

Columbia County OWI Treatment Court



Participant Handbook

Revised June 2018

Welcome to the Columbia County Treatment Court Program. The purpose of this handbook is to give the participant a general description of our treatment court. The structure and rules of the program may change from time to time, and these changes will apply to everyone participating in the program at the time the change(s). The Treatment Court Judge will inform participants of any changes in court and in writing by the Treatment Court Coordinator. This handbook does not constitute a contract or legal rights. OWI Treatment Court Policy and Procedure Manual and participant hand book can be viewed by request.

Treatment Court Staff and Contact Information

The OWI Treatment Court Team consists of professionals from a collection of disciplines who come together to manage cases involving eligible participants through an intensive, judicially-monitored program for alcohol treatment, rehabilitation services, and strict community supervision.

Presiding Judge: Judge Andrew Voight, Columbia County Circuit Court, Branch 3

Coordinator: Kristin Schmitt (608-742-9681) (Cell: 608-697-7675)

400 Dewitt Street, Portage, WI 53901

kristin.schmitt@co.columbia.wi.us

Probation Agent: Corey Endreas (608-683-0808)

260 Eastridge Drive, Portage, WI 53901

Public Defender: Tristan Eagon (608-742-1154)

2520 W. Wisconsin Street, Suite 105 Portage, WI 53901

eagont@opd.wi.gov

Assistant DA: Troy Cross (608-742-9650)

400 Dewitt Street, Portage, WI

Pauquette Center: Lynn Hoornstra (608-742-5518)

2901 Hunters Trail, Portage, WI

Vision Statement

The Columbia County OWI Treatment Court mission is to reduce the number of repeat intoxicated drivers by providing participants with comprehensive long-term treatment and intensive case management. The program uses evidence based practices to encourage recovery, stability, and accountability in order to decrease cost to our community, promote public safety, and reduce acts of criminality.

Introduction

Welcome to Columbia County's OWI Treatment Court. Participants will be expected to follow the instructions given in Treatment Court by the Judge and comply with the individual treatment plan developed by the Treatment Court Team. This handbook will detail what is expected as a Treatment Court participant and review general program information. All participants are encouraged to share this handbook with their family, friends and attorney.

The goal of the OWI Court is to promote public safety by using case management, treatment, and judicial oversight to ensure that offenders receive the necessary treatment, thereby reducing or eliminating further drinking and driving incidents. The Columbia County Treatment Court offers participants the opportunity to break the cycle of addiction, improve their chances of a sober and healthy life and to contribute to a safer community.

The Columbia County OWI Treatment Court is a treatment based alternative to jail with probation. With the collaboration of treatment agencies and other rehabilitation services, participants will be provided with all the tools needed to lead a productive and crime free life.

Eligibility

- Reside in Columbia County unless otherwise determined by the treatment court team
- 17 years of age and up
- 3rd misdemeanor OWI offense with a BAC of .15 or above
- Agree to a 2 year probation with the Department of Corrections
- Voluntary agreement to participate and abide by all treatment program policies
- Screening for a potential high risk of reoffending and high need for treatment
- No prior felony convictions for violent crimes

- No prior felony convictions involving weapons
- No existing warrants or pending charges.

Court Schedule

Court is held every Tuesday at 9:00 am in Branch 2, 111 E Mullet Street Portage, WI 53901.

Program Rules

- **Always tell the truth.** Honesty is very important to building trust in the OWI Treatment Court program. If a mistake is made, if alcohol or other non-prescribed substance is used, or if there difficulties following the program, we expect participants to come forward voluntarily and inform the Agent of record or Coordinator.
- **Do not possess or consume any alcohol or other drugs** without a legal prescription. Sobriety is the primary focus of the Treatment Program.
- **Attend all ordered treatment sessions.** If there are transportation issues or barriers that are making it difficult to attend Treatment Court requirements, it is the participant's responsibility to notify the Agent, treatment provider or Coordinator in ADVANCE and ask for help.
- **Be on time for all appointments.**
- **Refrain from using verbal threats** toward another person or act in a violent or threatening manner
- **Act and dress appropriately** for court and treatment sessions. Clothing promoting or advertising alcohol or other drug themes is considered inappropriate.
- **Avoid any premises where the primary purpose of the business is the sale/consumption of alcohol.**
- **Attend all court sessions as ordered.**
- **Maintain residence in Columbia County at the time of entering treatment court.**
- **Do not violate the law.** Do NOT drive a vehicle without a valid driver's license. Participants who drive without a license may be reviewed for termination.

