

Columbia County

OWI Treatment Court



Policy and Procedure Manual

Revised February 2025

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Mission 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

The Columbia County OWI Treatment Court is a post-conviction criminal court that attempts to decrease recidivism and substance abuse. OWI Treatment Courts are built upon a unique partnership between the criminal justice system and the treatment community. Our court consists of a multidisciplinary team working together toward a common goal of breaking the cycle of alcohol use and criminal behavior.

Our program consists of four phases, in which participants make positive progress through treatment, court appearances, and appointments with their probation agent. As participants advance through the program, their level of services is modified to best meet their needs and goals.

The OWI Treatment Court requires that all participants abstain from alcohol and other drugs. Compliance is measured by monitoring participants' sobriety through the use of random drug screens, including urinalysis and oral fluid tests. Participants are also required to comply with program requirements through the use of a breath alcohol content monitoring device, such as Soberlink or Smart Start Mobile devices.

All OWI Treatment Court participants are required to participate in individual and group counseling with a licensed AODA treatment provider. Prior to beginning treatment, participants will complete an assessment to determine the appropriate level of care based on the ASAM criteria. In addition to treatment, participants are required to attend support meetings, including Alcoholics Anonymous and/or SMART Recovery.

As participants make positive changes towards their goals of sobriety and recovery, they receive positive reinforcement through the use of incentives. Those who fail to follow program requirements receive sanctions. The program length varies by participant compliance, but the estimated program length is approximately 16 to 18 months.

Goals and Objectives

The goal of Columbia County OWI Treatment Court is to protect the public while addressing the root causes of impaired driving. With the collaboration of the Columbia County Court system, treatment agencies, Columbia County Health and Human Services, and the Department of Community Corrections, participants will be provided with the tools needed for recovery.

The ultimate aim of treatment court is the reduction in contact with the criminal justice system by diverting nonviolent offenders to community-based interventions. Reductions in alcohol abuse in the community may also reduce economic burden to the county for health care, jail expenditures, and treatment demands.

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

The OWI Treatment Court provides a unique balance between the justice system and integrated treatments by using the coercive power of the court to motivate participants to live alcohol-free lives, thereby reducing alcohol crimes as well as other types of crime. At the same time, the OWI Treatment Court recognizes that people who are alcohol dependent and who choose to make the changes necessary to live a sober life can become productive members of the community. For this reason, the Columbia County OWI Treatment Court provides a system of coordinated services all designed around personal stages of change and personal accountability to help each participant succeed in the program.

Target Population

The Columbia County OWI Treatment Court focuses on adult offenders with 3rd or 4th OWI offenses with a BAC of .15 or more. This court-supervised treatment program will use evidence-based practices, intensive case management, and integrated treatment in order to hold participants accountable while providing opportunities for positive change. The Treatment Team will support, encourage, and assist participants in gaining independence and empowering them to live sober and healthy lives.

OWI Treatment Court Team

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

An OWI court judge presides over non-adversarial court appearances for OWI court participants and leads the OWI court team in creating a participant-focused recovery program.

Coordinator

An OWI court coordinator oversees the activity of the team, conducts quality assurance of each team member, maintains client files, gathers statistical data for reporting, remains informed regarding budgetary concerns of the OWI court, and coordinates services in a manner that is most therapeutic to the OWI court participants.

Probation Agent

An OWI court probation and parole officer actively monitors OWI court participants outside of the OWI court setting including conducting home and job visits. All client contact is documented, and visits logged to help encourage positive participant behavior.

Public Defender

An OWI court public defender informs the OWI court participant about the rigors of OWI court, preserves all legal rights of the client, advocates for fair and equal treatment of participants, participates in team meetings, and attends non-adversarial court proceedings.

Assistant District Attorney

An OWI court prosecutor is usually a “gate keeper” and will review potential participants and refer them to treatment court. He/she obtains prior criminal histories of offenders, participates in team meetings, and attends non-adversarial court proceedings.

Columbia County Sheriff’s Department

The Sheriff’s Department will provide a liaison that will attend treatment court meetings and assist with collaboration and community supervision for participants. The liaison will also serve as a community advocate for the effectiveness of the program.

Treatment Provider

An OWI court treatment provider may offer holistic rehabilitative therapy sessions, alcohol and other drug screening, case management, and monitoring for treatment court participants. Additionally, within the bounds of ethics and legalities, a treatment court provider shares information regarding the progress of a participant in appropriate settings to all OWI court team members.

Columbia County Health & Human Services

The Division Administrator of Health and Human Services shall assign a social service professional to coordinate the Treatment Court Program. The Division Administrator will be responsible for supervision, oversight of funding, and compliance with reporting. The Administrator will provide training for the Treatment Court Team relative to best practices in AODA services.

Criminal Justice Coordinating Council

The Criminal Justice Coordinating Council (CJCC) is an advisory board separate from the Treatment Court Team. The advisory board and its treatment court subcommittee will provide ongoing supervision and review of the treatment court program.

Admission Screening Criteria

Referral

After the original arresting event, a referral should be sent to the OWI Treatment Court Coordinator. Participants can be referred to OWI Treatment Court by law enforcement, district attorney's office, public defender's office, private attorneys, or self-referral.

