

DODGE COUNTY CRIMINAL JUSTICE COLLABORATING COUNCIL

July 24, 2018

Minutes

1. **Call to order:** District Attorney Kurt Klomberg called the meeting to order at 3:03 p.m.
2. **Roll call: Members present were:** Sheriff Dale Schmidt, Human Service Director Becky Bell; County Administrator Jim Mielke; Judge Joseph Sciascia, Greg Vollan, Mary Wendel, and Donna Braun.
Others: Carol Carlson Treatment and Impaired Driving County Program Director, Coordinator, Bob Barrington, Amber Lesniak, Wendy Boner, John Olszewski
Absent / Excused: Jeana Meyer and Thomas Nickel
3. **Public Comment:** None.
4. **Approval of Minutes of May 1, 2018:** Motion by Judge Joseph Sciascia, 2nd by Becky Bell to approve the May 1, 2018 minutes as presented. Motion carried.
5. **Determination of Private Social Services Representative for the Council:** Discussion regarding re-appointing Jeana Meyer. Motion by Greg Vollan, 2nd by Judge Joseph Sciascia. Motion Carried.
6. **Report of TAD IDC Program Director:** Discussion held regarding budget, capacity of program, grant funding and current active and termination numbers. Request made for review of budget detail. See Attached Report.
7. **Presentation and Possible Action on Expansion of IDC to include 5th and 6th OWI:** Discussion held regarding report in agenda packet including factors of eligibility and implication of program. Discussion held regarding need for treatment versus public safety. Request to Presenter to obtain information regarding an estimate of potential eligibility numbers for next meeting.
8. **Determine Next Meeting Date:** The next meeting is scheduled for October 16, 2018 at 3 p.m.
9. **Adjournment:** Motion by Jim Mielke, 2nd by Mary Wendel to adjourn. Motion carried.
Time 4:07 p.m.

**CJCC Update
04/01/2018 – 7/15/2018
Submitted by Carol Carlson 07/24/2018**

Current and Pending Participants 04/01/2018-07/15/2018:

Drug Treatment Court:

- 21 Current Participants
- 7 Pending Eligible Participants
- 11 Pending Referrals
- 8 Graduations since 01/01/18
- 4 Terminations since 01/01/18
- 0 Removed/Ineligible- Out of County resident
- 0 Absconders with Active Warrants
- 0 Currently Facing Termination Actions

Impaired Driving Court:

- 14 Current Participants
- 12 Pending Eligible Participants
- 9 Pending Referrals
- 15 Graduations since 01/01/18
- 0 Terminations since 01/01/18
- 0 Absconders with Active Warrants
- 0 Currently Facing Termination Actions

Program Expenditures 2018

Revenues and Expenditures are as follows:

TAP Revenues and Expenses: Annual Revenue: \$100,000

<u>YTD Totals:</u>	<u>Pro-Rated Budget:</u>	<u>Annual Budget:</u>	<u>Unexpended Budget:</u>	<u>Percent YTD:</u>
\$44,466	\$50,000	\$120,768 *	\$55, 534	44.5%

*includes Dodge County match

CJCC Update
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TAD grant Revenues and Expenses: Annual Revenue: \$209,620

<u>YTD Totals:</u>	<u>Pro-Rated Budget:</u>	<u>Annual Budget:</u>	<u>Unexpended Budget:</u>	<u>Percent YTD</u>
\$152,169	\$139,747	\$274,395 *	\$127, 325	54.4%

*includes Dodge County match

April 2018: TAD and IDC Program expenditures for the month of April 2018 came to **\$19,300** paid to Justice Point.

TAD Services: \$15,091

TAP Services: \$4,209

May 2018: TAD and IDC Program expenditures for the month of May 2018 came to **\$20,414** paid to Justice Point.

TAD Services: \$16,217

TAP Services: \$4,197

June 2018: TAD and IDC Program expenditures for the month of June 2018 came to **\$20,154** paid to Justice Point.

TAD Services: \$16,001

TAP Services: \$4,153

Program Changes/Notes:

1. All 4 participants of the first Thinking for a Change class held March 1 through June 4 successfully completed. A new class will begin August 6 with 7 participants enrolled including 5 DTC and 2 IDC participants. An evening class will start on September 11 with 6 participants, including 4 DTC and 2 IDC participants.
2. Graduations: Judge DeVries has held two IDC graduations since the last report. Three IDC participants graduated in May and four in July. The total for the year is currently 15. DTC has graduated eight. We anticipate one more IDC graduation this summer and one DTC graduation. DTC will have a large group graduating in October.
3. The IDC and DTC case managers attended an Ethics and Boundaries training held by JusticePoint in May.

CJCC Update
04/01/2018 – 7/15/2018
Submitted by Carol Carlson 07/24/2018

4. During this next quarter the case managers and the team will be working on starting an Alumni/Mentor Group. We anticipate holding a planning meeting with interested graduates and later phase participants in August.

Draft Only

Proposed Procedure to expedite DTC Admissions:

1. DA paralegal will screen for legal eligibility and disqualifying charges at time of arrest ;
2. DA paralegal will refer eligible persons to DTC;
3. DTC will screen persons in jail (if possible) or soon after release (ideally at Initial Appearance) for risk and need for SUD treatment and inform DA of results
4. A complete assessment with Treatment Court staff should be completed by the preliminary hearing or no later than 2 weeks after the preliminary hearing.
5. Assessment results will be reported to DA and defense attorney immediately following assessment.
6. If eligible, DA will offer DTC at preliminary hearing (or at time of prelim waiver).
7. **Plea to occur within 60 days of the waiver of prelim or bind over of the contested prelim.**

**DODGE COUNTY DRUG TREATMENT COURT
POLICIES AND PROCEDURES MANUAL**



Published Date: October 16, 2018

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DODGE COUNTY TREATMENT COURT MISSION STATEMENT

To enhance public safety, improve lives, and reduce recidivism by addressing addictions of persons charged with or convicted of drug or alcohol related crimes through evidence-based treatment and case management.

DODGE COUNTY TREATMENT COURT HISTORY

Dodge County utilizes adult treatment court programs to reduce the negative impact of impaired driving and alcohol and drug addiction in the community. The Drug Treatment Court (DTC-formerly known as TAD-Treatment Alternative and Diversion Program) and the Impaired Driving Court (IDC-formerly known as ATC-Alcohol Treatment Court) were established in 2015 and are modeled on the evidence-based national drug treatment court design, which has proven to advance public safety, reduce crime, and to improve the health of individuals and the community. Both programs promote recovery through a coordinated response to offenders who are dependent on drugs and alcohol. These goals are achieved through a team approach, and Dodge County continues to achieve success through the collaboration and cooperation of the Dodge County Circuit Court Judges, the Sheriff's Office and other law enforcement, the District Attorney's Office, the State Public Defender's Office, Dodge County Health and Human Services Department, the Wisconsin Department of Corrections and many other community stakeholders.

The DTC Program accepts offenders with nonviolent charges who are assessed to have a high probability to reoffend, and who have a substance use disorder. Participants engage in integrated, evidence-based treatment and intensive case management services to address their addiction and individual issues such as mental health, employment, financial and family needs. Their progress toward sobriety and other program goals are strictly monitored through regular court appearances, case management meetings, and random drug testing.

Since 2015, Dodge County has contracted for case management services with JusticePoint, a Milwaukee based non-profit organization which provides evidence based solutions to criminal justice system concerns. Program staff includes three case managers and one Program Director, who manage approximately 65-80 program participants a year. Dodge County Health and Human Services provides participants with a high level of care and they are afforded counseling and treatment tailored to their individual needs.

Dodge County has continued to enhance services and make improvements to both programs to ensure participant accountability, and to provide participants with effective treatment and criminal justice programming to increase public safety. In 2015, the Wisconsin Association of Treatment Court Professionals developed treatment court standards to improve guidance to local courts in the planning and implementation of treatment courts. The core of these standards is the Ten Key Components published by the U.S. Department of Justice, Office of Justice Programs. This has afforded the Dodge County programs the opportunity to make improvements in some areas to ensure adherence to these standards.

Both programs undergo continuous review through the Criminal Justice Collaborating Council (CJCC) formally adopted by Dodge County in 2014. The Dodge County CJCC has direct authority over both programs. The Council chairperson is currently District Attorney, Kurt Klomberg. The Wisconsin Department of Justice and the Wisconsin Department of Health Services, grant funders for these programs, also provide oversight, guidance and serve as resources. Program performance is continuously monitored and this data is used to make specific program improvements and policy changes.

DODGE COUNTY TREATMENT COURT PROGRAM GOALS AND VALUES

I. Program Goals

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

1. Reduce recidivism among substance using defendants;
2. Provide an effective and accountable community-based alternative to incarceration;
3. Improve public safety;
4. Effectively manage limited criminal justice system resources;
5. Enable participants to sustain a drug free lifestyle and the ability to fulfill their life needs and goals.

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

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

II. Program Values

The work of our team contributes to community needs.

The Treatment Courts help improve family stability and identifies and addresses a range of underlying needs. The team provides a framework for addressing these needs and providing access to necessary services.

Community values reflected in our team's decisions.

The Treatment Courts teams operate with values congruent to our community, promoting the ability for a person to be a self-sufficient productive member of society.

DODGE COUNTY TREATMENT COURT STAKEHOLDERS AND EXPECTATIONS

The team members for the Dodge County Treatment Court includes the overseeing Drug Court Judge, the DTC/IDC Program Director, DTC Case Managers, a District Attorney/Paralegal, a Defense Attorney, a Treatment Provider, a Probation Agent, and a Law Enforcement Liaison. Each member of the team has a role and area of expertise that enhances the program effectiveness.

Prior to each weekly court session, the team reviews the progress of those participants scheduled to appear in court that week. The probation agent and case manager prepare a staffing report that details the progress of participants in the program. The team reaches a professional consensus whenever possible. In the event a consensus cannot be reached, the Judge has the final decision-making authority on case management issues.

A. Drug Treatment Court/Impaired Driving Court Judges

The Judge provides leadership to the Treatment Court Programs and makes final programmatic/participant decisions. The Judge presides over the proceedings and monitors the appropriate application of sanctions and incentives while maintaining the integrity of the court. The Judge will:

- Lead pre-hearing staffing meetings and make final decisions based on collaborative team input.
- Provide encouragement and motivation to each Drug Treatment Court participant.
- Establish a rehabilitative relationship with each participant through intensive interaction during court appearances.

B. DTC/IDC Director

Provides oversight for the day to day operations of the Treatment Court Programs. He or she will also monitor whether the program is meeting its short and long term objectives on the participants, community and the local criminal justice system. The coordinator will:

- Plan, organize, coordinate and monitor the activities of the Drug Treatment Court Program.
- Attend pre-hearing case staffing and hearings in order to evaluate and direct Drug Treatment Court operations and Drug Treatment Court team cohesiveness and understanding of Drug Treatment Court concepts.
- Gather and prepare Drug Treatment Court data for reporting mandates.
- Collaborate with government and community agencies in order to meet programmatic goals and provide effective programming.
- Develop long-term sustainability plan for the program.

