



Washington County Treatment Alternatives and Diversion (TAD) Program

For individuals charged with a 2nd or 3rd OWI offense

Program Manual

Our Mission

Elevate leads the way to healthy communities. We all have the desire to live the best life we can. At times, however, we may need help doing that. Elevate guides and empowers individuals, families and communities to effectively address substance use and mental health challenges.

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Mission & Goals

Mission Statement: The Washington County Treatment Alternatives and Diversion (TAD) Program aims to provide a safe and effective alternative to the traditional criminal justice system for individuals with a substance use disorder that emphasizes personal accountability as well as the importance of evidence-based treatment in order to treat the underlying cause of criminal behavior, thereby reducing the recidivism of this population and increasing public safety in Washington County.

Goals of the Washington County TAD Programs: The primary goal of the Washington County TAD Programs is to reduce recidivism for individuals involved in the criminal justice system. The program aims to provide access to and coordination of treatment to address the substance use disorder that typically underlies criminal behavior. The program also holds clients accountable by involving all the different professionals and agencies involved in their program as well as through frequent alcohol and drug testing. We hope that by increasing access to treatment while holding clients accountable clients will find a path to long-term recovery and avoid future involvement in the criminal justice system.

The Diversion Team

The Washington County OWI TAD Program is overseen by a group of professionals involved in the criminal justice system in the county. We believe it is imperative to the creation and sustainability of an effective diversion program to have involvement and support from various agencies in the criminal justice system. A team approach allows decisions to be made taking into consideration a variety of viewpoints and ensures the interests of clients, the community, and the criminal justice system are represented.

Members of the Washington County Diversion Coordination Committee:

Honorable Sandra J. Giernoth	Lead Treatment Court Judge, Washington Co. Circuit Court
Julie Maule	Washington County Court Commissioner
Christine Zimmermann	OWI TAD Program Coordinator/DTC Coordinator, Elevate, Inc.
Mark Bensen	Washington Co District Attorney Attorney's Office
Jeannette Corbett	Assistant District Attorney, District Attorney's Office
Gillion Parham	Lead Public Defender, Public Defender's Office
Timothy Drewa	Public Defender, Public Defender's Office
Captain Scott Lehman	Jail Administrator, Washington Co Sheriff's Department
Sergeant Michael Hennes	Washington Co Sheriff's Department
Michelle Hetebrueg	Field Supervisor, Department of Corrections
Nate Fogle	Probation Agent, Department of Corrections
Julie Driscoll	Chief Health & Human Services Officer
Vanessa Baumann	SUD Coordinator, Washington County Human Services
Brenda Dunlap	Director of Adult Services, Elevate, Inc.
Michelle Solheim	Drug Court Case Manager, Elevate, Inc.

Program Description: The OWI TAD Program serves non-violent offenders with a substance use disorder through diversion of sentences. Those individuals who successfully participate in case management and treatment services avoid having to serve portions of their sentence for their offense as determined by their plea agreement. The length of the program is approximately six months for 2nd OWI clients and one year for 3rd OWI clients. All clients are required to maintain sobriety, engage in AODA treatment, comply with the conditions of their bail and/or community supervision, and demonstrate the skills necessary for ongoing recovery from their substance use disorder.

Eligibility & Ineligibility

Eligibility Criteria

Potential clients must meet the following eligibility requirements in order to be referred to the OWI TAD Program. Any questions regarding eligibility can be directed to program staff. However, it is necessary for clients to complete a full assessment to determine their eligibility and appropriateness for the program.

- Client is at least 18 years of age
- Client is a Washington County resident
- Client is not a “violent offender” as described in Wisc. Stat. 165.95
- Client has a pending charge for OWI 2nd or 3rd offense, and has not yet been convicted
- Client does not have any previous convictions or pending charges for manufacturing or delivery of any drug
- Client meets the criteria for a substance use disorder

Ineligibility Criteria

There are two reasons for which clients may be denied participation in the program: the client has a previous conviction or current charge for a “violent offense”: if a client has a previous conviction or pending charge for manufacturing or delivery of any drug/narcotic. The Washington County District Attorney’s Office is the agency that makes referrals to the program. They determine if a client would be ineligible for the program due to their criminal history. Program staff also conduct a criminogenic risk and needs screening during the assessment.

We invite you to contact Elevate and speak with program staff if you have any questions regarding your potential eligibility for the program.

Referral & Admission Process

- **All clients wishing to engage in the OWI TAD Program MUST complete an assessment prior to participating in the program and/or entering a plea agreement involving the program.**
- The Washington County District Attorney's Office is the agency that refers clients with a pending 2nd or 3rd OWI offense to the program.
- Once a client with a pending 2nd or 3rd offense is offered the opportunity to engage in the program, the District Attorney's Office sends Elevate a formal referral, and the client should contact Elevate to schedule an assessment.
- The client themselves must contact Elevate to set up an assessment. If the client is incarcerated, program staff will schedule a time to meet with the client while in custody.
- We encourage clients to call well in advance of when they will need to have an assessment completed, as we cannot guarantee that a client will be able to have an assessment within 72 hours of when they contact Elevate.
- The assessment will take place at Elevate, Inc. and will take approximately 90 minutes.
- At the time of the assessment, clients will be informed of all of the rules and expectations of the program.
- Following the assessment, program staff will notify the client's defense attorney and the prosecuting attorney of the client's eligibility and whether or not the client plans to engage in the program.
- Clients may take additional time after the assessment to consider whether or not they would like to participate, and all clients are encouraged to speak with their attorney prior to making a decision.
- Clients **MUST** inform program staff and engage in program services **PRIOR** to entering an agreement that involves the program.
- We encourage clients and referral sources to contact Elevate with any questions about eligibility, referral, the assessment, or the program and its requirements.
- The OWI TAD Program is completely voluntary. Any client that chooses not to engage in the program will move forward with the court process as normal.
- If the program is at capacity, there will be a wait list of up to five clients. Once that is full, the program will be closed to new admissions or referrals. The program communicates this information directly to the District Attorney's Office. The District Attorney's Office may notify potential clients once the program is again accepting referrals.