Process

If the applicant meets initial predetermined eligibility requirements, they will be contacted to set up an appointment for screening and assessments.

At that appointment the coordinator will provide an introduction to the OWITC program. Additionally, the Coordinator will complete a risk/needs assessment with the applicant to determine further eligibility. The applicant will be provided a handbook with more detail on the program. Eligibility will then be determined by the Treatment Court Team.

The applicant and their attorney will be notified regarding the eligibility determination. If eligible, the applicant will be asked to schedule a follow-up appointment to complete intake paperwork.

The Columbia County OWI Treatment Court program will not prohibit a person from beginning or continuing participation in the program because he/she uses a medication that is approved by the FDA for the treatment of her/his substance abuse disorder (Medication Assisted Treatment). If MAT is determined to be medically necessary, a licensed health care provider in Wisconsin must prescribe the medication. In addition, the program will provide equal treatment to people who have experienced sustained discrimination or reduced social

opportunities because of their race, ethnicity, gender, sexual identity, physical or mental disability, religion, or socioeconomic status.

Treatment Court Eligibility Standards

- Assessment with Coordinator completed with a Risk/Need Score of HIGH/HIGH
- Current Resident of Columbia County
- At least 18 years old
- All pending warrants or open cases must be resolved before entry into OWITC
- BAC of .15 or above at the time of offense
- OWI 3rd misdemeanor or OWI 4th felony
- No felony violent convictions or use of weapon convictions against another person
- Screens positive for a Substance Use Disorder

Financial Responsibilities

Program Fees

As a Treatment Court Participant you must pay a \$600 fee to participate in the Treatment Court Program. This fee can be broken up into manageable payments during each phase.

- Phase I, A total of \$100 is recommended to be paid before phase advancement.
- Phase II, A total of \$200 is recommended to be paid before phase advancement.
- Phase III, A total of \$300 is recommended to be paid before phase advancement.
- Phase IV, total program fees of \$600 need to be paid prior to graduation.

WAID Assessment Fee

Anyone convicted of an operating while intoxicated related offense is required to contact the approved assessment facility for their county of residence within 72 hours of conviction or immediately upon receipt of an order from the Department of Transportation. A Wisconsin Assessment of the Impaired Driver Assessment will determine whether drivers need education, treatment, or both to reduce the likelihood they will drive impaired in the future. In Columbia County, this is completed at the Pauquette Center and costs \$300.

Drug and Alcohol Testing Procedures

Each participant will be subject to alcohol and other drug testing on a random basis. All participants will be provided a list of over-the-counter medications and foods they should avoid while in this program to assist with compliance. This list is not exhaustive, and it is the participants' responsibility to know what they are putting in their bodies. A positive test for an illicit or non-prescribed substance can result in the same consequences as a positive test for

alcohol. Monitoring sobriety is an important component of OWI Treatment Court, and participants will be monitored throughout their participation. Frequent testing is essential and the most objective and efficient way to establish a framework for accountability and to gauge progress.

Monitoring will be a part of each phase. Participants will be placed on a testing device upon discharge from jail by the Probation Agent. Monitoring may include the use of the Ignition Interlock Device (IID), Soberlink, Smart Start Mobile, oral fluid testing, and urinalysis.

If participants miss a test for a non-emergency reason, or if a UA result is positive for alcohol or drug use, they will be required to appear at the next Monday OWI Court session regardless of when they had been previously scheduled to return to court. A missed test is considered a failed test.

All prescription medications must be reviewed by a licensed medical practitioner while in this program. If prescribed medications, a signed release of information and a list of the medications must be provided to the 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 to do so pursuant to the orders of a physician. Before giving or prescribing a participant a controlled substance, the practitioner should complete the verification form.

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.

Scheduled Collection Process:

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

Testing times are from 6:00 am to 8:00 am (Must arrive prior to 7:45 am)

Testing site is at River Haven (303 E Wisconsin St 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 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 into account and will result in an increased sanction.

Testing will be directly observed 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 the 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.

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 claims 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.

Monitoring may include the use of the Ignition Interlock Device (IID), Soberlink, Smart Start Mobile, Intoximeter, oral fluid test, 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). 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 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/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 or Smart Start Mobile 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. Participants are strongly encouraged to read the labels on food and products to ensure that they are alcohol free and err on the side of safety. 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.
- Participants must 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.

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 tests until under the set limit and the device indicates that a compliant test has been sent. If there is an inaccuracy, the Agent will attempt to resolve it as soon as possible

Urinalysis (UA) screens 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.

Operator's License

In order to be qualified for an operator license, individuals must first check their eligibility and/or reinstate their driving privilege with the Department of Transportation (DOT). This can be done online at WisconsinDOT.gov. Eligibility will confirm reinstatement fees, case numbers, and reinstatement requirements for each case. If individuals are not eligible to reinstate their driving privilege, they should then check their eligibility to receive an occupational license, which can also be done on the DOT website. If eligible, the following procedures must be followed:

1. An IDP assessment completed for the Driver's Safety Plan
2. Approval from the assigned Probation Agent
3. An SR22 Insurance Certificate
4. Proof of Ignition Interlock Device (IID) installation
5. Completion of all necessary forms provided by the DOT
6. Paid application fee

Recordkeeping and 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. Recognizing the sensitive nature of this type of information, maintaining the confidentiality of participant records is important. Each participant's confidential information will be protected as is consistent with state and federal law.

