

# Wood County Adult Drug Treatment Court Participant Contract

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

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

City/State/Zip \_\_\_\_\_

DOB: \_\_\_\_\_

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

Charge(s) Deferred to Drug Court: \_\_\_\_\_

**Welcome to Drug Court!** If you are reviewing this contract it is because you have been accepted to Drug Court. It is likely that your primary purpose in joining Drug Court is to avoid the full legal impact of your actions. The Drug Court Team's primary purpose in volunteering their time and effort to this program is to increase your opportunities to lead a clean, sober and productive life. If you work hard, are honest and display a committed attitude, you will graduate and perhaps change your life. Welcome and good luck.

## **Eligibility:**

I understand that the validity of this contract is conditioned upon my eligibility. If at any time after the execution of this agreement and regardless of what phase I may be in, I am found to be ineligible to participate in the program, I will be immediately terminated from the program and the criminal proceedings will be reinstated. "Ineligible to participate" means the following: The participant no longer meets the criteria that allowed entry into the program; Eligibility for the program is divided into the following areas and both criteria must be met and continued for program eligibility: Charge Referred – The charge cannot involve (1) Carrying, possessing or using a dangerous weapon; (2) Using force against another; (3) Causing death or serious bodily harm to another; (4) Operating while intoxicated.

Potential Applicant – The applicant must not be a violent offender. "Violent offender" is defined as a person who (1) Is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct (a) the person carried, possessed, or used a firearm or dangerous weapon; (b) there occurred the death of or serious bodily injury to any person; or (c) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (a) or (b) is an element of the offense or conduct of which or for which the person is charged or convicted; or (2) the person has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm The applicant must also meet the following requirements: (1) Be an adult resident of Wood County for 6 months prior to application and maintain county residency during the time they are in Drug Court. The 6 month requirement can be waived if the applicant has lived a significant portion of their life in Wood County; (2) Agree to obey all the rules and obligations of Drug Court, sign all necessary contracts, releases, and waiver of various rights; (3) Undergo required assessments which results indicate that the applicant is drug dependent or significantly abusing drugs AND is found to be medium to high risk; (4) Be able to arrange transportation to fulfill all Drug Court obligations; (5) Have sufficient mental stability to allow them to work the program with a reasonable expectation that the mental illness is not so pervasive that they will not be able to comply with the requirement of the Court because of the mental illness. A co-occurring mental health disorder will not by

itself exclude an applicant; however, an applicant that is a danger to themselves or to others will not be accepted; (6) A person must also meet the legal definition of competency; sec. 971.13; (7) Observe a Drug Court session. The participant is required to observe at least one Drug Court session prior to the admission into Drug Court; and (8) Not rescind any releases, waivers, or contracts, associated with Drug Court while in the program. An applicant that is found to be ineligible to continue in the program will not be allowed to withdraw their previously entered plea of guilty or no contest that allowed them to be granted admission to Drug Court, unless the Court finds the appropriate constitutional or legal reasons concerning a withdrawal of a plea. This is a significant burden to meet and the applicant must realize that it is very unlikely that such a motion or request would be granted.

**Participants Observation:** The Drug Court Team requires that applicants to the Court are aware of, to the extent possible, what Drug Court is all about. Therefore, applicants must observe Drug Court on at least one occasion prior to being admitted.

I observed Drug Court on \_\_\_\_\_.

**Requirements of Program:**

There is a mandatory minimum of time that must be spent in Drug Court. I understand that I must spend at least 12 months in the program prior to graduation. There is also a presumptive mandatory expectation that I complete the program within 24 months. If I have not completed the program within 24 months I could be terminated. Participants that have not completed the program at the 24-month mark but that are making significant progress will usually not be terminated.

**Phases of the Program:**

**Phase I** – The following are that need to be accomplished prior to advancement to Phase II.

- Weekly appearances in Drug Court
- Minimum of 60 days in phase I
- A minimum of 9 court appearances
- Making progress in treatment
- Is attending outside support meetings at least 3 a week with verification
- Is personally calling for random UA
- Attendance and production for random and non-random drug testing
- Demonstrates a pattern of abstinence or decreasing positive urines
- If able, demonstrates increasing personal responsibility by establishing payment plan for fines, fees and restitution
- Completion of other conditions as determined by the Drug Court.
- Submits letter requesting next phase and letter shows some understanding as it relates to the Drug Court program
- Have a sponsor

**Phase I - Medication Assisted (opiates only)** - The following are benchmarks that need to be accomplished prior to advancement to Phase II.

