

Rock County



OWI Court

PARTICIPANT HANDBOOK

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WELCOME

Welcome to the Rock County OWI Court. This *Handbook* is designed to answer your questions and provide overall information about the OWI Court Program. As a participant, you will be expected to follow the instructions given in OWI Court by the Judge and comply with the treatment plan developed for you by the case manager and treatment team.

This *Handbook* will detail what is expected of you as an OWI Court participant. It will review general program information. If you are reading this *Handbook* it means that you are considering participating in the OWI Court based on your history of drug/alcohol use and other encounters with law enforcement. It also means that we are confident that OWI Court will help you to learn how to make successful choices free of the influence of drugs or alcohol.



OVERVIEW

Rock County OWI Court is a four-phase intervention program for adults who have pled guilty to a third offense OWI and who are having difficulty staying clean and sober. It is a collaborative effort between the Rock County criminal justice system and our alcohol treatment community. Treatment intervention is structured around the authority and personal involvement of the OWI Court Judge. By working together, we seek to provide a variety of programs and supervision that support and help you maintain a drug and alcohol free life.

OWI Court involves frequent court appearances, random drug testing, community supervision, and alcohol and drug counseling both in individual and group sessions. The Court rewards you for sober behavior and imposes sanctions for drug/alcohol use behavior. If you do not comply with the rules then you may be placed in short-term custody, moved back to a previous phase of OWI Court, or a variety of other sanctions. All of the staff working with OWI Court will assist you to be sure you understand what is expected of you.

THE OWI COURT TEAM



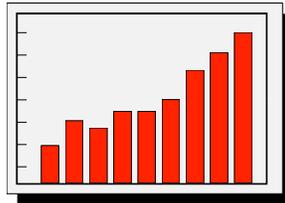
The Presiding OWI Court Judge will make all decisions regarding your participation in the OWI Court Program with input from the OWI Court Team. In addition to the Judge, the OWI Court Team consists of the following members:

- Public Defender
- District Attorney
- OWI Case Manager/Treatment Provider
- Probation Officer
- Sheriff's Office Representative

Prior to each OWI Court hearing, the OWI Court Team members will familiarize themselves with your progress and may discuss that progress with you during the OWI Court hearing.

PROGRESS REPORTS

Before your OWI Court hearing, the judge will be given a progress report presented by the OWI Case Managers. The progress report will discuss your drug/alcohol testing results, attendance, participation and cooperation in the treatment program, employment, and other requirements that may have been imposed. The Judge may ask questions about your progress and discuss any problems you may be having. If you are doing well you may be rewarded with reduced program requirements or other incentives. If your progress reports show that you are not doing well, the Judge will discuss this with you and determine future action, which could include a sanction in order to help you remember your goals in the program. Sanctions can be anything from increased program requirements to jail custody.



OWI COURT HEARINGS

As an OWI Court participant, you will be required to appear in OWI Court on a regular basis. The number of times you must appear depends upon the phase of OWI Court you are currently in. Failure to appear may result in a warrant being issued for your arrest and detention in jail until you can appear before the court. If you have questions about your court appearance contact your OWI Case Manager. The phases of OWI Court are listed on the next page.

PHASES OF OWI COURT

PHASE ONE

- Complete mandatory jail time.
- Complete a minimum of 60 days in OWI Court. You must have no positive tests for 30 days prior to phase advancement.
- Attend court sessions weekly.
- Attend weekly sessions with OWI Court Case Manager. Individual therapy may be conducted in the community.
- Allow home visits to be conducted—may include nights and weekends.
- Provide breathalyzer tests as necessary and drug tests by color.
- Demonstrate consistent compliance with OWI Treatment Court.
- Establish payment plan for OWI Court fees, treatment fees, and other court obligations and start making payments. If the participant verifies he/she has no money or a job, community service/volunteering will be required.
- Complete the first level of treatment services as recommended by the treatment provider and monitored by the OWI Court team (at least 3x/week).
- Obey curfew of 10:00 p.m. unless otherwise authorized by the Judge/Probation Agent.
- Meet with the Intoxicated Driver Program to start the process of obtaining a driver's license.
- Report as directed to Probation.
- Be placed on monitoring equipment within seven days of the start of the program.