Any program that specializes, in whole or in part, in providing treatment, counseling, or assessment and referral services for individuals with AOD (Alcohol or Drug) use problems must comply with federal and confidentiality laws. Services applied for or received can include assessment, diagnosis, individual counseling, group counseling, treatment or referral for treatment. Applicable law includes 42 C.F.R. Part 2, 45 C.F.R. Parts 160-164, Wis. Stat. § 51.30, Wis. Stat. § 146.38, Wis. Stat. § 146.81, and Wis. DHS Administrative Code Ch. 92. These specific laws and regulations are designed to protect patients' privacy rights in order to encourage treatment. The regulations restrict communications more tightly in many instances than, for example, either the doctor-patient or the attorney-client privilege. The protections exist from the time the participant or individual makes an appointment with the treatment court Coordinator and continues thereafter including to former participants. These protections apply to those who are mandated into treatment as well as those who enter treatment voluntarily. These protections apply regardless of whether the person making an inquiry already has the information, has other ways of getting it, has some form of official status, or is authorized by state law.

Information that is protected by federal and state confidentiality law may be disclosed after the participant has signed a proper consent form. The law also permits disclosure without the participant's consent in several situations, including medical emergencies and program evaluations.

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. Participants will be required to update these releases upon request and as is necessary. Participants who refuse to sign consent forms permitting essential communications can be reviewed for termination from OWI Treatment Court.

If a participant wishes the treatment coordinator to share confidential information with a non-team member, such as a family member or his or her legal counsel, the participant must formally authorize the release of such information to the non-team member. 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. Legal confidentiality protections may vary depending on the nature of the third party and the type of information released.

Wisconsin law generally promotes public access to government records. 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 file will not have treatment records. The judge will not keep the treatment court files or treatment information in the judge's chambers.

A requester's ability to obtain records related to treatment court will likely depend on what type of record he or she asks to see. While Wisconsin law may promote access to many government records, other state and federal law may prevent the disclosure of treatment court related records. Public records requests shall be subject to state and federal law; depending on the nature of the request, such law may prohibit the disclosure of some or all of the requested record(s).

Sec. 4-1-1 Purpose; General Retention Period. The purpose of this Chapter is to establish a County-wide records retention schedule and authorize destruction of County records pursuant to that schedule on an annual basis. Record custodians do not have the authority to destroy records prior to the established retention period unless such records have been photographically reproduced as original records pursuant to Sec. 16.61(7), Wis. Stats. If there is not a specific law requiring a specific retention period, all records must be retained seven (7) years unless the Public Records and Forms Board fixes a shorter period.

Sec. 4-1-17 Human Services Records.

- (g) 51.42/437 Treatment records 7 years unless minor, HSS 92.12(1) & (2)
(W): then until 19 years of age or 7 years after treatment completed, whichever is longer
(1) Undergoing federal or Until completion of audit HSS 92.12(3) state audit
(2) Relating to legal Until completion of legal HSS 92.12(4) actions action

Records requests may be submitted in writing to the Columbia County Health and Human Services Department. The disclosure and retention of records shall be as allowed by ordinance and by other law. A uniform and reasonable fee may be charged for copies of a record to non-team member individuals or agencies. The fee may be reduced or waived in accordance with agency policy for those participants who show an inability to pay. All confidentiality and record-keeping policies will be reviewed periodically by the treatment court team members.

Compliance and Noncompliance

Progress through the OWI court experience is measured by compliance with program and treatment requirements. The team will reward cooperation as well as respond to noncompliance. The treatment team will maintain frequent, regular communication to provide timely reporting of progress and noncompliance. There is value in recognizing incremental progress toward the goal, such as showing up at all required court appearances, regularly arriving at treatment appointments on time, attending and fully participating in the treatment sessions, cooperating with treatment staff, and submitting regular AOD testing.

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 incentives and sanctions as found suitable. Incentives include but are *not* limited to:

Incentives		
<u>Low</u>	<u>Medium</u>	<u>High</u>
▪ Verbal praise ▪ Sobriety token ▪ Applause in court ▪ Symbolic rewards ▪ Certificates of commendation	▪ Fishbowl drawings for gift cards ▪ Reduced supervision requirements ▪ "Get out of court" pass ▪ Decrease in testing schedules	▪ Travel privileges ▪ Phase advancement ▪ Commencement ceremony