- Bi-weekly appearances in Drug Court
- Minimum of 60 days in phase I
- A minimum of 5 court appearances
- Making progress in treatment
- Is attending outside support meetings at least 3 a week with verification
- Is personally calling for colors
- Attendance and production for random and non-random drug testing

- Demonstrates a pattern of abstinence or decreasing positive urines
- If able, demonstrates increasing personal responsibility by establishing payment plan for fines, fees and restitution
- Completion of other conditions as determined by the Drug Court.
- Produce medical records demonstrating compliance with medication.
- Submits letter requesting next phase and letter shows some understanding as it relates to the Drug Court program
- Have a sponsor

**Phase II-** The following are benchmarks that need to be accomplished prior to advancement to Phase III

- Minimum of 120 days in phase
- Weekly appearances in Drug Court. At the start of this phase weekly appearance would be the norm with a reduction in appearances as progress is achieved. With compliance in the medication assisted treatment the participant will remain at bi-weekly court appearances.
- Personally calling in daily for random UAs
- Submits a minimum of two samples per week for drug testing
- Attendance at outside support group meetings is good
- Verification of support meetings
- Has made good progress in treatment
- A minimum of 20 hours a week involved in employment, education, job training, gaining technical skills or community service. There must be a medical reason for not accomplishing employment or community service in this phase and if such reason exists, it is likely that the Court may assign other tasks or goals to keep the participant engaged in healthy and useful pursuits.
- Is working on life skills if needed
- Letter for phase advancement
- Continues to demonstrate a pattern of assuming responsibility by raising problems/issues ahead of time
- Have a sponsor
- Completion of other conditions, as determined by the Drug Court
- On schedule with Drug Court fee payments (a minimum of \$250 paid.)

**PHASE III-**The following are benchmarks that need to be accomplished prior to phase advancement.

- Participant is making court appearances as required. In this phase monthly appearances would be the norm.
- Personally calling in daily for random UAs
- Appearing to provide drug samples when required
- 120 days of negative drug testing
- A minimum of 150 days in phase
- Participation in support groups as required with verification
- Has made significant progress in treatment
- Is consistently honest
- Is employed a minimum of 20 hours a week, or is actively pursuing an education or technical training. If a participant is not able to be employed unless determined disabled by SSA or an employer based disability plan, the Court may assign other projects such as community service, to keep the participant engaged in healthy and worthwhile pursuits.
- Submit a request in writing for the graduation phase. The request must include an aftercare plan that is approved by the Drug Court.
- Drug court fees are paid.

- Completion of other conditions, as determined by the Drug Court.
- To the extent possible has established a stable living environment
- Has dealt with life issues in positive and significant manner
- Have a sponsor

**PHASE IV** – The following are benchmarks that need to be accomplished prior to advancement to phase V.

- Complete abstinence.
- 150 days of negative drug testing
- Employed if able and if not has been devoting time and energy to other causes in order to remain busy and occupied
- Minimum of 30 days
- Attendance of treatment and support meeting with verification
- No sanctions
- Is interviewed by the team and demonstrates the skills necessary to maintain a sober lifestyle
- To the extent possible has established a stable living environment
- Report for graduation on the date set by the Drug Court.
- Personally calling in for random UAs
- Have a sponsor

I have reviewed the various phases of Drug Court. I understand that I need to meet these benchmarks before I can progress to Phase V.

**Phase Advancement**

Participants should progress through the various phases until they reach graduation. Advancing through the phases is based on criteria that are well defined and achievable for the participant. If a participant is placed back in a prior phase, the participant’s treatment plan should be reviewed by the treatment provider to determine what aspects of treatment and phase movement is necessary to advance to the next phase.

**Rules of Drug Court**

The following are the rules of Drug Court. The list is not necessarily inclusive. *The Judge can always order additional rules for an individual participant, depending on the circumstances.* The Drug Court Handbook is discontinued.

1. Participants are required to attend court, treatment counseling, support meetings and appear for random drug testing. Participants may be required to attend various treatment programs including in-patient. Some programs may be outside the geographic area.

