/parole hold. At a minimum, please report all criminal and local ordinance law violations as well as Recovery Court rule violations to your Recovery Court liaison officer, Recovery Court Coordinator, or probation/parole agent.

Bear in mind that all participants are on probation or extended supervision and a call to the after-hours DCC will most likely result in a hold IF they are drinking alcohol, for instance. Use your judgment— self reporting to probation agent or the Recovery Court Coordinator in the morning is usually a viable option for minor offenses.

PARTICIPANT BEHAVIOR

The Clark County Recovery Court will follow a behavior matrix (*Appendix 1*) to help guide its decision-making process regarding responding to participant behavior. This matrix gives the Team guidance in giving incentives for pro-social behavior and sanctions for non-compliant behavior. The matrix provides a range of responses the Team can take to ensure consistency and to select the option that is most likely to aid behavior change for each person involved in the program.

The following lists are composed for the participant to familiarize themselves with behavior that the Coordinator, the probation agent, and the Recovery Court Team will be monitoring and responding to throughout participation in the Recovery Court program.

<p><i>List of Prosocial Behaviors</i> (this list is not exhaustive)</p>	<p><i>List of Potential Responses</i> (by Coordinator, RC Team, or Judge)</p>
<p>Attending Office Contacts Completing Drug Tests Attending Scheduled Treatment Negative Drug Tests/PBTs/SCRAM Readings Honesty Building a Prosocial Support Network Taking Medication as Prescribed Developing a Budget Prosocial Leisure Participation Being On Time Providing Required Documentation Identifying Issues/Needs and Problem Solving Complying with Court Orders Making Restitution Payments Positive Reports from a Third Party Demonstrating Use of Recovery Skills Becoming a Leader in Recovery Activities Active Engagement in Treatment Successful Completion of Treatment Reaching a Major Milestone in Program</p>	<p>Verbal Praise Court Applause Fishbowl Points Fee Reduction(s) Sobriety Benchmark Medallions Books Early Release from Court After Appearance Relief from Court Appearance Certificate of Accomplishment Draw from Fishbowl Person of the Month Expansion of Privileges Phase Up Inspirational Note/Card from Team Member Personalized Recognition in Court</p>

<i>List of Noncompliant Behaviors</i> (this list is not exhaustive)	<i>List of Potential Responses</i> (by Coordinator, RC Team, or Judge)
Missing Office Contacts Missing Drug Tests/PBTs Insufficient/Diluted Drug Test Samples Tampering with Drug Test Failure to Attend/Engage in Treatment Positive Drug Tests/PBTs/SCRAM Readings Tampering with SCRAM Equipment Dishonesty Relationships with Antisocial Individuals Misuse of Medication Failure to Meet Conditions of Contract Excessive Tardiness Failure to Provide Required Documentation Failure to Work on Issues/Needs Failure to Follow Court Orders Violation of Court Orders Negative Third Party Reports No Progress toward Recovery Failure to Notify Parties of Change in Contact Information Failure to Meet Required Recovery Hours Failure to Report Police Contact New Criminal Charge(s) Negative Discharge from Treatment Forgery/Alteration of Document	Increase in Weekly/Daily Activities Increased Substance Use Testing Letter of Apology/Essay Increase in Office Contacts Sobriety Date Reset Phase Up Denied Review of Contract/Conditions Verbal Warning from Team Member Verbal Admonishment from Judge Peer Review Case Staffing Problem Solving Session Cognitive Behavioral Assignment Review Treatment Plan Bring Before the Court Behavioral Contract Attendance at Self Help Group Community Service Jail Sanction Court Date Moved up or Frequency Increased Warrant Issued Jail Sanction SCRAM/GPS Ordered Agreement Amended Termination from Recovery Court

Therapeutic responses are listed and bold in the above list.