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

Severity of Violation		
<u>Low</u>	<u>Medium</u>	<u>High</u>
▪ Failure to pay fines and court costs ▪ Failure to submit required materials requested by team ▪ Failure to contact probation agent or coordinator in timely manner as required	▪ Tardiness or failure to attend treatment requirements ▪ Failure to pay fines and court costs ▪ Late for court ▪ Failure to report law enforcement contact ▪ Positive UA or breath test	▪ New criminal offense ▪ Lying to the OWITC team ▪ Tampered UA or breath test ▪ Missed UA or breath test ▪ Missed treatment appointment ▪ Failure to complete imposed sanction ▪ Violation of no contact order by Probation Agent ▪ Absconding ▪ Repeated low/medium level violations

Sanctions include but are *not* limited to:

Sanctions		
<u>Low</u>	<u>Medium</u>	<u>High</u>
▪ Verbal warnings ▪ Essay assignments specific to the violation ▪ Activity logs	▪ Increased supervision ▪ More frequent status hearings ▪ Community service ▪ Monetary fines ▪ Treatment team roundtable ▪ Increased frequency of testing	▪ No contact orders ▪ Curfew with electronic monitoring ▪ Jail confinement ▪ Termination from the program

Termination

Reasons for Termination:

1. Any behaviors presenting a threat to public safety or the integrity of the program can result in termination including a significant crime (felony). Behaviors can include violence or threat of violence directed at treatment staff or other participants.
2. A participant will be terminated for any new drinking and driving offenses as per a criminal complaint. A participant may petition for re-admission within 30 days of expulsion to establish a probability that the participant has been wrongly accused.
3. Other behaviors for potential termination include, but are not limited to: new warrants, missing several or having a series of positive drug or alcohol tests, producing adulterated drug tests, failing to cooperate with probation or treatment program.

4. If a participant absconds (becomes absent from the program/probation), a warrant will be issued for their arrest, and they will be taken into custody. Absconding presents a threat to public safety and the integrity of the program and is grounds for termination. If one chooses to abscond from the OWI Treatment Court program, the team will assume that the participant no longer wishes to participate in the program and will be automatically terminated. Absconding from the OWI Treatment Court will also likely result in revocation of probation supervision.

Process for Termination

Any member of the treatment court team may make a motion for termination of a participant from the program. When the motion is made and seconded, the judge will inform the participant in court that termination is being considered. Final decision for termination will remain with the Judge once all facts have been received, and the motion will either be accepted or denied. The Judge will make the motion for expulsion on the record in open court. Following court, the participant will have the right to retain counsel and will be given a status hearing regarding the motion for termination. Upon termination from the Columbia County OWI Treatment Court, the terminated participant will not have any appeal rights to this termination decision. Once terminated from OWI Treatment Court, the terminated participant will be placed in custody pending the revocation of probation and the imposition of the imposed and stayed jail time.

Participation in the Columbia County OWI Treatment Court is voluntary. If a participant decides to withdraw at any time, this is a final decision and he or she will not be re-enrolled in OWI Treatment Court. Participants who voluntarily withdraw or are terminated will not be eligible for electronic monitoring or other services and will serve the remaining portion of their sentence. Participants may waive their right to a hearing in front of the OWI Treatment Court Judge on the issue of voluntary withdrawal. Participants may consult with an attorney if they wish at any time.

Program Structure

Participants will be expected to follow the directives given in Treatment Court by the Judge and comply with the individual treatment plan developed in collaboration with the Treatment Court Team.

Program Entry

Review of admission status will be completed before entry into the program. The use of well-developed eligibility criteria that has been created based on research-based best practices will help the Columbia County OWI Treatment Court meet its goal of identifying at least 90% of

possible participants. Eligibility criteria will adhere to the requirements outlined in Wisconsin Statute 165.95.

Information on the program will be provided to all potential participants. Screening eligibility will then commence including an evaluation of criminal history, alcohol use, risk assessment, and needs for treatment. The team will review eligibility status and the coordinator will schedule an appointment prior to the return date. During that appointment, the participant will be given a full participant handbook and paperwork regarding confidentiality and program requirements.

Treatment for AODA will be delivered in both group and individual formats by licensed treatment providers and may focus on a variety of areas depending on individual case plans. The coordinator, working with the OWI Treatment Court Team, will identify additional resources in the county (and outside of the county, as appropriate) to help the participants address other needs.

A case review will be held weekly to review attendance to required programming, assessment and test results, treatment goals, motivation for change, and compliance with supervision rules. Participants must attend all required status hearings to interact with team members, discuss phase requirements to with the judge, and review incentives, sanctions, and treatment adjustments.

After successful completion of all four phases, completion of an exit interview, completion of a Maintenance Plan for Aftercare, and upon recommendation of the team, the Judge shall declare the participant is a graduate of the Columbia County OWI Treatment Court Program. The commencement ceremony will recognize successful completion of all required goals and will be a set date agreed upon by the treatment team. Participants have the right to request the attendance of their defense counsel during any part of the treatment court.

Expectations/Guidelines of the Program

The following guidelines will be initialed by each participant to acknowledge understanding of what is expected of them in the OWI Treatment Court program:

- **Do not possess or consume any alcohol or drugs** for which you do not have a prescription for. Sobriety is the primary focus of the Treatment Program.
- **Always tell the truth.** Your honesty is very important to building trust in the OWI Treatment Court program. If you make a mistake we expect you to come forward voluntarily and inform your Agent or Court Coordinator.