\_\_\_\_\_ participant initials

2. By virtue of the execution of the Drug Court contract, each participant acknowledges that drug testing is a major part of the program. Participants agree to comply with each component of the testing requirements. These requirements include submission of urine samples or other methods of testing, compliance with testing protocols, and the waiver of all confidentiality as to the results of the test, any re-testing or supplemental testing and release of test results to Drug Court team members. Collection can include breath, blood, urine, saliva, hair, or other forms of collection. Participants must cooperate fully with providing samples for drug testing. Testing will be done on a random and selective basis and each participant is required to comply.

\_\_\_\_\_ participant initials

3. The results of the test will be used to determine the participant's compliance with the rules relating to abstinence and truthfulness. The results of the tests can and will be used to sanction the participant or be considered the basis for discharge from Drug Court. The Drug Court will presume that drug test results or lab results are accurate.

\_\_\_\_\_ participant initials

4. When responding for a drug test participants must arrive between the required hours. Failure to arrive between the required hours will be deemed a positive test and will be considered non-compliance with the rules of the program and subject to sanction.

\_\_\_\_\_ participant initials

5. Participants must personally call in for their UA on a daily basis. It is unacceptable to have others call in; participants must assume the personal responsibility for this task.

\_\_\_\_\_ participant initials

6. When responding for a drug test participants must be prepared and be able to produce a sample during the prescribed time period. That time period is 15 minutes. Failure to produce a sample will be considered a positive test result at the discretion of drug court assigned individual collecting the sample.

\_\_\_\_\_ participant initials

7. When responding for a drug test participants must follow the directions of the Drug Court case manager as to how to collect and submit a sample, but may be modified by the drug court individual assigned to collect the sample.

\_\_\_\_\_ participant initials

8. Participants must produce a sample that is undiluted and registers an appropriate temperature. Diluted and/or hot or cold samples will be considered positive and under most circumstances sanctioned.

\_\_\_\_\_ participant initials

9. Collection of samples will usually be observed. This could include: (1) partial disrobing at the time of providing a sample; (2) direct observation of the flow of urine from the body; (3) a pat down of the body prior to submitting a sample; and (4) other methods of collection that assure the integrity of the process.

\_\_\_\_\_ participant initials

10. Participants agree that they will not be in an environment where drugs or alcohol are used. Claiming that a positive test result occurred from being in a drug using environment but that personal use did not occur is not a valid explanation for a positive result. A claim of passive smoke inhalation will be met with skepticism and will be sanctioned as if there was intentional drug use.

\_\_\_\_\_ participant initials

11. Participants agree not to use products that could cause a positive test results such as but not limited to eating foods with poppy seeds, using over the counter products that contain alcohol, or be engaged in activities that may result in a positive test. Participants are responsible for the intake of any and all items that might yield a positive drug test.

\_\_\_\_\_ participant initials

12. Participants need to be aware that the Drug Court Team recognizes that use of alcohol by participants is problematic. If undetected, use will impede the participant's progress in the program and alcohol has a narrow window of retention which makes it subject to abuse by participants. Therefore, ethylglucuronide (EtG) testing will be done as needed and will be done on a selective basis. This form of testing is very sensitive and participants agree to abide by the following guidelines recognizing that positive tests will be considered proof of alcohol consumption: Participants must: (1) fast when requested (except for water) and/or to be very careful to avoid any exposure to alcohol for as long as possible, at least 4-6 hours, prior to submitting a sample; (2) Abstain from the use of any mouthwashes (i.e. Listermint, Cepacol, etc) that contain ethyl alcohol. Participants are required to read product labels and avoid mouthwash or anything else containing ethyl alcohol. Non-alcohol mouthwashes are readily available and are an acceptable alternative.; (3) Abstain from certain foods and other products such as vanilla extract or almond extract (often used to flavor coffee), food cooked with wine or other alcoholic beverages, desserts, especially flamed desserts, which are prepared with large amounts of alcohol, chocolates containing liquid filling can contain alcohol; Avoid breathing alcohol vapor of products containing alcohol, such as alcohol based hand sanitizing gels (e.g. Purell), perfumes or colognes, bug sprays, or other chemicals (lacquers, solvents, or gasohol). If you must use these products take precautions, use them sparingly and avoid breathing the fumes; (4) Abstain from the use of rubbing alcohol or alcohol swabs.