PHASE TWO

- Complete a minimum of 120 days in OWI Court. You must have no positive tests for 60 days prior to phase advancement.
- Attend court sessions every 2 weeks.
- Attend weekly sessions with OWI Court Case Manager. Individual therapy may be conducted in the community.
- Allow home visits to be conducted—may include nights and weekends.
- Provide breathalyzer tests as necessary and drug tests by color.
- Demonstrate consistent compliance with OWI Court requirements and other benchmarks as required by the OWI Court team.
- Demonstrate consistent payments toward OWI Court fees, treatment fees, and other court obligations. A payment plan may be established on a case-by-case basis.
- Continue treatment services as recommended by the primary treatment provider and monitored by the OWI Court team (at least 3x/week).
- Provide verification of attendance of three (3) approved self-help meetings/pro-social activities per week. Up to two (2) additional treatment groups (ie. Extra

MRT groups, anger management groups, seeking safety groups, etc.) may be counted as pro-social activities.

- Have an approved sponsor/recovery coach/mentor.
- Obtain HSED/education, participate in job skills training, or obtain and maintain employment or volunteer work as appropriate for the participant and monitored by the OWI Court team.
- Obey curfew of 10:00 p.m. unless otherwise authorized by the Judge/Probation Agent.
- Report as directed to Probation.
- Continue on monitoring equipment.

PHASE THREE

- Complete a minimum of 180 days in OWI Court. You must have no positive tests for 90 days prior to phase advancement.
- Attend court sessions every 3 weeks.
- Attend sessions with OWI Court Case Manager as directed. Case management will be provided at least monthly and individual work will occur as necessary.
- Allow home visits to be conducted—may include nights and weekends.
- Provide breathalyzer tests as necessary and drug tests by color.
- Demonstrate consistent compliance with OWI Court requirements and other benchmarks as required by the OWI Court team.
- Demonstrate consistent payments toward OWI Court fees, treatment fees, and other court obligations.
- Continue treatment services as recommended by the primary treatment provider and monitored by the OWI Court team.
- Provide verification of attendance of three (3) approved self-help meetings/pro-social activities per week.
- Have an approved sponsor/recovery coach/mentor.
- Obtain HSED/education, participate in job skills training, or obtain and maintain employment or volunteer work as appropriate for the participant and monitored by the OWI Court team.
- Obey curfew as deemed appropriate by OWI Court team.
- Report as directed to Probation.
- Continue on monitoring equipment if deemed appropriate by OWI Court Team.

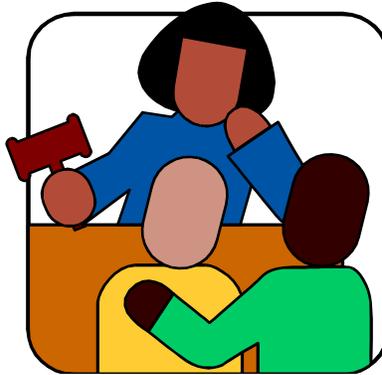
PHASE FOUR

- Complete a minimum of 180 days in OWI Court. You must have no positive tests for 120 days prior to program completion.
- Attend court sessions every 4 weeks.
- Attend sessions with OWI Court Case Manager as directed
- Allow home visits to be conducted as needed—may include nights and weekends.

- Provide Breathalyzer tests as necessary and drug tests by color.
- Demonstrate consistent compliance with OWI Court requirements and other benchmarks as required by the OWI Court team.
- Demonstrate full payments toward OWI Court fees, treatment fees, and other court obligations.
- Complete the recommended level of treatment services as recommended by the primary treatment provider and monitored by the OWI Court team and obtain/follow a continuing care plan.
- Provide verification of attendance of three (3) approved self-help meetings/pro-social activities per week.
- Have an approved permanent sponsor/recovery coach/mentor.
- Obtain HSED/education, participate in job skills training, or obtain and maintain employment or volunteer work as appropriate for the participant and monitored by the OWI Court team.
- Report as directed to Probation.

****Participants' advancement in OWI Court will stop if incarcerated or otherwise unavailable for treatment for more than 14 days.****

You should expect your OWI Court Program to last at least 18 months.