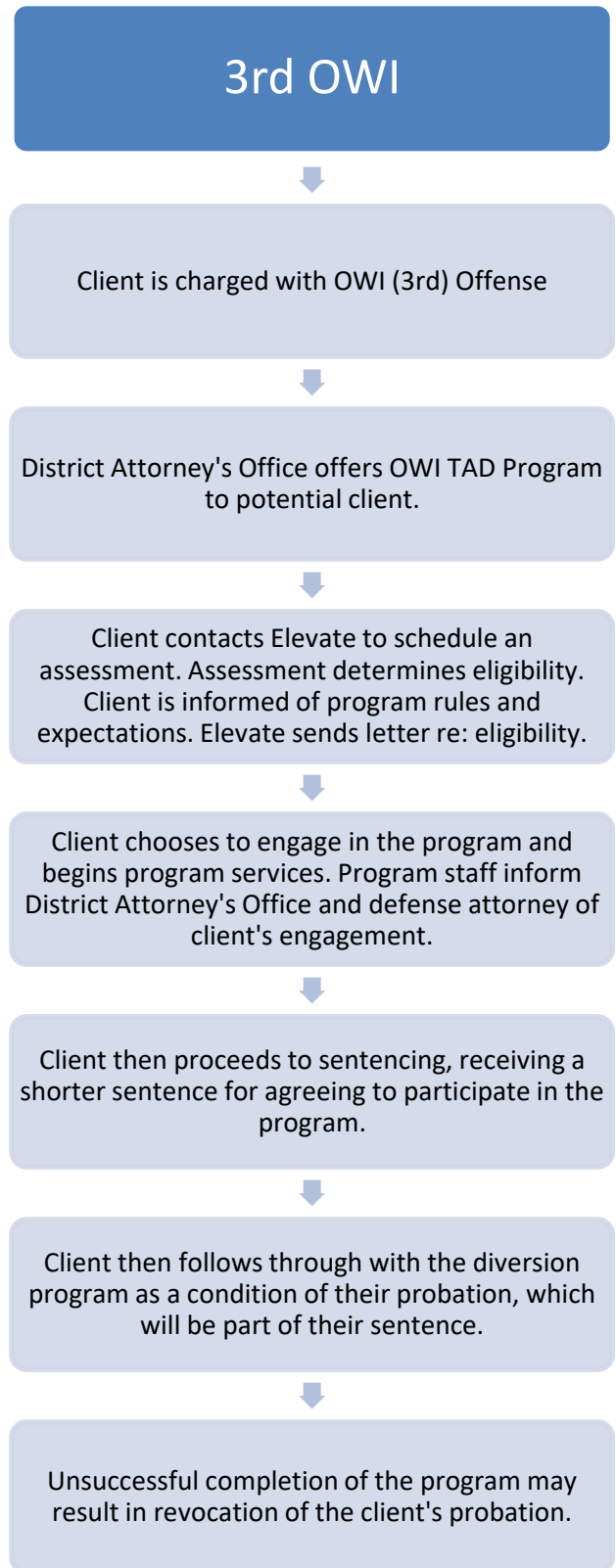
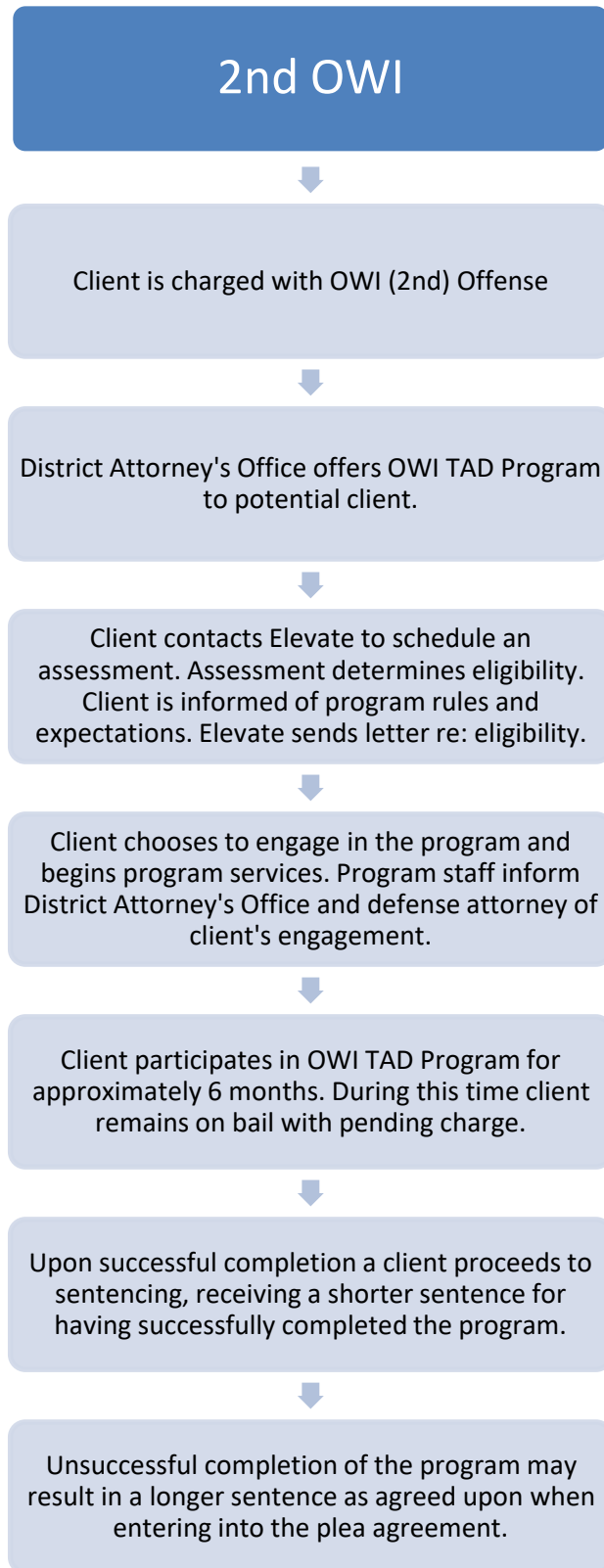
OWI TAD Program and the Court Process