C. Drug Treatment Court Prosecutor and Paralegal

Ensures community safety concerns are met. The District Attorney will designate a prosecutor and paralegal to be responsible for Treatment Court eligibility determinations and participating in the Treatment Court hearings. The prosecutor and paralegal will:

- Make eligibility determinations and contact collaborative agencies such as law enforcement and Department of Corrections for input.
- Make determinations for graduations and terminations and new charges.
- In status hearings, will operate in a non-adversarial manner, promoting a sense of a unified team presence.

- Ensure participants' understanding of sanctions and present rewards to recognized participants.
- Maintain recidivism rates on past graduated and terminated participants.
- Run compliance checks on current participants.
- Maintain and run reports as needed.

D. Drug Treatment Court Defense Attorney

Ensures the legal rights of all participants are protected. The defense attorney will:

- Advise the participants of their legal rights, legal options, program conditions, and potential sentencing outcomes.
- Monitor participant progress in the Treatment Court Program.
- Participate in a non-adversarial manner at status hearings, thus promoting a unified Treatment Court team presence.

E. Drug Treatment Court/Impaired Driving Court Case Manager and Probation Agent

The DTC/IDC Case Manager(s) and the participant's Probation Agent collaborate in overseeing the participant's recovery and treatment program.

The Case Manager is responsible for assessing potential participants for eligibility in the DTC/IDC.

The Case Manager and the Probation Agent are responsible for:

- Monitoring and encouraging participants during their program.
- Maintaining participant information.
- Providing the court with current information about client progress.
- Recommending case plan revisions to the court, including incentives for compliance and sanctions for non-compliance.

The Case Manager and Probation Agent also have responsibilities in the following areas:

- Dodge County DTC/IDC Team Staffing:** They are responsible for the preparation of cases for review at the team staffing. In addition, they may, at any time, provide information concerning any participant to the DTC/IDC Judge on a formal or informal basis.
- Referrals:** They refer participants to providers for substance abuse treatment and other services, as determined in the case plan developed by them and approved by the court. They maintain close contact with the treatment providers and monitor the services received by the participants.
- Case Management:** They periodically assess the progress of each participant and the participant's adherence to the requirements of the DTC and the participant's approved case plan. They update the case plan as needed and make recommendations to the court for appropriate changes.

- d. **Drug Testing:** Perform substance testing to determine presence or absence of forbidden substances in participants' bodies.
- e. **Other Direct Client Services:** They ensure participants are linked to services within Dodge County on an as-needed basis, including: family counseling, education, group counseling, and other activities as may be reasonably appropriate to maintain a participant in the DTC/IDC Program.
- f. **Participant Documentation:** They maintain a written record on each participant.

F. Drug Treatment Court Law Enforcement Liaison

Acceptance by law enforcement of the DTC/IDC model is essential for its success. The law enforcement liaison can assist with providing information to law enforcement so that there is acceptance of the DTC/IDC model within the county agencies. The assistance of law enforcement is also essential for monitoring the use of alcohol and drugs by participants.

G. Drug Treatment Court Behavioral Health Division Liaison

The treatment providers on the team have the primary responsibility for educating the other members of the team as to appropriate treatment plans for the participants. They help to ensure that each participant is provided the treatment he or she needs.

DODGE COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL (CJCC)

The initial mission of the Council established in 2014 is to assist and guide the Dodge County Drug Treatment Court (DTC) Programs and Dodge County Impaired Driving (IDC). The Council shall review the DTC and IDC grants, review their expenditures, and assist with the development of their programs to help enable the DTC and IDC Programs to meet their mission. The principal mission of the Council is to improve the administration of justice and promote public safety through planning, research, education, and system-wide coordination of criminal justice initiatives.

The voting members of the Council are:

- A Circuit Court Judge selected by the Dodge County Circuit Court Judges
- County Administrator
- Sheriff
- District Attorney
- State Public defender
- Department of Human Services Director
- Department of Probation and Parole Supervisor for Dodge County
- Member of Law Enforcement Committee or Human Services and Health Board as selected by the Chairperson of the Dodge County Board of Supervisors
- A representative of substance abuse treatment providers selected by a majority of the voting members of the Council
- A representative from a private social services agency selected by a majority of the voting members of the Council

DODGE COUNTY DRUG TREATMENT COURT ENTRY PROCESS

I. Referral Process

Referrals may be made by the District Attorney's office, probation agent, defense attorney, jail program coordinator, treatment professional or the defendant.

Referrals can be made through Dodge County Health and Human Services website at the link below:

<http://www.co.dodge.wi.gov/government/departments-p-z/treatment-alternatives-and-diversion>

Additionally, referrals can also be made to the District Attorney's Office Paralegal at 920-386-3610.

If the Defendant wishes to proceed, a formal assessment will be completed with the Treatment Court Case Manager. All assessment information will be presented to the Treatment Court Team for acceptance or denial to the program. If the Team approves defendant acceptance and the defendant agrees to participate, a plea and sentencing hearing will be scheduled to occur as soon as possible.

The defendant will

- Enter a plea of guilty or no contest to the relevant charges;
- Voluntarily agree to participate in the Dodge County Drug Treatment Court Program and recommended services based on the completed assessment;
- Appear for regular court status hearings;
- Submit to drug and alcohol testing on a random basis;
- Attend scheduled AODA sessions, case management and probation meetings.

NOTE: Entry into the program is the decision of the Treatment Court Team. A defendant does not have a "right" to admission. The decision is made prior to admission to the program.

II. Eligibility Requirements for the Drug Treatment Court Program

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

- 18 years of age or older;
- Dodge County resident upon admission and for the duration of the program;
- Cannot be a violent offender based on Federal definition grant and adopted by Dodge County; ***
- Meet the criteria for drug/alcohol dependence based on the TCU II assessment and must score probable to highly probable for Substance Use on the COMPAS Risk/Need Assessment;

- Score medium to high risk for recidivism based on the COMPAS Risk/Need Assessment;
- Approval from District Attorney’s office to offer the program;
- Voluntarily agree to participate in the Dodge County Drug Treatment Court program; and
- Cannot have an open criminal case with a sentence that conflicts with Dodge County DTC Drug Treatment Court Program.

***Note: “Violent Offender” means a person to whom one of the following applies:

- a. The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm.
- b. The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death.

III. Mandatory Excluding Charges/Convictions Which Bar Program Admission.

******Persons with any of the following convictions regardless of how old is barred from the program.***

940.01 – First Degree Intentional Homicide

940.02 – First-Degree Reckless Homicide

940.03 – Felony Murder

940.04 – Abortion (Exception Under 940.04(5) – See Statute)

940.05 – Second-Degree Intentional Homicide

940.06 – Second-Degree Reckless Injury

940.07 – Homicide Resulting from Negligent Control of Vicious Animal

940.08 – Homicide by Negligent Handling of Dangerous Weapon, Explosives or Fire

940.09 – Homicide by Intoxicated Use of Vehicle or Firearm

940.10 – Homicide by Negligent Operation of a Vehicle

940.11 – Mutilating or Hiding a Corpse

940.12 – Assisting Suicide

940.19 – Battery; Substantial Battery; Aggravated Battery

940.195 – Battery to an Unborn Child; Substantial Battery to an Unborn Child; Aggravated Battery to an Unborn Child

940.20 – Battery: Special Circumstances

940.201 – Battery or Threat to a Witness

940.203 – Battery or Threat to Department of Revenue Employee

940.207 – Batter or Threat to DSPS or DWD Employee

940.208 – Battery to Certain Employees of Counties, Cities, Villages, or Towns

940.21 – Mayhem

940.22 – Sexual Exploitation by Therapist; Duty to Report

940.225 – Sexual Assault

940.235 – Strangulation and Suffocation

940.24 – Injury by Negligent Handling of Dangerous Weapon, Explosives or Fire

940.302 – Human Trafficking

940.305 – Taking Hostages

940.31 – Kidnapping

941.20 – Endangering Safety by Use of Dangerous Weapon

941.296 – Use or Possession of a Handgun and an Armor-Piercing Bullet During Crime

941.32 – Administering Dangerous or Stupefying Drug

941.375 – Throwing or Discharging Bodily Fluids at Public Safety Workers

943.32 – Robbery – Use of Force

946.03 – Sedition

946.43 – Assault by Prisoners

948.02 – Sexual Assault of a Child

948.025 – Engaging in Repeated Acts of Sexual Assault of Same Child

948.04 – Causing Mental Harm to a Child

948.05 – Sexual Exploitation of a Child

948.051 – Trafficking of a Child

948.055 – Causing a Child to View or Listen to Sexual Activity

948.06 – Incest with a Child

948.07 – Child Enticement

948.075 – Use of a Computer to Facilitate a Child Sex Crime

948.08 – Soliciting a Child for Prostitution

948.081 – Patronizing a Child

948.085 – Sexual Assault of a Child Placed in Substitute Care

948.095 – Sexual Assault of a Child by School Staff Person or a Person Who Works or Volunteers with Children

948.10 – Exposing Genitals, Pubic Area, or Intimate Parts

948.12 – Possession of Child Pornography

948.23 – Concealing or Not Reporting Death of a Child; Not Reporting Disappearance of a Child

948.30 – Abduction of Another's Child; Constructive Custody

948.51(3)(b) – Hazing – Great Bodily Harm to Another

948.51(3)(c) – Hazing – Death to Another

IV. Charges/Convictions Warranting Review Before Admission Into the Program - Felony

346.04(3) – Felony Fleeing

940.23 – Reckless Injury

940.25 – Injury by Intoxicated Use of a Vehicle

940.285 – Abuse of Individuals at Risk

940.29 – Abuse of Residents of Penal Facilities

940.295 – Abuse and Neglect of Patients and Residents

940.30 – False Imprisonment

940.32 – Stalking

940.43 – Intimidation of Witnesses; Felony

940.45 – Intimidation of Victims; Felony

941.01(1) – Negligent Operation of a Vehicle

941.12 – Interfering with Firefighting

941.21 – Disarming a Police Officer

941.24 – Possession of Switchblade Knife

941.26/941.27 – Machine Guns/Other Weapons

941.28 – Possession of Short-Barreled Shotgun or Short-Barreled Rifle

941.29 – Possession of a Firearm

941.291 – Possession of Body Armor

941.295(1) – Possession of Electronic Weapon

941.30 – Recklessly Endangering Safety

941.31 – Possession of Explosives

941.31(2)(b) – Possession of Improvised Explosives

941.325 – Placing Foreign Objects in Edibles

941.327 – Tampering with Household Products

941.37 – Obstructing Emergency or Rescue Personnel

941.38(2) – Criminal Gang Member Solicitation of a Child

943.02 – Arson of Buildings; Damage of Property by Explosives

943.03 – Arson of Property Other than Building

943.04 – Arson with Intent to Defraud

943.06 – Molotov Cocktails

943.10, 943.10(2)(a), 943.10(2)(b), 943.10(2)(c), 943.10(2)(d), 943.10(2)(e) – Burglary, Aggravated (Victim Present at any Point of Burglary)