OWI COURT PROGRAM RULES

As a participant you will be required to abide by the rules outlined in the participant contract, including, but not limited to the following:

1. I will always tell the truth.
2. I will totally abstain from the use of illegal drugs, prescription drugs not prescribed to me, and alcohol.
3. I will inform treating physicians that I am a recovering addict. All drugs—prescribed and over the counter—need to be approved by the OWI Court team.
4. I will complete all required paperwork and homework.
5. I will attend court sessions and treatment sessions as scheduled and on time.
6. I will submit to random alcohol and drug testing, remain clean and sober and law abiding.
7. I will not associate with people who use or possess illegal drugs.
8. I will report to my probation agent and my OWI Court case manager as directed.
9. I will pay all outstanding fines and obey all laws.
10. I will follow the treatment plan made with my counselor.

11. I will keep the OWI Court team, including the Case Manager and Probation Agent, informed of my current address and phone number at all times.
12. I will comply with community supervision by the OWI Court team members. Supervision may include curfew restrictions or home visits by law enforcement officers.
13. I will dress appropriately for court and treatment sessions. Hats will be removed during court. I will ask the case manager if I have any questions about appropriate clothing.
14. I agree that entering a bar, tavern, or anywhere where the selling of alcohol is its primary business is prohibited unless special permission is given from the OWI Court Team.
15. I will abide by all other rules and regulations imposed by the OWI Court and its members.
16. I will act and speak respectfully to all OWI Court participants and OWI Court team members.

Costs

A sum of \$75/month will be charged to participate in the program.

All participants are expected to pay all fines and fees (program fees, probation fees, and OWI fine) prior to graduation from the program.

The participants will set up a payment plan with the OWI Court Case Manager for OWI Court fees. The OWI Court Case Manager will document and track all payment plans, and payments of the OWI court fees.

The participants will set up a payment plan for Probation fees and court costs with the Probation Agent.

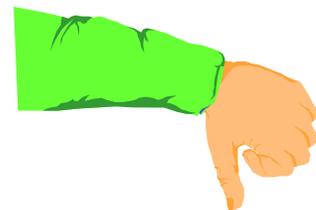
SANCTIONS AND INCENTIVES

Incentives are responses to compliance, perceived as positive, by the receiver. Incentives in Rock County OWI Court may include but are not limited to:

- ◆ Verbal praise from the Judge
- ◆ Applause/Special Recognition
- ◆ Gift Cards
- ◆ Certificates of recognition and/or completion
- ◆ Advancement to the next OWI Court phase
- ◆ Curfew reductions
- ◆ Gain of privileges; for example, overnights, etc.
- ◆ Decrease attendance at OWI Court sessions
- ◆ Sobriety and drug free living
- ◆ Decreased reporting to Probation
- ◆ Fishbowl Drawings: Participants are eligible for fishbowl drawings at every court session if they have met the following criteria since the last court date:
 1. Attended all groups
 2. Complied with all appointments (cancellations must be 24-hours in advance)
 3. All drug testing results negative and no missed drug tests
 4. Honesty in all interactions

Sanctions are the imposition of consequences, perceived as negative by the receiver, as a direct result of a prohibited activity. Sanctions in Rock County OWI Court may include, but are not limited to:

- ◆ Verbal warning by the Judge
- ◆ An essay writing assignment or workbook
- ◆ Attendance at additional/special OWI Court sessions
- ◆ Placement in an earlier OWI Court phase or repetition of a phase
- ◆ Community service assignments
- ◆ Impose/modify curfew restrictions
- ◆ Loss of privileges; for example, overnights, etc.
- ◆ Verbal or written apologies to judge and group
- ◆ Warrant for arrest
- ◆ Jail time
- ◆ Dismissal from the OWI Court program



A sanction grid will be used by the team to guide sanctioning decisions, however, each situation will be evaluated on its own merits.

JEOPARDY STATUS & TERMINATION FROM OWI COURT

Jeopardy status/termination from OWI Court may occur for reasons including, but not limited to:

- Refusal to comply with rules and procedures of the program (including failure to comply with treatment).
- Arrest and/or conviction on new charges. In general, assaultive or violent crimes or behaviors will result in termination. However, a new arrest and/or conviction will be determined on a case-by-case basis, staffed by the OWI Court team with the ultimate decision made by the Judge.
- Any issue or behavior that would have disqualified you from original eligibility.

Each case will be determined on an individual basis by the OWI Court Team.