\_\_\_\_\_ participant initials

13. Participants must remain clean and sober. Participants must be drug and alcohol free at all times.

\_\_\_\_\_ participant initials

14. Possession or consumption of intoxicants is prohibited.

\_\_\_\_\_ participant initials

15. Participants may not consume or possess "designer drugs" or other substances which produce a drug like effect. Designer drugs are drugs and compounds that have been: (1) altered or modified so that they do not fit within chemical definitions that would otherwise make them illegal and; (2) altered or modified in order to circumvent drug monitoring. Examples are but not limited to "spice", "K2", and other synthetic cannabinoids. An example of "other substances" is synthetic cathinones, commonly referred to as bath salts. Use of such substances is a drug court rule violation. The drug court will decide if a substance is a "designer drug" or "other substance" used for the purpose of obtaining a drug like effect.

\_\_\_\_\_ participant initials

16. Participants may not associate with persons that use or possess drugs. Association includes but is not limited to face to face meetings, phone calls, texting, letters, social media, or other forms of electronic communication, and third party contact unless it is through treatment staff or an attorney. Association includes rides to treatment. Any deviation from this rule must be acknowledged in writing by a treatment staff member prior to the association occurring. All contacts that consist of association as defined must be reported 24 hours to drug treatment staff.

\_\_\_\_\_ participant initials

17. Participants may not possess drug paraphernalia.

\_\_\_\_\_ participant initials

18. Participants are responsible for items that are found in their car or home. Paraphernalia or drugs that are found in those locations will be attributed to the participant. Claims from a participant that contraband found are from past using days and long forgotten are likely to be treated with skepticism and treated as a violation.

\_\_\_\_\_ participant initials

19. Participants must disclose any significant relationship that they are in when they enter the program. This is a continuing obligation. The Drug Court wants participants to be involved in healthy relationships. If the participant is involved with a person that is involved with drugs, alcohol, or unlawful behavior, the participant can expect that the relationship will likely need to end. If the Court believes that there is an unhealthy relationship in existence, the Court might impose some form of a restriction on that relationship. The Court could, if needed, order a termination on the relationship while the participant is in Drug Court. Significant relationship is defined as a relationship that is romantic, sexual, dating, cohabitation or spending time with someone that is more than a friend.

\_\_\_\_\_ participant initials

20. Participants may not ingest drugs of any type unless it is a medication prescribed by a physician and only as prescribed and with the knowledge of the Drug Court. Participants shall provide a copy of the prescription upon request. Participants in a medical emergency should take the prescribed drug and then later notify the case manager of the medical situation.

\_\_\_\_\_ participant initials

21. Prescription medication that is not used during the prescribed time period must be discarded in an approved manner. The participant must not be in possession of any "expired" medication.

\_\_\_\_\_ participant initials

22. Participants must advise the case manager every time they visit a medical facility. Participants should seek medical attention for any health issue. They do not need permission from the case manager prior to scheduling a visit, but the case manager must be advised once the medical visit takes place. Such advisement should occur as soon as possible. Continuation of prescribed medication is subject to Drug Court approval and in consultation with the consulting physician to determine whether a prescription is addictive, intoxicating, is medically necessary, and if medically safe medications could be substituted as an alternative to addictive or intoxicating medication.

\_\_\_\_\_ participant initials

23. Participants agree that they must advise medical personnel at each healthcare appointment that they are in Drug Court. They will inform all treating physicians that they are a recovering addict and under the rules of Drug Court may not take narcotic or addictive medication or drugs. If a treating physician wishes to treat a participant with narcotic or addictive medication, the participant must disclose this fact to the Drug Court case manager and sign the necessary releases for a line of communication to be established between the treating physician and the Court. Participants will notify the Drug Court case manager of any medication that is prescribed.

\_\_\_\_\_ participant initials

24. Before taking medication of any kind on an outpatient basis, participants must check with the pharmacist to ensure that it is non-narcotic, non-addictive and contains no alcohol. The participant will pre-register any and all medications, prescribed or over-the-counter, with the Drug Court.

\_\_\_\_\_ participant initials

25. Participants must not violate the law.

\_\_\_\_\_ participant initials

26. Participants will be subjected to random home visits by law enforcement/ K-9 or probation agents. Participants waive their right to be free from search. Refusal to allow entry or failure to cooperate with home visits will be considered a violation. Cooperation with home visits is mandatory.

\_\_\_\_\_ participant initials

27. Not answering the door or any applicable phone during an attempted "home visit" is a violation if it can be established that the participant was home. Home will be anyplace that the participant has notified Drug Court that this is a premise in which they reside. The team will consider information from the officers who attempted the contact with the participant and decide if there was enough information to establish that the participant was likely home.