Participants facing a sanction as a part of the Recovery Court Program will have certain due process rights. The Clark County Recovery Court will allow a participant to accept a proposed sanction or challenge that sanction. If the participant chooses to challenge a proposed sanction due process rights are as follows:

- The right to notification that a sanction has been deemed appropriate and recommended.
- The right to challenge and request a judicial hearing to determine if the sanction is unjust.
- The right to have an attorney present at the sanction hearing. If the participant qualifies, the Public Defender upon request will appoint counsel. Otherwise, the participant may hire an attorney or apply for court-appointed counsel.
- At such hearing, the burden is on the party requesting the sanction to present information that has led to the decision to sanction the participant. The burden is the preponderance of evidence. Rules of evidence do not apply. Hearsay is permitted although the court will consider the reliability of this information. The participant may present argument against sanction and call witnesses. Cross-examination is permitted. The hearing will be held in open court.

PROGRAM FEES

Every Recovery Court participant will pay a fee to participate in the program. The fees must be paid in full prior to graduation unless other arrangements are approved by the Recovery Court Team. The fees for Recovery Court are:

- Phase 1: \$0
- Phase 2: \$100
- Phase 3: \$150
- Phase 4: \$250
- Phase 5: \$250
- **Total: \$750**

The total cost of Recovery Court is \$750. Participants may complete community service to reduce the fee by up to \$250 (\$10 per hour x 25 hours = \$250). Participants must have approval from the Recovery Court Team in order to work off \$250 of fees with community service. Community service must be done in 5-hour increments and can be banked for the fee reduction in Phase 5. Participants may pay the full cost of Recovery Court at any time; however, fees are not refundable if a participant is terminated from Recovery Court.

The Recovery Court Coordinator will be responsible to keep an accounting of fees paid and community service hours completed by each participant toward their fee obligation. All fees shall be paid by money order (made out to Clark County Recovery Court) or cash and shall be provided to the Recovery Court Coordinator located at 517 Court Street, Neillsville, Wisconsin, Room 400. Participants will be provided with a receipt for every payment. All money collected by the Coordinator will be deposited with the Clark County Treasurer's Office.

The fees paid will be used to purchase and provide program needs (such as transportation assistance, planners), incentives, and rewards. The use of the fees for the previously mentioned purposes must be approved by a majority of the Recovery Court Team and reviewed by the Planning and Oversight Team. Any excess revenue will be used to offset other costs of the Recovery Court in Clark County (substance use testing, treatment, etc.).

At sentencing, participants may also be ordered to pay restitution. Court-ordered restitution and probation fees need to be paid by the time a participant completes *probation*.

RECORD KEEPING AND RETENTION

Record Keeping

It is the intent of the Recovery Court to utilize a dual record keeping system to assure that matters occurring in the courtroom are recorded, while Team staffing and activities related to treatment are recorded, but kept in a confidential manner consistent with the appropriate law. The Court Reporter or designee will utilize For the Record (FTR) to record all Clark County case file hearings. Additionally, the Clerk will enter each Clark County case status hearing into CCAP and only comment on the participant's incentive, sanction, and/or the next required appearance in Court. For participants who are Clark County residents but have non-Clark County cases, the Clerk will submit a form to the county of origin with the above disclosed information.

The Recovery Court Coordinator will update and maintain a separate confidential file on all referrals as well as active and discharged participants. Documents included in that file include, but are not limited to, assessment, diagnosis, medical conditions, mental health information, application, evaluative information on the participant, treatment information, Team notes, and Team case plan. This file will be kept in the Recovery Court office.

Record Retention Policy

Wisconsin State Statute 19.21(5)(c), requires records to be retained for seven years after the date of discharge.

COMPLAINT/GRIEVANCE POLICY

If any participant of the program has concern about actions or comments made by any member of the Recovery Court Team, this process will allow them the opportunity to raise those concerns so that they can be handled in a professional and timely manner.