Process for termination

- I. Any OWI Court Team member may make a motion that a participant be dismissed from the program.
- II. If there is a second to the motion, the team will discuss and vote on the motion to dismiss a participant at the next staffing. The Judge does not vote on the motion. A majority vote of the other team members present is sufficient to adopt the recommendation
- III. A participant may be dismissed immediately by the Team without notice of the right to be heard if the motion for dismissal is based upon a participant:
 - a. absconding for two or more consecutive OWI Court sessions,
 - b. for a probation revocation in the OWI case, or
 - c. for a medical discharge. A medical discharge can occur when a participant is medically required to take medication which interferes with the ability of the participant to participate in the program or if the medication is addictive and the prescribing physician cannot advise the Court that the medication treatment program will end in time for the participant to complete the program on time.
- IV. For all other recommendations for dismissal the participant, at the next OWI Court session, will be informed of the recommendation, the grounds for the

recommendation and advised of his or her right to a hearing and the right counsel.

- a. If the participant requests a hearing, it will be scheduled before the next regular OWI Court session. The Participant will be advised of his or her right to counsel and if the participant cannot afford counsel, the participant shall be referred to the State Public Defender's office for possible representation.
- b. If the participant does not request a hearing, then the Court shall determine whether the waiver of a hearing is knowingly and voluntarily made.
- c. If the participant does not appear, it can be deemed a waiver of the right to a hearing.

V. The dismissal hearing will be held in front of the OWI Court Judge.

- a. The hearing will be held before the next regular OWI Court session
- b. The burden of going forward is on the representative of the OWI team.
- c. The rules of evidence do not apply. Evidence may be in the form of hearsay, although the Court will consider the reliability of any evidence presented. Summary evidence may be presented and the OWI Court Team summary alone may be sufficient to provide grounds for termination.
- d. The Burden of proof is on the team to show by a preponderance of the evidence that the allegations occurred.
- e. If the Judge determines that the burden of proof has been met, then the Court will determine whether or not the dismissal of the participant is appropriate, taking into account any relevant factors that may include but are not limited to:
 - i. Public safety
 - ii. Number and nature of program violation
 - iii. Impact of continued participation on other participants;
 - iv. Availability of appropriate services
 - v. The OWI Court sanction grid
 - vi. Integrity of the treatment court (i.e., consistency in practice).

VI. After the hearing, the participant will either be referred back to the OWI Court for continued participation, or if dismissed from the program, referred to the Department of Corrections for further actions which may include a Court review of the case.

An OWI Court participant does not have the option to quit or remove him or herself from the OWI Court program. Successful completion and termination are the only methods by which a participant may leave OWI Court.

CHEMICAL TESTING

You will be drug tested randomly throughout the entire OWI Court Program. **Remember:**



- Tests may be conducted via oral swab or urinalysis.
- You will be observed to ensure freedom from errors.
- If you miss a test, it will count as a positive (dirty) test.
- If you have a positive test in any OWI Court phase, the Judge, based on team recommendations, may apply immediate sanctions. This could include time in jail to help you stop your drug-using behavior.

GRADUATION



Upon your successful completion of a treatment program and satisfaction of all other court requirements including continued sobriety, you will graduate from OWI Court. All fines and fees must be paid prior to graduation.

Graduation from the OWI Court Program is recognized as a very important event. Your loved ones will be invited to join you at a special ceremony as the OWI Court Team congratulates you for successfully completing all Phases of the OWI Court Program and achieving your goal to establish a drug-free life.



CONCLUSION

The goal of the Rock County OWI Court Program is to help you achieve a life free of dependence on mind-altering substances. The Judge and the rest of the OWI Court Team are here to guide and assist you, but the final responsibility is yours. To succeed, you must be motivated to make this commitment to a drug free life.





OWI COURT PHONE NUMBERS

Treatment Providers:

Rock County Human Services Department - Treatment Court Services
303 West Court Street Suite 10, Janesville WI 53548

Tonya Ramsey, OWI Therapist (608-314-4112)

Brad Hawbecker, OWI Case Manager (608-290-8692)

Tiffany Minguay, Supervisor (608-314-4113)

Probation Officers:

Janesville: Ryan Hartwig (608-758-7864)

Beloit: Erin Hawkinson (608-371-2964)

Public Defender (or your attorney): _____

Other _____

SUMMARY OF OWI COURT PARTICIPANT RULES



1. You will totally abstain from the use of illegal drugs and alcohol.
2. You will inform all treating physicians that you are a recovering addict and may not take narcotic or addictive medications or drugs.
3. You will attend court sessions and treatment sessions as scheduled.
4. You will submit to random alcohol and drug testing.
5. You will remain clean and sober and law abiding.