\_\_\_\_\_ participant initials

28. Not answering the phone or one's door during an attempted home visit is a violation if the participant is under an order of: (1) Home detention; (2) House arrest; or (3) Home curfew and the attempted visit occur during hours the participant is supposed to be at home.

\_\_\_\_\_ participant initials

29. Participants may be required to be involved in any program or other activity that might reduce fees, costs or financial obligations incurred by the Court or any other entity associated with Drug Court. Basic Drug Court Fees are \$750. \$250 is due prior to entering into Phase III. The balance is due prior to entering into Phase IV. The court will periodically send letters to participants informing them of the fee obligations.



\_\_\_\_\_ participant initials

30. Participants shall inform any law enforcement officer who contacts them that they are in Drug Court. Upon said contact the participant must report the contact within 12 hours to the case manager.

\_\_\_\_\_ participant initials

31. Participants may not act as a confidential drug informant with any law enforcement agency while in Drug Court.

\_\_\_\_\_ participant initials

32. Participants must keep the Drug Court Team advised of their current address and phone number at all times and whenever changed. Any change must be reported within 24 hours.

\_\_\_\_\_ participant initials

33. The place of residence for a participant is subject to Drug Court approval. To the extent possible, participants should live in a stable, positive environment.

\_\_\_\_\_ participant initials

34. The participant will not leave Wood County without prior approval from the Drug Court Team or case manager.

\_\_\_\_\_ participant initials

35. Participants may not possess any firearms while in the Drug Court program without explicit permission of the Court. The participant will dispose of any and all firearms in their possession, and disclose the presence of any firearms possessed by anyone else in their household.

\_\_\_\_\_ participant initials

36. Participants during the early phases of treatment and recovery may be precluded from working or from gaining employment. Under some circumstances it may be necessary for the participant to focus fully on recovery and delay or put employment on hold.

\_\_\_\_\_ participant initials

37. Participants at some point will be required to seek employment, job training and/or further education as approved by the Drug Court Team. For many participants gaining employment will be part of the treatment plan and a requirement. If gaining employment is problematic, participants are likely to be required to do community service in lieu of employment. It will be at the discretion of the Court whether community service qualifies for meeting employment requirements and some factors the court may consider is the state of the economy and the level of employability of the participant.

\_\_\_\_\_ participant initials

38. If a participant is found to be substituting, altering or trying in any way to change body fluids for the purpose of cheating on drug testing, such activities will be considered a serious violation and may be grounds for immediate termination from drug court.

\_\_\_\_\_ participant initials

39. Any participant that enters into the program agrees to be drug/alcohol tested at any time by a police officer, probation officer, treatment provider, case manager or at the request of the court of any agency designated by the court. This includes during home visits.

\_\_\_\_\_ participant initials

40. Participants are responsible for what goes into their body that may affect drug test results. This includes fluids that are consumed in a quantity that results in a diluted drug test. Diluted results will be considered positive for drugs.

\_\_\_\_\_ participant initials

41. Participants must be honest. Honesty is an essential element and foundation of the program. Participants must be honest when questioned by the case manager, the Judge, or any Drug Court team member. If a relapse or a violation of a rule occurs, the participant must self-report to the case manager at the earliest opportunity. Dishonesty is a rule violation.

\_\_\_\_\_ participant initials

42. Participants may dispute a positive test result and ask for a re-test but any such additional analysis will be at the participant's expense. Participants may face more intense sanctions for a re-test that is still positive. The more intense sanction is not per se for the positive test, but rather due to dishonesty and manipulation.

\_\_\_\_\_ participant initials

43. Participants must comply with all treatment recommendations.

\_\_\_\_\_ participant initials

44. Participants must cooperate with their probation agent, treatment providers and case manager.

\_\_\_\_\_ participant initials

45. If a participant is placed into a community based residence, a treatment facility, or any other similar type of living situation, they must comply with all rules established there.

\_\_\_\_\_ participant initials

46. Participants agree that they must comply with any special conditions ordered by the Court as part of their participation in Drug Court.

\_\_\_\_\_ participant initials

47. Participants agree that law enforcement or a probation agent, acting on behalf of Drug Court, may search their person, residence, vehicle or personal property and further any denial would be considered a serious rule violation.

\_\_\_\_\_ participant initials

48. Tardiness at a counseling session or treatment is a violation.

\_\_\_\_\_ participant initials

49. Failure to appear for a scheduled counseling session or treatment is a violation.

\_\_\_\_\_ participant initials

50. Leaving a counseling session or treatment early is a violation except with the consent and approval of the counselor.

