

# Columbia County OWI Treatment Court

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## Participant Handbook

Revised December 2023

The purpose of this handbook is to give the participant a general description of the Columbia County OWI Treatment Court Program. The structure and rules of the program may change from time to time, and these changes will apply to everyone participating in the program. 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. The OWI Treatment Court Policy and Procedure Manual and Participant Handbook can be viewed by request.

### **Treatment Court Staff**

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. The members of the OWI Treatment Court Team include representatives from the following entities:

Columbia County Circuit Court Judge  
Columbia County OWI Treatment Court Coordinator  
Columbia County District Attorney  
Wisconsin State Public Defender or Defense Bar  
Wisconsin Department of Corrections  
Columbia County Area Law Enforcement  
Columbia County Area Treatment Provider

When voting is necessary, each discipline listed above is allowed one vote.

### **Vision Statement**

The Columbia County OWI Treatment Court mission is to reduce the number of repeat intoxicated drivers by promoting public safety through comprehensive services and case management, which in turn decreases costs to the public and transforms participants into prosocial members of the community.

### **Introduction**

Welcome to the Columbia County 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 from 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 Treatment Court is to promote public safety by using case management, treatment, and judicial oversight to ensure that OWI offenders receive 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 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
- 18 years of age and up
- 3<sup>rd</sup> or 4<sup>th</sup> 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
- Positive screen for a Substance Use Disorder

### **Court Schedule**

Columbia County Courthouse  
400 DeWitt Street  
Portage, WI 53901

Court is held every Monday at 3:00pm in Branch II.

### **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 another non-prescribed substance is used, or if there are difficulties following the program, participants are expected to come forward voluntarily and inform the Agent of record and Coordinator.
- **Do not possess or consume any alcohol or other drugs without a legal prescription.** Sobriety is the primary focus of the Treatment Court 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.**
- **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. Furthermore, 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, other related assessments, criminal records, employment information, and educational records for the purpose of, but not limited to, screening for Treatment Court, team discussion, communication with treatment providers, and any ongoing communication with Options Lab or other similar providers for urinalysis testing.

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 locked 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 files will not contain treatment records. The judge will not keep the treatment court files or treatment information in the judge's chambers.

Electronic communication between program staff and participants will be encrypted unless otherwise authorized, to protect private information of participants.

### **Alcohol and Other Drug Testing**

Monitoring participants' sobriety is an important component of OWI Treatment Court, and participants will be monitored throughout the entirety of the program. Frequent testing is essential and the most objective and efficient way to establish a framework for accountability and 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 the contact information for the health care provider, a release of information must be signed for that provider, a list of the medications must be returned 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.

Monitoring may include the use of the Ignition Interlock Device (IID), Soberlink, Smart Start Mobile, Intoximeter, oral fluid testing, and urinalysis. The frequency of testing will be based on individual participant needs and reviewed periodically by the OWI Treatment Team.

#### Ignition Interlock Device

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. Participants are encouraged to contact their attorney or the Wisconsin Department of Transportation to determine the length of their revocation/suspension period.

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 IID 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>

### Smart Start Mobile

The Electronic Monitoring Smart Start Mobile 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 caution. Remember, a positive test is the responsibility of the participant and could result in sanctions by the Treatment Court Judge.
- 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 and 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 and 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.

The Smart Start monitoring center will contact the Treatment Court Coordinator for every positive, late, or missed test. If there is a positive, late, or missed test, the participant is required to call the Agent and/or Coordinator immediately to notify them of the reason for the positive, late, or missed test. Participants are required to give all prompted follow-up tests until a passing test is sent. If there is an inaccuracy, the Treatment Court Coordinator will attempt to resolve it as soon as possible.

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 he or she will need to remain in designated area until able to do so. If a participant leaves for any reason before a sample is given, it will be considered a “refusal” and will be documented and reported to the Agent and Coordinator.