The OWI TAD Program is offered as part of a plea agreement that clients enter into as part of their criminal case for 2nd or 3rd offense OWI. We encourage all clients to read program protocols and speak with their attorney prior to entering the program.

The diversion program for 2nd OWI clients is a pre-trial diversion program. Clients will engage in the program for a period of at least six months and after successful completion will be sentenced and receive the shorter sentence outlined in their plea agreement.

The diversion program for 3rd OWI clients is a post-conviction diversion program. Clients that agree to participate in the program receive the agreed upon shorter sentence and follow through with the program as a condition of probation. Clients are expected to abide by the conditions of their community supervision/probation while engaged in the program.

Program Process: 2nd OWI



Confidentiality, Data Collection, and Program Evaluation

Participation in the Washington County OWI TAD Program and the information gathered during the client's involvement in the program is Protected Health Information and is covered under the Privacy Act, 5 USC 552(a), Health Insurance Portability and Accountability Act (PL104-191) and CFR 42 specific to records for alcohol and drug prevention and treatment programs.

All clients participating in the program will be required to sign releases of information for other individuals involved in their program including treatment providers and attorneys. Program staff will review each release with clients to ensure they have a full understanding of what information will be shared, who that information will be shared with and why, and the period during which the information can be shared regarding their participation in the program. The purpose of this is to ensure effective coordination of treatment and case management services for all clients, ensure the client is meeting the program requirements while remaining in the community, and that program staff can communicate the client's compliance or noncompliance with the court.

The OWI TAD Program is funded by the Washington County Human Services Department (WCHSD) as well as through client-generated fees. As a part of our funding requirements, we are required to collect and report summary program participant information to WCHSD. Program staff will review with each client what information will be collected and reported to WCHSD at the time of their assessment and throughout the program. Information shared with WCHSD regarding client participation in the program is protected health information and is collected for the purpose of program and outcomes evaluation.

Program staff may also ask clients about their willingness to engage in a long-term recidivism study. One of the primary goals of the program is to reduce recidivism for program participants. Reduction on long-term recidivism is also a main indicator that a diversion program is effective. We hope to conduct a two-year or longer recidivism study comparing program participants with a control group of like offenders who do not participate in a diversion program. All clients will be fully informed about the nature of the study and what information will be collected. Clients may choose not to participate in this study. Choosing to exclude themselves will not affect their participation in the program.

Program Requirements

I. General Program Rules/Expectations

- Clients must maintain absolute sobriety aside from verified prescription medications.
- Clients are expected to complete the Intoxicated Driver Program (IDP) assessment and engage in the recommended AODA treatment.
 - Completing the IDP assessment and following the recommendation ensures that clients are in compliance with the DOT and, if eligible, may maintain their driving privileges or occupational license.
- Clients will have weekly individual meetings with their case manager during their involvement in the program. These may be more frequent depending on client need.
- Clients will agree to submit to alcohol and drug testing while engaged in the program both at Elevate and with their treatment provider. Tests will be witnessed and clients may be subject to random drug testing throughout their participation in the program.
- Clients will actively participate in the development and review of their Diversion Case Plan to ensure they are meeting program requirements and addressing appropriate needs during the program.

II. Financial Responsibility

- The total cost of the program for both 2nd and 3rd OWI clients is \$900.
- This will include the cost of the IDP assessment, which is normally \$265.
- Clients will be required to pay an initial fee of \$300 upon their admission to the program.
- 2nd OWI clients will pay the remaining \$600 fee over the course of their participation in the program, which will be approximately six months.
- 3rd OWI clients must agree to have the Washington County Clerk of Courts refund their cash bail to Elevate, Inc. to cover the remaining \$600 fee. If the client's cash bail is over \$600, Elevate will issue the client a refund for any amount in excess of the total \$900 program fee.
- Clients are also responsible for all costs associated with treatment, their ignition interlock device (IID), court costs, and/or probation.