\_\_\_\_\_ participant initials

51. If a participant arrives to provide a UA and leaves before providing a UA, this will be considered a positive UA.

\_\_\_\_\_ participant initials

52. Participants must treat persons with respect. This specifically includes: (1) All Drug Court participants; (2) Anyone in group; (3) Counselors; (4) Drug Court case manager; (5) The Drug Court Judge and all court personnel; and (6) staff at any type of residential facility.

\_\_\_\_\_ participant initials

53. Comments by Drug Court participants that refer inappropriately to race, color, creed, religion, sex, ethnicity, age, and sexual preference will not be tolerated. Profanity and vulgar language during counseling, in court, at a residential facility, or in any session or place associated with Drug Court is a violation and will not be tolerated.

\_\_\_\_\_ participant initials

54. Participants, depending on what phase they are in, must attend a designated number of outside support meetings per week.

\_\_\_\_\_ participant initials

55. Participants must call the UA number each and every day to determine if they must provide a sample. Participants may be required to call more than once a day and will receive directions from the case manager. Participants must make the call personally. If their number is called, they then must report for testing. Failure to call or to report for testing is a violation.

\_\_\_\_\_ participant initials

56. Participants shall maintain health insurance coverage. Participants may be required to acquire, change or modify coverage to allow for treatment and continuity of treatment.

\_\_\_\_\_ participant initials

## **Sanctions and Rewards**

### **Sanctions**

#### Grade I (mild to moderate response)

1. Admonishment from judge
2. Penalty box (jury box)
3. Journaling – writing related to violation
4. Community Service
5. Workbook assignment or maintain a calendar

#### Grade II

1. Half day or full day in jury box during court sessions.
2. Short term jail sanction – 12 hours (report at 6 p.m. with release time of 6 a.m.)
3. Curfew
4. Limitation of privileges
5. Community Service
6. Written or verbal apology to court (avoid shaming)
7. Self-imposed sanction (asking the participant what the appropriate sanction might be)
8. Informal driver license suspension
9. In-home detention

#### Grade III

1. Observe other court proceedings
2. Increased attendance at court
3. Increased drug testing
4. Suspension of privileges
5. Community Service – up to 8 hours
6. Jail sanction up to 24 hours
7. Team round table (be involved in their staffing)
8. Geographical restrictions
9. Phase demotion
10. Increased court appearances
11. Informal driver license suspension
12. Day report to Case Manager(4-6 days)
13. Presentation in open court

#### Grade IV (significant response)

1. Up to two days in jail
2. Phase demotion
3. Day report to case manager (7 days)
4. Electronic monitor (at participants expense whenever possible)
5. The court may revoke bond until next court hearing

## **Rewards**

### **Grade I**

1. Judicial Praise
2. Opportunity to draw a treat or ability to win a coupon or gift card
3. Slight reduction of community service when c/s is not imposed as a sanction but is a weekly responsibility
4. Allow to leave court after personal appearance
5. Reduction in court appearances

### **Grade II**

1. Praise by Judge – acknowledgement to entire court as to achievement
2. Opportunity to draw a treat or ability to win a coupon or gift card
3. Reduction in court appearances
4. A moderate reduction of community service
5. Gift certificate

### **Grade III**

1. Reduction in court appearances
2. Opportunity to draw a treat or ability to win a coupon or gift card
3. Significant reduction in community service hours (8 hours a week or more)
4. Lifting or making a later curfew
5. Reduction of travel restrictions

### **Grade IV**

1. Significant recognition in Court by entire team
2. Opportunity for some form of public recognition with participants consent
3. Graduation
4. Tangible rewards
5. Phase advancement

\*Other incentives or sanctions may be used by the court at the discretion of and limited only by the creativity of the team.

## **Termination from Drug Court:**

Termination is saved as a last resort, however, actions that jeopardize public safety, the safety of the Drug Court staff, or the Drug Court Program may be grounds for termination. While self-termination of participants is discouraged, participants can self-terminate from the program. If that occurs a notice and hearing is not required. In other cases when a termination process is initiated, the participant is entitled to the following due process: (1) notice of a hearing, (2) the right to have counsel present; (3) the right to present evidence; (4) the right to cross-examine and confront witnesses; (5) written disclosure of the evidence upon which the termination request is based. When a participant has intentionally made themselves absent from Drug Court and their absence necessitated the issuance of a warrant, a termination process is likely to be commenced after 30 days.