- **Operating after revocation.** Every participant will have a period of revocation of your driver's license. Do not take the chance you will not be caught and drive anyway. Talk to Coordinator about resources.
- **Attend all ordered treatment sessions** unless preapproved by treatment team.
- **Treat others with respect.** Respect is reciprocal.
- **Act appropriately** for court and treatment sessions. Clothing bearing drugs or alcohol themes or promoting or advertising drugs or alcohol use is considered inappropriate. No eating, chewing gum or talking out of turn in the courtroom.
- **Avoid any premises where the primary purpose of the business is the sale/consumption of alcohol.**
- **Do not violate the law.** Do NOT drive a vehicle if you do not possess a valid driver's license. Participants who drive without a license may be expelled from the program.
- **Advise Probation Agent within 48 hours of moving, changing telephone number or switching jobs.**
- **Get permission from Probation Agent before leaving the state.**
- **Submit urine samples for testing promptly upon request.**

As you review the program phases, please remember that the length of time spent in each phase is directly related to your treatment needs and your compliance with the program requirements.

Treatment

Treatment referrals must be based on assessment results. Treatment providers must utilize evidence-based practices. Treatment services should include but are not limited to outpatient, intensive outpatient, clinically managed residential, medically-monitored inpatient, or medication assisted treatment. When feasible, treatment services should offer gender-specific services. Treatment services must provide progress reports to the treatment court team prior to team meetings as established by the memorandum of understanding. Treatment providers must provide continuous assessments of individuals' needs; this is recommended every three months per Wisconsin Treatment Court Standards. Treatment providers must provide aftercare planning and relapse prevention planning. All treatment providers must have participant sign a release of information consenting to sharing confidential information between the service provider and the treatment court team. Treatment providers should adhere to DSM-5 criteria for Substance-Related and Addictive Disorders when assessing and diagnosing OWI Treatment Court participants.

Treatment must address multiple needs, not just addiction. All participants must have a current treatment plan and adequate record of progress. Other treatment services include educational services, vocational training, employment services, domestic violence services,

medical treatment services, dental services, mental health services, and financial planning services.

No one treatment is suitable for all individuals. The goal of Columbia County OWI Treatment Court is to match treatment needs to the individual for the individual's ultimate success. This may include contact with family members and other natural supports in the community.

The goals of treatment will help participants learn to manage their ambivalence toward recovery, identify situations that stimulate AOD cravings, and develop skills to cope with high-risk situations. Treatment goals will promote self-sufficiency and empower those with substance use disorders to make positive changes in their lives to maintain sobriety for increasing lengths of time.

Phase Structure

Phase 1 (Stabilization)

- Weekly appearance before the Treatment Court Judge (Mondays at 3pm)
- Continuous alcohol monitoring with Sober Link or Smart Start Mobile
- Random alcohol/drug testing
- Attend substance abuse counseling 2 times per week (individual and/or group)
- Attendance at 2 approved pro-social groups or meetings weekly with signed documentation
- At least 1 visit per week with Treatment Coordinator and/or Probation Agent
- A program fee of \$100 is recommended to be paid towards treatment court fees by the completion of Phase 1
- Must obtain employment, attend school, or find volunteer work
- Attend and complete the Intoxicated Driver Program (IDP) assessment with Pauquette Center
- Minimum of 90 days in Phase 1 including 60 days alcohol/drug free before advancing to Phase 2

Phase 2 (Intensive Treatment)

- Bi-weekly appearances before the Treatment Court Judge
- Continued alcohol monitoring with Sober Link or Smart Start Mobile
- Random alcohol/drug testing
- Attend substance abuse counseling at least 1 time per week (individual and/or group)
- Attendance at 1 approved pro-social groups or meetings weekly with signed documentation
- At least 1 visit per week with Treatment Coordinator and/or Probation Agent
- A program fee of \$200 is recommended to be paid towards treatment court fees by completion of phase 2

- Maintain employment, school or volunteer work
- Minimum of 120 days in Phase 2 including 90 days alcohol/drug free before advancing to Phase 3

Phase 3 (Transition)

- Appearance before the Treatment Court Judge every 3 weeks
- Random alcohol/drug testing
- Attendance at 1 approved pro-social group or meeting weekly
- 1 substance abuse counseling session per month (individual or group)
- At least 1 visit to Probation Agent and/or Treatment Coordinator per month
- A program fee of \$300 is recommended to be paid towards treatment court fees by completion of phase 3 (in total \$600 for fees need to be paid by the time of graduation)
- Driver safety plan must be completed
- Maintain employment, school or volunteer work
- Minimum of 180 days in Phase 3 including 120 days alcohol/drug free before advancing to Phase 4

Phase 4 (Aftercare)

- Appearance before the Treatment Court Judge monthly for 3-6 months
- Random alcohol/drug testing
- Attendance at 1 approved pro-social group, meeting, or volunteer group per week
- At least 1 visit per month with Treatment Coordinator and/or Probation
- Continued payment of court fines and costs per established payment plan
- Maintain employment, school or volunteer work
- Minimum of three months in Phase 4 including 180 days sober/drug free before commencement
- \$600 in program fees must be paid prior to time of graduation