III. Intoxicated Driver Program (IDP) Assessment and Driver's Safety Plan (DSP)

- All clients will be required to complete the IDP assessment and follow through with the recommendations of the DSP, which will require AODA education or treatment.
- Clients are required to complete the IDP assessment in the beginning of the program as it will help ensure that they can maintain their driving privileges both during and after the program.
- Most 2nd OWI clients and all 3rd OWI clients will lose their driving privileges at sentencing and have a 45-day waiting period before they are able to obtain their occupational license. If clients complete the IDP assessment and are compliant with the recommendations of the DSP, they will be eligible for their occupational license after the 45-day wait period, unless their license would be otherwise revoked.

IV. Diversion Case Plan

- All clients will work with their case manager to develop a Diversion Case Plan shortly after their admission to the program.
- The purpose of a Diversion Case Plan is to set goals and monitor progress throughout the program.
- The Diversion Case Plan will outline primary program requirements and when reviewed with the client will ensure that the client is making progress toward program goals that will result in successful completion of the program.
- Clients will identify personal goals for their time in the program that their case manager can assist with. These goals and the client's progress in achieving them will also be in the Diversion Case Plan.
- The Diversion Case Plan may be shared and coordinated with a client's AODA treatment provider and/or probation agent to ensure coordination of services.

V. AODA Treatment

- Clients will be required to follow through with the recommended AODA treatment or education as determined by their program and IDP assessment.
- The Program will refer all clients to treatment providers that will work with the client's insurance and that offer the necessary levels of care based on the client's need in or around Washington County.
- Clients are to keep their case manager informed of their progress and participation in treatment.
- If a client feels they are in need of additional treatment services, they should inform their case manager so that additional services can be arranged in a timely manner to address whatever needs the client has.
- If a client has a conflict with their treatment provider or expect that they will face discharge from treatment, they should notify their case manager as soon as possible.
- Clients are expected to maintain engagement in treatment and follow all recommendations of their treatment provider until the treatment provider determines the client has successfully completed treatment.
- Clients must sign a release of information for their treatment provider in order for their case manager to verify treatment engagement and participation and for care coordination purposes.
- If a client is prescribed medication, the client will sign a release of information for the doctor prescribing the medication so that their case manager can verify it. This includes any form of medication-assisted treatment (MAT), such as Suboxone, Methadone, and Vivitrol.
- One of the primary goals of the program is to help all clients get the necessary treatment, support, and services they need to develop a sober and healthy lifestyle.

VI. Alcohol and Drug Testing

- Clients engaged in the program will be expected to submit to regular alcohol and drug testing which are conducted by using a preliminary breath test (PBT), urine drug screen (UDS), or oral fluid test (OFT).
- Testing frequency is largely based on client participation. All clients will be required to submit at least one test per week at Elevate with their case manager and may be required to submit additional tests at treatment or with their probation officer.
- Clients on probation may be required to have a continuous alcohol-monitoring device such as an alcohol detection bracelet or a portable breathalyzer requiring multiple tests per day.
- Testing frequency may be increased up to three times per week based on client participation.
- Clients may also be required to present themselves for random testing at Elevate.
- All urine drug screens may be witnessed by a staff person of the client's same gender.

- Clients may also be required to submit alcohol and/or drug tests with their treatment provider and/or probation agent. Clients must agree to have alcohol and drug test results shared with the program.
- Clients will also be required to submit fingernail samples for biomarker testing approximately 2-4 weeks before completion of the program. Biomarker testing can detect alcohol and drug use from 3-6 months prior. This form of testing is used to confirm abstinence from alcohol and drugs for a significant duration prior to program completion.
- Clients are expected to provide valid documentation of any missed appointments at Elevate or their treatment provider.
- Any missed appointments must be made up within 24 hours.
- Repeated missed appointments will be considered an attempt to avoid testing.
- Clients are expected and encouraged to inform their case manager of any and all substance use between appointments and prior to testing.
- All urine drug screens that have preliminary positive results on the point of service test cup during an appointment at Elevate will be sent to a certified laboratory for confirmation.
- Any effort by a client to tamper with, adulterate, dilute, or otherwise affect the result of a urine drug screen to avoid detection of use will be considered a serious issue of noncompliance and may result in termination from the program.
- Clients should not drive to any appointment or operate a motor vehicle if they are under the influence of alcohol and/or drugs
- If a client drives to Elevate and is determined by staff to be under the influence of alcohol or drugs, the client will need to find other transportation home so as not to risk their safety or the safety of others. If a client refuses and knowingly operates a motor vehicle, program staff may contact law enforcement, as the client would be posing a serious risk to themselves and to others.

VII. Medication Assisted Treatment (MAT)

- The program does not prohibit a person from starting or continuing in the program because they use a medication that is approved by the Federal Food and Drug Administration for the treatment of their substance use disorder or any other diagnosed mental health or medical condition.
- If a client is prescribed a medication for the treatment of their substance use disorder it must: “be prescribed by a licensed health care provider, acting in the scope of his or her practice, that has examined the client and determined that the client’s use of the medication is appropriate treatment for their substance use disorder, the medication is appropriately prescribed by a person authorized to prescribe medication in the state, the client is using the medication as prescribed as part of treatment for a diagnosed substance use disorder”.
- Clients receiving MAT are expected to sign a release of information for their provider so that the client’s case manager can verify it.
- Clients are encouraged to discuss their need for, or progress in, utilizing MAT during their involvement in the program.
- Elevate staff are aware that MAT can be very effective in combination with traditional counseling and supports the use of MAT as medically and clinically appropriate.

