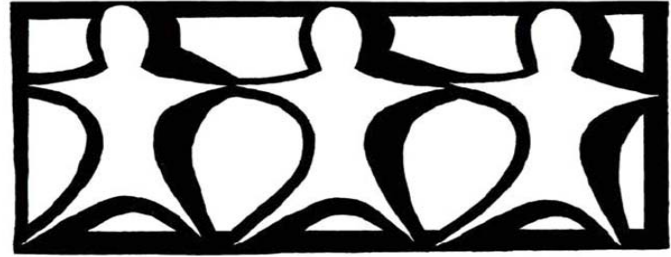


*Pierce County*



**DRUG COURT**

**POLICIES AND PROCEDURES  
MANUAL**

**September 2004**

LAST UPDATED: 04/07/2009

**PIERCE COUNTY DRUG COURT  
POLICIES AND PROCEDURES MANUEL**

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**DRUG COURT TEAM**

<b>The Honorable Joseph Boles</b> Circuit Court Judge Pierce County Circuit Court P.O. Box 97 Ellsworth, WI 54011	<b>Julia Gehring</b> Court Commissioner Pierce County Circuit Court P.O. Box 97 Ellsworth, WI 54011
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## MISSION STATEMENT

The Pierce County Drug Court will effectively use tax dollars and community resources to promote public safety and reduce crime through court-monitored treatment of offenders.

**\*ALL POLICIES ARE SUBJECT TO CHANGE WITHOUT NOTICE\***

## GOALS AND OBJECTIVES

**GOAL 1: To promote self-sufficiency by reducing drug and alcohol abuse through Drug Court treatment**

**Objective #1:**

At least 85% of participants in Drug Court services will reduce the frequency of alcohol and other drug use as measured by urinalysis testing results.

**Output Measures:**

Number of drug tests conducted  
Number of positive urinalysis tests

**Objective #2:**

At least 65% of the eligible participants will complete the program successfully.

**Output Measures**

Number of offenders eligible to graduate  
Number of offenders completing the program

**Objective #3:**

All of the participants who successfully graduate will have a long-term sobriety plan.

**Output Measures:**

Number of long-term sobriety plans developed

**GOAL 2: To provide an integrated program of drug and alcohol treatment, drug and alcohol abuse education, and rehabilitation services.**

**Objective #1:**

All of the participants referred will be actively receiving drug and alcohol abuse treatment at any given time as measured by treatment provider verification reports.

**Output Measures:**

Number of participants referred to treatment  
Number of participants participating in substance abuse treatment

**Objective #2:**

At least 80% of the participants who have completed Drug Court will be employed upon graduation as measured by case management employment verification reports.

**Output Measures**

Number of participants employed full-time  
Number of participants employed part-time

**Objective #3:**

At least 50% of the graduates with less than a high school degree will earn a GED as measured by educational verification reports.

**Output Measures:**

Number of participants with less than high school degree  
Number of participants earning a GED during the program

**GOAL 3: To promote public safety by reducing recidivism.**

**Objective #1:**

No more than 5% of the participants who graduate from the program will be rearrested within one year post graduation.

**Output Measures**

Number of persons re-arrested within six months post graduation.  
Number of persons re-arrested within one year post graduation.  
Number of "Operating While Intoxicated" (OWI) violations.

**GOAL 4: To examine the cost-effectiveness of the program thereby demonstrating cost savings to the taxpayer.**

**Objective #1:**

To increase savings to the taxpayer by reducing costs to the criminal justice system by 10 percent

**Output Measures:**

Costs per arrest  
Costs of crime-related court and legal costs  
Costs of incarceration in jail and prison  
Costs of substance abuse treatment

**Objective #2:**

Not more than 5% of participants who graduate from the program will have child abuse or neglect allegations filed within one year post graduation.

**Output Measures**

Number of persons with investigations of child abuse or neglect  
Cost of child abuse or neglect investigations

## **STRUCTURE/ MODEL**

A post-plea and post-conviction structured drug court will be utilized to best meet the needs of a variety of participants.

All OWI offenders will be post-conviction.