943.20(1)a & (3)d(5) – Theft of Firearm

943.20(1)a & (3)e – Theft from Person

943.20(1)(c) – Theft of Firearm

943.32 – Robbery – Threat of Force

946.415 – Failure to Comply with Officers Arrest

947.015 – Bomb Scares

948.03 – Physical Abuse of a Child

948.20 – Abandonment of Child

948.21 – Neglecting a Child

948.51 – Hazing

948.605(2)(a) – Possess Firearm in School Zone (Felony and Misdemeanor)

951.02 – Mistreating Animals

951.06 – Use of Poisonous and Controlled Substances
951.095 – Harassment of Police and Fire Animals
951.097 – Harassment of Service Animals
951.08 – Instigating Fights between Animals
951.09 – Shooting at Cage or Staked Animals
961.41(1) – Distribution of a Controlled Substance While Armed
961.41(1m) – Possession of a Controlled Substance with Intent to Distribute While Armed

V. Charges/Convictions Warranting Review Before Admission Into the Program - Misdemeanor

940.19(1) – Misdemeanor Battery
940.225 – 4th Degree Sexual Assault
941.23 – Carrying a Concealed Weapon
940.42 – Intimidation of Witnesses; Misdemeanor
940.44 – Intimidation of Victims; Misdemeanor
944.17 – Sexual Gratification
944.20 – Lewd and Lascivious Behavior
946.41 – Resisting an Officer
948.55 – Leaving/Storing a Loaded Firearm within the Reach of a Child
948.605 – Gun Free School Zones
948.605(2)(a) – Possess Firearm in School Zone (Felony and Misdemeanor)
948.61 – Dangerous Weapons other than Firearms on School Premises
951.02 – Mistreating Animals
951.095 – Harassment of Police and Fire Animals
951.097 – Harassment of Service Dogs
941.20(1) – Endangering Safety by Use of a Dangerous Weapon
943.50(1m)(d) – Retail Theft (Modifier/Enhancer – While Armed)
947.01 – Disorderly Conduct While Armed
951.08 – Instigating Fights Between Caged Animals

951.09 – Shooting at Caged or Staked Animals

*****Note: This is not an all-inclusive list and is at the discretion of the Dodge County District Attorney's Office to include or exclude a specific offense.**

Eligibility Determination Process

1. Generally the DTC/IDC referrals should first be submitted to the DA Office Paralegal, who will determine:
 - A. If candidate meets eligibility requirements for residence;
 - B. If the candidate has no exclusionary prior convictions or current charges;
 - C. If the DA Office would consider allowing the candidate into DTC (if the candidate meets appropriate risk/need level).

If the candidate satisfies the above criteria (1. A., B., and C.):

2. The DA Paralegal will complete referral form and attach CCAP History and Criminal Complaint and send to the DTC/IDC Program Director.
3. The Director will log the referral and assign it to a Case Manager.
4. The Case Manger will schedule an assessment with the candidate.
5. Following the assessment, the referral will be staffed by the Case Manager and the Director.
6. The Case Manager will notify the District Attorney, DA Paralegal, and the Defense Attorney or the candidate (if he/she does not have a Defense Attorney) as to whether the candidate is eligible for program admission.
7. The case will be placed on the weekly Admission Tracking Log (sent to the team with court reports).
8. The assigned DA/ADA will make a DTC Sentencing Offer.
9. If the candidate agrees to enter DTC the DA Paralegal will inform the Case Manager, who will attend sentencing hearing and schedule initial intake appointment.

DODGE COUNTY DRUG TREATMENT COURT PROGRAM REQUIREMENTS

The Drug Treatment Court Program uses a five-phase format designed to transition the offender from alcohol and drug dependence to successful recovery. Each phase of the program has specific elements and program criteria that must be completed prior to moving to the next phase. Advancement to the next phase is based on the participant's compliance with program requirements, demonstrated progress in phase goals and the number of days sober in their current phase. In each phase, participants must comply with routine court appearances, case management appointments, treatment requirements, and alcohol and drug testing. Sobriety is monitored by random drug and alcohol testing throughout the 5 phases. Intensive case management is a critical component to provide support and monitoring so that

participants are able to reach their goals. The DTC is designed as a 12-18 month program, but participants should expect to be in the program longer if setbacks prevent them from being promoted to subsequent phases.

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

Additional programming and interventions may be required or recommended for individuals based on their needs as determined the initial assessments. A cognitive intervention program, Thinking for a Change, is required for all treatment court participants (see description below). Other programming or interventions that may be recommended are mental health treatment, job skills training, parenting classes, etc. These programs are based on the individual recovery and case plan.

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

Sobriety Date

A participant's sobriety date is marked by their first negative drug test, submitted to the case manager at the Dodge County Human Services site, or another provider as approved by the team. An established sobriety date is integral to the participant phasing up in the program and ultimately to graduation from Drug Treatment Court.

A sobriety date can be adjusted by the Drug Treatment Court Judge, and should the participant miss a drug test or have a positive drug test for any non-prescribed substance or provide an invalid sample. Readjustment of the sobriety date is done according to the drug testing policy guidelines.

Thinking for a Change (T4C)

Thinking for a Change (T4C) is a cognitive-behavioral therapy (CBT) program that includes cognitive restructuring, social skills development, and the development of problem-solving skills designed to address the cognitive, social, and emotional needs of justice-involved individuals.

T4C is comprised of 25 lessons that build upon each other. Sessions will last between one and two hours two times per week. Case managers will work with their clients to schedule T4C once they are stabilized in treatment.

All participants who are enrolled in the Dodge County Treatment Court programs after May 2018 are required to complete T4C prior to graduation.

Any other participant, T4C is required when criminal thinking is identified as a need on the assessment. It could also be used in response to multiple violations when their behaviors/choices/actions are demonstrating a need for T4C as an intervention.

DODGE COUNTY DRUG TREATMENT COURT PHASES

	<u>DTC Phase 1</u> 30 days-Stabilization	<u>DTC Phase 2</u> 60 days-Engage in Treatment-Continue Recovery	<u>DTC Phase 3</u> 90 days-Continuation of Treatment-Establish Community Support	<u>DTC Phase 4</u> 90 days-Completion of Treatment-Maintenance of Recovery-Solidify Support	<u>DTC Phase 5</u> 90 days-Maintenance of Recovery and Support-Program Exit
<i>Phase time does not begin until participants establish a Sobriety Date by submitting a clean alcohol and drug screen.</i>					
Court	Weekly	Every 2 weeks (more as needed)	Every 3 weeks (more as needed)	Every 4 weeks (more as needed)	Every 4 weeks (more as needed)
Supervision & Monitoring Requirement	Case Manager & Probation Agent Weekly Random Drug Testing	Case Manager weekly & Probation every 1-2 weeks Random Drug Testing	Case Manager & Probation biweekly Random Drug Testing	Case Manager biweekly & Probation biweekly or once a month Random Drug Testing	Case Manager biweekly & Probation every 4 weeks Random Drug Testing
Treatment Requirements	Complete Intake with DCHS or Private Provider Initial Assessment and treatment scheduled with provider	Continue recommended treatment programming Participate in recommended treatment programming	Continue recommended treatment programming Select a start date for Thinking for Change (T4C)	Continue/Complete treatment programming & Begin Aftercare/Relapse Prevention Participate in T4C	Attend Aftercare/Relapse Prevention Programming as recommended Complete T4C
Employment, , Community Support, Community Service, Other	<ul style="list-style-type: none"> ➤ Attend 1 Community support meeting per week (once start treatment) ➤ Identify potential support sponsor ➤ Create Sober Contact Card ➤ Phase Up Letter 	<ul style="list-style-type: none"> ➤ Obtain and Maintain employment or skills training ➤ 4 hours of community service per week if not working ➤ 2 Support Meetings per week ➤ Obtain Sponsor and meet weekly ➤ Establish payment plan ➤ Phase Up Letter 	<ul style="list-style-type: none"> ➤ Obtain and Maintain employment ➤ 4 hours of community service if not working ➤ 2 support meeting per week ➤ Weekly contact with Sponsor ➤ Remain compliant with payment plan ➤ Phase Up Letter 	<ul style="list-style-type: none"> ➤ Maintain employment ➤ 8 hours of community service if not working ➤ 2 support meetings per week ➤ Weekly contact with Sponsor ➤ Remain compliant with payment plan ➤ Phase Up Letter 	<ul style="list-style-type: none"> ➤ Maintain employment ➤ 8 hours of community service if not working ➤ 2 support meetings per week ➤ Weekly contact with Sponsor ➤ All Fees paid in Full ➤ Pre-Graduation Exit Interview and letter
Sobriety	20 days Sobriety to Advance	40 days Sobriety to Advance	60 days Sobriety to Advance	60 days Sobriety to Advance	90 Days Sobriety to Advance

Phase Descriptions and Goals

Phase 1 – Stabilization: (30 days)

This Phase is designed to evaluate, closely monitor, and ‘stabilize’ participants. Participants will need a period-of-time to become accustomed to the requirements of a treatment Court but must be closely monitored. Participants must enroll in treatment during this phase and must have their initial appointment with their treatment provider. Community Support is introduced to participants during this phase. The focus is on accountability (attendance) and honesty (proximal goals). Sobriety is a distal goal, however if relapse occurs within the first 10 days of the program Phase 1 starts over. Participants must have 20 days of sobriety to advance to Phase 2. Participants should obtain health insurance and be assessed for MAT.

Phase 2 - Engage in Treatment-Continue Recovery: (60 days)

This Phase is designed to closely monitor participants' progress and sobriety while they are continuing in treatment. Participants in Phase 2 are required to make Community Support a larger and regular part of their life, and must obtain a sponsor. They are also required to begin looking for work or an educational or job skills training program and to perform Community Service if not employed. Community Service is intended for participants to give back to the community, develop positive work habits and to engage participants in non-using activities with non-using people. Participants should develop a payment plan for fees. Relapse in the first 20 days of the phase requires phase restart. Participants must have 40 days sobriety to advance to Phase 3. A phase up letter is required.

Phase 3 - Continuation of Treatment-Establish Community Support: (90 days)

This Phase is designed to continue close (but decreasing) monitoring of participants while they work toward completing treatment. Participants must continue looking for work and complete community service if not employed. They are also required to increase involvement in Community Support once treatment is completed as well as maintain regular contact with their sponsor. Emphasis is placed on increasing sources of community support. Payment toward program fees is required. An enrollment date for T4C should be explored. Relapse within 30 days of starting Phase 3 requires a restart. Participants must have 60 days sobriety to advance to Phase 4.

Phase 4 - Completion of Treatment-Maintenance of Recovery-Solidify Support: (90 days)

This Phase is designed to monitor participants at a decreasing level following completion of treatment, establishment of longer term sobriety and overall program compliance. Participants are expected to utilize their sources of community support to maintain sobriety more than program monitoring. Criminal thinking will be addressed in T4C. Planning for long term sobriety is finalized and presented to the Treatment Court Team in phase up letter. Relapse within 30 days of starting Phase 3 requires a restart. Participants must have 60 days sobriety to advance to Phase 5.