- **Tell Agent within 48 hours of moving or changing any telephone number or disconnecting the telephone.**
- **Get permission from the Agent before leaving the state or County**
- **Submit urine samples for testing promptly upon request**

Confidentiality

Each Treatment Court participant will be required to disclose certain confidential information to further the delivery of treatment related services to him or her. Likewise, the disclosed information may be shared between Treatment Court team members to facilitate the delivery of these services. Each participant's confidential information will be protected as is consistent with state and federal law.

Treatment Court participants will be required to sign releases of information authorizing the disclosure of health, medical, mental health, Alcohol and other Drug Assessments (AODA), other related assessments, criminal record, employment, and educational records for the purpose of, but not limited to, screening for Treatment Court, team discussion, treatment providers to exchange written and verbal communication/information, and any ongoing communication with Season's Counseling or other similar providers.

No information will be shared without proper authority or consent. The participant will need to designate with specificity the confidential information to be shared with the non-team member within the authorization. If the participant wishes to release information to a non-team member, the participant should also thoroughly discuss the type of information to be released, the need for the release, and all reasonably foreseeable consequences of such a release with the non-team member and his or her legal counsel. Once the information is released to a non-team member, neither the Treatment Court team nor its coordinator, nor any other employee of Columbia County, can guarantee the use of such released information, including whether any confidential information will be re-disclosed to a new and separate third party.

Treatment courts create two types of government records: criminal court records and treatment related records. A treatment court file is maintained by the Treatment Court Coordinator, is housed separately such as within Health and Human Services, and is confidential. Treatment court files will be kept behind a lock door in a locked file cabinet separate from any other files. The criminal court file is maintained by the circuit court and is typically available to the public. Criminal case file will not have treatment records. The judge will not keep the treatment court files or treatment information in the judge's chambers.

Alcohol and Other Drug Testing

Monitoring participant's sobriety is an important component of OWI Treatment Court, and participants will be monitored throughout the program. Frequent testing is essential and the most objective and efficient way to establish a framework for accountability and to gauge your progress. All prescription medications must be reviewed by a licensed medical practitioner while in this program. If prescribed medications, a form must be completed to include contact information for the health care provider, a signed release of information, a list of the medications and then return to the Columbia County Treatment Court Coordinator as soon as possible. It is required to inform the medical practitioner that participants are in recovery and not permitted to use any controlled substances or alcohol, unless, medically necessary that I do so pursuant to the orders of a physician. Before giving or prescribing a participant a controlled substance, the practitioner should review and consider the following:

"Make every effort to treat me without giving or prescribing me a controlled substance. Please note in my medical record why a controlled substance was medically necessary, if such is given or prescribed. Please complete the form below for the Treatment Team stating that I have disclosed my addiction problem."

Monitoring may include the use of the Ignition Interlock Device (IID), Soberlink, Transdermal Alcohol Detection (TAD) device, Intoximeter, Sobriotor and urinalysis. The frequency of testing will be based on individual participant needs and reviewed periodically by the OWI Treatment Team.

Ignition Interlock Device (IID) background: Wisconsin Act 100, which took effect on July 1, 2010, requires judges to order an Ignition Interlock Device for:

- ALL repeat OWI offenders
- ALL first time OWI offenders with an alcohol concentration of 0.15 percent or higher
- ALL drivers who refuse to provide a breath or blood sample for a chemical test at a traffic stop

The IID applies to every vehicle owned by the offender, regardless of what type of vehicle (car, pickup, van, motorcycle, or large truck). Second, the offender's driving privilege is restricted so that they can operate only IID-equipped vehicles during the duration of the order. Offenders may not operate a vehicle that requires a regular (Class D) driver's license if the vehicle is not equipped with an IID while their operating privilege is restricted. The courts have no discretion to waive or modify that restriction. If offenders choose to apply for an Occupational License from the Department of Motor

Vehicles (DMV), which allows them to drive to/from work or school, or to take care of essential household activities, then their restricted operating privilege will be conditioned on driving a vehicle equipped with an IID— and it will not matter who owns the vehicle (the offenders, their employer, or whomever loaned them a vehicle). All OWI convictions include mandatory license revocation/suspension periods. The offender will be eligible for an occupational license:

- OWI 2nd and up 45 days
- Causing injury while intoxicated 60 days
- Great bodily harm 120 days

The waiting period begins on the effective date of the revocation or suspension, and may vary depending on previous driving history and the reason for the current revocation/suspension. An offender must have an ignition interlock device installed in every vehicle registered or titled in their name (unless specifically exempted by the courts), prior to applying for an occupational license. When issued, license restrictions will indicate an IID is required and the end date of the requirement. Convicted OWI offenders may choose not to drive, but they cannot simply “wait out” the clock on their IID order. Offenders may be prosecuted for failure to comply with the IID order. When and if offenders choose to restore their operating privilege, the clock will start on their IID order on the day DMV issues them any kind of license. Low-income offenders, with annual incomes less than 150 percent of the Federal Poverty Level (FPL), are entitled to pay one-half of the regular cost of equipping (installation and removal) each motor vehicle with an IID and one-half of the cost per day per vehicle for routine fees. There are no provisions for a reduction in any other fee that may be assessed by an ignition interlock provider.

Contact the Clerk of Courts in the county where the arrest occurred to determine what information must be provided for the court to make this declaration. It is optimal that eligibility be determined at the time of conviction, as there is no requirement for a refund if determined at a later date. All IID results can be viewed by the Agent of Record and can be forwarded to the OWI Treatment Court Coordinator upon request.

FREQUENTLY ASKED QUESTIONS ABOUT IIDS CAN BE FOUND AT
<http://wisconsindot.gov>

The Electronic Monitoring Soberlink program acts as a method to monitor alcohol consumption through breath while using picture verification to identify the person taking each test. The points listed below are important for participants to both acknowledge and keep in mind during the entirety of the program while using a Soberlink device:

- Participants are responsible for all food and drink that enters the body and are responsible for positive tests regardless of the source. Some foods, hygiene items, and medications contain alcohol. OWI Treatment Court participants are not allowed to consume “non-alcoholic” beer or use products that contain alcohol, such as NyQuil or mouthwash. Read the labels on food and products to ensure that they are alcohol free; err on the side of safety. Remember, a positive test is the responsibility of the participant and could result in being placed into custody, a warrant for arrest, or sanctions by the Treatment Court Team.
- If an emergency situation occurs in which participants are unable to take a test or are forced to miss a test, it is the participant’s responsibility to notify the Agent or Coordinator. These emergencies should be rare and will be reviewed case by case. If there are reoccurring problems with this, an amended schedule or time in custody may be utilized so that the problem can be addressed and remedied.
- Always contact the Agent or Coordinator if any questions or problems arise over the course of the program including unit malfunctions, missed tests, late tests and/or positive tests.
- It is the participant’s obligation to protect the monitoring equipment. If lost, stolen or damaged the participant is responsible for the replacement cost, \$800.

Electronic Monitoring Sobriator program acts as a method to monitor alcohol consumption while using voice verification to identify the person taking each test. The points listed below are important for the participant to both acknowledge and keep in mind during the entirety of the time participating in the Sobriator program.

- The participant is responsible for all food and drink that enters the body and are responsible for positive tests regardless of the source. Some foods, hygiene items, and medications contain alcohol. OWI Treatment Court participants are not allowed to consume “non-alcoholic” beer or use products that contain alcohol, such as NyQuil and mouthwash. Read the labels on any food and products to ensure that they are alcohol free; err on the side of safety. Remember, a positive test is the participant’s responsibility and could result in being placed into custody, a warrant for arrest, or sanctions by the Treatment Court Team.
- Drink water prior to the test times. Voice fluctuations naturally occur for various reasons. A majority of these situations can be remedied simply by drinking water before the test and/or during the pre-test wait period.

- No food or drink, besides water, during the pre-test wait period. Participants should under no circumstances smoke during this wait period or have any other tobacco products in the mouth during the pre-test or actual test. This can cause damage to the sobriety unit which the participant could be held financially responsible.
- If the sobriety unit is unplugged or loses power for any reason (example: power outage) call the Agent immediately. If the Agent is not available or it is after normal business hours, leave a voicemail indicating what occurred.
- If an emergency situation occurs where a participant is unable to take a test or is forced to miss a test, it is the participant's responsibility to notify the Agent and/or Coordinator. These emergencies should be rare and should not be occurring on a regular basis. If there are reoccurring problems with this, an amended schedule or time in custody may be utilized so that the problem can be addressed and remedied.
- Always contact the Agent and/or Coordinator if any questions or problems arise over the course of the program including unit malfunctions, missed tests, late tests and/or positive tests.
- It is the participant's obligation to protect the monitoring equipment. If lost, stolen or damaged the participant is responsible for the replacement cost, \$1,250.