## **TARGET POPULATION**

### Qualifiers

All drug offenders – Chapter 961 offenses  
All over the age of 17  
Pierce County residency  
Drug related crimes or history of drug abuse

### Disqualifiers

Felony assault offenders – violent offenders  
Weapons offenses

## **ELIGIBILITY CRITERIA**

An offender is eligible to participate in the Pierce County Drug Court if:

- ❖ The defendant is a resident of Pierce County;
- ❖ The defendant is charged with a felony in Pierce County;
- ❖ The defendant is charged with a felony offense while under the influence of or while in possession of illegal drugs, or while addicted to drugs or alcohol where there is some relationship between the addiction and the commission of the offense;

- ❖ The defendant is willing to comply with the Drug Court Program rules;
- ❖ The defendant is found, through use of a screening tool, to be a person who is addicted to drugs and/or alcohol;
- ❖ The defendant is able to physically participate in treatment activities (within guidelines of the American with Disabilities Act); and
- ❖ The defendant’s criminal record check must disclose”
  - ❖ No prior violent felony convictions.
  - ❖ No domestic battery convictions.

Eligibility criteria can be waived at the discretion of the team on a case by case basis including those defendants charged with delivery and possession with intent to deliver drugs. Evidence of ongoing drug dealing will exclude the defendant from the program.

### **ENTRY PROCESS**

Referrals are made by the District Attorney’s office, Probation and Parole and Attorney’s.

If the defendant is interested in participating in the program, he/she must let the District Attorney, Probation and Parole or their attorney know and/or ask to be considered for participation.

A plea hearing will be scheduled to occur as soon as possible. Note: a defendant meeting the qualifications for the Pierce County Drug Court program does not have a “right” to admission to the program. Entry to the program is the decision of the Drug Court Team.

Eligible defendants who choose to opt in to the Pierce County Drug Court are screened by the coordinator in order to determine if the person has an addiction to alcohol and/or drugs. If the defendant is found to be appropriate for the program and he or she still wishes to participate, then the defendant will:

- ❖ Enter a plea of guilty to the relevant charges and be sentenced;
- ❖ Be scheduled for Drug Court hearings on a regular basis;
- ❖ Participate in a treatment program, based on a completed assessment by Human Services or another treatment provider;
- ❖ Submit to random drug testing on a scheduled and/or random basis;  
and
- ❖ Submit to visits at home and/or work by assigned Probation Officers, AODA Counselors, Drug Court personnel, or law enforcement officers.

## **PHASES**

### **Phase One – Stabilization, Assessment, and Orientation**

#### **Court Supervision**

- Attend weekly Drug Court sessions.
- Complete all assignments as directed by the judge.
- Attend all sessions, classes, groups, etc. as directed by the treatment provider and judge.
- Minimum of 30 days of negative drug testing and compliance with the treatment program.

#### **Community Supervision**

- Community supervision (i.e., home visits, curfew monitoring, employer visits, and employment verification) visits are typically random and unannounced.
- Access to a landline telephone may be required to assist in monitoring activities and application of sanctions as deemed necessary by the Drug Court Team.

#### **Treatment Supervision**

- Detoxification services as needed will be provided for one to three days.
- Appropriate treatment services, including inpatient residential, primary outpatient, and individual counseling.
- Attendance at support groups begins during Phase One but may be minimal due to significant time in more intense treatment options.
- Participant will obtain a sponsor within the first 30 days.
- Before advancing the sponsor comes to at least 1 drug court session or writes a letter recommending phase advancement.
- Determine a “home” support group.
- Level of treatment services and intensity of support groups will be based on the recommendations by the treatment provider and drug court team.
- Any other conditions as found by the team.

Minimum of ninety days in Phase One

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### **Phase Two – Treatment and Early Skill Development**

#### **Court Supervision**

- Attend Drug Court sessions every two weeks, as directed by the judge.
- Complete all assignments as directed by the judge.
- Attend all sessions, classes, groups, etc. as directed by the treatment provider and judge.
- Minimum of 60 days of negative drug testing and compliance with the treatment provider.

#### **Community Supervision**

- Community supervision (i.e., home visits, curfew monitoring, employer visits, and employment verification) will occur a minimum of once a week.
- Supervision visits are typically random and unannounced. Community supervision will be the primary responsibility of the Drug Court Coordinator, with the exception of participants on probation that will continue to receive supervision by their Probation Officer.

#### **Treatment Supervision**

- Continuing care outpatient services and individual counseling provided.
- Attendance at support groups will increase as intense treatment services decrease.
- Level of treatment services and intensity of support groups will be on the recommendation by the treatment provider and the Drug Court Team.
- Continued weekly contact with sponsor and sponsors verbal or written recommendation for phase advancement.
- Participants need for supportive services will increase (i.e., family counseling, employment/education support, life skill training). The Drug Court Coordinator links participants to support services.
- Any other conditions as found by the team.