### Urinalysis Testing

Participants are required to phone Reconnect at 608-260-7575 from 4:00am to 7:30am daily. Testing times are from 6:00am to 7:45am at the River Haven Office (303 E. Wisconsin Street, Portage, WI 53901). Test collection is completed by Options Lab 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 will be taken into consideration. If a participant states the UA test will be negative and it results in a lab-confirmed positive result, the participant will be sanctioned. Dishonesty about substance use will result in an increased sanction.

Chain of Custody Procedure:

1. Participant's identity will be verified.
2. Participant will be instructed to remove any unnecessary outer layer clothing and to leave other personal accessories with the removed clothing.
3. Participant will wash and dry their hands under observation.
4. Collector will start the requisition form and select a collection kit, which will be opened, and the participant will be instructed to provide enough urine to cover the temperature strip.
5. The temperature of the specimen will be reviewed, and appropriate information will be entered on the requisition form.
6. The participant will print their name, date of birth and the collection date on the tamper evident seal, the collector will sign their name on the seal. The seal will be placed over the cap and affixed to the sides of the collection cup. Alternatively, a label generated with the LabNexus requisition will be applied to the primary specimen container.
7. The collector and participant will complete any remaining paperwork necessary.
8. The specimen and requisition form will be sealed in a specimen transport bag in the presence of the participant and then transferred to the laboratory for testing.

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 the 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 does 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 the 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.

### **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, 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 for meeting program requirements include but are *not* limited to:

Incentives		
<u>Low</u>	<u>Medium</u>	<u>High</u>
<ul style="list-style-type: none"><li>▪ Verbal praise</li><li>▪ Sobriety token</li><li>▪ Applause in court</li><li>▪ Symbolic rewards</li><li>▪ Certificates of commendation</li></ul>	<ul style="list-style-type: none"><li>▪ Fishbowl drawings for gift cards</li><li>▪ Reduced supervision requirements</li><li>▪ "Get out of court" pass</li><li>▪ Decrease in testing schedules</li></ul>	<ul style="list-style-type: none"><li>▪ Travel privileges</li><li>▪ Phase advancement</li><li>▪ Commencement ceremony</li></ul>

Infractions that may result in sanctions include but are *not* limited to:

Severity of Violation		
<u>Low</u>	<u>Medium</u>	<u>High</u>
<ul style="list-style-type: none"><li>▪ Failure to pay fines and court costs</li><li>▪ Failure to submit required materials requested by team</li><li>▪ Failure to contact probation agent or coordinator in timely manner as required</li></ul>	<ul style="list-style-type: none"><li>▪ Tardiness or failure to attend treatment requirements</li><li>▪ Failure to pay fines and court costs</li><li>▪ Late for court</li><li>▪ Failure to report law enforcement contact</li><li>▪ Positive UA or breath test</li></ul>	<ul style="list-style-type: none"><li>▪ New criminal offense</li><li>▪ Lying to the OWITC team</li><li>▪ Tampered UA or breath test</li><li>▪ Missed UA or breath test</li><li>▪ Missed treatment appointment</li><li>▪ Failure to complete imposed sanction</li><li>▪ Violation of no contact order by Probation Agent</li><li>▪ Absconding</li><li>▪ Repeated low/medium level violations</li></ul>

Sanctions include but are *not* limited to:

Sanctions		
<u>Low</u>	<u>Medium</u>	<u>High</u>
<ul style="list-style-type: none"><li>▪ Verbal warnings</li><li>▪ Essay assignments specific to the violation</li><li>▪ Activity logs</li></ul>	<ul style="list-style-type: none"><li>▪ Increased supervision</li><li>▪ More frequent status hearings</li><li>▪ Community service</li><li>▪ Monetary fines</li><li>▪ Treatment team roundtable</li><li>▪ Increased frequency of testing</li></ul>	<ul style="list-style-type: none"><li>▪ No contact orders</li><li>▪ Curfew with electronic monitoring</li><li>▪ Jail confinement</li><li>▪ Termination from the program</li></ul>

### **Potential Reasons for Termination**

1. Any behaviors presenting a threat to public safety or the integrity of the program, including a significant crime (felony), may result in termination. Behaviors may include violence or threat of violence directed at treatment staff or other participants.
2. Participants charged with a new criminal offense may be reviewed for termination. The criminal complaint will be reviewed by the Treatment Court Team to determine if termination is appropriate. 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 may result in termination.
4. If a participant absconds (is absent from the program and/or probation), a warrant will be issued for arrest and the participant will be 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, the team will assume that the participant no longer wished to participate in the program and the termination process will begin.

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) The Coordinator will meet with the participant to inform them of the reason for possible termination, their rights pertaining to OWITC, and continued OWITC requirements while waiting for the hearing. The Coordinator will review the termination process from the OWI Treatment Court Handbook and the Notice of and Waiver of Rights of the 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, it is strongly encouraged. 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 that the participant hire an attorney to assist 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 phase chart on the following page and please remember that the length of time spent in each phase is directly related to treatment needs and compliance with the program requirements. 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. All program components included on the phase chart represent **minimum** requirements. Phase length represents minimum time frame required to complete. All phases may be tailored to the individual after review by the OWI Treatment Court Team.

	<b>Jail Requirements</b>	<b>PHASE I Stabilization</b> *90 days	<b>PHASE II Intensive Treatment</b> *120 Days	<b>PHASE III Transition</b> *180 days	<b>PHASE IV After Care</b> *90 days
<b>Judicial Component</b>	Attend Court Every Monday at 3:00pm	Attend Court weekly before the treatment court Judge every Monday at 3:00pm	Attend Court biweekly before the treatment court Judge on Monday at 3:00pm	Attend Court every three weeks before the treatment court Judge on Monday at 3:00pm	Attend Court monthly before the treatment court Judge on Monday at 3:00pm for 3-6 months
<b>Supervision Component</b>	Meet with Coordinator on Mondays after court	At least 1 visit per week with the Treatment Coordinator and/or Probation Agent	At least 1 visit per week with the Treatment Coordinator and/or Probation Agent	At least 1 visit per month with the treatment Coordinator and/or Probation Agent	At least 1 visit per month with the treatment Coordinator and/or Probation Agent
<b>Treatment Component</b> <b>1. Group</b> <b>2. Individual</b> <b>3. Support</b>	Set up group sessions through SAIL or Pauquette  Attend Jail AA every other week on Thursdays.	Attend substance abuse counseling 2 times/week (individual and group)  Attend 2 approved pro-social groups weekly with signed documentation. (AA or Smart Recovery)  Must obtain employment, attend school, or find volunteer work  Attend and complete your Intoxicated Driver Program (IDP) assessment with Pauquette Family Counseling	Attend substance abuse counseling 1 time/week (individual or group)  Attend 1 approved pro-social groups weekly with signed documentation. (AA or Smart Recovery)  Maintain employment, school or volunteer work	Attend substance abuse counseling 1 time/month (individual or group)  Attend 1 approved pro-social group weekly with signed documentation (AA or Smart Recovery)  Maintain employment, school, or volunteer work  Driver Safety plan must be completed	Attend 1 approved pro-social group or treatment group per week (AA or Smart Recovery)  Maintain employment, school or volunteer work
<b>Testing Component</b>	Agent will meet with you and educate while in jail. Follow jail procedures for testing.	Continuous alcohol monitoring with Sober Link or Smart Start  Random UA alcohol/drug testing	Continuous alcohol monitoring with Sober Link or Smart Start  Random UA alcohol/drug testing	Random UA alcohol/ drug testing	Random UA alcohol/drug testing
<b>Program Fees - \$600</b>		Recommended to pay \$100.00 towards programs fees	Recommended to pay \$200.00 towards programs fees	Recommended to pay \$300.00 towards programs fees	Pay total program fees to be eligible for graduation
<b>Completion Steps</b>		Completion of performance measure questionnaire <b>60 days alcohol/ drug free</b>	Completion of performance measure questionnaire <b>90 days alcohol/ drug free</b>	Completion of performance measure questionnaire <b>120 days alcohol/ drug free</b>	Completion graduation questionnaire <b>180 days sober/drug free</b>