Phase 5 - Maintenance of Recovery and Support-Program Exit: (90 days)

The final Phase is designed to offer minimal monitoring and supervision while ensuring participants are utilizing their sources of community support. Long term sobriety planning is reviewed and revised where appropriate. Participants must participate in a Pre-Graduation Exit Interview (including a program evaluation) and prepare a graduation letter prior graduating. Participants must have 90 days sobriety to graduate.

DODGE COUNTY DRUG TREATMENT COURT INCENTIVES AND SANCTIONS POLICIES

Behavior Responses

The Dodge County Treatment Court Programs utilize evidence-based principles of effective behavior modification to insure participant accountability and to encourage compliance and progress in treatment and programming. Behavior response guidelines are employed to recognize prosocial behavior, treatment and program progress and to address program non-compliance.

Incentives

Incentives are utilized to encourage participants' prosocial behavior and to recognize their accomplishments and successes.

Incentives include:

- Verbal praise
- Applause/Special Recognition in court
- Gift Cards
- Certificates of recognition and/or completion
- Fishbowl Drawings
- Advancement to the next Court phase
- Early dismissal from court
- Case called at beginning of docket
- Travel Permission

Sanctions

Sanctions are responses to non-compliance behavior, and may include:

- Verbal warning by the Judge
- Verbal or written apologies to Judge and team
- An essay writing assignment or workbook
- Increased drug testing
- Increased attendance at Court sessions
- Increased case management meeting
- Delayed phase advancement
- Reset sobriety date
- Community service assignments
- Curfew
- No contact order
- Warrant for arrest
- Team Intervention
- Jail time
- Dismissal from the court program

DODGE COUNTY DRUG TREATMENT COURT POLICIES AND PROCEDURES

I. Participant acknowledgement of drug testing procedures in Dodge County DTC Program.

All participants in DTC will be subject to random urine 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

Because selection for testing is done on a random basis, **ALL program participants MUST appear in the office ready to provide a biological specimen sample for testing at each and every scheduled appointment.**

II. Standard direct observation procedure.

- A.** Individuals conducting the observed collection must be of the same gender.
- B.** The collector will complete step 1 on the Chain of Custody Form (CCF) and explain collection procedure to the donor.
- C.** The donor will be instructed to remove any unnecessary outer layer clothing (e.g. jacket, hat, etc.) and to leave any briefcase, purse, or other personal accessories with the removed clothing.
- D.** The collector will direct the donor to empty his or her pockets onto the desk in the drug testing office. Donor's personal items will remain in the drug testing office for the duration of the specimen collection.
- E.** The donor will wash and dry their hands under the observation of the collector.
- F.** The collector will allow donor to select a collection kit. Kit will be opened and the donor will be instructed to provide a minimum of 30 mL of urine. Provided urine should be first-catch (from initial urine stream).
- G.** The collector and donor will enter the collection area. The donor will be instructed to raise his/her shirt above the waist, just above the navel; and lower clothing and underpants to mid-thigh and show the collector, by turning around, that he/she is not in possession of a prosthetic or other device designed to carry "clean" urine and/or urine substitutes.
 - 1)** If the donor is found to be in possession of a prosthetic or other device designed to carry "clean" urine or urine substitutes, the collection process will be suspended. The collector will thoroughly document the circumstances surrounding the event in the remarks section of the CCF and contact the program coordinator.

- 2) If the donor does not have a device, they will be permitted to return clothing to its proper position and proceed with the observed collection. The donor will be instructed to hold the collection cup with one hand. The collector must watch the urine stream go from the donor's body into the collection container. The collector must maintain visual contact with the urine sample until the donor gives the specimen to them. Once the collector has possession of the specimen, the specimen will be capped, the donor will be permitted to wash their hands, and both the donor and collector will exit the collection area to complete the CCF.

***For female clients who are using a urine cap for an observed collection, both hands should be in front of the body and visible to the collector. The collector will transfer the specimen to the specimen cup in the donor's presence.**

- H. Temperature of specimen will be recorded on CCF and if temperature is in range (90-100 F), a tamper evident seal, initialed and dated by the donor will be placed over the cap and affixed to the sides of the collection cup.
- I. If the sample is valid according to the reading of the temperature and adulteration strips, the test results will then be read by the collector for the presence or absence of identified chemical substances in the urine sample.
- J. If sample is negative, the collector will note that on the drug testing form. Donor will sign and date.
- K. Donor will be asked to flush the sample.
- L. If test is positive, and donor denies and challenges the results then:
 - a. Donor will complete Step 3 on the CCF.
 - b. Collector will complete Step 4 on the CCF.
 - c. Specimen will be placed in a sealed envelope and mailed to laboratory for testing.

III. Special Procedures

A. Challenges to accuracy of test results

Policy: Under **no circumstance** will a participant be allowed to submit a "new" specimen based on a claim of technical error. If a participant wishes to challenge the accuracy of a test result, **the challenge MUST be made within 5 calendar days of the participant providing the specimen that tested positive.**

Procedure:

1. If a participant wishes to challenge a positive result of a drug test on the rapid read cup they may request a confirmation.
 - One substance: \$35 fee

- One or more: \$50 fee (note circle Comprehensive)

**If fee is not paid within 5 days of the initial positive test. The test will not be confirmed and will be considered positive.*

2. Challenged specimen will be placed in a sealed envelope to be mailed to the lab and complete step 3 and 4 for CCF. The collector will attach a note to outside of the bag (addressed to the lab) to **hold** the UA until notified by the case manager to either run the confirmation or dispose of the sample.
3. When client brings in cash, collector will notify lab to run test.
4. If the test is confirmed as negative, the fee will be returned to the client. The collector will request refund through DTC. If it is confirmed positive, the fee will not be returned. **DO NOT BILL THEIR INSURANCE.**

B. Missed tests

Policy: Under no circumstances will missed tests be tolerated in DTC Program. No one will be allowed to test on a day other than their assigned color day unless there is prior approval of the DTC Team.

Procedure:

1. Missed tests will be treated as positives.
2. Make-up tests should only be granted if there is a written medical excuse.
3. If a participant misses a test, he/she will be required to report the next business day at 8:00AM for a drug test.

C. Refusal to test

Policy: The following circumstances are considered refusals to test:

1. Noncompliance with any of the steps listed in the Standard Procedure or those listed in the Observed Collection Procedure.
2. Leaving the test site prior to providing a sample of sufficient sample volume unless permission given by case manager.
3. Failure to arrive at the collection site as required following a refusal.
4. Discovery of a prosthetic device during an observed collection.
5. Inability to produce a sufficient urine sample after 2 attempts, unless donor is able to provide documentation from a physician of an existing condition that would explain patient's inability to produce 30 mL under the conditions of the collection process.

Procedure: If one of these circumstances occurs, the collector will terminate the collection process, make appropriate remarks in Step 2 of the CCF. The participant will be required to report the next business day at 8:00AM for a drug test.

D. Insufficient sample quantity

Policy: In order for Options Lab, Inc. to conduct drugs-of-abuse testing, a donor needs to provide at least 30 mL of urine.

Procedure:

1. If the sample volume is not adequate, this should be noted on the Chain of Custody form. The donor is required to try again. The participant will be allowed to try once more within 45 minutes of the first attempt. The participant will be allowed to wait in the third floor reception area and instructed to only consume a small amount of fluids. **THEY WILL NOT BE ALLOWED TO LEAVE AND RETURN TO PROVIDE A SAMPLE.**
2. When the donor is ready to try again, he/she will be given a new specimen collection container. The new sample cannot be added to the previous sample in order to obtain an adequate level. If the participant leaves the drug testing waiting area for any reason before providing a sample, a “refusal” will be documented and reported to the Court.
3. If a donor is not able to provide an adequate sample volume upon the second attempt or chooses not to provide a second sample, the test should be considered a “refusal”. In this case, the client will have to return at 8:00AM the following day to provide a urine sample.

**Case manager will record in Step 2 on the CCF the time at which the donor made the first attempt to void. Time of any other unsuccessful attempt will also be recorded on CCF.*

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

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

When in doubt, do not use or consume:

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

SECOND HAND MARIJUANA SMOKE

A positive test result due to the passive inhalation of second-hand marijuana smoke is not feasible given the conditions necessary to produce the 50 ng/mL level at which the Dodge County DTC/IDC Testing

Program tests. In various studies on passive inhalation, positive results have occurred where individuals were exposed to the smoke of 4-16 marijuana cigarettes in an extremely small, sealed, unventilated area for one hour a day over the course of several days. The conditions were extremely uncomfortable, causing watering of the eyes and irritation to the mucous membrane of the nose and throat. The few positive test results were detected at the 20 ng/mL level which is the most sensitive testing level.

The only study where the results were detectable at the 50 or 100 ng/mL level were a product of hour long exposure in the above sealed conditions to 16 cigarettes over 6 consecutive days. It is highly unlikely that the extreme conditions necessary to produce ANY positive test (even at the lowest 20 ng/mL level) could be encountered in a real-life situation without, at least, the tacit consent of the participant.

Accordingly, it is the participant's responsibility to remove him/herself from these situations.

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

Witness: _____ (Case Manager) _____ (Date)

DODGE COUNTY DRUG TREATMENT COURT MEDICAL PROFESSIONAL DISCLOSURE/PRESCRIPTION DRUG POLICY

DTC/IDC participants will be provided with a Physician Disclosure Form which notifies any medical, mental health or dental practitioner whom they have visited for medical treatment of the following information:

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

Use of Prescribed Medications

Participants will not be prohibited from utilizing prescribed medications when medically necessary as deemed by a physician. Participants must follow the following guidelines:

- a.** Participants must provide documentation of medications to their case manager with the pharmacy information printout or prescription bottle. The case manager will verify the prescription is in the donor's name, what is being prescribed, and the dosage. Refills will also need to be verified. Participants must select one pharmacy to use while in the program and cannot use multiple pharmacies.
- b.** A participant must take all medications as prescribed and only for the condition for which it is prescribed. For example, if a pain medication was prescribed for a hand injury, it cannot be used later for a tooth ache. Once the presenting issue is resolved, the participant must dispose of used medication. Unused medication cannot be used at a later time, even if it is for the reoccurrence of a similar medical issue. In these circumstances, the participant must consult with a physician for treatment.
- c.** Should a physician deem the use of a benzodiazepine or narcotic medication be medically necessary, the team can grant a waiver. A waiver request must include documentation from the participant's physician outlining the diagnosis that requires the prescribed medication of abuse including alternatives were discussed and found inadequate.

Medication Assisted Treatment

- a. Medications used to treat addictions may be approved by the team and must be verified and monitored by the case manager.
- b. Use of prohibited drugs while on MAT will result in a sanction.

Medical Procedures, Surgeries and Chronic Pain

- a. Participants must inform their case manager of any scheduled medical procedures or surgeries in advance. A letter from the physician must be provided should the procedure or surgery cause the participant to be unable to fulfill the requirements of the program. The letter should include the date and time of surgery, medications required, and physician's contact information. The participant will be excused from program requirements based on the physician's recommendation. To follow up, the participant must provide verification of the procedure and prescriptions at the next case management meeting.
- b. Any prescriptions prescribed for pain management must be verified as medically necessary by the prescribing physician in accordance with the guidelines above. A participant with chronic pain will need to cooperate with the case manager and provide a valid pain management plan from the treating physician. The case manager will work with the participant and physician to explore alternatives to narcotic pain medication if it is appropriate.