Minimum of four months in Phase Two

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### **Phase Three – Skill Development and Transition**

#### **Court Supervision**

- Attend monthly Drug Court sessions, as directed by the judge.
- Complete all assignments as directed by the judge.
- Attend all sessions, classes, groups, etc. as directed by the treatment provider and judge.
- Minimum of 90 days negative drug testing and compliance with the treatment program.
- Pay all fees and fines.
- Completion of exit interview and survey with Drug Court Coordinator.

#### **Community Supervision**

- Community supervision (i.e., home visits, curfew monitoring, employer visits, and employment verification) will occur once a week or less, depending on the needs of the participant.
- Supervision visits are typically random and unannounced. Community supervision will be the primary responsibility of the Drug Court Coordinator, with the exception of participants on probation that will continue to receive supervision by their Probation Officer.

#### **Treatment Supervision**

- Continued individual counseling provided as needed.
- Attendance at support groups will be the primary area of support and assistance to the participant in Phase Three.

- Level of treatment services and intensity of support groups will be based on the recommendations by the treatment provider and the drug court team.
- Continued weekly contact with sponsor and sponsors verbal or written recommendation for graduation.
- Participants need for supportive services will continue (i.e., family counseling, employment/education support, life skill training). The Drug Court Coordinator links participants to support services.
- Any other conditions as found by the team.

Minimum of six months in Phase Three

**\*Participants time in drug court does not count towards Phase Advancement while serving a jail sentence longer than 14 days or while in Inpatient treatment longer than 10 days. Phase Advancement time will begin if or when a participant who is serving a jail sentence is placed on the home monitoring system.\***

**Participants who are serving a jail sentence must have their drug court fee paid in full before being considered for home monitoring.**

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### **GRADUATION CRITERIA**

Participants must complete at least thirteen (13) months of the Pierce County Drug Court program to be considered eligible for graduation. The Drug Court team must approve any exceptions. The Drug Court team must approve candidates for graduation.

Once a participant is approved for graduation, a graduation ceremony will take place in the final drug court session. Family members, friends, sponsors, and other supportive individuals are encouraged to attend the graduation ceremony.

The Drug Court Coordinator will obtain the graduate's input through an exit interview or survey with the graduate. Results will be maintained in the Drug Court Tracking System.

### **ALUMNI ASSOCIATION**

Upon graduation, all Drug Court graduates will be invited to join the Alumni Association. The rules of the Alumni Association will be established by the members of the Alumni Association with the approval of the Drug Court Team.

## **SANCTIONS AND INCENTIVES**

Sanctions are the imposition of a consequence, perceived as a negative by the receiver, as a direct result of a prohibited activity.

Sanctions in Pierce County Drug Court may include, but are not limited to, the following:

- Verbal warning or admonishment by the Judge
- An essay writing assignment or workbook
- Increase in drug testing
- Increased attendance at Drug Court sessions
- Placement in an earlier Drug Court Phase or repetition of a phase
- Community service assignments
- Curfew restrictions
- Loss of privileges, for example, driver's license, fishing license, etc.
- Imposition of suspended court fees
- Warrant for arrest
- Electronic home monitoring
- Jail time
- Dismissal from the Drug Court Program
- Loss of fish bowl privileges

Incentives are responses to compliance, perceived as positive, by the receiver.

Incentives in Pierce County Drug Court may include, but are not limited to, the following:

- Recognition by the Judge
- "Praise Points" or tokens of Progress
- Certificates of recognition and/or completion
- Recreational activities
- Advancement to the next Drug Court phase
- Decrease in drug testing
- Curfew reduction
- Gain of privileges, for example driver's license, fishing license, etc.
- Decrease attendance at Drug Court sessions
- Reduction in court fees
- Dismissal or reduction of charges
- Program recognition ceremony and membership in Alumni Group
- Sobriety and drug free
- Name placed in fish bowl

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## **TERMINATION CRITERIA**

Regardless of the method by which a participant enters the Pierce County Drug Court, termination may occur for various reasons including, but not limited to:

- Noncompliance with rules and procedures.
- Arrest and/or conviction on new charges. In general, assaultive or violent crimes or behaviors will result in termination. However, a new arrest and/or conviction will be determined on a case by case basis, by the Drug Court Team.
- Any issue or behavior that would have disqualified the participant from original eligibility.
- Failures to appear as scheduled for court or treatment.
- Any other grounds that the Drug Court Team finds sufficient for expulsion.