Transdermal Alcohol Device (TAD) is used by the Wisconsin Department of Corrections. The TAD measures the alcohol content in perspiration on a continuous basis via a bracelet worn by the offender and a breath test that is available in both a mobile device and a home device. Offenders are required to complete tests on a set schedule, with positive tests being sent to the Electronic Monitoring Center.

- The monitoring center functions as the point of contact for national law enforcement agencies confirming the wanted status of offenders on DOC supervision and Wisconsin law enforcement queries regarding individuals on DOC supervision outside business hours. If there is a positive test or the bracelet is tampered with the Monitoring Center will place a warrant out for the participant's arrest.
- Always contact the Agent and/or Coordinator if any questions or problems arise over the course of the program including unit malfunctions, missed tests, late tests and/or positive tests.

- It is the participant's obligation to protect the monitoring equipment. If lost, stolen or damaged the participant is responsible for the replacement cost, \$1225.

The Department of Corrections (DOC) Monitoring Center will contact the Agent of record for every positive, late or missed tests. If there is a positive and a missed test, the DOC Monitoring Center will issue a warrant for arrest. If there are two positive tests, the DOC Monitoring Center will issue a warrant for arrest. If there is a positive test, the participant is required to call the Agent and/or Coordinator immediately to notify them of the reason for the positive test. Participants are required to give all follow-up test until under the set limit and device reads: compliant test has been sent. If there is an inaccuracy the Agent will attempt to resolve it as soon as possible. In the event of an emergency change to your schedule after hours, you must call **1-800-422-7136** or **1-800-890-4348** for GPS and speak to an operator, giving them your name, DOC # and the type of emergency including any verifiable information when applicable.

Urinalysis screens (UA) will be conducted at scheduled appointments with the Agent, at any treatment session, at a meeting with the Coordinator, at any time the treatment court team requires, by random selection or on a completely random basis by means of an ID call system. Participants will not know in advance to submit a urine sample, however, it is mandatory as a program participant that a sample should be provided within a set timeframe on the day requested. If a participant cannot provide a sample they will need to remain in designated area until able to do so. If a participant leaves for any reason before a sample is given a "Refusal" will be documented and reported to the Agent and Coordinator.

Scheduled Collection Process:

This will be reviewed at intake process for verification of most current information.

Phone Call2Test at 608-260-7575 from 4:00 am to 7:30 am daily

Testing times are from 6:00 am to 8:00 am

Testing site is at _Columbia County Health and Human Services Building

Test Collection Completed by Season's Bridge Staff

Participants are required to provide a sample and sign the Custody Control Form for every test. As a part of this form participants are required to list all current medications that are prescribed by a medical professional. The participant will be asked whether or not the test will be positive. If the participant acknowledges that the UA test will be positive, honesty and explanation will be taken into consideration. If a participant states the UA test will be negative and it results in a positive the participant can request a

confirmation test at their own cost. A lie will also be taken in to account and will result in an increased sanction.

Testing will be observed/witnessed by a trained designee of the same gender. Staff will accompany the participant into the restroom to ensure that altering of the UA sample does not occur. Participants will have a limited time to complete the test once the sample process has begun. Participants are not permitted to leave the office during this time. If the participant is not able to complete the test in time provided the test will be considered a positive result. If a test result is positive for alcohol or other substances, the participant may be required to appear at the next scheduled OWI court session, regardless of previously scheduled court return date. Any claims that a positive test may be due to use of alcohol based products and not direct alcohol consumption will not change the determination.

If the participant has a late, missed, altered, or positive test for drugs and/or alcohol not prescribed, or do not notify the Agent and Coordinator a sanction will be given on a case by case basis.