*** The length of time spent in each phase is directly related to your treatment needs and your compliance with the program requirements. All Phases can be tailored to the individual after evaluation by treatment team. ***

Commencement

- Successful completion of all program requirements
- Completion of Exit Evaluation
- Completion of a Maintenance Aftercare Plan
- Review of commencement by treatment team
- Approval for graduation by Treatment Court Judge
- Commencement Ceremony as set by the Treatment Team
- Certificate of completion and token of a job well done
- Remaining probation will be assessed by Probation and Parole Agent
- Receive an invitation for program support after program completion

Columbia County Program Resources

[Behavioral Health and Long Term Support Resources \(columbia.wi.us\)](http://columbia.wi.us)

Aspen Family Counseling

2639 New Pinery Road
Portage, WI 53901
608-745-4900

Connections Counseling

5005 University Avenue, Suite 100
Madison, WI 53705
608-233-2100

Ho-Chunk Nation Wellness Center

52845 White Eagle Road
Baraboo, WI 53913
608-355-1240

Jessie Crawford Recovery Center

2101 N Sherman Ave.
Madison, WI 53704
608-241-4285

Madison Trauma Therapy

4785 Hayes Road #201
Madison, WI 53704
608-509-9287

Meriter New Start

1015 Gammon Road
Madison, WI 53719
608-417-8144

Northwest Connections

Emergency mental health and substance abuse services on a twenty-four hour basis for residents of Columbia County.
1-888-552-6642

Northstar Counseling Center

6506 Schroeder Road
Madison, WI 53711
608-270-1960

Pathways to Wellness Clinic

560 4th Street
Prairie du Sac, WI 53578
608-643-3663

Pauquette Center for Psychological Services

2901 Hunters Trail
Portage, WI 53901
608-742-5518

Tellurian

300 Femrite Drive
Madison, WI 53716
608-222-7311

Transitions Behavioral Health

317 De Witt Street
Portage, WI 53901
608-745-1751

Date: _____

COLUMBIA COUNTY OWI TREATMENT COURT REFERRAL FORM

Person Making Referral: [print name] _____

Title/Organization: _____

Phone number: _____ Email: _____

Does individual meet eligibility criteria? (Please check each met criteria)

____ Screen with coordinator completed with a risk to possibly reoffend/possible need for treatment

____ Current Resident of Columbia County

____ At least 18 years old

____ All pending warrants or open cases must be resolved before entry into OWITC

____ BAC of .15 or above at the time of offense

____ OWI 3rd misdemeanor or 4th felony

____ No felony violent convictions or dangerous use of weapon convictions

____ Positive screen for a Substance Use Disorder

[Information REQUIRED for criminal background check]:

Name: (Last) _____ (First) _____ (MI) _____

Gender: ☐ Male ☐ Female Race: _____

Date of Birth: _____ Age: _____

Social Security No. _____ - _____ - _____

Does individual have a valid driver's license? ☐ Yes ☐ No

Driver's license number: _____

Defendant's Current Location: ☐ JAIL ☐ HOME ☐ Family/Friend

Home Address: _____

City: _____ State: _____ Zip: _____

County: _____ Phone Number: _____

Employer: _____

Street: _____

City: _____ State: _____ Zip: _____

County: _____ Phone Number: _____

Attorney Name: _____ Case Number: _____

Attorney Phone Number: _____ Email: _____

Applicant presently on Probation? ☐ Yes ☐ No WI State ID No: _____

List all Current Charge(s):

☐ Felony _____

☐ Misdemeanor _____

List prior violent felony convictions and/or anything involving a dangerous weapon.

If yes, please specify:

Initial appearance: _____ Return Date: _____

Currently in individual or group treatment? ☐ Yes ☐ No

If yes, where? _____

Previously involved in substance abuse treatment? ☐ Yes ☐ No

If yes, where/dates of attendance?

Drugs of choice: _____

DOT WAID Assessment Completed? ☐ Yes ☐ No

Please send referral to OWI Treatment Court Coordinator Brooke VanBeek
brooke.vanbeek@columbiacountywi.gov. You can also call for appointment at 608-742-9715.

It is the applicant's responsibility to inform his or her legal counsel of any wish to participate in the Columbia County OWI Treatment Court Program and of any efforts taken to facilitate that participation. The OWI Treatment Court's confidentiality policy will apply to all requests for information to be disclosed to third parties.