\*\*If a prior sanction ordered was jail time and if eventually the applicant is expelled from Drug Court, the defendant can apply to the sentencing Judge for credit for every night spent in jail.

## **Costs of Program:**

1. The participant must understand that they will be required to pay for some or all of the cost of their drug treatment. They will arrange fee agreements with Human Services or other treatment providers. They will complete a financial declaration if necessary.
2. The participant will be charged a Drug Court fee and will be expected to make monthly payments towards that fee. A participant might be expected to sign a wage assignment. The fee is to pay a portion of

the administrative costs of the program. This fee is completely separate from costs assigned for drug treatment.

3. The fee for Drug Court is \$750.00. This fee covers two years in the program. If the participant graduates within two years there is no rebate or return. If a participant is terminated there is no rebate or refund. For any participant that has not graduated in two years a monthly fee of \$50 will be assessed.

4. When fee collection commences is up to the Drug Court Team and will depend on the participant's financial circumstances. In an exceptional circumstance a participant may be allowed to reduce the original fee by \$250 by performing community service or other forms of work that is of benefit to the community. After 2 years there is not generally an ability to reduce the fee requirement with community service. A full monthly payment will be assessed for the final month regardless the date of graduation.

#### **Waiver of Rights:**

1. The Drug Court program recognizes that drug addiction is a chronic condition that usually entails numerous relapses with many co-occurring difficult life issues. In order to address this very difficult situation, the Drug Court will attempt to help the participant through a collaborative, therapeutic, measured, non-adversarial, non-evidentiary, non-traditional, process which may impede upon a participant's liberty and privacy interests. In order for the program to function effectively, participants will be required to waive many traditional rights that would be in effect had their case proceeded through the traditional criminal court process.

2. For the purposes of regular Drug Court review hearings, the participant via his/her signature on this contract agrees to waive their right to have their attorney of record present. The participant agrees that their case may be discussed without their attorney being present.

3. The participant agrees that being in Drug Court will cause their attorney to treat their case in a non-traditional manner. It is the responsibility of the participant to contact their attorney if they have a legal question or an issue that has arisen or if they are unclear about an issue or need legal clarification.

4. The participant must realize that their attorney will not "track" their case in the normal sense and that it is their responsibility to stay in touch with their attorney and provide periodic updates. The participant will understand that access to early discovery in their case is allowed and therefore their attorney can gain copies of police reports and other documents and share them with the participant so that they have a full understanding of the case and their options, prior to their decision to enter into Drug Court.

5. As a condition of participation in this program, the participant agrees to the search of their person, property, place of residence, vehicle or personal effects at any time with or without a warrant, and with or without reasonable cause, when required by a probation officer or other law enforcement officer whom is working in conjunction with the Drug Court.

6. The participant agrees that by their signature on the contract that they will execute the Consent for Disclosure of Confidential Substance Abuse Information and Authorization Form and any other release that is required. A refusal to execute a required release is a violation and will likely result in termination. The Court needs information in order to put together a plan for recovery.

7. A participant waives the right to a speedy disposition of their case by entering Drug Court. By virtue of Drug Court being a post-plea referral system, the participant has waived their right to a trial, a speedy trial, and a timely disposition.

8. A participant typically enters into Drug Court subsequent to a plea to a charge or charges. Often one or more of the charges to which a plea is entered is deferred to Drug Court. If the participant does not complete the program or if the participant is terminated from the program, then a judgment of conviction will be entered and they will be returned to Court for sentencing.

9. When a participant pleads to more than one charge, with a charge being deferred to Drug Court, and the person being placed on probation on another charge(s), the participant is not being referred to Drug Court on the probation case. A judgment of conviction will be entered and completion of Drug Court will have no effect on that conviction. That conviction on the probation case will remain.

10. If a participant is referred to Drug Court on an ATR, the participant waives the right to have a timely revocation hearing.

11. A participant that enters Drug Court waives many very important rights including: (1) The right to a jury trial; (2) The right to remain silent; (3) The right to remain silent; (4) The right to use subpoenas to require witnesses to come to court and testify; (5) The right to an unanimous verdict; (6) The right to request a new Drug Court Judge; and (7) Giving up the right to make the State prove a defendant guilty beyond a reasonable doubt on each and every element of the charge.