VIII. Other Treatment Referrals

- Clients that have additional treatment needs including a mental health diagnosis should discuss these with their case manager.
- If a client is actively engaged or becomes engaged in some other form of treatment during their participation in the program, they should inform their case manager to ensure that all services being provided are coordinated and best serving the client.
- A client may be referred for additional treatment services if they are demonstrating symptoms that interfere with their daily life and functioning or participation in the program. If this occurs, the client will have a chance to discuss this with their case manager and the program coordinator.
- Program staff will do their best to communicate with all of the client's treatment providers during their participation in the program as allowed by releases of information.

IX. Over the Counter (OTC) Medications

- Clients should inform their case manager of any OTC medication that they take.
- Some OTC medications can affect the preliminary results of drug screens conducted at appointments and may cause a false positive for a substance that the client did not ingest. If this is the case, as with all drug screens, the sample will be sent to the lab for confirmation.
- If a client is taking OTC medication and informs their case manager, they may be asked to bring in that medication to their next appointment, especially if they have been taking it on a regular basis prior to the appointment.
- **Clients are NOT ALLOWED to consume any products containing alcohol, CBD or poppy seeds during their participation in the program. It is the client's responsibility to be aware of what products they are using and what ingredients they contain throughout the program.**

X. Controlled Substance/Narcotic Prescription Drug Policy

- Clients are encouraged to take a prescription medication in the manner described under the MAT guidelines section.
- If a client knows, they will have a medical procedure during which they may be given a controlled substance they are required to discuss this with their case manager and treatment provider to develop a safety plan so that prescribed and necessary use of this type of medication does not result in relapse or illegal drug use. This is especially encouraged for clients that have a current or previous dependence on opiates.
- Elevate strongly suggests that clients who are active in their recovery, treatment, and the OWI Diversion Program inform their doctor that they are in AODA treatment, about their alcohol and drug use history, and that they are in a program that requires maintained abstinence.
- If the doctor feels that it is medically necessary to prescribe the client a controlled substance/pain medication, it is the client's responsibility to sign a release of information for Elevate and their case manager so that their doctor can provide verification of that medication.
- Clients should inform their case manager about any new prescription drugs that they are prescribed between appointments and will be required to bring any pharmacy information and the physical prescription to their next appointment.
- Be advised that the doctor/licensed practitioner will be contacted to verify the authenticity of any reported prescriptions.
- Clients are expected to bring in all narcotic and controlled substances in weekly or as designated by the case manager for a medication count. Prescriptions medications must be brought in the original

container and have the prescription label attached. The case manager and client will count medications to ensure that all doses are accounted for.

- Program staff will not accept the use of a prescribed medication as a reason for a positive drug test unless the client follows the above procedure.

XI. Scheduled Court Hearings, Court Reports, and Re-offending

2nd OWI clients will have a court hearing scheduled 6 months from when they enter the program. This is set for program completion and sentencing. Program staff will write a report to the District Attorney's Office and the client's attorney prior to this date regarding the client's compliance or noncompliance with the program requirements. If a client is discharged due to noncompliance a report will be sent and the client may have a court date scheduled at an earlier date.

3rd OWI clients will be sentenced upon entering their plea involving the OWI TAD Program and will not have any other court hearings involving the program. Instead, clients will be placed on probation as part of their sentence with completion of the OWI TAD Program as a condition of their probation.

If a client is charged with a new offense while they are active in the program they are required to inform their case manager as soon as possible. A new offense may result in a client being discharged from the program.

XII. Other Considerations: Employment/Education, Community Support Groups, Peer Group, Violence or Threats, Honesty, Etc.

Employment/Education: Clients are encouraged to find employment or engage in educational pursuits during their involvement in the program. Pursuing employment or educational goals can be an important part of an individual's recovery process. If a client would like assistance in discussing or finding employment/education, they should discuss this with their case manager.

Community Support Groups: Program staff encourage clients engaged in the program to attend community support groups. Examples of these include: Alcoholics Anonymous, Narcotics Anonymous, SMART Recovery, and others. Community and peer support outside of formal supports such as treatment, probation, and the diversion program can be instrumental in building a strong recovery. However, community support groups alone will not satisfy the treatment requirement of the program.

Peer Group: We encourage clients engaged in the program to be aware of the peer group they continue to associate with during their involvement in the program. We strongly discourage clients from continuing to associate with individuals who are actively using. We also encourage clients to discuss the social aspect of their recovery with their treatment provider and case manager. Discussing situations where a client may be around others who are drinking and/or using drugs can be an instrumental part in building certain recovery skills such as relapse prevention and refusal skills.

Violence/Threats: If a client demonstrates violent or inappropriate conduct toward program/Elevate staff, community corrections staff, public safety workers, treatment providers, or any other member of the community, they may be immediately discharged from the program. If a client is arrested for a violent offense during which they carried, possessed, or used a dangerous weapon; the person used force against another person; or a person died or suffered serious bodily harm, the client will be immediately discharged from the program.

Honesty: Above all, we encourage clients in the program to be honest with program staff. Program staff reward honesty and are willing to work with clients that are honest about struggles they are having in their recovery. We understand that it may feel natural to be dishonest about substance use or struggles in the program due to the program's connection with the criminal justice system. Program staff are here to help clients through the program and in their recovery, and cannot do their best to help if they do not have all the information.

Program Requirements Cont.