DODGE COUNTY DRUG TREATMENT COURT GRADUATION AND TERMINATION CRITERIA

Graduation Eligibility Requirements:

1. 90 Continuous days of sobriety
2. Successful completion of AODA treatment
3. Successful completion of DTC Programming such as the Thinking for Change
4. Employed, enrolled in education program or compliant with community service hours
5. Stable, sober living arrangements
6. Engaged with a sponsor and compliant with community meetings and positive support network
7. Up to date on all program fees and court costs
8. Graduation letter completed

TERMINATION CRITERIA

Termination from the Dodge County Treatment Court Programs will occur should a participant voluntarily withdraw. Termination may also occur if a new charge is filed against the participant, while in treatment court, alleging an offense that is ineligible for the program. The team will consider the participant's circumstances on a case-by-case basis and determine if continued participation is appropriate and compatible with the new charge.

Termination may also occur as a consequence of serious violations of policies or requirements or persistent non-compliance including but not limited to the following:

- Failure to progress in program after repeated interventions/or services offered
- Forging documentation
- Tampered drug test
- Behavior that endangers public safety
- Conduct that jeopardizes safety or sobriety of other participants
- Dishonesty

Violations that may result in automatic termination include but are not limited to the following:

- Absconding from the program and failure to make contact for 30 days
- Violence or threatened violence to a treatment court participant or team member
- Drug usage or offering or selling drugs with/to other participants
- Gang activity and/or drug dealing
- Serious assaultive violent crimes, armed burglary, armed robbery, sexual assault, substantial battery, strangulation, attempted homicide, and serious assaultive violent crimes

**DODGE COUNTY IMPAIRED DRIVING COURT
POLICIES AND PROCEDURES MANUAL**



Published Date: October 16, 2018

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DODGE COUNTY TREATMENT COURT MISSION STATEMENT

To enhance public safety, improve lives, and reduce recidivism by addressing addictions of persons charged with or convicted of drug or alcohol related crimes through evidence-based treatment and case management.

DODGE COUNTY IMPAIRED DRIVING COURT HISTORY AND INTRODUCTION

The Dodge County Impaired Driving Court (IDC) offers its participants the opportunity to break the cycle of impaired driving caused by alcohol or drugs, to improve their chance of a sober and healthy life, and to contribute to a safe community while under strict judicial and community supervision.

In 2013, the Dodge County Alcohol Treatment Court (ATC) was established in response to the serious community problem of operating a motor vehicle while intoxicated as it relates to repeat drunk drivers. In 2015, ATC was redesigned into the Impaired Driving Court (IDC) Program and was modeled on the evidence-based national treatment court design which has proven to advance public safety, reduce crime, and improve the health of individuals in the community.

The IDC Program accepts offenders with nonviolent charges who are assessed to have a high probability to reoffend, have been charged with a 3rd or 4th OWI related offense, and who have a substance use disorder.

The Dodge County Impaired Driving Court is operated in accordance with the Wisconsin Treatment Court Standards as adopted by the Wisconsin Association of Treatment Court Professionals in April of 2014. The Court utilizes a team concept. The team is composed of the Judge, case manager, District Attorney, Defense Attorney, probation agent, a treatment specialist, and a law enforcement liaison. By working together in a non-adversarial manner, the team is able to appropriately coordinate and direct the treatment and rehabilitative needs of the court participant.

The court uses a five-phase program. In each phase, participants must comply with routine court appearances, case management appointments, treatment requirements, and alcohol and drug testing. Intensive case management is a critical component to provide support and monitoring so that participants are able to reach their goals.

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

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

The length of stay in the program is dependent on each participant's progress as they move through the four phases. The goal is to have graduation within one year of the individual's start date. However, it could take longer based on the participant's treatment needs and compliance with program requirements.

Since 2015, Dodge County has contracted for case management services with JusticePoint, a Milwaukee based non-profit organization which provides evidence based solutions to criminal justice system concerns. Program staff includes three case managers and one Program Director, who manage approximately 65-80 program participants a year. Dodge County Health and Human Services provides participants with a high level of care and they are afforded counseling and treatment tailored to their individual needs.

Dodge County has continued to enhance services and make improvements to both programs to ensure participant accountability, and to provide participants with effective treatment and criminal justice programming to increase public safety. In 2015, the Wisconsin Association of Treatment Court Professionals developed treatment court standards to improve guidance to local courts in the planning and implementation of treatment courts. The core of these standards is the Ten Key Components published by the U.S. Department of Justice, Office of Justice Programs. This has afforded the Dodge County programs the opportunity to make improvements in some areas to ensure adherence to these standards.

Both programs undergo continuous review through the Criminal Justice Collaborating Council (CJCC) formally adopted by Dodge County in 2014. The Dodge County CJCC has direct authority over both programs. The Council chairperson is currently District Attorney, Kurt Klomberg. The Wisconsin Department of Justice and the Wisconsin Department of Health Services, grant funders for these programs, also provide oversight, guidance and serve as resources. Program performance is continuously monitored and this data is used to make specific program improvements and policy changes.

DODGE COUNTY TREATMENT COURT PROGRAM GOALS AND VALUES

III. Program Goals

The Dodge County Impaired Driving Court has the following primary goals:

6. Reduce recidivism among substance using defendants;
7. Provide an effective and accountable community-based alternative to incarceration;
8. Improve public safety;
9. Effectively manage limited criminal justice system resources;
10. Enable participants to sustain a drug free lifestyle and the ability to meet their life needs and achieve their life goals.

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

3. Reduce criminal justice costs through reduced reliance on incarceration for non-violent offenders;

4. Promote community awareness of Dodge County's substance abuse problem and community participation in solving it.

IV. Program Values

The work of our team contributes to community needs.

The Treatment Courts help improve family stability and identifies and addresses a range of underlying needs. The team provides a framework for addressing these needs and providing access to necessary services.

Community values reflected in our team's decisions.

The Treatment Courts teams operate with values congruent to our community, promoting the ability for a person to be a self-sufficient productive member of society.

DODGE COUNTY TREATMENT COURT STAKEHOLDERS AND EXPECTATIONS

The team members for the Dodge County Treatment Court includes the overseeing Drug Court Judge, the DTC/IDC Program Director, IDC Case Manager, a District Attorney/Paralegal, a Defense Attorney, a Treatment Provider, a Probation Agent, and a Law Enforcement Liaison. Each member of the team has a role and area of expertise that enhances the program effectiveness.

Prior to each weekly court session, the team reviews the progress of those participants scheduled to appear in court that week. The probation agent and case manager prepare a staffing report that details the progress of participants in the program. The team reaches a professional consensus whenever possible. In the event a consensus cannot be reached, the Judge has the final decision-making authority on case management issues.

i. Drug Treatment Court/Impaired Driving Court Judges

The Judge provides leadership to the Treatment Court Programs and makes final programmatic/participant decisions. The Judge presides over the proceedings and monitors the appropriate application of sanctions and incentives while maintaining the integrity of the court. The Judge will:

- Lead pre-hearing staffing meetings and make final decisions based on collaborative team input.
- Provide encouragement and motivation to each Impaired Driving Court participant.
- Establish a rehabilitative relationship with each participant through intensive interaction during court appearances.

ii. DTC/IDC Director

Provides oversight for the day to day operations of the Treatment Court Programs. He or she will also monitor whether the program is meeting its short and long term objectives on the participants, community and the local criminal justice system. The coordinator will:

- Plan, organize, coordinate and monitor the activities of the Impaired Driving Court Program.

- Attend pre-hearing case staffing and hearings in order to evaluate and direct Impaired Driving Court operations and Impaired Driving Court team cohesiveness and understanding of Impaired Driving Court concepts.
- Gather and prepare Impaired Driving Court data for reporting mandates.
- Collaborate with government and community agencies in order to meet programmatic goals and provide effective programming.
- Develop long-term sustainability plan for the program.

iii. Impaired Driving Court Prosecutor and Paralegal

Ensures community safety concerns are met. The District Attorney will designate a prosecutor and paralegal to be responsible for Treatment Court eligibility determinations and participating in the Treatment Court hearings. The prosecutor and paralegal will:

- Make eligibility determinations and contact collaborative agencies such as law enforcement and Department of Corrections for input.
- Make determinations for graduations and terminations and new charges.
- In status hearings, will operate in a non-adversarial manner, promoting a sense of a unified team presence.
- Ensure participants' understanding of sanctions and present rewards to recognized participants.
- Maintain recidivism rates on past graduated and terminated participants.
- Run compliance checks on current participants.
- Maintain and run reports as needed.

iv. Impaired Driving Court Defense Attorney

Ensures the legal rights of all participants are protected. The defense attorney will:

- Advise the participants of their legal rights, legal options, program conditions, and potential sentencing outcomes.
- Monitor participant progress in the Treatment Court Program.
- Participate in a non-adversarial manner at status hearings, thus promoting a unified Treatment Court team presence.

v. Drug Treatment Court/Impaired Driving Court Case Manager and Probation Agent

The DTC/IDC Case Manager(s) and the participant's Probation Agent collaborate in overseeing the participant's recovery and treatment program.

The Case Manager is responsible for assessing potential participants for eligibility in the DTC/IDC.

The Case Manager and the Probation Agent are responsible for:

- Monitoring and encouraging participants during their program.
- Maintaining participant information.
- Providing the court with current information about client progress.

- Recommending case plan revisions to the court, including incentives for compliance and sanctions for non-compliance.

The Case Manager and Probation

Agent also have responsibilities in the following areas:

- g. **Dodge County DTC/IDC Team Staffing:** They are responsible for the preparation of cases for review at the team staffing. In addition, they may, at any time, provide information concerning any participant to the DTC/IDC Judge on a formal or informal basis.
 - h. **Referrals:** They refer participants to providers for substance abuse treatment and other services, as determined in the case plan developed by them and approved by the court. They maintain close contact with the treatment providers and monitor the services received by the participants.
 - i. **Case Management:** They periodically assess the progress of each participant and the participant's adherence to the requirements of the IDC and the participant's approved case plan. They update the case plan as needed and make recommendations to the court for appropriate changes.
 - j. **Drug Testing:** Perform substance testing to determine presence or absence of forbidden substances in participants' bodies.
 - k. **Other Direct Client Services:** They ensure participants are linked to services within Dodge County on an as-needed basis, including: family counseling, education, group counseling, and other activities as may be reasonably appropriate to maintain a participant in the DTC/IDC Program.
 - l. **Participant Documentation:** They maintain a written record on each participant.
- vi. **Impaired Driving Court Law Enforcement Liaison**

Acceptance by law enforcement of the DTC/IDC model is essential for its success. The law enforcement liaison can assist with providing information to law enforcement so that there is acceptance of the DTC/IDC model within the county agencies. The assistance of law enforcement is also essential for monitoring the use of alcohol and drugs by participants.

vii. **Impaired Driving Court Behavioral Health Division Liaison**

The treatment providers on the team have the primary responsibility for educating the other members of the team as to appropriate treatment plans for the participants. They help to ensure that each participant is provided the treatment he or she needs.