## **Process for expulsion**

Any member of the Drug Court Team may make a Motion for Expulsion. The Motion for Expulsion will be discussed at the next staffing of the Team and termination will be decided by majority vote. The Judge does not vote on termination.

**A Drug Court participant does not have the option to quit or remove him or herself from the Drug Court program. Successful completion or expulsions are the only methods by which a participant may leave Drug Court.**

## **DRUG TESTING PROTOCOL**

All Phases

- ◆ Type of alcohol and drug screening will be based on individual profile of alcohol and drug use history. Basic screening will monitor for alcohol, THC, methamphetamine, cocaine, and opiate use. Urine drug screens will be used for all drugs. Alcohol screening may also include breathalyzer, sweat patch, and/or saliva tests.
- ◆ Pierce County Jail personnel will do primary testing. Urine screenings that show a positive result will be sent to the state laboratory for confirmation of use and type of drug used.
- ◆ For participants on probation, probation officers may also drug test. For participants receiving treatment, treatment staff may also drug test.
- ◆ All alcohol and drug screening will be a witnessed collection with direct observation of urine collections. Same sex personnel will staff urine collections.
- ◆ As a key component to Drug Court, any team member may require a drug screening at any time and for any reason.
- ◆ Upon request, the participant must comply with the drug screening procedure. If a sample is not produced, is not of sufficient quantity, or is adulterated in any way, it will be treated as a positive sample for the presence of unauthorized drugs or alcohol and reported to Drug Court.
- ◆ Prior to delivering a test sample, the participant will be asked whether or not the test will be positive. Participant acknowledgement that a sample will be positive will be considered a positive test and reported as such. Further testing need not take place. If a participant indicates that a test will be negative, but the test is positive, the participant will be asked for confirmation of drug use. If requested a fresh sample will be sent to the laboratory for confirmation. Lab costs for positive results will be charged to the participant. Lab costs for negative results will not be charged to the participant.
- ◆ Drug screening will include random testing throughout the duration of the Drug Court program.
- ◆ Participants who are receiving treatment for methamphetamine addiction will be drug screened a minimum of twice a week throughout the length of their participation in the Drug Court program.
- ◆ Participants who are charged with new criminal charges will be screened.

### **Phase One**

Minimum screening will occur twice a week in addition to the possibility of a random screening.

**Phase Two**

Minimum screening will occur once a week in addition to the possibility of random screening.

**Phase Three**

Minimum screening will occur on a random basis.

### **EVALUATION DESIGN**

Evaluation must be tailored to the political and organizational context of the program to be evaluated. It typically involves assessment of one or more of five program domains: (a) the need for the program, (b) the design of the program, (c) the program implementation and service delivery, (d) the program impact or outcomes, and (e) program efficiency. Evaluation requires an accurate description of the program performance or characteristics at issue and assessment of them against relevant standards and criteria.

### **MEMORANDUM OF UNDERSTANDING**

The Pierce County Circuit Court having united in purpose with the Pierce County District Attorney's Office, Wisconsin Public Defender's Office, Pierce County Sheriff's Department, Wisconsin Department of Corrections Office of Probation and Parole, and Pierce County Department of Human Services agree to collaborate

in an effort to address substance abuse and drug related criminal activity in Pierce County.

In an effort to support a comprehensive program of services to meet the needs of qualified participants we, the team members, commit to the following:

**DRUG COURT JUDGE:** The Pierce County Circuit Court agrees to provide a Judge who will preside over the Drug Court. The judge will preside over the court proceedings and monitor appropriate application of disciplines, sanctions and incentives while maintaining the integrity of the court.

**DRUG COURT COORDINATOR:** As a member of the Pierce County Drug Court Team, the Coordinator will be responsible for grant writing, maintaining individual files on participants, compiling statistical data, preparation and management of Drug Court dockets, providing supportive services to participants as developed by other team members, and soliciting community support through education and linkages in an effort to enhance participant services.

**DISTRICT ATTORNEY'S OFFICE:** The District Attorney's Office will review all potential participants for eligibility, actively participate in staffing of cases, and interact in a non-adversarial manner to address revocations, pleas and application of sanctions and incentives as they apply to the participant.