2nd OWI Clients:

- Program is a six-month pre-trial diversion program.
- Program fee is \$900, with \$300 due at the time of admission.
- Within the first month clients will complete the Intoxicated Driver Program Assessment.
- Within the first month clients will engage in the recommended AODA treatment.
- Within the first month clients will develop a Diversion Case Plan with their case manager.
- Clients will meet at least once per week with their case manager but may meet twice per week.
- Clients will submit to at least one alcohol and drug test per week at Elevate for the full six months.
- Clients may be required to submit alcohol and drug tests two to three times per week.
- Clients will also be required to submit fingernail samples for biomarker testing approximately 2-4 weeks before completion of the program. Biomarker testing can detect alcohol and drug use from 3-6 months prior. This form of testing is used to confirm abstinence from alcohol and drugs for a significant duration prior to program completion.
- Clients must demonstrate progress in treatment and the ability to utilize skills learned in treatment to abstain from substance use.
- Clients are expected to complete AODA treatment before program completion.
- Completion of treatment will ensure clients are in compliance with their Driver's Safety Plan.
- Clients will demonstrate progress in completing additional goals identified on their Diversion Case Plan during the program.
- Upon program completion clients will receive the shorter sentence decided at the time of their plea agreement.

3rd OWI Clients

- Program is a one-year post-conviction diversion program where a client receives a shorter sentence and participates in the program as a condition of their probation.
- The program fee is \$900, with \$300 due at the time of admission and the remaining \$600 taken out of the client's cash bail posted for their OWI offense.
- Between the time of the assessment and the next court appearance for sentencing, clients will be encouraged to complete the Intoxicated Driver Program (IDP) assessment and start the recommended AODA treatment.
- This is to ensure that clients that are eligible for their occupational license are able to apply for it after the mandatory 45-day wait period is over after their sentence.
- If a client is unable to complete the IDP assessment and engage in treatment before they are sentenced, they will be required to do so while serving their sentence or immediately after it is complete.
- While a client is serving their sentence, they will meet with their case manager at least once per week.
- After a client has completed their sentence they will follow through with the requirements of the diversion program and of their probation.
- Clients will meet with their case manager once per week at Elevate. They will also likely be required to meet with their probation agent.

- Clients will be required to submit at least one alcohol and drug test per week at Elevate for the full year of the program.
- Clients will also be required to submit fingernail samples for biomarker testing approximately 2-4 weeks before completion of the program. Biomarker testing can detect alcohol and drug use from 3-6 months prior. This form of testing is used to confirm abstinence from alcohol and drugs for a significant duration prior to program completion.
- Clients may also be required to have a continuous alcohol monitoring device through DOC. This is usually an alcohol detection bracelet or a portable breathalyzer requiring multiple tests submitted throughout the day.
- Clients will develop a Diversion Case Plan with their case manager to identify program and personal goals and will demonstrate progress toward attaining goals throughout the program.
- Clients are required to demonstrate progress in and complete AODA treatment.
- Completion of the program will satisfy the requirement of probation and also ensure the client has completed the IDP/DSP process as well as AODA treatment, also required by probation.

Graduation

I. Requirements for Graduation

- Client has completed their IDP Assessment and completed the recommended AODA education/treatment.
- Client has demonstrated a significant period of maintained sobriety as verified through alcohol and drug testing.
- Client has met the identified goals included in their Diversion Case Plan.
- Client has demonstrated the knowledge of, and ability to, apply recovery concepts and skills learned in treatment in order to maintain sobriety.
- The client has completed a relapse prevention plan and a continuing care plan and reviewed it with their treatment provider and case manager.
- Client has maintained compliance with the conditions of their bail (2nd OWI clients) or their probation (3rd OWI clients) throughout their participation in the program.
- Client has paid the \$900.00 fee.

Incentives and Sanctions

The purpose of this section is to serve as a guide to promote honest, responsible behavior that is supportive of sobriety and recovery from substance use disorder. Our goal is to respond to client noncompliance in a manner that is fair, measured, objective, and is most likely to result a corrective action that keeps the recovery process moving in a positive direction.

Incentives

Clients that consistently fulfill the terms and conditions of their TAD agreement and program protocols will be recognized and provided incentives to acknowledge and promote their positive behavior. An important part of recovery is building new skills, completing goals supportive of a new lifestyle, and developing self-esteem and a sense of accomplishment achieved when one realigns with their personal values. We hope to acknowledge all clients' positive progress and encourage positive change throughout involvement in the program.

Positive Behavior

- Consistently keeping their scheduled office visits.
- Engagement, regular attendance, and participation in treatment.
- Sustained period of negative alcohol and drug tests.
- Sobriety benchmarks such as 30, 60, 90, and 180 days.
- Engagement and participation in the recovery community to build sober support.
- Obtaining and maintaining employment.
- Engaging in or completing educational goals.
- Paying fines, fees, restitution, or meeting other financial goals supportive of independence and recovery.
- Completing short-term goals supportive of long-term recovery as part of the Diversion Case Plan.

Incentives

- Praise from Case Manager.
- Praise from the Program Coordinator.
- Positive letter re: program participation to individual outside of TAD supportive of recovery.
- Candy or other small food item.
- Permission to go on a planned family vacation.
- Permission to submit testing at another pre-approved location to better accommodate the client.
- Increased flexibility in appointment and testing schedules based on demonstrated responsibility.
- Gas cards.
- Vouchers or tickets for positive and pro-social activities.
- Acknowledgement in court.
- Certificate of completion.
- Diversion Program acknowledgement coin.