- Attempt to resolve the complaint with the Team member the complaint is toward.
- If this fails, file a written request for the Team to review.
 - This written request should be submitted within five (5) business days of unsuccessful attempt to resolve the complaint with the Team member the complaint is toward.
 - The Team will respond to the complaint in writing within ten (10) business days of its receipt.
- If you wish to appeal the decision made by the Team, a written request can be submitted to the Judge within five (5) business days of the response.
 - The Judge will respond in writing within ten (10) business days of receipt of the appeal.

The Complaint/Grievance Form can be found in *Appendix 8* of this manual.

GRADUATION POLICY

The Clark County Recovery Court is an integrated and collaborative criminal justice system venture to provide treatment, rehabilitation, and accountability to drug dependent offenders; and to improve the lives of offenders, their families, and the community. As part of the program, participants are required to pay a program fee, which is used toward incentives and graduation gifts and supplies.

The following items will be purchased with Department of Justice (DOJ) Treatment Alternatives and Diversion (TAD) funds and/or program fees for a participant's graduation:

- \$50 gift card to a vender chosen by the participant
- Food or Dessert
- Personalized Award

The total amount will not exceed \$200 per graduate.

Graduation supplies also purchased with TAD funds and/or program fees include:

- Paper plates
- Plastic silverware

- Napkins
- Serving utensils

Appendix 1: Behavior Response Matrix

Recovery Court Response Guide for Violations and Positive Behavior				
Suggested Response	NEGATIVE	BEHAVIOR	POSITIVE	Suggested Response
<p>ACCOUNTABILITY RESPONSES</p> <ul style="list-style-type: none"> •Reset sobriety date •Delay phase up •Review participant contract/program Conditions •Verbal admonishment •Increased communication & reminders •Increase job searches/daily activity •Adjust reporting schedule •Case staffing <p>BEHAVIORAL CHANGING RESPONSES</p> <ul style="list-style-type: none"> •Joint problem-solving sessions •Reflective writing assignment •Reassess counseling/treatment plan •Case management intervention 	<ul style="list-style-type: none"> • Positive drug test/PBT with honesty •Insufficient/Diluted OF-UA sample •Late to appointment/missed appointment •Failure to present required documentation* •Failure to notify parties of changes in address and contact information* •Failure to meet recovery hours •Failure to attend support groups 	<p>L o w</p>	<ul style="list-style-type: none"> •Attendance at all recovery court hearings •Report for scheduled drug tests; be punctual for drug tests and office visits; submit a valid OF-UA •Attend all appointments; arrive on time; notify providers of tardiness or absence; make-up missed appointment in a timely manner •Attend RC orientation/intake •Obtain a sponsor/mentor and/or peer support (recovery coach or peer specialists) •Participate in a positive (sober) leisure activity •Provide requested verifications and medical professional disclosure forms •Work with coordinator or community services to locate secure housing; report address/phone change •Identify issues and needs re: family and other relationships •Identify educational/employment needs •Develop a budget 	<ul style="list-style-type: none"> •Verbal praise and affirmation •Applause in court •Points toward fishbowl •Inspirational card •Written note from team member •Medallion(s) •Book •Other individualized incentives
<p>ACCOUNTABILITY RESPONSES</p> <p>Any low responses plus:</p> <ul style="list-style-type: none"> •Increased reporting schedule •Increase frequency of OF-UA/PBT testing <p>BEHAVIORAL CHANGE RESPONSES</p> <p>Any low responses plus:</p> <ul style="list-style-type: none"> •Revision of treatment plan/relapse prevention plan/case management plan •Peer review •Case staffing •Bring before the court •Execute a behavioral contract •Mandate attendance at self-help groups •Cognitive intervention •Community service 	<ul style="list-style-type: none"> •Failure to report police contact/new arrest •Failure to engage in treatment •Report of unacceptable/disruptive behavior •Entering establishments whose primary function is sale of alcohol or