**PUBLIC DEFENDERS OFFICE:** The Public Defender's Office will actively participate as defense counsel by advocating for the participant during staffing and court proceedings in a non-adversarial manner, assist with the negotiation of plea agreements, completion of necessary documents to facilitate the treatment process for the participant.

**PIERCE COUNTY DEPARTMENT OF HUMAN SERVICES:** The Pierce County Department of Human Services will participate in staffing and make treatment recommendations to the Court. In addition, the Department of Human Services will identify a continuum of care for participants while advocating on behalf of the client and for the integrity of the Court. When appropriate, the Department of Human Services will directly provide drug treatment continuum of care services.

**DEPARTMENT OF CORRECTIONS – OFFICE OF PROBATION AND PAROLE:** The Probation and Parole Office will be responsible for implementing

the appropriate supervision level based on established measures, provide community linkages and referrals to appropriate agencies, provide drug screening and monitoring services, monitor accountability of social activities and home environment of participants.

**PIERCE COUNTY SHERIFF’S DEPARTMENT:** The Pierce County Sheriff’s Department will be responsible for assisting with background investigations of potential participants, provide inter-county transports to treatment facilities when required for safety concerns, follow-up on warrants issued through the Court, provide drug screening and monitoring services, provide home and community visits and monitoring activities, monitor sanctions and compliance of participants.

**PIERCE COUNTY LOCAL LAW ENFORCEMENT DEPARTMENTS:** Local law enforcement agencies will provide sworn personnel support, as resources permit, to work in partnership with the Pierce County Drug Court in the supervision and monitoring of Drug Court participants.

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Each team member will be responsible for dissemination of information to their respective agency with regard to the Pierce County Drug Court team activities, education of peer professionals on the program and development of community linkages to enhance program effectiveness.

In creating this partnership and uniting around a single goal of addressing an underlying problem affecting our community, the undersigned pledge to enhance communication between the court, law enforcement and treatment programs. Through this linkage of services, we expect greater participation and effectiveness in addressing drug offenders involved in the criminal justice system.

**SIGNATURES:**

\_\_\_\_\_  
State of Wisconsin Circuit Court

\_\_\_\_\_  
Date

\_\_\_\_\_  
State of Wisconsin Public Defender

\_\_\_\_\_  
Date

\_\_\_\_\_  
State of Wisconsin Department of Corrections

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pierce County District Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pierce County Sheriff Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pierce County Department of Human Services

\_\_\_\_\_  
Date

## **ETHICS AND CONFIDENTIALITY**

The participant's identity and privacy will be protected consistent with federal confidentiality laws (42 United States Code (USC) Section 2990dd-2, and the regulations implementing these laws at 42 Code of Federal Regulations (CFR), Part 2) and Wisconsin law. Drug courts and confidentiality laws are designed to achieve the shared goal of encouraging substance abusers to obtain and remain in treatment. The Pierce County Drug Court can only function if information is shared among team members.

The goals of the Pierce County Drug Court and confidentiality laws are compatible; both seek to help substance abusers overcome their drug addiction, for the benefit of the users themselves and society at large. If a

situation exists where Pierce County Drug Court practice conflicts with confidentiality laws, then the law prevails. Pierce County Drug Court will eliminate any unnecessary conflict by obtaining the participant's consent for information disclosure. The participant will be asked to sign a waiver authorizing the transfer of information among all participating agencies.

Valid consent from a participant allows the use of information in a manner that would otherwise violate federal regulations regarding confidentiality. Individuals referred to drug treatment programs by the criminal justice system do not have a right to revoke their consent until successful completion of the program. Participants must be informed that their consent is irrevocable but not permanent.

First, the participant should have an opportunity to consult with a lawyer before signing the form. The lawyer should not necessarily present the form to the participant, as this may give the impression that the lawyer is trying to obtain the participant's consent rather than assisting the participant in deciding whether to consent.

Second, whomever presents the form should review it with the participant, with particular attention to the possibility that the participant is illiterate or cannot read or comprehend the language in which the waiver is printed. If the participant cannot understand or read English, a translator will assist the person reviewing the form. Typically, the Drug Court Coordinator will be the person obtaining signed copies of confidentiality forms and consent to disclose private information forms. The Drug Court Coordinator will maintain copies of all signed forms in each participant's Drug Court file.