Sanctions

Sanctions are a response to noncompliant behavior. The purpose of sanctions is to provide a consequence for noncompliant behavior and discourage it from repeating. We will address noncompliance and administer sanctions as soon as possible after any instance of noncompliance occurs. We understand that clients develop many negative behaviors, often times conflicting with their own personal values, that are necessary when active in addiction to support their lifestyle. We hope to address any addictive behavior in an attempt to assist clients in making appropriate changes and developing behaviors that are supportive of recovery.

The purpose of this section is to outline examples of noncompliant behavior, examples of typical responses, and explain the process for addressing noncompliance and discharge from the program.

Noncompliant Behavior

Noncomplaint Behavior

- Missed scheduled office visits at Elevate with TAD Case Manager.
- Positive results of a urine drug screens and/or preliminary breath test.
- Delay of engagement in recommended AODA treatment.
- Taking medications in a manner inconsistent with prescription directions.
- Failure to verify prescription medications, especially controlled substances.
- Delay of engagement in the recommended AODA treatment.
- Failure to work toward identified treatment or TAD Diversion Case Plan goals.
- Dishonesty about substance use or follow through with TAD Program requirements.

Severe Noncompliant Behavior

- Charged with a new criminal offense
- Attempts to tamper with, dilute, adulterate, or otherwise alter a drug or alcohol test.
- Falsification of medical, court, treatment, or other documents related to program participation.
- Violence or threat of violence directed at anyone.
- Leaving AODA treatment against medical advice, especially if it is medically managed detoxification as this may pose a serious health risk to the client.
- Being discharged from treatment due to repeated and serious problem behavior at the treatment provider.

We understand that recovery and changing old behaviors is difficult. We also understand that most clients have barriers that make following through with program requirements difficult such as lack of transportation, lack of insurance, unemployment, and lack of positive social supports. We will do our best to help clients resolve any barriers before moving forward with sanctions for noncompliance.

Sanctions will be administered in a progressive fashion, with sanctions increasing based on the frequency and severity of the noncompliant behavior. Steps for responding to noncompliance and discharge are as follows:

Responses to Noncompliance and Discharge OWI 2nd Program

1. Verbal counseling with case manager.
2. Verbal counseling with case manager and addressing any identified barriers or specific behaviors resulting in noncompliance. Developing specific plan for the client to follow to address barrier or specific behavior and expectations for the client to meet in a given timeframe.
 - a. **Example:** Client does not have insurance at the start of programming resulting in inability to engage in treatment and other services.
 - b. **Response:** Case manager would work with the client to develop specific steps to obtain insurance, would make referrals and contact referrals with the client, and set timeline for expected tasks to be completed. Only if the client took no action to resolve the issue would sanctions be implemented.
3. Additional verbal counseling and response (assignments, referral, consultation) with case manager may include:
 - a. Brief intervention and/or homework assignment to address specific type of noncompliance.
 - i. **Example:** if a client is demonstrating repeated dishonesty, a homework assignment regarding dishonesty and substance use behavior and the importance of honesty in recovery.
 - b. Increase in case management and/or alcohol and drug testing.
 - i. **Example:** if a client is attempting to avoid detection of use by timing use in between testing appointments, a common response is to increase testing from two to three times per week to decrease the likelihood that a client will be able to avoid detection. This is to help eliminate addictive thinking related to avoiding consequence of use and remind the client about accountability.
 - c. Discussion with other services providers involved in the client's treatment.
 - i. **Example:** If a client has additional treatment needs that must be met, staffing with treatment providers to determine appropriate referral and service coordination may take place with the client. This would follow with a referral and warm hand off to assist client in accessing necessary services.
 - d. Discussion with treatment and client regarding increased level of care.
 - i. **Example:** If noncompliance is mostly related to continued substance use despite engagement in treatment, case manager would consult with the treatment provider and determine if the client was in need of a higher level of care to properly address substance use needs and assist in abstaining from use.
4. Staffing with program coordinator regarding noncompliance if it continues past verbal counseling and brief interventions listed above. This would also include a **Behavioral Contract**.
 - a. This would include a review of the noncompliant behavior and steps the case manager and the client took to try to resolve the behavior previously.
 - b. It would include a **Behavioral Contract** outlining the previous behavior and response, along with the specific expectations for the client to meet in order to continue; as well as the specific sanctions that would occur if the client did not follow through with program requirements and expectations.
5. If noncompliance continues after the behavioral contract is developed the client will face discharge from the program.

- a. The case manager will inform the client of violations of the Behavioral Contract, inform the client the Program Coordinator will be made aware of the violation, and that the client may face discharge.
- b. The case manager will review any noncompliance with the conditions of the behavioral contract with the Program Coordinator. The Program Coordinator will make a decision considering all factors regarding continuation vs. discharge from the program.
- c. If the decision is made for discharge, the Program Coordinator will meet with the client and the case manager, inform the client of the reason for discharge, and provide the client with a letter outlining the reasons for discharge. The letter regarding discharge will be sent to the client's defense attorney and the prosecuting attorney assigned to the case.

Other Notes Regarding Sanctions and Discharge (OWI 2nd Program)

1. Severe and ongoing noncompliance may result in sanctions and/or discharge being imposed sooner.
2. Clients that are honest and demonstrating efforts to work toward program compliance will not be discharged as soon as clients that are repeatedly dishonest about noncompliant behavior and/or not taking any action of their own.
3. Our goal is to assist all clients in being successful. We encourage clients to speak with their case manager, treatment provider, and defense attorneys about any problems or struggles in the program.
4. The program is voluntary and clients can choose to withdraw and continue with the court process at any time.
5. The District Attorney's Office does not have to follow the TAD Program recommendations and can choose to unilaterally revoke the agreement for any violations of the terms of the agreement.

Responses to Noncompliance and Discharge OWI 3rd Program

Note: any behavior that is in violation of the conditions of the TAD Program or of a client's community supervision is reported to the client's probation agent. Information is also shared regarding positive progress in the program such as meeting treatment or TAD related goals. The purpose is to ensure everyone involved in the client's care has the same information, to develop a team approach to helping the client, and also for accountability and to better address addictive behavior such as avoidance and dishonesty.

1. Verbal counseling with case manager.
2. Verbal counseling with case manager and addressing any identified barriers or specific behaviors resulting in noncompliance. Developing specific plan for the client to follow to address barrier or specific behavior and expectations for the client to meet in a given timeframe.
 - a. Information about noncompliance is shared with the client's probation agent. When noncompliance occurs and the case manager has the opportunity to review it with the client, the case manager will encourage client's to contact their probation agent and inform them of the noncompliance first.
 - b. **Example:** Client does not have insurance at the start of programming resulting in inability to engage in treatment and other services.
 - c. **Response:** Case manager would work with the client to develop specific steps to obtain insurance, would make referrals and contact referrals with the client, and set timeline for expected tasks to be completed. Only if the client took no action to resolve the issue would sanctions be implemented.
3. Additional verbal counseling and response (assignments, referral, consultation) with case manager may include:
 - a. Brief intervention and/or homework assignment to address specific type of noncompliance.
 - i. **Example:** if a client is demonstrating repeated dishonesty, a homework assignment regarding dishonesty and substance use behavior and the importance of honesty in recovery.
 - b. Increase in case management and/or alcohol and drug testing.

- i. **Example:** if a client is attempting to avoid detection of use by timing use in between testing appointments, a common response is to increase testing from two to three times per week to decrease the likelihood that a client will be able to avoid detection. This is to help eliminate addictive thinking related to avoiding consequence of use and remind the client about accountability.
 - c. Discussion with other services providers involved in the client's treatment.
 - i. **Example:** If a client has additional treatment needs that must be met, staffing with treatment providers to determine appropriate referral and service coordination may take place with the client. This would follow with a referral and warm hand off to assist client in accessing necessary services.
 - d. Discussion with treatment and client regarding increased level of care.
 - i. **Example:** If noncompliance is mostly related to continued substance use despite engagement in treatment, case manager would consult with the treatment provider and determine if the client was in need of a higher level of care to properly address substance use needs and assist in abstaining from use.
- 4. Staffing with program coordinator regarding noncompliance if it continues past verbal counseling and brief interventions listed above. This would also include a **Behavioral Contract**.
 - a. This would include a review of the noncompliant behavior and steps the case manager and the client took to try to resolve the behavior previously.
 - b. It would include a **Behavioral Contract** outlining the previous behavior and response, along with the specific expectations for the client to meet in order to continue; as well as the specific sanctions that would occur if the client did not follow through with program requirements and expectations.
 - c. At this point, the client's probation agent would be informed of the Behavioral Contract and given a copy. If the client wishes the probation agent to be part of this review process, the client can request that they are present.
- 5. Staffing with the Probation Agent.
 - a. Once all the above steps have been followed and noncompliant behavior continues, the Program Coordinator would inform the client's probation agent of program participation and noncompliance.
 - b. The Program Coordinator would request a staffing with the, the client, case manager, probation agent, and Program Coordinator.
 - c. All parties would be given an overview of the client's participation, behavioral contract, including expectations to continue and understanding that any future noncompliance would result discharge.
- 6. Discharge.
 - a. If noncompliant behavior continues after all the steps above and there are additional violations of the conditions of the TAD Program, probation, and/or treatment, the client will be discharged from the program.
 - b. The case manager and Program Coordinator will inform the client of the decision for discharge, provide the client with a copy of the letter regarding discharge, and will send the letter to the client's probation agent.

Other Notes Regarding Sanctions and Discharge (OWI 3rd Program)

1. Severe and ongoing noncompliance may result in sanctions and/or discharge being imposed sooner.
2. Clients that are honest and demonstrating efforts to work toward program compliance will not be discharged as soon as clients that are repeatedly dishonest about noncompliant behavior and/or not taking any action of their own.
3. Our goal is to assist all clients in being successful. We encourage clients to speak with their case manager, treatment provider, and probation agent about any problems or struggles in the program.

4. The program is voluntary and clients can choose to withdraw and continue with the court process at any time.
5. The Department of Corrections does not have to follow the TAD Program recommendations and can choose to revoke the client's probation for violating the conditions of their probation.

Note Regarding Noncompliance and Termination

It is our goal that every seriously motivated client with the desire to recover from his or her substance use successfully complete the program. We encourage clients to be open and honest with program staff about struggles or additional needs they have in order to provide clients with the appropriate services. If there are times when a client is struggling, discussing the issue can be an important intervention point and serve as a learning experience. Program staff encourage open communication and will work with the client and other professionals involved to better serve the client. Except for in extreme circumstances all clients will be given chances to obtain the help they need before being discharged from the program.

The goal of the Washington County OWI TAD Program is to help you achieve a life free of crime and dependence on mind-altering substances. The program staff and treatment providers are here to assist you, but the final responsibility is yours. To succeed, you must be motivated to commit to a drug/alcohol free and crime free life style and work toward full integration into the community as a productive member of society. We look forward to assisting you with this journey.

Contact Information

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