DODGE COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL (CJCC)

The initial mission of the Council established in 2014 is to assist and guide the Dodge County Drug Treatment Court (DTC) Programs and Dodge County Impaired Driving (IDC). The Council shall review the DTC and IDC grants, review their expenditures, and assist with the development of their programs to help enable the DTC and IDC Programs to meet their mission. The principal mission of the

Council is to improve the administration of justice and promote public safety through planning, research, education, and system-wide coordination of criminal justice initiatives.

The voting members of the Council are:

- A Circuit Court Judge selected by the Dodge County Circuit Court Judges
- County Administrator
- Sheriff
- District Attorney
- State Public defender
- Department of Human Services Director
- Department of Probation and Parole Supervisor for Dodge County
- Member of Law Enforcement Committee or Human Services and Health Board as selected by the Chairperson of the Dodge County Board of Supervisors
- A representative of substance abuse treatment providers selected by a majority of the voting members of the Council
- A representative from a private social services agency selected by a majority of the voting members of the Council

DODGE COUNTY IMPAIRED DRIVING COURT ENTRY PROCESS

I. Referral Process

Referrals may be made by the District Attorney's office, probation agent, defense attorney, jail program coordinator, treatment professional or the defendant.

Referrals can be made through Dodge County Health and Human Services website at the link below:

<http://www.co.dodge.wi.gov/government/departments-p-z/treatment-alternatives-and-diversion>

Additionally, referrals can also be made to the District Attorney's Office Paralegal at 920-386-3610.

If the Defendant wishes to proceed, a formal assessment will be completed with the Treatment Court Case Manager. All assessment information will be presented to the Treatment Court Team for acceptance or denial to the program. If the Team approves defendant acceptance and the defendant agrees to participate, a plea and sentencing hearing will be scheduled to occur as soon as possible.

The defendant will

- Enter a plea of guilty or no contest to the relevant charges;
- Voluntarily agree to participate in the Dodge County Impaired Driving Court Program and recommended services based on the completed assessment;
- Appear for regular court status hearings;
- Submit to drug and alcohol testing on a random basis;

- Attend scheduled AODA sessions, case management and probation meetings.
NOTE: Entry into the program is the decision of the Treatment Court Team. A defendant does not have a “right” to admission. The decision is made prior to admission to the program.

b. Eligibility Requirements for the Impaired Driving Court Program

1. Requirements to participate

Not all individuals who are convicted of an Operating a Motor Vehicle While Under the Influence, are eligible for participation in the court. The requirements for participation currently are:

- 18 years of age or older
- Dodge County resident at admission and for the duration of the program
- Found guilty of 3rd or 4th offense OWI, PAC, or RCS
- Cannot be a violent offender based on Federal definition grant and adopted by Dodge County***
- Score medium to high risk/need based on Impaired Driving Assessment and the COMPAS
- Approval from District Attorney’s office to offer the program
- Voluntarily agree to participate in the Dodge County Impaired Driving Court

2. A sentence to the Dodge County IDC will include the following:

- Attendance at Treatment court sessions at the Dodge County Courthouse
- A probationary term with a supervising probation agent and various conditions of probation
- A jail sentence as a condition of probation. Although jail sentence is required a substantially reduced jail sentence may be available for the participants pursuant to Wis. Stats. Section 346.65(2)(cm) or (dm)
- Participants in the IDC are subject to the same fines, revocation, ignition interlock requirements, and victim impact panels as non-participants

***Note: “Violent Offender” means a person to whom one of the following applies:

- c. 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.
- d. The person has one or more prior convictions for a felony involving the use or attempted used of force against another person with the intent to cause death.

III. Mandatory Excluding Charges/Convictions Which Bar Program Admission.

*****Persons with any of the following convictions regardless of how old is barred from the program.**

940.01 – First Degree Intentional Homicide

940.02 – First-Degree Reckless Homicide

940.03 – Felony Murder

940.04 – Abortion (Exception Under 940.04(5) – See Statute)

940.05 – Second-Degree Intentional Homicide

940.06 – Second-Degree Reckless Injury

940.07 – Homicide Resulting from Negligent Control of Vicious Animal

940.08 – Homicide by Negligent Handling of Dangerous Weapon, Explosives or Fire

940.09 – Homicide by Intoxicated Use of Vehicle or Firearm

940.10 – Homicide by Negligent Operation of a Vehicle

940.11 – Mutilating or Hiding a Corpse

940.12 – Assisting Suicide

940.19 – Battery; Substantial Battery; Aggravated Battery

940.195 – Battery to an Unborn Child; Substantial Battery to an Unborn Child; Aggravated Battery to an Unborn Child

940.20 – Battery: Special Circumstances

940.201 – Battery or Threat to a Witness

940.203 – Battery or Threat to Department of Revenue Employee

940.207 – Batter or Threat to DSPS or DWD Employee

940.208 – Battery to Certain Employees of Counties, Cities, Villages, or Towns

940.21 – Mayhem

940.22 – Sexual Exploitation by Therapist; Duty to Report

940.225 – Sexual Assault

940.235 – Strangulation and Suffocation

940.24 – Injury by Negligent Handling of Dangerous Weapon, Explosives or Fire

940.302 – Human Trafficking

940.305 – Taking Hostages

940.31 – Kidnapping

941.20 – Endangering Safety by Use of Dangerous Weapon

941.296 – Use or Possession of a Handgun and an Armor-Piercing Bullet During Crime

941.32 – Administering Dangerous or Stupefying Drug

941.375 – Throwing or Discharging Bodily Fluids at Public Safety Workers

943.32 – Robbery – Use of Force
946.03 – Sedition
946.43 – Assault by Prisoners
948.02 – Sexual Assault of a Child
948.025 – Engaging in Repeated Acts of Sexual Assault of Same Child
948.04 – Causing Mental Harm to a Child
948.05 – Sexual Exploitation of a Child
948.051 – Trafficking of a Child
948.055 – Causing a Child to View or Listen to Sexual Activity
948.06 – Incest with a Child
948.07 – Child Enticement
948.075 – Use of a Computer to Facilitate a Child Sex Crime
948.08 – Soliciting a Child for Prostitution
948.081 – Patronizing a Child
948.085 – Sexual Assault of a Child Placed in Substitute Care
948.095 – Sexual Assault of a Child by School Staff Person or a Person Who Works or Volunteers with Children
948.10 – Exposing Genitals, Pubic Area, or Intimate Parts
948.12 – Possession of Child Pornography
948.23 – Concealing or Not Reporting Death of a Child; Not Reporting Disappearance of a Child
948.30 – Abduction of Another’s Child; Constructive Custody
948.51(3)(b) – Hazing – Great Bodily Harm to Another
948.51(3)(c) – Hazing – Death to Another

IV. Charges/Convictions Warranting Review Before Admission Into the Program - Felony

346.04(3) – Felony Fleeing
940.23 – Reckless Injury
940.25 – Injury by Intoxicated Use of a Vehicle
940.285 – Abuse of Individuals at Risk
940.29 – Abuse of Residents of Penal Facilities
940.295 – Abuse and Neglect of Patients and Residents

940.30 – False Imprisonment

940.32 – Stalking

940.43 – Intimidation of Witnesses; Felony

940.45 – Intimidation of Victims; Felony

941.01(1) – Negligent Operation of a Vehicle

941.12 – Interfering with Firefighting

941.21 – Disarming a Police Officer

941.24 – Possession of Switchblade Knife

941.26/941.27 – Machine Guns/Other Weapons

941.28 – Possession of Short-Barreled Shotgun or Short-Barreled Rifle

941.29 – Possession of a Firearm

941.291 – Possession of Body Armor

941.295(1) – Possession of Electronic Weapon

941.30 – Recklessly Endangering Safety

941.31 – Possession of Explosives

941.31(2)(b) – Possession of Improvised Explosives

941.325 – Placing Foreign Objects in Edibles

941.327 – Tampering with Household Products

941.37 – Obstructing Emergency or Rescue Personnel

941.38(2) – Criminal Gang Member Solicitation of a Child

943.02 – Arson of Buildings; Damage of Property by Explosives

943.03 – Arson of Property Other than Building

943.04 – Arson with Intent to Defraud

943.06 – Molotov Cocktails

943.10, 943.10(2)(a), 943.10(2)(b), 943.10(2)(c), 943.10(2)(d), 943.10(2)(e) – Burglary, Aggravated (Victim Present at any Point of Burglary)

943.20(1)a & (3)d(5) – Theft of Firearm

943.20(1)a & (3)e – Theft from Person

943.20(1)(c) – Theft of Firearm

943.32 – Robbery – Threat of Force

946.415 – Failure to Comply with Officers Arrest

947.015 – Bomb Scares
948.03 – Physical Abuse of a Child
948.20 – Abandonment of Child
948.21 – Neglecting a Child
948.51 – Hazing
948.605(2)(a) – Possess Firearm in School Zone (Felony and Misdemeanor)
951.02 – Mistreating Animals
951.06 – Use of Poisonous and Controlled Substances
951.095 – Harassment of Police and Fire Animals
951.097 – Harassment of Service Animals
951.08 – Instigating Fights between Animals
951.09 – Shooting at Cage or Staked Animals
961.41(1) – Distribution of a Controlled Substance While Armed
961.41(1m) – Possession of a Controlled Substance with Intent to Distribute While Armed

V. Charges/Convictions Warranting Review Before Admission Into the Program - Misdemeanor

940.19(1) – Misdemeanor Battery

940.225 – 4th Degree Sexual Assault

941.23 – Carrying a Concealed Weapon

940.42 – Intimidation of Witnesses; Misdemeanor

940.44 – Intimidation of Victims; Misdemeanor

944.17 – Sexual Gratification

944.20 – Lewd and Lascivious Behavior

946.41 – Resisting an Officer

948.55 – Leaving/Storing a Loaded Firearm within the Reach of a Child

948.605 – Gun Free School Zones

948.605(2)(a) – Possess Firearm in School Zone (Felony and Misdemeanor)

948.61 – Dangerous Weapons other than Firearms on School Premises

951.02 – Mistreating Animals

951.095 – Harassment of Police and Fire Animals

951.097 – Harassment of Service Dogs

941.20(1) – Endangering Safety by Use of a Dangerous Weapon

943.50(1m)(d) – Retail Theft (Modifier/Enhancer – While Armed)

947.01 – Disorderly Conduct While Armed

951.08 – Instigating Fights Between Caged Animals

951.09 – Shooting at Caged or Staked Animals

******Note: This is not an all-inclusive list and is at the discretion of the Dodge County District Attorney's Office to include or exclude a specific offense.***

Eligibility Determination Process

1. Generally the DTC/IDC referrals should first be submitted to the DA Office Paralegal, who will determine:
 - D. If candidate meets eligibility requirements for residence;
 - E. If the candidate no exclusionary prior convictions or current charges;
 - F. If the DA Office would consider allowing the candidate into IDC (if the candidate meets appropriate risk/need level).