12. The participant understands that when he/she enters Drug Court, they are still exposed to the maximum possible penalty. There may also be exposure to a minimum mandatory penalty associated with the charge to which the person has pled. If convicted of a felony the person cannot possess a firearm, loses the right to vote unless that right is restored. There might also be a requirement to submit to a DNA sample and the risk of deportation anytime a participant enters a plea to a charge, whether deferred or not.

13. The participant understands that for many if not most of the sanctions the Court will impose, including jail time, there will be no due process right to be heard.

#### **Treatment:**

1. The participant will engage in an individual course of treatment which may include day treatment, residential treatment, other alcohol or drug treatment, education, and/or self-improvement courses such as anger management, parenting or relationship counseling. It is entirely possible that in-patient treatment may occur in a facility that is a considerable distance from Wisconsin Rapids.

2. It is possible that a participant might be able to contract with a private treatment provider of their own choosing and at their own cost. Such a course of treatment would have to be approved by the Drug Court. In addition the participant can only do so if that provider is agreeable to provide weekly update to the Drug Court Team and participate as necessary with weekly staffing.

3. The participant agrees to cooperate in an assessment/evaluation for planning an individualized drug treatment program adequate to their needs. The participant understands that the treatment provider or the Drug Court Team may modify the treatment plan as circumstances arise, and the participant agrees to comply with the requirements of any such modification.

#### **Confidentiality:**

1. Any applicant that chooses to enter into the Drug Court must understand that by entering into this contract they provide consent and authorization for the release of confidential information.

2. The participant understands that disclosure and re-disclosure among the Wood County Drug Court Team of confidential treatment information, as well as other confidential and sensitive information will be required for their participation in this program. Disclosure will be limited to what is necessary for the participation in the program. Other restrictions are set forth in the authorization form, but the participant understands that for the purpose of their participation in the program there are exceptions to the confidentiality of their information. Those exceptions include: (1) General information that does not identify the participant; (2) Information pertaining to a medical emergency; (3) Information that must be released via a court order; (4) Information regarding a crime perpetrated during the course of the program, or while on program premises, or in Court or staffing, or against team personnel; (5) Information pertaining to child abuse or child neglect; and (6) Information for the purpose of research or audits. The participant also understands that information that they provide directly to Drug Court personnel, or in Drug Court, cannot be the basis of a prosecution against them. The participant must realize that if they provide information that indicates they have or will commit a serious crime; personnel may be required to report or apply to the Court for an order to allow reporting this information to the appropriate authorities.

#### **Contract:**

All participants will be provided with a copy of their contract. It is the participant's responsibility to be aware of the information contained in the contract and to conform their behavior accordingly.

**Discrimination:**

The Drug Court does not discriminate based on gender, sexual orientation, ethnicity, or in any other way. Applicants to Drug Court do not appear personally in front of the team and applications do not gather information about ethnicity or sexual orientation. Any participant that believes they have been discriminated against on the basis of gender, race or sexual orientation, or have another complaint about any member of the Drug Court team, can address concerns via a letter directly to the Judge. The Judge may direct two persons that the complaining party feels comfortable with, to determine, clarify or otherwise document the complaint, and then forward a memorandum to the Judge. Depending on the nature of the complaint, the Judge may: (1) find there is no merit to the complaint; (2) refer the complaining party to the agency which employs the person that is the subject of the complaint, or (3) take other action the Judge deems necessary. Regardless of the action, the complaining party will receive in writing a response to the complaint, either by the Judge or his designee. The complaint and response will become part of the Drug Court file.

I, \_\_\_\_\_, on the date of \_\_\_\_\_ acknowledge the terms of this contract and agree to them. I agree that I am bound by each and every term of this contract. I do hereby release and forever discharge the complaining witnesses, victim(s), the Drug Court Judge, the District Attorney's Office, the Defense Attorney on the Drug Court Team, the Drug Court Staff, and their respective heirs, successors, executors, administrators, and assigns from any and all claims of any kind or nature whatsoever, either in law or in equity, arising out of my arrest, participation in, or termination from, the Drug Court Program, and do expressly release and forever hold them harmless from any criminal or civil action which I may have a right to bring as a result of my arrest or participation in the Drug Court Program.

\_\_\_\_\_  
Attorney for Participant Date

\_\_\_\_\_  
Prosecuting Attorney Date

\_\_\_\_\_  
Drug Court Judge Date

**Revised last July 9, 2018**