Tampering or attempting to alter the effectiveness of urine or monitoring equipment is taken seriously and will not be tolerated. Altering any testing procedure may result in termination from the program. Tampering includes, but is not limited to, diluting the urine, unplugging or interfering with monitoring equipment, using the voice, breath, or urine of another person, or unsuccessfully attempting any of the methods listed. It is the participant's responsibility to limit exposure to products and substances that contain ethyl alcohol. It is the participant's responsibility to read product labels, to know what is contained in the products used and consumed and to stop and inspect the product before used. When in doubt, don't use, consume or apply.

This process will be explained at admission for OWI Treatment Court and at the probation intake appointment. The OWI Treatment team will utilize graduated sanctions to gain effective results for compliance. Sanctions may be different for each participant, even when circumstances seem to be similar. Each person has different needs and concerns. It is the goal of the OWI Treatment Court team to utilize tools that help each individual attain recovery.

In the case of an emergency or a need to miss a test, the participant is required to provide the Agent and Coordinator with proof about what happened in detail. Under no circumstances will participants be allowed to submit a new specimen based on claim of lab error. If a participant wishes to challenge the accuracy of a test result, the challenge must be made on the day of testing before they sign the testing form. The participant has the right to consult with an attorney. The confirmation test requested by the participant is at their own cost and must be pre-paid.

Compliance and Noncompliance

Progress is measured by compliance with program requirements and progression through treatment. The goal of the OWI Treatment Court is for participants to maintain absolute sobriety. OWI Treatment Court rewards compliance and sanctions noncompliance. The Agent, Coordinator, treatment provider, the Judge and other program staff maintain frequent, regular communication to provide timely reporting of progress and noncompliance.

Incentives and Sanctions

Incentives and sanctions are standardized to the point of exhibiting fairness, but are also tailored based on an individual participant's situation. The Judge has the discretion to apply sanctions as found suitable. Incentives and sanctions include, but are *not* limited to:

Positive Behavior Choices

- Attendance at all scheduled appointments
- Provide counselors and physician's disclosure forms for signature
- Reduction in treatment/care
- Clean alcohol or other drug tests
- Identifying issues and needs to Agent and/or Coordinator
- Develop budget
- Completion of written assignments
- Compliance with monitoring
- Obtaining a mentor/sponsor
- Paying fees
- Moving phases
- Positive report from 3rd party
- Compliance with MAT
- Steps to improve employment or education
- Development plan for personal relationships
- Complete a Relapse Prevention Plan
- Completion of Treatment Plans
- Accomplishing patterns of sobriety
- Demonstrating positive behaviors and decision making
- Establishing health support system

Examples of Incentives for Program Compliance

- Positive note from participant or Treatment Team
- Certificates awarded for phase and program completion
- Positive recognition from Judge and OWI Treatment Team member(s), including applause and praise
- Sober milestone tokens
- Skip 1 Office Apt.
- Early call on docket or leaving early
- Promotion to the next phase of program
- Permission to travel out of area
- Flexibility in payment plan
- Drawings for gift cards
- Commencement ceremony and certificate of completion
- Educational and positive reading materials
- Personalized honors
- Graduation

Examples of Program Violations

Low

Failure to receive prior permission to change current address

Failure to complete or submit assignments when required

Failure to contact Agent or Coordinator by Friday at 12:30 PM with phase requirements

Positive test on any testing device

Moderate

Failure to complete work/school/community service requirement

Failure to complete assignments, missed support groups, no signature for attendance

Failure to follow established curfew hours

Failure to report Law Enforcement contact, which can include but is not limited to driving violations or new arrests

Missing a test for non-emergency reason

Lying about a positive test

High

Failure to pay fines and court costs

Failure to attend individual treatment appointments

Entry into any establishment where the primary purpose is the sale and/or consumption of alcohol, which includes bars, taverns, night clubs, beer tents, or liquor stores

Failure to attend the Victim Impact Panel

Failure to attend groups

Failure to attend probation appointments without proper notification

Failure to attend court without proper notification
Failure to be present at scheduled home visit without proper notification
Failure to submit to random testing or tampering with any testing devices
Failure to report to the Agent after a 2nd attempted or missed test
Buying, selling, or possessing an alcoholic beverage or any substance for the purpose of intoxication
Operating a motor vehicle without mandatory IID, or confirmed noncompliance with IID requirements
Alcohol use confirmed by any testing device or use of illegal substances which includes but is not limited to outdated prescriptions or misuse of prescription medications
Tampering with any equipment used for breath, alcohol monitoring, or urine analysis testing purposes
Non-compliance or tampering with Electronic Monitoring device
Lying to the Court or Treatment Team

Therapeutic Responses

All therapeutic responses include a review of participant's individual treatment plan, and may include.

