



TREATMENT COURTS AND COVID-19

Thursday, April 9, 2020

Presenters/Panelists

State Department Representatives

- **Katy Burke**, Statewide Problem-Solving Court Coordinator, Director of State Courts Office
- **Heather Kierzek**, TAD Program Improvement Specialist, Department of Justice
- **Reneé Lushaj**, TAD Program Manager, Department of Justice
- **Becci Main**, Criminal Justice Coordinator, Department of Health Services
- **Chloe Moore**, Field Supervisor, Department of Corrections

Treatment Court Representatives

- **Rose Baier**, Criminal Justice Services Director, Chippewa County
- **Andrea Behnke**, Justice Programs Director, Portage County
- **Kimberly Kitzberger**, Treatment Court Coordinator, St. Croix County
- **Kristin Schier**, Treatment Court Coordinator, Grant County

Housekeeping



Please remain muted until the QnA Session



Text questions to (608) 963-5095

We will address questions during the QnA Session



UPDATES FROM STATE PARTNERS

Presenters



KATY BURKE, DIRECTOR
OF STATE COURTS



BECCI MAIN, DEPARTMENT
OF HEALTH SERVICES



CHLOE MOORE,
DEPARTMENT OF
CORRECTIONS



RENEÉ LUSHAJ & HEATHER
KIERZEK, DEPARTMENT OF
JUSTICE



TREATMENT COURT OPERATIONS

Information taken from NADCP Webinar – *Treatment Courts and COVID-19*

Staffing

Considerations

- Length and frequency of staffing and quality of information shared
- Whether social distancing is available to all team members
- Technology availability and access
- HIPAA and 42 CFR compliance

Short-Term Examples

- Social distance during meetings, maintaining at least 6 feet between members, or use technology
- Evaluate information shared in staffing and pare it down to only information essential for decision-making
- Determine if that information can be conveyed via email or phone
- Hold staffings less frequently or suspend them all together if necessary

Long-Term Examples

- Develop virtual processes for staffing meetings
- Ensure access for all team members to that technology
- Develop alternatives/contingency plans for failure of the preferred platform
- Update policies and procedures to include virtual staffing procedures

Court-National Guidance

Considerations

- Degree of exposure risk
- Frequency of status hearings
- Person placement and ability to social distance in the courtroom
- Possible exposure to participants while in transit to or from the courthouse, while passing through security, and while on elevators
- Virtual alternatives
- Sanction and incentive procedures
- Clients' right to be heard and right to representation
- Response to missed hearings due to illness, quarantine, shelter-in-place, or fear
- Use of jail for sanctions or and any restrictions to jail use, including risk of exposure

Wisconsin Courts System



According to recent Wisconsin Supreme Court Orders:

- Treatment court is not considered an essential hearing
- Judges/Commissioners may hold virtual court using the court's Zoom account
 - Judges should contact their District Court Administrator if they still do not have access to Zoom
- These orders have been extended to April 30th

Case Management/Supervision

Considerations

- Degree of exposure risk
- Ability to enforce social distancing in your building/lobby
- Minimum contact necessary to ensure efficacy
- Alternatives to in-person contact
- Response to missed appointments due to illness, quarantine, shelter-in-place, or fear

Short-Term Examples

- Halt all community and home contacts
- Halt or reduce all in-person office contacts
- If contacts continue, ensure that you can enforce appropriate social distancing; consider closing your waiting room and requiring a call prior to office entry
- If possible, meet in areas that allow you to have appropriate distance and preferably a barrier between you and the participant
- Do not meet with any participant who is sick or has had contact with a sick person

Long-Term Examples

- Institute alternatives to in-person contact (e.g., phone, email, Skype, Facetime, Zoom)
- Update policies and procedures to include virtual contacts

Treatment Services

Considerations

- Degree of exposure risk
- Ability to enforce social distancing in your facility, including lobby and group therapy rooms
- Consider risk of exposure to clients while in transit to or from the treatment center
- Alternatives to in-person contact
- Response to missed appointments due to illness, quarantine, shelter-in-place, or fear