gambling •Failure to perform assigned tasks after court •Continued association with those who use drugs •Missed/refusal or dishonest positive OF-UA or PBT •Failure to adequately address mental or physical health needs** •Failure to comply with restitution plan/budget •Failure to take steps to improve literacy/education/vocational training/employment/obtain income/secure housing* •Presence at businesses that conflict with recovery •Repeated low violations (2+) 	<p>M o d e r a t e</p>	<ul style="list-style-type: none"> •Negative-UA/PBT; no missed, refusal or dishonest positive OF-UA/PBT/SCRAM •Engage in SUD treatment; develop support system; attend support groups •Association with pro-social peers; positive leisure activities; sponsor/mentor •Comply with court orders and directives; submit phase up letters and written assignments •Live in drug free housing •Comply w/restitution/fine/child support payment plan •Positive report from 3rd party •Medication and treatment compliance •Take steps to improve education/vocation and employment skills •Develop plan to address family/marital issues 	<ul style="list-style-type: none"> •Any of the above responses •Certificate of Accomplishment •Fishbowl draw •Person of the Week •Allowed to leave court after personal appearance •Relief from next RC appearance •Expanded privileges under individualized rules (e.g., later curfew, reduced travel restrictions)
<p>ACCOUNTABILITY RESPONSES</p> <p>Any low or moderate responses plus:</p> <ul style="list-style-type: none"> •Immediate notification to RC team •Jail sanction •Earlier court date/bench warrant issued •Revocation/termination from RC •Add GPS Monitoring/SCRAM or additional conditions such as curfew, house arrest no contact order <p>BEHAVIORAL CHANGE RESPONSES</p> <p>Any low or moderate responses plus:</p>	<ul style="list-style-type: none"> •Tampered OF-UA •Violation of GPS conditions/SCRAM •Dishonest positive OF-UA/PBT/SCRAM when on medication assisted treatment •Continued substance use while on MAT •Failure to actively participate in treatment as required by RC •Any new criminal charge(s) •Discharge from/leaving housing/treatment AMA •Discharge from/leaving CBT program (MRT) •Missed court appearance •Violation of no contact order/stay away order/continued engagement in unhealthy relationships •Forgery or alteration of document •Failure to report to JP after negative treatment discharge •Repeated moderate violations (2+) 	<p>H i g h</p>	<ul style="list-style-type: none"> •Demonstrate use of recovery skills, pattern of continued sobriety, active engagement in recovery activities and/or taking a leadership role in recovery activity or prosocial activity •Maintain healthy support system, active engagement in healthy, prosocial activities, peers, and relationships. •Demonstrate good problem solving, coping, and decision-making skills •Maintenance of safe, drug free housing; employment; education and job training attendance •Active participation in mental health counseling; healthy pain management regime; and demonstrate self-efficacy in physical and mental health 	<ul style="list-style-type: none"> •Any of the above responses •Advancement to next phase of program •Decreased frequency/level of reporting •Positive feedback to court •Recognition ceremony in court
<p>* considered a moderate violation for Phase 3 and Phase 4</p>	<p>** includes taking medications as prescribed</p>			

Appendix 2: Clark County Recovery Court – Referral/Admission Staffing Report

Prepared By: Enter Here Date: Enter Here

DEFENDANT SUMMARY

Date: Click or tap here to enter text.
 Referrer: Click or tap here to enter text.
 Type: Click or tap here to enter text.
 Status: Click or tap here to enter text.

Defendant Information Provided:

Name: Click or tap here to enter text.
 DOB: Click or tap here to enter text.
 Address: Click or tap here to enter text.
 Phone: Click or tap here to enter text.

ASSESSMENTS & SCREENINGS RESULTS

Substance Use Disorder Screening/Assessment	Enter treatment recommendations here.
---	---------------------------------------

ORAS CST – Risk Level	Choose an item.
-----------------------	-----------------

ORAS Assessment: Areas of Moderate, High, and Very High Identified Need

Choose an item.	Choose an item.	Choose an item.	Choose an item.
Choose an item.	Choose an item.	Choose an item.	