Third, regulations require that the participant be advised, orally and in writing that federal law protects the confidentiality of treatment records. The notice must cite Section 290dd-2 and the implementing regulations (Sections 2.1 through 2.67 of Title 42 of the Code of Federal Regulations) and state that

- a) treatment information is ordinarily kept confidential;
- b) it is a crime to violate this confidentiality requirement, which the participant may report to appropriate authorities;
- c) federal law does not protect information relating to crimes committed on the premises of the program, crimes against program personnel or the abuse or neglect of a child

The participant should be asked to re-execute the consent at least once. The purpose of re-executing the first time is to allow participants to re-affirm their consent after acquiring more information about what drug court participation entails. The re-execution should occur as soon as the court is satisfied that the participant is not suffering from any effects of being under the influence of alcohol and other drugs or the withdrawals associated with

drug use. Routine re-execution is required when a new person joins the drug court team.

Title 42, Section 2.31(a) of the Code of Federal Regulations lists nine elements that must be included in a written consent:

1. The specific name or general designation of the program or person permitted to make the disclosure
2. The name or title of the individual or the name of the organization to which disclosure is to be made.
3. The name of the Drug Court participant.
4. The purpose or need for the disclosure.
5. How much and what kind of information is to be disclosed.
6. The signature of the patient or, when required for a patient who is incompetent or deceased, the signature of a person authorized to sign under § 2.15 in lieu of the patient.
7. The date which the consent is signed.
8. A statement that the consent is subject to revocation at any time **except** to the extent that the program or person which is to make the disclosure has already acted in reliance on it. Acting in reliance includes the provision of treatment services in reliance on a valid consent to disclose information to a third party payer.
9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must insure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.

**Note: The eighth element**, concerning the revocation of consent, should not be included in consent forms in criminal drug courts, but it must be included in juvenile and family drug court waivers. *See 42 C.F.R. § 2.35.*

A general medical release form or any consent form that does not contain all of the elements listed above and herein, is not acceptable.

### **The General Rule**

Federal confidentiality laws and regulations protect any information about an offender if the offender has applied for or received any AOD-related services from a program that is covered under the law. Services applied for or received can include assessment, diagnosis, individual counseling, group counseling, treatment or referral for treatment. The restrictions on disclosure apply to any information that would identify the offender as an alcoholic or other drug abuser, either directly or by implication. The general rule applies from the time the offender makes an appointment. It applies to offenders who are mandated

into treatment as well as those who enter treatment voluntarily. It also applies to former clients or patients. The rule applies whether or not the person making an inquiry already has the information, has other ways of getting it, has some form of official status, is authorized by State law, or comes armed with a subpoena or search warrant.

## **Sharing Confidential Information**

Information that is protected by Federal confidentiality regulations may always be disclosed after the offender has signed a proper consent form. The regulations also permit disclosure without the offender's consent in several situations, including medical emergencies, program evaluations and communications among program staff. Offenders who refuse to sign consent forms permitting essential communications can be excluded from treatment or provided treatment temporarily in the hope that resistance to signing the consent forms will evaporate as treatment proceeds.

All members of the Drug Court Team must hold information discussed during pretrial interviews, assessment, Drug Court Team staffing meetings, drug court status hearings, and treatment sessions in confidence.

No test results or statements made by participants during the above mentioned proceedings – other than pleas of guilty or statements made at termination hearings – shall be admissible against participants in any prosecution other than in drug court proceedings to prove a violation of drug court rules, to establish grounds for termination of a defendant from the drug court program, or to prove a violation of probation based upon termination of a defendant from the drug court program. However, evidence which is discovered either routinely in the course of a criminal investigation, such as a participant's criminal history or information gathered from witnesses on the participant's case, shall not be inadmissible because such evidence is also disclosed or discovered during pretrial interviews, assessment, treatment, or drug court proceedings.

Evaluators, researchers, or personnel from other courts visiting the Drug Court staffing and court hearings are required to sign a confidentiality agreement that is kept on file by the Drug Court Coordinator.

## **PIERCE COUNTY DRUG COURT CONFIDENTIALITY STATEMENT FORM**

I, \_\_\_\_\_, as a participating member or guest of the Pierce County Drug Court, duly recognize my responsibility to the confidentiality of the Drug Court Program, and hereby agree:

1. Any information discussed at a team meeting shall remain confidential and will not be revealed to anyone.
2. Names of program participants will be disseminated to team members only.