- Essays/assignments
- Readings
- Educational topics pertaining to OWI Treatment Court
- Increased support group attendance
- Increased individual treatment
- Increased group therapy
- Update ongoing individual case plans
- Updating treatment plan with Coordinator
- Life skills assignments including Carey guides or thinking reports
- Referral to services such as vocational training, schooling or volunteer work.
- Thinking for Change (T4C) – a cognitive behavioral change group
- Screening for medication assisted treatment (MAT)
- Therapeutic review with individual or group counselor on present treatment needs
- Victim Impact Panel
- Length of sobriety (Phase 1=60 days; Phase 2=90 days; Phase 3=120 days; Phase 4=180 days)

Sanctions

LOW

- Verbal warnings from treatment team members at or near infraction
- Warnings from Judge in open court.
- Review of admission contract or policies and procedures.
- Writing/Reading assignments or reports specific to violation.
 - Low assignments**
 - Written budget plan
 - Definition of recovery
 - How to avoid behavior/action in the future
 - How to say NO
 - Manage cravings
 - Phases of recovery: Transition (not able to control use), Stabilization (separate from people, places, things), Early Recovery (changes in thinking and feeling), Middle Recovery (balance and goal setting), Late Recovery (evaluation of self), Maintenance (growth and manage)
 - Role of treatment
 - Role of peer support
 - Moderate assignments**
 - Skills building activities
 - Carey guides
 - Activity logs
 - Skills assessment form
 - Journaling
 - Relapse Triggers
 - Impact of addiction
 - Letter of accountability
 - Lying and dishonesty

MODERATE

- Collaborative meeting with the OWI Treatment Team
- Court appearances before normal scheduled appearance
- Scheduled Smart Recovery or AA Meeting
- Increase in supervision requirements (more frequent when possible)
- Increased frequency of testing
- Increased court appearances
- Increased monitoring
- Impose/increase community service hours
- Travel restrictions

HIGH

- No Contact Orders for individuals interfering with probation or treatment
- Travel restrictions
- Required change of employment

- Curfew with electronic monitoring
- GPS or Soberlink Monitor with scheduled restrictions
- Escalating periods of jail confinement

Potential Reasons for Termination

1. Any behaviors presenting a threat to public safety or the integrity of the program may result in termination, including a significant crime (felony). Behaviors may include violence or threat of violence directed at treatment staff or other participants.
2. Receiving a new criminal offense. The criminal complaint will be reviewed by the Treatment Court Team for the potential of termination. A participant may petition for re-admission within 30 days of expulsion to establish the probability that the participant has been wrongly accused.
3. Failing to comply with OWI Treatment Court requirements or failing to comply with the rules of supervision.
4. Absconding (if absent from the program and/or probation), a warrant will be issued for arrest and taken into custody when apprehended. Absconding presents a threat to public safety and the integrity of the program and is grounds for termination. If deemed an absconder from the OWI Treatment Court program, we will assume that the participant no longer wished to participate in the program and the termination process will begin.
5. It should be noted that the Department of Community Corrections has the right to revoke probation based on their policies and procedures.

Process for Termination

- 1) Any member of the treatment court team may make a motion for termination of a participant from the program. The judge will excuse herself/himself from further discussion.
- 2) When the motion is made and seconded, the team will review the evidence and vote whether the participant should be terminated. If a majority vote confirms the motion, the court will formally notify the participant that termination is being considered.
- 3) A letter will be sent to the participant from the Coordinator informing them of the reason for possible termination, their rights pertaining to OWITC, continued OWITC requirements while waiting for the hearing, and review of the termination process from the OWI Treatment Court Handbook and the notice of and waiver of rights of participant terminated from Columbia County OWI Treatment Court.

4) The public defender's office will send a notice to the participant regarding the right to retain counsel. The participant is entitled to a hearing on the motion to terminate.