PENDING CHARGES

Case Number	County	Charge Description	NCD	NCD Reason
Enter	Enter	Click or tap here to enter text. Click or tap here to enter text.	Enter	Click or tap here to enter text.
Enter	Enter	Click or tap here to enter text. Click or tap here to enter text.	Enter	Click or tap here to enter text.

ATR INFORMATION

ATR Case	County of Origin	Maximum Discharge Date
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Charges: Click or tap here to enter text.		

DRUG COURT COORDINATOR COMMENTS

INTAKE SESSION

GENERAL INFORMATION SECTION

The following information is a summary of information gathered by Recovery Court Coordinator [Click or tap here to enter text.](#) during an in-person interview with [Click or tap here to enter text.](#) on [Click or tap to enter a date.](#) This summary is based on the client's self-report regarding lifetime and recent medical, employment, alcohol, drug, legal, family/social and psychiatric involvement and/or problems.

Family Dynamics:

[Click or tap here to enter text.](#)

[Click or tap here to enter text.](#)

Early Childhood/Adolescence & AODA Use:

[Click or tap here to enter text.](#)

Early Adulthood & AODA Use:

[Click or tap here to enter text.](#)

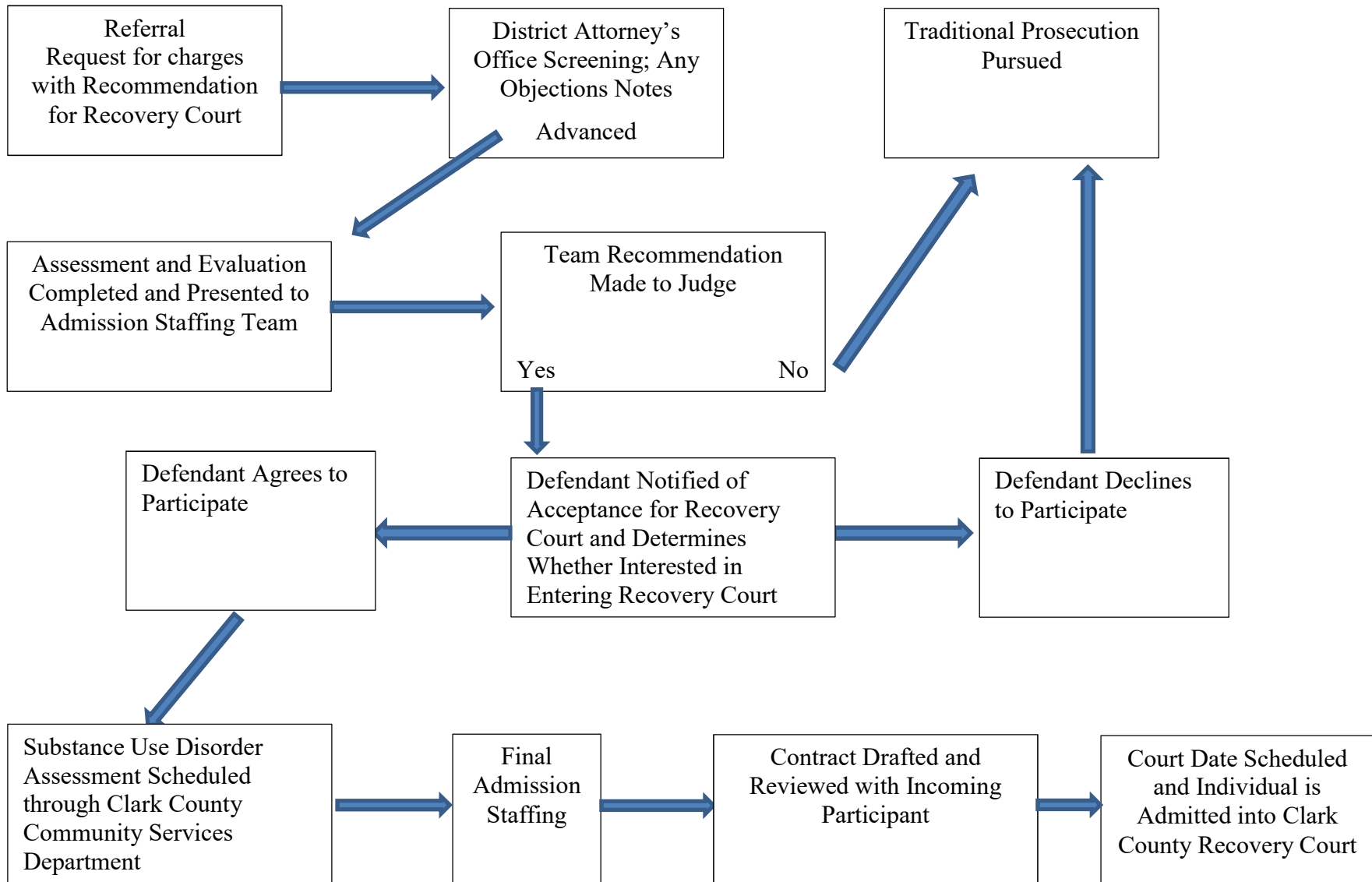
Recent AODA Use:

[Click or tap here to enter text.](#)

Other Responsivity Needs (homelessness, food insecurity, childcare needs, transportation issues, physical health issues, and/or dental issues):

[Click or tap here to enter text.](#)

Appendix 3: Referral and Admission Process Flowchart



Appendix 4: Court Hearing Staffing Report

Date Prepared: 1/21/22

PARTICIPANT INFORMATION

Name:	Click or tap here to enter text.		DOB:	Click or tap here to enter text.	
Address:	Click or tap here to enter text.		Phone Number:	Click or tap here to enter text.	
Employment:	Click or tap here to enter text.				
Case Number(s):	Click or tap here to enter text.		Charge(s):	Click or tap here to enter text.	
Driver's License:	Click or tap here to enter text.		Medical Insurance:	Click or tap here to enter text.	
Medical:	Click or tap here to enter text.		Mental Health:	Click or tap here to enter text.	
Substances of Use:	Click or tap here to enter text.				
Program Entry Date:	Enter	Current Phase:	Enter	Phase Start Date:	Enter
Court Sobriety Date:	Enter	Sober Days:	Enter	Tentative Phase Up Date:	Enter
Last Court Date:		Enter	Next Court Date:		Enter

RECOVERY COURT CONDITIONS (SINCE LAST COURT DATE)

	Amount	Amount Paid	Remaining Balance
Program Fee:	Enter Here	Enter Here	Enter Here
Restitution:	Enter Here	Enter Here	Enter Here
Budget:		Enter Here	

	Meetings Required	Attended	Missed
Probation Contact:	Enter Here	Enter Here	Enter Here
Case Management Contact:	Enter Here	Enter Here	Enter Here
Self Help/12 Step/Sponsor:	Enter Here	Enter Here	Enter Here
Peer Support:	Enter Here	Enter Here	Enter Here

	Name of Treatment Facility/Counselor	Date Started	Required Sessions	Attended Session(s)	Missed Session(s)
Treatment (1 on 1):	Enter Here	Enter Here	Enter Here	Enter Here	Enter Here
Treatment (Group):	Enter Here	Enter Here	Enter Here	Enter Here	Enter Here
MRT:	Enter Here.	Enter Here	Enter Here	Enter Here	Enter Here

SUBSTANCE USE TESTING (SINCE LAST COURT DATE)

Date Tested	Results

BEHAVIOR HISTORY

Prosocial

Date	Prosocial Behavior	Response to Behavior

Non-Compliant/Sanction Log

Date	Non-compliant Behavior	Response to Behavior

Incentive History

Date	Incentive Received	Incentive Reason

CASE MANAGEMENT UPDATES

Click or tap here to enter text.