3. Any information gathered during a 4<sup>th</sup> waiver search will be shared with team members only unless it relates to evidence of a new crime.
4. Photos, Drug Court files and addresses of Drug Court participants will remain confidential, to be used by Drug Court Team members only.
5. Warrants of arrest are not confidential.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Note: This form is necessary in order to comply with Title 42 of the code of Federal Regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records.

Team members include law enforcement liaison officers and all team back-up members.

**PIERCE COUNTY DRUG COURT**  
**CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE INFORMATION:**  
**DRUG COURT REFERRAL**

I, \_\_\_\_\_, hereby consent to communication between (check all that apply)  
 (Defendant/Guardian)

- Pierce County Department of Human Services; P.O. Box 670, Ellsworth, Wisconsin
- Judge Robert W. Wing and Pierce County Circuit Court personnel: Pierce County Courthouse, Ellsworth, Wisconsin
- Pierce County Drug Court Coordinator; Pierce County Courthouse, Ellsworth, Wisconsin
- District Attorney's Office; Pierce County Courthouse, Ellsworth, Wisconsin
- State Public Defender's Office; 2100 O'Neil Road; Suite 400; Hudson, Wisconsin
- Pierce County Probation and Parole Office; 130 North Chestnut Street, Ellsworth, Wisconsin

The purpose of and need for, this disclosure is to inform the Court and all other noted parties of my eligibility and/or acceptability for alcohol or other drug abuse treatment services, psychiatric services, psychological services, mental

health services and my treatment attendance, prognosis, compliance and progress in accordance with Pierce County Drug Court's monitoring criteria.

Disclosure of this confidential information may be made only as necessary for, and pertinent to, hearings and/or reports concerning \_\_\_\_\_  
(list charges, docket number and/or indictment number)

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Pierce County Drug Court Program for the above-referenced case, such as discontinuation of all court and/or probation supervision upon my successful completion of the Pierce County Drug Court requirements OR upon sentencing for violating the terms of my court or probation involvement.

I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of alcohol and other drug abuse participant records and that recipients of this information may re-disclose it only in connection with their official duties.

This Consent for Disclosure of Confidential Information has been fully explained to me, and I have received a copy of this authorization.

Dated: \_\_\_\_\_

\_\_\_\_\_ Name

\_\_\_\_\_ Signature

\_\_\_\_\_ Signature of Defense Counsel

\_\_\_\_\_ Signature of Guardian (where applicable)

Original retained by Drug Court Coordinator.  
Copy to Drug Court participant

**Background** Under Federal law, information regarding substance abuse treatment is protected by the provisions of.

The San Diego County Drug Court Program have implemented several safeguards to protect this confidential information. These procedures will address those safeguards.

**Consent for Disclosure** The San Diego County Health and Human Services Agency, Alcohol & Drug Services (ADS) holds contracts with all case management, treatment and testing organizations providing services to Adult Drug Court programs. ADS has imposed the following procedure, when conducting an intake interview for a new Drug Court participant.

Effective January 1, 2001, all participants entering the Adult Drug Court programs will be required to complete a form entitled Consent for Disclosure of Confidential Substance Abuse Information: Drug Court Referral. (See attached example). The original shall be retained by the Case Manager in the Treatment file.

**Treatment Information**

**vs. Court Files:** Typically, Drug Court files are maintained in a separate location from the traditional “file bank” of cases. Reasons to keep them separate range from convenience for the courtroom clerk to providing an additional step to minimize indiscriminate information to the public.

Treatment information and progress reports are kept separate from court files, by one or more of the methods described below:

- Placed in Confidential envelope enclosed in the court file;
- Maintained in a separate treatment file, located at Case Management or Treatment Provider’s office;
- Discarded/shredded after team meetings and/or drug court sessions;
- Maintained in locked cabinets, separate from the court files.

All court orders, including orders regarding treatment and sanctions, must be entered in the court minutes.

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**Visitors and** The Drug Court session is open to the public. The team meetings or staffing, however, are closed to the public. Occasionally guests may be permitted to attend team meetings for training purposes or orientation to the drug court process.

**Guests** Guests will be required to complete a Confidentiality Statement Form (see example attached). The completed, signed forms should be kept in the Drug Court Department or adjoining clerk’s office for future reference.

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**Additional Information** A confidential legal opinion is attached from the Administrative Office of the Courts, addressing