Appendix B: Treatment Court Team Members and Contact Information

Presiding Judge

Hon. W. Andrew Voigt
Columbia County Circuit Court, Branch II
400 DeWitt Street, Portage, WI 53901

Coordinator

Brooke VanBeek
111 E. Mullett Street, Portage, WI 53901
Phone: 608-742-9715

Probation Agent

Kaitlyn Bauer
260 Eastridge Drive, Portage, WI 53901
Phone: 608-683-0808

Public Defender

Steven Ripley
2520 W Wisconsin Street, Suite 105, Portage, WI 53901
Phone: 608-581-7791

Assistant District Attorney

Margaret Sorrentino
400 DeWitt Street, Portage, WI 53901
Phone: 608-742-9650

Columbia County Sheriff's Department

Sergeant Cory Miller
711 E. Cook Street, Portage, WI 53901
Phone: 608-742-4166

Treatment Provider

Appendix C: COLUMBIA COUNTY OWI TREATMENT COURT AGREEMENT

INTRODUCTION TO THE PROGRAM

Welcome to the Columbia County Treatment Court Program. The Treatment Court Program is under the direction of Judge Andrew Voigt, Coordinator Brooke VanBeek, Assistant District Attorney Maggie Sorrentino, Public Defender Steven Ripley, Sgt. Cory Miller, and Probation and Parole Agent Kaitlyn Bauer. This letter is designed to answer questions, address concerns and provide general information about the Treatment Court Program.

OWI Treatment Court is a post-conviction criminal court that attempts to achieve a decrease in recidivism and substance abuse, the purposes of which will increase the chances of successful habilitation to its participants. OWI Treatment Courts are built upon a unique partnership between the criminal justice system and the treatment community, one which structures treatment intervention around the authority and personal involvement of the Judge. OWI Treatment Courts are also dedicated to the creation of an unbiased courtroom atmosphere where a single Judge and a dedicated treatment team work together toward a common goal of breaking the cycle of alcohol abuse and criminal behavior.

This program will encourage recovery through a coordinated response to participants who are dependent on alcohol and other drugs. Evidence based interventions assist participants who have court involvement and behavioral health issues as well as other complex needs to develop the necessary skills to successfully address both public safety issues and related behavior health issues. The skills learned will reduce confinement time and support successful community tenure and recovery, without compromising public safety.

The Treatment Court Program is divided into four phases in order to provide short term goals for each participant to meet. Incentives and sanctions are used for accountability during the program and are standardized to the point of exhibiting fairness, but are also tailored based on an individual participant's situation. Before moving on to the next phase a review of compliance to a participant's individual case plan will be completed by the treatment team. If the participant has completed all processes he/she will be moved to the next phase. In order to graduate from the program an aftercare maintenance plan will be completed that if followed, will greatly improve the ability to remain sober and crime free.

ELIGIBILITY STANDARDS

Potential candidates will be considered for admission to the Columbia County Treatment Court Program after review of the following criteria:

Eligible

- Reside in Columbia County unless otherwise determined by the treatment court team
- 3rd and/or 4th OWI or PAC offense with a BAC of .15 or above or refusal
- Agree to a 2 year probation with the Department of Corrections.
- Successful review of criminal history.
- Complete a treatment screening tool used to match level of services to level of risk/need.
- Voluntary agreement to participate and abide by all policies and procedures of the Treatment Program.

Ineligible

- One or more felony convictions for use or attempted use of force against another person
- One or more felony convictions involving carrying, possessing or using a dangerous weapon against another person
- Existing warrants or pending charges.
- Refusing to sign treatment participant intake documentations.

Participation Financial Obligations

As a Treatment Court Participant you must pay a \$600 fee to participate in the Treatment Court Program. This fee is broken up into manageable payments during each phase.

- Phase I, A total of \$100 is recommended to be paid before approval for the next phase.
- Phase II, A total of \$200 is recommended to be paid before approval for the next phase.
- Phase III, A total of \$300 is recommended to be paid before approval for the next phase.
- A total of \$600 is required to be paid prior to date of graduation.

WAID Assessment Fee

Anyone convicted of an operating while intoxicated related offense is required to contact the approved assessment facility for their county of residence within 72 hours of conviction or immediately upon receipt of an order from the Department of Transportation. A Wisconsin Assessment of the Impaired Driver Assessment will determine whether drivers need education, treatment, or both to reduce the likelihood they will drive impaired in the future. In Columbia County this is completed by Pauquette Center and costs \$300. Payments should be made via cash or money order in the amount of \$150 at the time the assessment is scheduled and the remaining \$150 on or before the date of the scheduled assessment.

Court Costs, Fines, Fees, Restitution and Financial Obligations

Each Treatment Court Participant shall make payments towards their court ordered financial obligations while participating in the Treatment Court program. Court costs and fines are the monetary charges imposed upon the participant by the Court for the offense(s) committed. All financial obligations to the Treatment Court must be paid prior to completion of probation. The Wisconsin Court System's circuit court payment system allows payment of circuit court fees and fines online for Columbia County. Payments can be made using MasterCard, Visa or electronic check with the following non-refundable fees charged by US Bank to process the payment: MasterCard and Visa convenience fee - 2.75%; Electronic check flat fee - \$2.50 (Note: Returned checks may be subject to a fee determined by the county.) If you prefer to pay in person go to Clerk of Courts to make payments on court ordered obligations. The Court can order financial obligations to be paid as condition of probation. You will then make payments to your agent along with Probation Supervision Fees.

It is expected that each Treatment Court Participant will be employed before entering Phase II. By the end of Phase I, each Treatment Court Participant will be required to make payments toward Treatment Court fees as determined in their financial plan based on their monthly income. If for some reason a participant becomes unemployed, they should discuss payment plan options with their Agent or OWI Court Coordinator.