If the candidate satisfies the above criteria (1. A., B., and C.):

2. The DA Paralegal will complete referral form and attach CCAP History and Criminal Complaint and send to the DTC/IDC Program Director.
3. The Director will log the referral and assign it to a Case Manager.
4. The Case Manger will schedule an assessment with the candidate.
5. Following the assessment, the referral will be staffed by the Case Manager and the Director.
6. The Case Manager will notify the District Attorney, DA Paralegal, and the Defense Attorney or the candidate (if he/she does not have a Defense Attorney) as to whether the candidate is eligible for program admission.
7. The case will be placed on the weekly Admission Tracking Log (sent to the team with court reports).
8. The assigned DA/ADA will make a IDC Sentencing Offer.
9. If the candidate agrees to enter IDC the DA Paralegal will inform the Case Manager, who will attend sentencing hearing and schedule initial intake appointment.

DODGE COUNTY IMPAIRED DRIVING COURT PROGRAM REQUIREMENTS

The Impaired Driving Court Program uses a five-phase format designed to transition the offender from alcohol and drug dependence to successful recovery. Each phase of the program has specific elements and program criteria that must be completed prior to moving to the next phase. Advancement to the next phase is based on the participant's compliance with program requirements, demonstrated progress in phase goals and the number of days sober in their current phase. In each phase, participants must comply with routine court appearances, case management appointments, treatment requirements, and alcohol and drug testing. Sobriety is monitored by random drug and alcohol testing throughout the 5 phases. Intensive case management is a critical component to provide support and monitoring so that participants are able to reach their goals. The IDC Program is designed as a 12-18 month program, but participants should expect to be in the program longer if setbacks prevent them from being promoted to subsequent phases.

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

Additional programming and interventions may be required or recommended for individuals based on their needs as determined the initial assessments. A cognitive intervention program, Thinking for a Change (T4C), is required for all treatment court participants (see description below). Other programming or interventions that may be recommended are mental health treatment, job skills training, parenting classes, etc. These programs are based on the individual recovery and case plan.

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

Sobriety Date

A participant's sobriety date is marked by their first negative drug test, submitted to the case manager at the Dodge County Human Services site, or another provider as approved by the team. An established sobriety date is integral to the participant phasing up in the program and ultimately to graduation from Impaired Driving Court.

A sobriety date can be adjusted by the Impaired Driving Court Judge, and should the participant miss a drug test or have a positive drug test for any non-prescribed substance or provide an invalid sample. Readjustment of the sobriety date is done according to the drug testing policy guidelines.

Thinking for a Change (T4C)

Thinking for a Change (T4C) is a cognitive-behavioral therapy (CBT) program that includes cognitive restructuring, social skills development, and the development of problem-solving skills designed to address the cognitive, social, and emotional needs of justice-involved individuals.

T4C is comprised of 25 lessons that build upon each other. Sessions will last between one and two hours two times per week. Case managers will work with their clients to schedule T4C once they are stabilized in treatment.

All participants who are enrolled in the Dodge County Treatment Court programs after May 2018 are required to complete T4C prior to graduation.

Any other participant, T4C is required when criminal thinking is identified as a need on the assessment. It could also be used in response to multiple violations when their behaviors/choices/actions are demonstrating a need for T4C as an intervention.

DODGE COUNTY IMPAIRED DRIVING COURT PHASES

	<u>IDC Phase 1</u> 30 days-Stabilization	<u>IDC Phase 2</u> 60 days-Engage in Treatment-Continue Recovery	<u>IDC Phase 3</u> 90 days-Continuation of Treatment-Establish Community Support	<u>IDC Phase 4</u> 90 days-Completion of Treatment-Maintenance of Recovery-Solidify Support	<u>IDC Phase 5</u> 90 days-Maintenance of Recovery and Support-Program Exit
<i>Phase time does not begin until participants establish a Sobriety Date by submitting a clean alcohol and drug screen.</i>					
Court	Weekly	Every 2 weeks (more as needed)	Every 3 weeks (more as needed)	Every 4 weeks (more as needed)	Every 4 weeks (more as needed)
Supervision & Monitoring Requirement	Case Manager Weekly & Probation Agent as required Soberlink &/or Random Drug Testing	Case Manager every 1-2 wks Probation Agent as required Soberlink &/or Random Drug Testing	Case Manager every 2-3 wks Probation Agent as required Soberlink &/or Random Drug Testing	Case Manager every 3-4 wks Probation Agent as required Random Drug Testing	Case Manager every 4 weeks Probation Agent as required Random Drug Testing
Treatment Requirements	<ul style="list-style-type: none"> Complete AODA Assessment scheduled & Complete Intake Assessment with DCHS or Private Provider Start attending Community support meetings Identify potential support sponsor 	<ul style="list-style-type: none"> Continue recommended treatment programming 1-2 Support Meeting per week Obtain Sponsor 	<ul style="list-style-type: none"> Continue recommended treatment programming 2 -3 support meeting per week Weekly contact with Sponsor 	<ul style="list-style-type: none"> Begin Aftercare/Relapse Prevention 3 support meetings per week once treatment is completed Weekly contact with Sponsor 	<ul style="list-style-type: none"> Attend Aftercare/Relapse Prevention Programming as recommended 3 support meetings per week once treatment is completed Weekly contact with
Employment, , Community Support, Community Service, Other	<ul style="list-style-type: none"> Obtain Health Insurance Actively Search for Employment Attend Victim Impact panel if not previously attended (Must be attended within 120 days) SR22 Insurance IID requirements Start process for DL or occupational DL Present Phase up Letter 	<ul style="list-style-type: none"> 2 hours of community service if not working Present Phase up Letter Remain Compliant with payment plan Find & Maintain employment Attend Victim Impact panel if not previously attended (Must be attended within 120 days) Obtain a Driver's License Set up program fee payment plan Present Phase up Letter 	<ul style="list-style-type: none"> 4 hours of community service if not working Get enrolled in T4C Remain Compliant with payment plan Present Phase up Letter 	<ul style="list-style-type: none"> 8 hours of community service if not working Get enrolled in T4C Remain Compliant with payment plan Present Phase up Letter 	<ul style="list-style-type: none"> 8 hours of community service if not working Pre-Graduation Exit Interview Complete AODA Treatment & T4C Present Graduation Letter All fee's paid in full
Sobriety	20 days Sobriety to Advance	40 days Sobriety to Advance	60 days Sobriety to Advance	60 days Sobriety to Advance	90 Days Sobriety to Advance

Phase Descriptions and Goals

Phase 1 – Stabilization: (30 days)

This Phase is designed to evaluate, closely monitor, and ‘stabilize’ participants. Participants will need a period-of-time to become accustomed to the requirements of a treatment Court but must be closely monitored. Participants must enroll in treatment during this phase and must have their initial appointment with their treatment provider. Those already in treatment at the time they begin the program could advance early of all other

requirements are met. Community Support is introduced to participants during this phase. Participants must have 20 days sobriety to advance to Phase 2.

Phase 2 - Engage in Treatment-Continue Recovery: (60 days)

This Phase is designed to closely monitor participants' progress and sobriety while they are beginning treatment. Participants in Phase 2 are required to make Community Support a larger and regular part of their life, and must obtain a sponsor. They are also required to begin looking for work and to perform Community Service if not employed. Community Service is intended for participants to give back to the community, develop positive work habits and to engage participants in non-using activities with non-using people. Participants must have 40 days sobriety to advance to Phase 3.

Phase 3 - Continuation of Treatment-Establish Community Support: (90 days)

This Phase is designed to continue close (but decreasing) monitoring of participants while they work toward completing treatment. Participants must continue looking for work and complete community service if not employed. They are also required to increase involvement in Community Support once treatment is completed as well as maintain regular contact with their sponsor. Emphasis is placed on increasing sources of community support. Participants must have 60 days sobriety to advance to Phase 4.

Phase 4 - Completion of Treatment-Maintenance of Recovery-Solidify Support: (90 days)

This Phase is designed to monitor participants at a decreasing level following completion of treatment, establishment of longer term sobriety and overall program compliance. Participants are expected to utilize their sources of community support to maintain sobriety more than program monitoring. Planning for long term sobriety is finalized and presented to the Treatment Court. Participants must have 60 days sobriety to advance to Phase 5.

Phase 5 - Maintenance of Recovery and Support-Program Exit: (90 days)

The final Phase is designed to offer minimal monitoring and supervision while ensuring participants are utilizing their resources of community support. Long term sobriety planning is reviewed and revised where appropriate. Participants must participate in a Pre-Graduation Exit Interview (including a program evaluation) prior to graduating. Participants must have 90 days sobriety to graduate.

*** Note: In each Phase in order to advance you must complete a presentation to the court. *(A sample outline will be provided to you).*

DODGE COUNTY IMPAIRED DRIVING COURT INCENTIVES AND SANCTIONS POLICIES

Behavior Responses

The Dodge County Treatment Court Programs utilize evidence-based principles of effective behavior modification to insure participant accountability and to encourage compliance and progress in treatment and programming. Behavior response guidelines are employed to recognize prosocial behavior, treatment and program progress and to address program non-compliance.

Incentives

Incentives are utilized to encourage participants' prosocial behavior and to recognize their accomplishments and successes.

Incentives include:

- Verbal praise
- Applause/Special Recognition in court
- Gift Cards
- Certificates of recognition and/or completion
- Fishbowl Drawings
- Advancement to the next Court phase
- Early dismissal from court
- Case called at beginning of docket
- Travel Permission

Sanctions

Sanctions are responses to non-compliance behavior, and may include:

- Verbal warning by the Judge
- Verbal or written apologies to Judge and team
- An essay writing assignment or workbook
- Increased drug testing
- Increased attendance at Court sessions
- Increased case management meeting
- Delayed phase advancement
- Reset sobriety date
- Community service assignments
- Curfew
- No contact order
- Warrant for arrest
- Team Intervention
- Jail time
- Dismissal from the court program

DODGE COUNTY IMPAIRED DRIVING COURT POLICIES AND PROCEDURES

IV. Participant acknowledgement of drug testing procedures in Dodge County IDC Program.

All participants in IDC will be subject to random urine 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

Because selection for testing is done on a random basis, **ALL** program participants **MUST** appear in the office ready to provide a biological specimen sample for testing at each and every scheduled appointment.

V. Standard direct observation procedure.

- M.** Individuals conducting the observed collection must be of the same gender.
- N.** The collector will complete step 1 on the Chain of Custody Form (CCF) and explain collection procedure to the donor.
- O.** The donor will be instructed to remove any unnecessary outer layer clothing (e.g. jacket, hat, etc.) and to leave any briefcase, purse, or other personal accessories with the removed clothing.
- P.** The collector will direct the donor to empty his or her pockets onto the desk in the drug testing office. Donor's personal items will remain in the drug testing office for the duration of the specimen collection.
- Q.** The donor will wash and dry their hands under the observation of the collector.
- R.** The collector will allow donor to select a collection kit. Kit will be opened and the donor will be instructed to provide a minimum of 30 mL of urine. Provided urine should be first-catch (from initial urine stream).
- S.** The collector and donor will enter the collection area. The donor will be instructed to raise his/her shirt above the waist, just above the navel; and lower clothing and underpants to mid-thigh and show the collector, by turning around, that he/she is not in possession of a prosthetic or other device designed to carry "clean" urine and/or urine substitutes.
 - 1)** If the donor is found to be in possession of a prosthetic or other device designed to carry "clean" urine or urine substitutes, the collection process will be suspended. The collector will thoroughly document the circumstances surrounding the event in the remarks section of the CCF and contact the program coordinator.