Short-Term Examples

- Halt all in-person group treatment sessions
- If individual sessions continue in person, ensure that you can enforce appropriate social distancing; consider closing your waiting rooms and requiring a call prior to office entry
- If possible, meet in areas that allow you to have appropriate distance and preferable a barrier between you and the participant
- Do not meet with a participant who is sick or has had contact with a sick person
- Residential providers are to follow CDC guidance and monitor carefully the health of residents, including regularly checking body temperature

Long-Term Examples

- Institute alternatives to in-person contact for individual and group sessions (e.g., phone, email, Skype, Zoom)
- Ensure that all participants have access to appropriate technology and internet access
- Update policies and procedures to include virtual treatment procedures, including any sanctions to be instituted for willful noncompliance

Drug Testing

Considerations

- Degree of exposure risk
- Minimum testing necessary to maintain efficacy
- Response to missed appointments due to illness, quarantine, shelter-in-place, or fear

Short-Term Examples

- Temporarily halt all testing
- Halt testing that could expose staff to respiratory or other bodily fluids (e.g., oral fluid, breathalyzer testing)
- Encourage self-disclosure of substance use during supervision or treatment sessions
- Assure participants that self-reported use during this period will not result in sanction now or later, and that only therapeutic adjustments will be employed

Long-Term Examples

- Develop alternative drug testing guidelines compatible with the latest CDC information on COVID-19
- Use technology where appropriate and available (e.g., continuous alcohol monitoring, smartphone monitoring, transdermal patches)
- Contract with professional labs to provide collection and testing services
- Update policies and procedures to include virtual staffing procedures

Incentives/Sanctions

Considerations

- Degree of exposure risk
- Response to missed appointments due to illness, quarantine, shelter-in-place, or fear
- Jail may not be an option
- Community service may not be an option

Short-Term Examples

- Provide incentives to increase participants' willingness to communicate openly, frequently, and honestly
- Only utilize sanctions that can be enforced
- Utilize therapeutic responses to behavior as much as possible

Long-Term Examples

- Continue to develop sanctions that minimize the utilization of jail sanctions

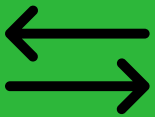
Most Importantly...



Prioritize your health and safety and your participants' health and safety



Clearly communicate policy changes & expectations to your participants, both verbally and in writing



Do not try to replicate services (e.g., drug testing, treatment services) that have been discontinued in your area due to COVID-19 concerns



Follow the guidance of your local health departments and government officials



GROUP QUESTION & ANSWER



FUTURE COORDINATOR MEETINGS

Helpful Resources/Links

State Resources

- Supreme Court Orders: wicourts.gov
- DOJ Resources: <https://cjcc.doj.wi.gov/initiative/tad/covid-19-resources>
- Wisconsin Treatment Court Forum: <https://witreatmentcourts.freeforums.net/>
- Forward Health Update <https://www.forwardhealth.wi.gov/kw/pdf/2020-12.pdf>

National Resources

- National Center for State Courts: ncsc.org
- National Association for Drug Court Professionals: nadcp.org/covid-19-resources
- Tribal Law and Policy Institute: home.tlpi.org

Contact Information

State Department Representatives

- **Katy Burke**, DSCO - katy.burke@wicourts.gov
- **Heather Kierzek**, DOJ - KierzekHJ@doj.state.wi.us
- **Reneé Lushaj**, DOJ - lushajrg@doj.state.wi.us
- **Becci Main**, DHS - Rebecca.Main@dhs.wisconsin.gov
- **Chloe Moore**, DOJ - Chloe.Moore@wisconsin.gov

Treatment Court Representatives

- **Rose Baier**, Chippewa County - rbaier@co.chippewa.wi.us
- **Andrea Behnke**, Portage County - behnkea@co.portage.wi.us
- **Kimberly Kitzberger**, St. Croix County - Kimberly.Kitzberger@sccwi.gov
- **Kristin Schier**, Grant County - kschier@co.grant.wi.gov