A. Right to Counsel

- I. Any participant facing termination proceedings is entitled to be represented by counsel as soon as the Treatment Team moves for termination, even if a termination hearing has not yet been scheduled. Representation by an attorney is not required; however, we strongly encourage it. If a participant cannot afford to privately hire an attorney, the participant may apply for an attorney through the Public Defender's Office or may ask the Judge to appoint an attorney through the County.
- II. An attorney may assist a participant facing termination in many ways, including: presenting facts to refute, explain, or mitigate the behavior forming the basis for the termination motion; cross-examine witnesses and scrutinize evidence offered by the prosecutor; argue to the court; and negotiate with the prosecutor. By virtue of his or her training and experience, lawyers are usually more effective in doing those things than those who choose to represent themselves without counsel.
- III. Remember, when a participant is in OWI Court, the participant is on probation and has been ordered, as a condition of probation, to participate in and complete OWI Court. One consequence of termination from the program is the participant can no longer fulfill that court ordered condition of probation. Thus, termination from the program often will result in revocation of the participant's probation and imposition of the remainder of the imposed, but stayed, jail sentence. We strongly suggest an attorney to assist the participant through the termination proceedings.

5) A hearing regarding the motion for termination will be scheduled in a timely manner with sufficient time to permit the participant to obtain counsel.

6) The final decision for termination will remain with the Judge once all facts have been received and the motion will either be approved or denied. Upon termination from the Columbia County OWI Treatment Court, the terminated participant will not have any appeal rights to this termination decision.

Program Structure

Review the program phases below and please remember that the length of time spent in each phase is directly related to treatment needs and compliance with the program requirements. All phases may be tailored to the individual after review by the OWI

Treatment Team. At each phase advancement or when requested by Treatment Coordinator, participants should have a review with their counselors on treatment needs, goals, and recommended counseling frequency.

PHASE 1

- Minimum of 90 days in Phase 1
- Attend and complete Intoxicated Driver Program (IDP) assessment
- Continuous alcohol monitoring with Sober Link, TAD or Sobriotor
- Random urine screens a minimum of two times per week
- Attendance at two approved pro-social groups or meetings weekly, with documentation of attendance. Examples are AA, Online Intergroup Alcoholics Anonymous and Smart Recovery
- Weekly appearance before the Treatment Court Judge
- Attendance of one individual counseling session a week
- Attendance of one AODA group counseling session a week
- At least one visit per week with Treatment Coordinator and/or Agent
- Must obtain employment, attend school, or find volunteer work by phase 2
- Obtain a sober sponsor or mentor
- A total of \$100 must be paid towards treatment court fees by the completion of Phase 1
- Completion of an individual case plan with Treatment Coordinator
- Complete a phase advancement form for review and 60 days alcohol/drug free before advancing to Phase 2

PHASE 2

- Minimum of 120 days in Phase 2
- Continued alcohol monitoring with Sober Link, TAD or Sobriotor
- Random urine screens a minimum of one time per week
- Attendance at one approved pro-social group or meeting weekly

- Bi-weekly appearances before the Treatment Court Judge
- Weekly sessions with individual counselor or substance abuse group must be assessed by counselor prior to phase 2 for level of care
- At least 1 visit per week with Treatment Coordinator and/or Probation Agent
- Weekly contact with a sober sponsor or approved mentor
- Maintain employment, school, or volunteer work
- A total of \$200 must be paid towards treatment court fees prior to completion of phase 2
- Completion of individual case plan with Treatment Coordinator
- Complete a phase advancement form for review and 90 days alcohol/drug free before advancing to Phase 3

PHASE 3

- Minimum of 180 days in Phase 3
- Completion of a Driver safety plan
- Random urine screens
- Attendance at one approved pro-social group or meeting weekly
- Appearance at Treatment Court every three weeks
- One individual counseling or substance abuse group between court appearances must be assessed by counselor for level of care
- At least one visit with Probation Agent and/or Treatment Coordinator per month
- Maintain employment, school, or volunteer work
- A total of \$300 must be paid towards treatment court fees by completion of Phase 3
- Continued payment of court fines and costs per established payment plan
- Completion of an individual case plan with the Treatment Coordinator
- Complete a phase advancement form for review and 120 days alcohol/drug free before advancing to After Care Phase

AFTER CARE PHASE

- Random alcohol/drug testing
- Minimum of 90 days in Phase 4
- At least one meeting per month with the Treatment Coordinator and/or Agent
- Monthly court appearance before the Treatment Court Judge
- Maintain employment or schooling
- Attendance at one pro-social group or meeting weekly
- Completion of a relapse prevention plan, survey of fairness, and 180 days sober/drug free before commencement
- After graduation a review with probation requirements may be completed with the Agent