Tips on How to Succeed

BE HONEST. HONESTY IS ESSENTIAL TO RECOVERY!

- I will keep all my appointments and make all court appearances. Keeping appointments is as important to coming to court.
- I will be busy with appointments and court dates so I will put all my appointments on a calendar.
- I will plan my schedule (work, school, treatment) in advance.
- I will buy an alarm clock and go to bed early if I have a problem making early appointments.
- If I have a crisis that prevents me from attending an appointment or court appearance, I will **call in advance** to inform the case manager or counselor.
- I will plan ahead for transportation and have a back up plan to avoid transportation problems.

One day at a time...

Sanction Grid

Missed Appointments (late = missed)

Consideration: Verifiable Emergency

Offense #	Sanction
1	Letter of Apology (reviewed by therapist prior to presentation)
2	4 hours of community services
3	8 hours of community services
4	16 hours of community services
5	8 hours lock-up with assignment
6	24 hours Jail
7	48 hours Jail
8	72 hours Jail

Missed Court (Late Court=Immediate Apology)

Offense #	Sanction
1	Apology and 8 hours community service
2	Apology and lock-up

Failure to Complete Sanction (within 2 weeks or judge's order)

Offense #	Sanction
1	Original Sanction + 8 hours community service
2	Original Sanction(s) + lock-up
3	Jail

Missed Pro-Social Activities

Offense #	Sanction
1	Letter why activities important
2	Increased meetings/pro-social activities

Program Fees Balance (\$151 or more)

8 Hours community services for each court session not in compliance.

Failure to Complete Sanction not applicable.

Fees must be paid in full for graduation.

For those without a job/income, the participant is required to work with the case manager to find employment or education. He/She will also be in a payment plan with community service.

UA/BA Positive Results (missed = positive)

	<u>Phases 1&2 Sanction</u>	<u>Phases 3&4 Sanction</u>
1st Positive	Extra Treatment (1-on-1)	Relapse Prevention Group Extra 1-on-1 session 8 Hrs Community Service
2nd Positive	Extra Treatment (1-on-1) 8 Hrs Community Service	Relapse Prevention Group Extra 1-on-1 session 16 Hrs Community Service
3rd Positive	Extra Treatment (1-on-1) Lock-up/Jail	Relapse Prevention Group Extra 1-on-1 session Lock-up/Jail
4th Positive	Extra Treatment (1-on-1) Jail	Relapse Prevention Group Extra 1-on-1 session Jail

***Possible Phase demotion may occur with multiple uses.

Lying/Dishonesty

<u>Offense #</u>	<u>Sanction</u>
1	16 Hrs. Community Service & Paper
2	24 Hrs. Community Service
3	48 Hrs. Jail
4	72 Hrs. Jail
5	72 Hrs. Jail
6+	TBD

Rule Violation

<u>Offense #</u>	<u>Sanction</u>
1	Paper on Importance of Rule
2-4	Graduated Community Service (offense 2-4)
5 +	Graduated Lock-up/Jail for 5 and more offenses

New Law Violation—Sanctions on a case-by-case basis

New OWI Arrest, Charge based on probably cause—Termination from OWI Court



Rock County OWI Treatment Court Program Participant Handbook Acknowledgement

I, _____ have read the participant handbook with my case manager/therapist. I have been given an opportunity to ask questions and/or for clarification on anything that I did not understand.

I understand all the rules and expectations of the Rock County OWI Treatment Court Program.

I agree to abide by the rules and expectations of the Rock County OWI Treatment Court Program, I also understand that if I choose not to abide by the rules and expectations set forth in the Participant Handbook that I may be sanctioned by the OWI Treatment Court Team.

It is my responsibility if in the future I have questions or problems to ask my Case Manager or a member of the OWI Treatment Court Team.

Participant's Signature

Date

Case Manager's Signature

Date