Appendix 5: Recovery Court Observer Confidentiality Agreement

**Clark County Recovery Court
Observer's Agreement to Keep Confidential Recovery Court Information**

Order

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

Hon. Lyndsey Brunette
Recovery Court Judge
Circuit Court Judge
Clark County

Agreement

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

Signed at Neillsville, Wisconsin this _____ day of _____, 20__.

Observer Printed: _____

Observer Signature: _____

Appendix 6: Drug Test Lab Confirmation Request Form

**Clark County Recovery Court
Request for Confirmation Testing**

Date of Request

Date Specimen Collected

Client Name

Check One:

Client Self-Pay \$35 (cash only) **per substance** to be re-tested

Program Funded Advance approval by Recovery Court Team required

Substances to be re-tested:

- AMP COC mAMP OPI OXY THC
 BZO MTD BARB MDMA BUP Adulteration/Dilution

CLIENT ACKNOWLEDGMENT:

I have requested a GC/MS confirmation test for a non-negative result of a recent substance use test. I understand the \$35 confirmation fee (for each substance) is not refundable for any reason, and that the non-negative specimen will not be forwarded for processing until the non-refundable fee has been paid in full. I also understand test results will be available from the coordinator generally within 2 – 4 business days. However, some test results may take longer. Finally, I understand that all Program Funded confirmation tests resulting in a positive result are subject to me reimbursing Clark County for the cost of the test.

Client Signature

Date

Appendix 7: Drug Testing Policy

PARTICIPANT ACKNOWLEDGEMENT OF DRUG TESTING PROCEDURES IN CLARK COUNTY RECOVERY COURT

All participants of the Clark County Recovery Court are subject to random urine or saliva collection for drug screening. 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 urine collection and drug testing can be an invasive procedure. Strict adherence to the following collection protocols will ensure reliability and validity of all drug test results.

Participant Preparation

1. Because selection for testing is done on a random basis, **all** program participants **must** appear at the testing facility ready to provide a urine sample on days and timeframes their color is called for testing.
2. If a participant cannot provide a urine sample, they will remain in the designated drug testing waiting area until they are able to do so. They will not be allowed to leave and return to provide a sample. 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 Recovery Court.
3. Participants who cannot provide a sample when initially requested will be given a 30-minute window to submit a specimen. They will be required to wait in a designated area and will not be allowed to consume fluids. This window will be timed from their first attempt/request to submit a sample. Failure to provide a sample in this period will be recorded as a “refusal.” Any participant arriving less than 30 minutes prior to the end of testing will be considered a “refusal” if they have not provided a sample prior to the end of testing.

Sample Collection

1. Participants subjected to urine testing 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.
2. 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.
3. For urine testing 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
4. For oral swab testing the collection staff will observe the inside of the participant’s mouth prior to conducting the oral swab test. The collector will provide instruction to the participant on the use of the oral swab and its removal for analysis.
5. Collection staff will ensure the collection of an unadulterated specimen by witnessing the participant urinating into the specimen cup or observing the oral swab test. For urine testing

staff will stand offset from the participant and always observe the participant during the collection process. The client must fill to the minimum fill volume line on the cup (40 ml).

6. When the sample collection is complete, the participant will hand the testing cup or oral swab to the collection staff, who will place the container lid securely on the cup or oral swab apparatus.
7. The participant will be instructed to dress, flush the toilet and wash their hands.
8. If collection staff believes an adulterated sample has been submitted, this will be documented and reported to the Recovery Court Team based on policy, this will be classified as an “adulterated” test.
9. Upon verification of a valid sample, the collection staff will release the participant to the general waiting area. Participants must not leave the waiting area without receiving testing results and being released or given other instruction.
10. All positive specimens will be placed in a secure (locked) container and maintained for a period of 10 calendar days.

