

JUSTICE POINT



**ONEIDA COUNTY
DIVERSION PROGRAM
PARTICIPANT HANDBOOK**

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Important Contacts and Phone Numbers

The JusticePoint office is located in the Oneida County Courthouse -1 S. Oneida Ave., Rhineland, WI; in the Social Services Department on the 1st Floor.

JusticePoint:

Trisha Moore, Program Coordinator: office: 715.365.2752; cell: 715.525.9357

Jamie Kiener, Regional Director

Partners:

Recovery Coach: 715-362-1467

Treatment Provider:

Sponsor/Support Person:

Oneida Co. District Attorney's Office: 715.369.6133

Public Defender's Office: 715.750.2170

Welcome and Overview

Welcome to the Oneida County Diversion Program.

The program may last 8+ months and can include meeting with your case manager, drug testing, connecting you with a treatment provider, monitoring progress and assisting you in finding resources, depending on your individual needs and goals. Often, participants successfully complete the program, making significant positive changes in their lives. In addition, charges can be reduced or dismissed.

The Diversion Program is a minimum of 8 months and divided into four phases. Movement from phase to phase is contingent on the completion of phase requirements.

Pre-Charge

Post-Charge

<p><u>Phase 1– 30 days</u></p> <ul style="list-style-type: none"> • Report weekly or as directed • Test weekly or as directed • SUD Assessment completed and following treatment recommendations • 14 days consecutive sobriety 	<p><u>Phase 1 – 30/60 days</u></p> <ul style="list-style-type: none"> • Report weekly or as directed • Test weekly or as directed • SUD Assessment completed and following treatment recommendations • 14 days consecutive sobriety
<p><u>Phase 2– 60/90 days</u></p> <ul style="list-style-type: none"> • Report bi-weekly or as directed • Test bi-weekly or as directed • Compliant with treatment recommendations • 30 days consecutive sobriety 	<p><u>Phase 2 – 90/120 days</u></p> <ul style="list-style-type: none"> • Report bi-weekly or as directed • Test bi-weekly or as directed • Compliant with treatment recommendations • 45 days consecutive sobriety
<p><u>Phase 3 – 90/180 days</u></p> <ul style="list-style-type: none"> • Report bi-weekly or as directed • Test bi-weekly or as directed • Compliant with treatment recommendations • 60 days consecutive sobriety 	<p><u>Phase 3 – 120/180 days</u></p> <ul style="list-style-type: none"> • Report bi-weekly or as directed • Test bi-weekly or as directed • Compliant with treatment recommendations • 90 days consecutive sobriety
<p><u>Phase 4 – 60 days</u></p> <ul style="list-style-type: none"> • Report monthly or as directed • Test bi-weekly or as directed • Compliant with treatment recommendations • 60 days consecutive sobriety 	<p><u>Phase 4 – 60 days</u></p> <ul style="list-style-type: none"> • Report monthly or as directed • Test bi-weekly or as directed • Compliant with treatment recommendations • 60 days consecutive sobriety

Anticipated completion in 240 days

Anticipated completion in 300 days

As a participant, you will be required to address your substance use and/or abuse issues as well as your legal obligations. Following the conditions of your diversion agreement, keeping in contact with your case manager, showing up on time for sessions and random drug testing are key to successfully completing the program.

Please do not lose this handbook! It will provide you with much of the information you need to know. You are encouraged to share this handbook with family and friends.

We believe in your commitment to change and look forward to helping you live a healthier life.

Who Is Eligible

Eligibility Criteria:

- Resident of Oneida or Vilas Counties
- 17 years of age or older
- Current criminal involvement or charges related to alcohol or drug use in Oneida Co.
- Non-violent offense (Wis. Stat. 165.95)
- Voluntarily agree to abide by rules of diversion agreement
- All participants are free to pursue other strategies that may be more beneficial and are encouraged to discuss strategies with your attorney and case manager

Case Management

As a participant you will be asked to meet with your case manager. This could be once/month up to once/week. These sessions require you to:

- stay in contact with your case manager
- be present and on time for sessions
- be willing to share with openness and honesty
- work on shifting thoughts and behaviors
- complete assignments and put in effort
- possibly more (or less) as your plan requires or as your needs change

Your case manager is here to assist you by:

- helping you reflect on actions and outcomes, thoughts, behaviors and how they impact your life and others
- working with you to make positive changes and healthy choices
- finding community service opportunities, if needed
- connecting you with necessary resources
- monitoring substance use or other violations of the diversion agreement
- celebrating accomplishments and addressing violations
- advocating for your successful completion of the program and dismissal of charges
- more

Drug and Alcohol Testing

You will be randomly drug tested _____/month

Your call-in color is: _____

- Call 715.365.2752 between 6 am-8am every morning. Not calling in is a refusal of a drug test.
- Listen to the voicemail message
- If your color is chosen, come in to the Oneida County JusticePoint office for drug testing between 8:30am-3:30pm. If you arrive after 3:30 you will not be tested and this will be considered a refusal of a drug test.

Drug Testing Violations

The following are considered a violation of the diversion agreement and will result in a report to the court:

➤ *Refusal*

The following are considered refusal to take a drug test. If you:

- are unable to provide a specimen within the allotted 3-hour time period
- leave the JusticePoint office before providing a specimen
- arrive at JusticePoint after drug testing has concluded for the day
- miss a drug test and don't contact your case manager; this includes not calling in/missing your color being picked

➤ *Failed Drug Test*

➤ *Diluted Drug Test*

Diluted drug tests are those that the screen indicates have a higher water content than the average specimen. In the case of a diluted sample the Participant should be scheduled to test again no less than 30 minutes after the first test.

A second dilute sample will result in the test being treated as a failed drug test. In the event of a double dilute the incident should be applied to the behavior matrix and a typical suggested response to a double dilute would be to have the Participant return to test the following business day.

During the course of your participation in the program, the Coordinator will submit samples for confirmation testing for baseline comparisons or suspected dilute samples.

➤ *Positive Breathalyzer Test*

Any PBT result registering higher than .000.

You MUST inform your case manager/coordinator of any new prescriptions. You MUST inform your case manager/coordinator BEFORE taking OTC (over the counter) medications.

It is your responsibility to read product labels and avoid ingestion or use of any over-the-counter (OTC) medications, body care products, and other personal hygiene products with ethyl alcohol or ethanol listed as either an active or inactive ingredient use.

- **Cough syrups, over-the-counter medications (OTC), and herbal supplements:**
All prescription and over-the-counter medications should be reviewed with your case manager or the program coordinator prior to use. Alcohol-free cough and cold remedies are readily available at most pharmacies and major retail stores.
- **Non-Alcoholic Beer, wine, and kombucha:**
Diversion participants are not permitted to ingest NA beer or wine and are strongly encouraged to avoid kombucha tea and other fermented health beverages.
- **Food and ingestible products:**
Flavoring extracts, such as vanilla or almond extract, communion wine, food cooked with alcohol should be avoided.
- **Mouthwash and breath strips:**
Avoid breath products that contain ethyl alcohol; Alcohol-free mouthwashes (Listerine Total Care Zero, Crest Pro-Health) are available and acceptable.

THC/CBD/Hemp

You are responsible for what you ingest. CBD oil, all products containing CBD oil, and hemp may contain small amounts of THC that will accumulate in the body after repeated use and may cause positive screening/confirmation test results. With current drug testing methods, it is impossible to distinguish positive THC results from CBD oil use and marijuana consumption.

Participants will not possess or use any and all natural, homeopathic, or herbal supplements/medicines/drinks/tinctures such as but not limited to CBD oil or products that contain CBD oil, Hemp, Spice, Khat, or Kratom.

Successful Completion:

JusticePoint will notify the court and you will have a hearing to dismiss your charges.

Termination

A participant may be terminated from the Diversion Program for any of the following and the court will proceed with traditional sentencing:

- Bench warrant due to a failure to appear in court
- Bench warrant due to a violation
- Committing a new crime
- Violating the rules of the Diversion Program or probation
- Failure to attend scheduled appointments
- Voluntarily leaving the Diversion Program
- Evidence that a participant is involved with drug use, drug dealings or driving under the influence

CORE Reporting

Participant Informed Consent for Treatment Courts and Diversion Programs Using the Comprehensive Outcome, Research, and Evaluation (CORE) Reporting System Updated: 7/17/17

All participating treatment courts and diversion programs must have a process in place for informed consent and release of confidential information as part of their program protocols for the collection and exchange of information. Consent forms must comply with all applicable state and federal laws regarding the disclosure and re-disclosure of information as it relates to program activities. In limited circumstances, including program monitoring and evaluation and statistical analysis, certain confidential information can be shared without informed consent. However, the Wisconsin Department of Justice (DOJ) recommends that all sharing of information with the Department of Justice be incorporated within an existing consent form or covered under a separate consent form for purposes of the Comprehensive Outcome, Research, and Evaluation (CORE) Reporting System.

A sample form for the Department of Justice, as well as a more general consent form example, are included with this document. The format is not specifically required, but any substitute form should include all elements required by applicable state and federal laws including, but not limited to: AODA, State Alcohol, Drug Abuse, Developmental Disabilities or Mental Health records § Title 42, Part 2 Code of Federal Regulations §51.30 Wis. Stats. Medical or Health Care records Title 45, Parts 160 & 164 Code of Federal Regulations § 146.82 Wis. Stats.

Definitions:

A. **Confidential information** means all tangible and intangible information and materials accessed or disclosed, in any form or medium (and without regard to whether the information is owned by the State or by a third party), that satisfy at least one of the following criteria:

- a. Personally Identifiable Information;
- b. Individually Identifiable Health Information;
- c. Non-public information related to the State's employees, customers, technology (including data bases, data processing and communications networking systems), schematics, specifications, and all information or materials derived therefrom or based thereon; or
- d. Information designated as confidential in writing by the State.

B. **Personally Identifiable Information** means any of the following information, based on Wis. Stats. §943.201

- a. An individual's name.
- b. An individual's address.
- c. An individual's telephone number.
- d. The unique identifying driver number assigned to the individual by the department of transportation under s. 343.17 (3) (a) 4.
- e. An individual's social security number.
- f. An individual's employer or place of employment.
- g. An identification number assigned to an individual by his or her employer.
- h. The maiden name of an individual's mother.
- i. The identifying number of a depository account, as defined in s. 815.18 (2) (e), of an individual.
- j. An individual's taxpayer identification number.
- k. An individual's deoxyribonucleic acid profile, as defined in s. 939.74 (2d) (a).

- l. Any of the following, if it can be used, alone or in conjunction with any access device, to obtain money, goods, services, or any other thing of value or benefit, or if it can be used to initiate a transfer of funds:
- i. An individual's code or account number.
 - ii. An individual's electronic serial number, mobile identification number, personal identification number, or other telecommunications service, equipment, or instrument identifier.
 - iii. Any other means of account access.
- m. An individual's unique biometric data, including fingerprint, voice print, retina or iris image, or any other unique physical representation.
- n. Any other information or data that is unique to, assigned to, or belongs to an individual and that is intended to be used to access services, funds, or benefits of any kind to which the individual is entitled.
- o. Any other information that can be associated with a particular individual through one or more identifiers or other information or circumstances.

C. Individually Identifiable Health Information means information that relates to the past, present, or future physical or mental health or condition of the individual, or that relates to the provision of health care in the past, present or future, and that is combined with or linked to any information that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

CORE recording keeping will be maintained regularly by the Program Coordinator with Quality Assurance checks completed on a regular basis by the Regional Director.

The CORE Reporting System is a web-based application being provided to counties and tribes for the collection, analysis, and reporting of Participant-level data for treatment courts and diversion programs. CORE tracks Participant data from referral to discharge for the purposes of evaluation and performance measurement. The system allows for on-going tracking of Participant information such as demographics, mental health and substance abuse diagnosis, risk and needs assessment information, on-going progress updates including participation in treatment, drug or alcohol testing results, and incentives and sanctions administered, as well as review of program outputs and outcomes such as the following: program completion status, time in program, change in employment, education, and housing stability, reason for program termination, and related measures. In addition, the system will provide key information to assist in the evaluation of broader outcome and impact measures such as: incarceration days averted, post-program recidivism, comparison to traditional criminal justice outcomes, and cost/benefit analysis.

The CORE Reporting System also has built-in reports for use by individual sites and programs. This is a system designed for statewide use to collect Participant data to improve the quality of treatment courts and diversion programs in Wisconsin. This system will provide individual sites and programs with a mechanism to track Participant-level data for performance measurement and evaluation of program outcomes and impacts. The system will also provide WI DOJ access to Page 4 of 18 Participant data from participating sites and programs that is needed to complete required evaluations outlined in Wis. Stat. § 165.95. Sites that have an alternative to incarceration grant under Wis. Stat. § 165.95 with WI DOJ are to submit their data through the CORE application on an on-going basis. Other sites may request to utilize the CORE Reporting System

Confidentiality

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

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

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

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

All Oneida County Diversion Participants, upon being accepted into the program, are required to provide authorization to disclose confidential information as part of their participation in the Diversion Program. The purpose of this authorization is to give the TAD Subcommittee access to any and all necessary participant healthcare and non-healthcare information to evaluate and assess the Participant's progress.

Staff may only release information to those entities in which we have a valid release. Before releasing any information, you must check the Participant's file to determine if the release is valid. You must also check the date on the release to ensure it has not yet expired. If we do not have a release, you may not tell the person requesting information that we do not have a release; you can only tell them, "We cannot confirm or deny this person is a Participant." The person calling may e-mail or fax a release; only once received and we can ensure it is valid can we release the requested information. Do not ever assume we have a release; make it a habit to check files each time information is requested from an outside source.

Grievance Procedure

Every Diversion participant has a right to utilize the Grievance Policy should a participant have a complaint or feel that his/her rights were violated. The Grievance Procedure is as follows:

Step 1 - Verbal Discussion

The participant must request a meeting to discuss the matter with the Diversion Program Coordinator as soon as possible after the incident occurs (within 5 days). If the participant is not satisfied with the decision or solution of the Diversion Program Coordinator, the participant may proceed to Step 2.

Step 2 - Written Complaint

If the participant did not achieve a resolution in Step 1, the participant must put the complaint in writing within 5 days following Step 1 and turn the written complaint into the Oneida County Director of Social Services. The Director will make a formal written decision within seven business days and send it to the participant. This decision is final, and the Diversion Program Coordinator will also be included in the written response.

Participant Understanding and Agreement Form

I, _____ have received a copy of the Oneida County Diversion Program Participant Handbook. I have read the Handbook. I understand all of the information in this Handbook and I have no questions at this time. I understand that if at any time I have questions regarding my responsibilities in the Oneida County Diversion Program, it is my responsibility to address these questions with the Diversion Program Team.

Participant Name: _____

Participant Signature: _____

Date Signed: _____

Program Coordinator's Name: _____

Program Coordinator's Signature: _____

Date Signed: _____