I understand these financial obligations and that payments must be paid in full prior to completion of probation.

Initial: _____

TREATMENT COURT SUPERVISION

A Treatment Court participant will be required to appear in Treatment Court on a regular basis to review progress and to address positive and negative behaviors. Prior to each appearance, the Judge will be given progress reports prepared by the treatment team regarding drug test results, attendance and participation in treatment. The Judge may ask questions about progress and discuss any specific problems. If doing well, the participant will be encouraged to continue with the program and work with the treatment team toward graduation. If not doing well, the Judge will discuss this with the treatment team and determine possible sanctions. This program is an opportunity to have an individual's incarceration period significantly reduced as well as a reduction in fines according to guidelines developed by the court.

PROCESS FOR EXPULSION

Warrants and/or new arrests could result in termination from the Treatment Court Program. If a participant absconds, they are automatically terminated. Other violations which could result in termination include new charges, missing or positive drug/alcohol tests, noncompliance to the program requirements, violence or threats of violence directed at the treatment team or other participants. Any and all decisions regarding termination from the program will be made by the Treatment Court Team prior to termination. The participant will be able to contest this decision in court before the final decision is made by the Judge. While admission to the Treatment Court is voluntary,

once enrolled, participants can leave the program only through team review, voluntary termination or graduation. Any voluntary termination will result in the stayed sentence imposed by the courts.

PROGRAM POLICIES

1. Always tell the truth. Honesty is very important to building trust in the OWI Treatment Court program. If the participant makes a mistake, we expect he/she to come forward voluntarily and inform the Probation Agent or Court Coordinator.
2. Treat others with respect. Respect is reciprocal.
3. Attend all court appearances for treatment court in Branch II on Monday from 3:00 p.m. to 4:00 p.m. Act appropriately for court: No Clothing bearing drugs or alcohol themes, no eating, chewing gum, cell phones or talking out of turn.
4. Do not violate the law as it will be reviewed for termination.
5. Obey all traffic laws and pay outstanding traffic fines. Every participant will have a period of revocation of your driver's license. Do **NOT** drive a vehicle if you do not possess a valid driver's license, do **NOT** take the chance you will not be caught and drive anyway. Participants who drive without a license may be expelled from the program. Talk to coordinator about resources.
6. Avoid any premises where the primary purpose of the business is the sale/consumption of alcohol.
7. Do not possess or consume any alcohol or drugs for which you do not have a prescription for.
8. Attend all ordered treatment sessions unless preapproved by treatment team.
9. Tell your probation agent within 48 hours of moving, change of telephone number or switching jobs.
10. Get permission from the probation agent before leaving the state.
11. Complete all testing procedures when requested.
12. The treatment program is approximately 15 - 18 months long and the participant must complete every phase prior to graduation.
13. It is expected that each Treatment Court Participant will be employed, a student or a volunteer before entering Phase II.
14. Participants are required to pay \$300 for the cost of the IDP (Intoxicated Driver Program) Assessment. Each participant shall also pay a fee in the sum of \$600 to participate in the Treatment Court Program. All Court Ordered financial obligations must also be paid in full prior to completion of probation.

MEDICATION

Treatment Court Participants are expected to be drug free, including the use of any non-prescription medication. Participants must agree to inform all treating physicians that he/she are a recovering addict and may not take narcotic or addictive medications unless approved by the treatment team and medically necessary. Testing devices can show positive results if we do not know medications are being taken the participant can be sanctioned. This can be avoided by informing the Probation Agent and Treatment Coordinator.

TREATMENT AND TESTING

The Pauquette Center, will complete a comprehensive Wisconsin Assessment of the Impaired Driver (WAID) evaluate alcohol and/or other drug use habits. Assessors use the WAID to determine whether drivers need education, treatment, or both to reduce the likelihood they will drive impaired in the future. The treatment team will determine the level of treatment needs based on all assessments, screening tools, and criminal background. Immediate interventions during crisis are used for a more successful outcome. The goal of treatment is for participants to manage ambivalence toward recovery, identify what stimulates cravings, and developing skills to cope with high-risk situations.

A critical component of successful Treatment Court participation involves intensive supervision and random UA/BA testing to determine compliance with the rules of the Treatment Court Program. The frequency of the random UA/BA's will be determined by the phase each participant is in and is subject to change based on violations and the recommendation of the treatment team.

The Columbia County Treatment Court Program consists of four phases and will review applications of completion to determine when promotion to a higher phase is appropriate. This will count as a case plan review and the participant will be provided instructions on continued program compliance.

A participant is required to follow all policies and procedures provided or determined by the treatment team. This document details what is expected of a Treatment Court participant. Any and all changes will be provided in writing including a participant handbook. All participants are encouraged to share this information with family, friends, and attorney.

Memo of Understanding

I understand this is a voluntary agreement to participate and abide by all policies and procedures of the Columbia County OWI Treatment Program.

_____	_____
NAME	DATE
_____	_____
Coordinator	DATE