- 2) If the donor does not have a device, they will be permitted to return clothing to its proper position and proceed with the observed collection. The donor will be instructed to hold the collection cup with one hand. The collector must watch the urine stream go from the donor's body into the collection container. The collector must maintain visual contact with the urine sample until the donor gives the specimen to them. Once the collector has possession of the specimen, the specimen will be capped, the donor will be permitted to wash their hands, and both the donor and collector will exit the collection area to complete the CCF.

***For female clients who are using a urine cap for an observed collection, both hands should be in front of the body and visible to the collector. The collector will transfer the specimen to the specimen cup in the donor's presence.**

- T. Temperature of specimen will be recorded on CCF and if temperature is in range (90-100 F), a tamper evident seal, initialed and dated by the donor will be placed over the cap and affixed to the sides of the collection cup.
- U. If the sample is valid according to the reading of the temperature and adulteration strips, the test results will then be read by the collector for the presence or absence of identified chemical substances in the urine sample.
- V. If sample is negative, the collector will note that on the drug testing form. Donor will sign and date.
- W. Donor will be asked to flush the sample.
- X. If test is positive, and donor denies and challenges the results then:
 - a. Donor will complete Step 3 on the CCF.
 - d. Collector will complete Step 4 on the CCF.
 - e. Specimen will be placed in a sealed envelope and mailed to laboratory for testing.

VI. Special Procedures

E. Challenges to accuracy of test results

Policy: Under **no circumstance** will a participant be allowed to submit a "new" specimen based on a claim of technical error. If a participant wishes to challenge the accuracy of a test result, **the challenge MUST be made within 5 calendar days of the participant providing the specimen that tested positive.**

Procedure:

5. If a participant wishes to challenge a positive result of a drug test on the rapid read cup they may request a confirmation.
 - One substance: \$35 fee

- One or more: \$50 fee (note circle Comprehensive)

**If fee is not paid within 5 days of the initial positive test. The test will not be confirmed and will be considered positive.*

6. Challenged specimen will be placed in a sealed envelope to be mailed to the lab and complete step 3 and 4 for CCF. The collector will attach a note to outside of the bag (addressed to the lab) to **hold** the UA until notified by the case manager to either run the confirmation or dispose of the sample.
7. When client brings in cash, collector will notify lab to run test.
8. If the test is confirmed as negative, the fee will be returned to the client. The collector will request refund through IDC. If it is confirmed positive, the fee will not be returned. **DO NOT BILL THEIR INSURANCE.**

F. Missed tests

Policy: Under no circumstances will missed tests be tolerated in the IDC Program. No one will be allowed to test on a day other than their assigned color day unless there is prior approval of the IDC Team.

Procedure:

3. Missed tests will be treated as positives.
4. Make-up tests should only be granted if there is a written medical excuse.
3. If a participant misses a test, he/she will be required to report the next business day at 8:00AM for a drug test.

G. Refusal to test

Policy: The following circumstances are considered refusals to test:

6. Noncompliance with any of the steps listed in the Standard Procedure or those listed in the Observed Collection Procedure.
7. Leaving the test site prior to providing a sample of sufficient sample volume unless permission given by case manager.
8. Failure to arrive at the collection site as required following a refusal.
9. Discovery of a prosthetic device during an observed collection.
10. Inability to produce a sufficient urine sample after 2 attempts, unless donor is able to provide documentation from a physician of an existing condition that would explain patient's inability to produce 30 mL under the conditions of the collection process.

Procedure: If one of these circumstances occurs, the collector will terminate the collection process, make appropriate remarks in Step 2 of the CCF. The participant will be required to report the next business day at 8:00AM for a drug test.

H. Insufficient sample quantity

Policy: In order for Options Lab, Inc. to conduct drugs-of-abuse testing, a donor needs to provide at least 30 mL of urine.

Procedure:

4. If the sample volume is not adequate, this should be noted on the Chain of Custody form. The donor is required to try again. The participant will be allowed to try once more within 45 minutes of the first attempt. The participant will be allowed to wait in the third floor reception area and instructed to only consume a small amount of fluids. **THEY WILL NOT BE ALLOWED TO LEAVE AND RETURN TO PROVIDE A SAMPLE.**
5. When the donor is ready to try again, he/she will be given a new specimen collection container. The new sample cannot be added to the previous sample in order to obtain an adequate level. If the participant leaves the drug testing waiting area for any reason before providing a sample, a “refusal” will be documented and reported to the Court.
6. If a donor is not able to provide an adequate sample volume upon the second attempt or chooses not to provide a second sample, the test should be considered a “refusal”. In this case, the client will have to return at 8:00AM the following day to provide a urine sample.

**Case manager will record in Step 2 on the CCF the time at which the donor made the first attempt to void. Time of any other unsuccessful attempt will also be recorded on CCF.*

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

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

When in doubt, do not use or consume:

8. **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.
9. **Non-Alcoholic Beer/Wine:** Although legally considered non-alcoholic, NA beers (Sharps, O'Doul's) contain a residual amount of alcohol that may result in a positive test result for alcohol, if consumed.
10. **Food and Other Ingestible Products:** There are numerous other consumable products that contain ethyl alcohol. Flavoring extracts such as vanilla or almond extract, and liquid herbal extracts (such as Ginkgo Biloba), could result in a positive screen for alcohol or its breakdown products. Communion wine, food cooked with wine and flambé dishes (alcohol poured over a food and ignited such as cherries jubilee, baked Alaska) must be avoided.
11. **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.
12. **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.
13. **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.
14. **Poppy Seeds:** It is possible to test positive for opiates after having consumed poppy seeds. Poppy seeds contain trace amounts of opium, which like heroin, is derived from the poppy plant. Research measuring the amount of seeds necessary to produce a positive result is varied. To avoid this issue, participants must avoid consuming poppy seeds. If a participant insists a positive result is due to poppy seeds, that person will be required to produce another urine sample the next day.

SECOND HAND MARIJUANA SMOKE

A positive test result due to the passive inhalation of second-hand marijuana smoke is not feasible given the conditions necessary to produce the 50 ng/mL level at which the Dodge County DTC/IDC Testing Program tests. In various studies on passive inhalation, positive results have occurred where individuals

were exposed to the smoke of 4-16 marijuana cigarettes in an extremely small, sealed, unventilated area for one hour a day over the course of several days. The conditions were extremely uncomfortable, causing watering of the eyes and irritation to the mucous membrane of the nose and throat. The few positive test results were detected at the 20 ng/mL level which is the most sensitive testing level.

The only study where the results were detectable at the 50 or 100 ng/mL level were a product of hour long exposure in the above sealed conditions to 16 cigarettes over 6 consecutive days. It is highly unlikely that the extreme conditions necessary to produce ANY positive test (even at the lowest 20 ng/mL level) could be encountered in a real-life situation without, at least, the tacit consent of the participant.

Accordingly, it is the participant's responsibility to remove him/herself from these situations.

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

Witness: _____ (Case Manager) _____ (Date)

DODGE COUNTY IMPAIRED DRIVING COURT MEDICAL PROFESSIONAL DISCLOSURE/PRESCRIPTION DRUG POLICY

DTC/IDC participants will be provided with a Physician Disclosure Form which notifies any medical, mental health or dental practitioner whom they have visited for medical treatment of the following information:

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

Use of Prescribed Medications

Participants will not be prohibited from utilizing prescribed medications when medically necessary as deemed by a physician. Participants must follow the following guidelines:

- a.** Participants must provide documentation of medications to their case manager with the pharmacy information printout or prescription bottle. The case manager will verify the prescription is in the donor's name, what is being prescribed, and the dosage. Refills will also need to be verified. Participants must select one pharmacy to use while in the program and cannot use multiple pharmacies.
- b.** A participant must take all medications as prescribed and only for the condition for which it is prescribed. For example, if a pain medication was prescribed for a hand injury, it cannot be used later for a tooth ache. Once the presenting issue is resolved, the participant must dispose of used medication. Unused medication cannot be used at a later time, even if it is for the reoccurrence of a similar medical issue. In these circumstances, the participant must consult with a physician for treatment.
- c.** Should a physician deem the use of a benzodiazepine or narcotic medication be medically necessary, the team can grant a waiver. A waiver request must include documentation from the participant's physician outlining the diagnosis that requires the prescribed medication of abuse including alternatives were discussed and found inadequate.

Medication Assisted Treatment

- c. Medications used to treat addictions may be approved by the team and must be verified and monitored by the case manager.
- d. Use of prohibited drugs while on MAT will result in a sanction.

Medical Procedures, Surgeries and Chronic Pain

- c. Participants must inform their case manager of any scheduled medical procedures or surgeries in advance. A letter from the physician must be provided should the procedure or surgery cause the participant to be unable to fulfill the requirements of the program. The letter should include the date and time of surgery, medications required, and physician's contact information. The participant will be excused from program requirements based on the physician's recommendation. To follow up, the participant must provide verification of the procedure and prescriptions at the next case management meeting.
- d. Any prescriptions prescribed for pain management must be verified as medically necessary by the prescribing physician in accordance with the guidelines above. A participant with chronic pain will need to cooperate with the case manager and provide a valid pain management plan from the treating physician. The case manager will work with the participant and physician to explore alternatives to narcotic pain medication if it is appropriate.

DODGE COUNTY IMPAIRED DRIVING COURT GRADUATION AND TERMINATION CRITERIA

Graduation Eligibility Requirements:

9. 90 Continuous days of sobriety
10. Successful completion of AODA treatment
11. Successful completion of IDP Assessment
12. Successful completion of IDC Programming such as the Victim Impact Panel and Thinking for Change (T4C)
13. Employed, enrolled in education program or compliant with community service hours
14. Stable, sober living arrangements
15. Engaged with a sponsor and compliant with community meetings and positive support network
16. Up to date on all program fees and court costs
17. Graduation letter completed

TERMINATION CRITERIA

Termination from the Dodge County Treatment Court Programs will occur should a participant voluntarily withdraw. Termination may also occur if a new charge is filed against the participant, while in treatment court, alleging an offense that is ineligible for the program. The team will consider the participant's circumstances on a case-by-case basis and determine if continued participation is appropriate and compatible with the new charge.

Termination may also occur as a consequence of serious violations of policies or requirements or persistent non-compliance including but not limited to the following:

- Failure to progress in program after repeated interventions/or services offered
- Forging documentation
 - Tampered drug test
 - Behavior that endangers public safety
- Conduct that jeopardizes safety or sobriety of other participants
- Dishonesty

Violations that may result in automatic termination include but are not limited to the following:

- Absconding from the program and failure to make contact for 30 days
- Violence or threatened violence to a treatment court participant or team member
- Drug usage or offering or selling drugs with/to other participants
- Gang activity and/or drug dealing
- Serious assaultive violent crimes, armed burglary, armed robbery, sexual assault, substantial battery, strangulation, attempted homicide, and serious assaultive violent crimes