Challenges to Accuracy of Test Results

1. Under **no circumstance** will a participant be allowed to submit a “new” specimen based on a claim of lab error. If a participant wishes to challenge the accuracy of a test result, the challenge **MUST** be made within 10 calendar days of the participant providing the specimen that tested positive.
2. The cost of confirmation re-testing is \$35. The participant will be responsible for paying for the confirmation test, **CASH ONLY**, at the time the request is submitted for re-testing.
3. Requests for re-testing may be made through the program Coordinator or the participant may contact their attorney to discuss and challenge test results.

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

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 Coordinator before using/consuming the following products. Use of the products detailed below will NOT be allowed as an excuse for a positive drug or alcohol test. When in doubt, do not use or consume:

1. **Cough and Other Liquid Medications:** Alcohol containing cough/cold syrups such as Nyquil. Other cough syrup brands containing ethyl alcohol. All prescription and over-the-counter medications must be reviewed with your case manager before use. Non-alcohol containing cough/cold remedies are readily available at most pharmacies and major retail stores.

2. **Non-Alcoholic Beer, Wine, and Kombucha**: Although legally considered non-alcoholic, NA beers (Sharps, O'Doul's) contain a residual amount of alcohol that may result in a positive test result for alcohol, if consumed.
3. **Food and Other Ingestible Products**: There are numerous other consumable products that contain ethyl alcohol. Flavoring extracts such as vanilla or almond extract, and liquid herbal extracts (such as Ginkgo Biloba), could result in a positive screen for alcohol or its breakdown products. Communion wine, food cooked with wine and flambé dishes (alcohol poured over a food and ignited such as cherries jubilee, bananas foster) must be avoided. Avoid foods with high levels of poppy seeds in them, poppy seeds can in rare occurrences cause a false positive for opiates and will required confirmation testing.
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.

It is your responsibility to limit your exposure to the products and substances containing ethyl alcohol or ethanol discussed above. It is your responsibility to read product labels and avoid ingestion or use any OTC medications, body care products, and any other personal hygiene products with ethyl alcohol or ethanol listed as either an active or inactive ingredient before you use them. Use of products discussed above will put you in violation of your contract and will not be considered an excuse for a confirmed PBT.

SECONDHAND MARIJUANA SMOKE

A positive test result due to the passive inhalation of second-hand marijuana smoke is not feasible given the conditions necessary to produce the 50 ng/ml level at which the Clark County Recovery Court Program tests. In various studies on passive inhalation, positive results have occurred where individuals were exposed to the smoke of 4-16 marijuana cigarettes in an extremely small, sealed, unventilated area for one hour a day over the course of several days. The conditions were extremely uncomfortable, causing watering of the eyes and irritation to the mucous membrane of the nose and throat. The few positive test results were detected at the 20 ng/ml level which is the most sensitive testing level.

The only study where the results were detectable at the 50 or 100 ng/ml level were a product of hour-long exposure in the above sealed conditions to 16 cigarettes over 6 consecutive days. It is highly unlikely that the extreme conditions necessary to produce ANY positive test (even at the lowest 20

ng/ml level) could be encountered in a real-life situation without, at least, the tacit consent of the participant. **Accordingly, it is the participant's responsibility to remove him/herself from these situations.**

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

Witness: _____ (Coordinator) on _____ (Date)

Appendix 8: Complaint/Grievance Form
Complaint/Grievance Form

Instructions:

Please briefly describe the situation that has led to your decision to file a complaint/grievance.

This form will be presented to the Recovery Court Team and you will receive a response within 10 business days of its receipt.

My Name: _____

Compliant/Grievance Against: _____

Situation:

Response:

Appealed: Yes No

Outcome:

