

Grant County Treatment Court

OWI Court Program

Participant Handbook



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OWI Court Information

Day and Time of OWI Court: <i>Thursday at 9:00 a.m.</i>	
OWI Court Judge: <i>Craig R. Day</i>	
Treatment Court Coordinator: <i>Kristin Schier</i>	Phone: <i>608-723-1738</i>
Treatment Court Provider: <i>Keri Fatzinger</i>	Phone: <i>608-723-6357</i>
Probation Agent: <i>Chasity Fitzgerald</i>	Phone: <i>608-391-1188</i>
Sheriff's Office Liaison: <i>Travis Klaas</i>	Phone: <i>608-723-2157</i>
District Attorney: <i>Ryan Kieler</i>	Phone: <i>608-723-4237</i>
Defense Counsel: <i>Allison Markoski</i>	Phone: <i>608-401-2031</i>
Date Entered Treatment Court:	
Completed Phase 1:	
Completed Phase 2:	
Completed Phase 3:	
Completed Phase 4:	
Completed Phase 5 / Graduation:	

Mission Statement

The Grant County Treatment Court will enhance public safety, preserve families, and improve the quality of life for all residents. By providing cost effective, individualized and comprehensive treatment and rehabilitative services, delivered in a dignified environment, treatment court will enhance participants' ability to break the cycle of addiction.

Introduction

Welcome to the Grant County Treatment Court – OWI Court Program. This handbook is designed to answer questions, address concerns, and provide overall information about the OWI Treatment Court Program. As a participant, you will be expected to follow the instructions given in OWI Treatment Court by the Judge and comply with the treatment plan developed for you by the Treatment Court Team. This handbook will detail what is expected of you as an OWI Treatment Court Participant and review general program information. All participants are encouraged to share this handbook with family and friends.

Description of the OWI Treatment Court Program

Grant County OWI Treatment Court is a treatment-based alternative to jail, prison, and the standard probation model. The justice system works cooperatively with treatment agencies and other rehabilitation services to provide a participant with all the possible tools required to get into recovery, stay in recovery, and lead a productive, crime-free life.

The key components of the Grant County OWI Treatment Court include:

- ❖ Immediate Intervention – The sooner a person is placed in treatment following a crisis, the more successful the outcome. In Treatment Court, an individual can move from arrest or other court action to Treatment Court and treatment swiftly.
- ❖ Voluntary Entry into the Program – Participants who decide to enter and voluntarily commit to a program are more likely to succeed.
- ❖ Graduated Sanctions and Awards – Participant accountability is an important piece to recovery and continued success.
- ❖ Program Phases for Short-Term Goals – The Treatment Court Program is divided into five phases in order to provide short-term goals for the participants to meet. Short-term goals are developed for individuals to have a better chance of success. Participants meet regularly with the OWI Treatment Court Judge to review their progress and address positive and negative behaviors. As the

participant successfully completes a phase, he or she is rewarded by not having to continue in such an intensive program.

- ❖ Graduation from the Program – The graduation portion of the OWI Treatment Court is the final phase of the program designating the end of the intensive program and the beginning of the continuing care phase.
- ❖ Continuing Care Phase – Is designed for the participant to continue with their recovery with continued contact with the Treatment Court Provider.

Eligibility Standards / Criteria

Potential candidates meeting the following criteria will be considered for admission to the Grant County Treatment Court OWI Court Program:

- Bona fide resident of Grant County.¹
- Adult (age 18 or older).
- Must be placed on probation, with mandatory compliance of OWI Treatment Court as a condition.
- Not currently or previously charged in conjunction with an OWI related death or serious personal injury.
- A participant convicted of an OWI causing injury or with a minor in vehicle may be eligible to participate.
- Proposed participants will be either post adjudication, pre-plea, or in ATR status.
- Participants must agree to abide by the Treatment Court Program rules.
- Available only for violations for Wis. Stats. § 346.63(1)(a) and/or 346.63(1)(b) for 3rd offenses and higher.
- Must meet diagnostic criteria for substance related disorders – moderate or severe.
- Finding of high-medium to high risk on the Intoxicated Driver Program Assessment (IDA), along with a COMPAS assessment to determine the general risk level.

Potential candidates meeting the following criteria will be ineligible for admission to the Grant County Treatment OWI Court Program:

- Nonresident of Grant County.
- 17 years or younger.
- DSM-V diagnosis – mild.
- IDA finding of low-medium and below.
- A participant convicted of an OWI causing death.
- 7th offense or higher.

¹ Treatment Court may accept bona fide Grant County residents with out-of-county charges/convictions. These referrals will be addressed on a case-by-case basis.

Readmission to the Program

If previously expelled or graduated:

- The former participant may request readmission to the program if it has been more than two years since graduation or expulsion.
 - The former participant must follow the outlined referral process (See Eligibility Criteria, page 6).
- If eligibility criteria are met, the team will consider readmission on a case-by-case basis. Factors considered may include but are not limited to what treatment is available that may not have been available previously; the former participant's age upon first entry into the program; the time elapsed since graduation or expulsion; and whether readmission is being requested on the same criminal case for which they were originally accepted into the program.
- There is no appeal procedure regarding the team's decision.

If expelled for absconding:

- The former participant may request readmission to the program if it has been less than six months since expulsion.
- The team will reconsider readmission on a case-by-case basis. The team will request the former participant to specifically address the behaviors that led to absconding from the program and outline their plan to comply with program expectations and requirements.
- The team will review this information and notify the former participant of the decision regarding readmission.
- There is no appeal procedure regarding the team's decision.

OWI Treatment Court Supervision

As an OWI Treatment Court participant, you will be required to appear in OWI Treatment Court on a regular basis. At each appearance, the Judge will be given a progress report prepared by the Treatment Court Coordinator regarding your alcohol and/or drug test results, attendance, and participation in treatment. The Judge may ask you questions about your progress and discuss any specific problems you have been experiencing. If you are doing well, you will be encouraged to continue with the program and work with your treatment team toward graduation. If you are not doing well, the Judge will discuss this with you and the treatment team and determine further action. If you commit program violations, the Court will impose sanctions. With repeated violations of program expectations or a failure to progress satisfactorily, the Court may impose the ultimate sanction of discharge from the program.

Failure to appear in Court on the date and time you are scheduled could result in a warrant being issued for your arrest, and you being placed in custody and other sanctions.

Program Rules

As an OWI Treatment Court participant, you will be required to abide by the following rules:

1. Honesty – Always tell the truth.

The concept of honesty must be an underlying foundation before you can start entering recovery. If you are deceiving yourself about the severity and chronicity of your disease, how it has affected you and others, you will be very unlikely to take appropriate action. You must first be honest to yourself and the OWI Court.

Dishonesty is considered a program violation for which you may be sanctioned. This includes keeping or hiding certain pieces of relevant information, otherwise known as “lying by omission.” Lying by omission is considered the same as lying and will be treated in the same way.

2. Do Not use or possess any alcohol or other drugs.

Sobriety is the primary focus of the OWI Treatment Court Program. Maintaining a substance free lifestyle is the most important aspect of your recovery program. Participating in OWI Court requires you to be drug and alcohol free at all times and to not possess drugs. This includes:

- Marijuana.
- All CBD, Delta and Hemp products – this includes any and all legal cannabinoids.
- NA beer and NA wine.
- Mouthwash, cough syrup, or any other over the counter medications that contain alcohol.
- Drug paraphernalia.

Further, you are **NOT** to associate with people who are using or are impaired by alcohol or drugs, nor be present while drugs or alcohol are being used by others, unless an exception is specifically granted to you. If an exception is given, further testing and monitoring may be requested.

3. Submit and cooperate with any and all alcohol and drug tests upon request.

4. Do not tamper with alcohol/drug testing – this includes dilution.

5. Attend ALL treatment sessions.

This includes individual and/or group counseling (Recovery Support Group, Monthly Maintenance Group, Relapse Prevention, Seeking Safety and DBT), family therapy sessions, community support groups (e.g. AA, NA, or SMART Recovery), and/or self-improvement courses (e.g. anger management, parenting, or relationship counseling) as determined by you and your Treatment Provider.

Missed sessions will result in sanctions, without approval from the Treatment Court Provider.

6. Attend ALL Court sessions and other services.

This includes court sessions, meetings with the Treatment Court Coordinator, meetings with the probation officer and scheduled community service engagements. Failure to appear at a court session may result in an arrest warrant.

7. Be on time.

You are expected to be on time to Court and to your treatment appointments. If you are late for treatment appointments, you may not be allowed to attend your counseling session and will be considered non-compliant. Contact the Treatment Court Coordinator and/or your Treatment Court Provider if there is a possibility that you may be late.

8. Do Not make threats or acts of violence towards other participants and staff.

Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This could result in termination from the OWI Treatment Court Program.

9. Act and dress appropriately for court and treatment sessions.

Act appropriately when in the courtroom. You are expected to respect the Court, Judge, and all Treatment Court personnel. Use respectful language and tone of voice in treatment and in Court. Clothing bearing drugs or alcohol themes or promoting or advertising drug or alcohol use is considered inappropriate. Sunglasses are not to be worn inside the courtroom or treatment center, unless medically approved. No food or beverages, chewing gum, talking out of turn, cell phones, pagers, or hats allowed in the courtroom. Use appropriate language with staff and in Court.

10. Obey all traffic laws.

Do NOT drive a vehicle if you do not possess a valid driver's license. Participants who drive without a valid license shall be sanctioned by the program.

11. Address outstanding traffic fines and court fees.

12. Avoid any premises where the primary purpose of the business is the sale of alcohol.

13. Maintain your residence in Grant County throughout the length of the program.

14. Follow the Treatment Plan as directed by the Treatment Court Team.

15. Do NOT violate the law.

If you engage in any criminal act, you can expect a significant sanction.

16. Relay Police Contact.

You are to inform any law enforcement officer who comes in contact with you that you are in OWI Treatment Court. Relay police contact to the Treatment Court Coordinator and probation officer within 24 hours of the contact.

17. Tell the Treatment Court Coordinator and probation officer within 24 hours if you move, change your telephone number, or disconnect your phone. Your place of residence is subject to Treatment Court/Department of Corrections' approval.

18. Tell the Treatment Court Coordinator and probation officer within 24 hours if you change employment.

19. Get permission from the Treatment Court Coordinator and probation officer when not staying at their known residence overnight.

Treatment Court participants are expected to be in their place of residence during their curfew hours. An exception to this requirement would be when working second and third shift.

20. I understand that participation in OWI Treatment Court involves a time commitment based on achieving goals and may include an aftercare component.

21. Follow ALL rules of probation.

FAILURE TO COMPLY WITH ANY PROGRAM RULES WILL RESULT IN SANCTIONS AND POSSIBLE TERMINATION FROM THE TREATMENT COURT PROGRAM.

OWI Treatment Court Proceedings

OWI Treatment Court shall be held on every other Thursday at 9:00 a.m. with the Treatment Court Judge presiding on alternating weeks, except as ordered by the Court. A closed staffing will take place prior to Court or as otherwise directed by the OWI Treatment Court Judge. All OWI treatment court participants must be in attendance at times scheduled, unless otherwise excused by the OWI Treatment Court Judge or Treatment Court Coordinator. Nothing you say while in OWI Treatment Court may be used against you. You will stay for the entire court hearing unless given prior approval to leave early, or treatment is scheduled for that time.

A staffing of the OWI Treatment Court Team and the OWI Treatment Court Judge shall occur for the one hour immediately preceding OWI Treatment Court. At the staffing, the OWI Treatment Court Team will advise the OWI Treatment Court Judge of the progress

or any violation of each Treatment Court participant. During each Treatment Court Hearing, the OWI Treatment Court Judge will discuss the case with each Participant and any relevant party. Sanctions or interventions will be imposed for any violations. All sessions will be on the record.

The Treatment Court Provider, Treatment Court Coordinator and probation agent shall interact with the Treatment Court as needed and give reports on a biweekly basis to all members describing compliance or non-compliance of participant.

OWI Court Files and Confidentiality

OWI Court files are separate and distinct from Circuit Court files and District Attorney's Office files. All Treatment Court files are considered confidential and are not open to the general public. All such files shall be under the sole and exclusive control of the Coordinator. All files shall be maintained in a confidential manner.

Information obtained by the Coordinator or Team members and/or discussed in Team meetings and via email regarding participants' personal information, especially treatment, will be maintained in a confidential manner. Emails containing confidential information will be encrypted.

Exceptions to confidentiality include:

- General information that does not identify the participant.
- Information relating to a medical emergency or other public safety emergency.
- Information relating to potential criminal conduct, child abuse, or child neglect.
- Information that must be disclosed pursuant to law or court order.
- Information for the purpose of research or audits.

If an exception exists, dissemination of such information should be confined to disclosure necessary to fulfill the professional purpose. Any personal information disclosed in treatment sessions or outside of weekly treatment court sessions should be treated as strictly confidential and not disclosed to anyone outside of the treatment court. It is expected that all participants in the Treatment Court program will respect the privacy of their fellow participants and therefore keep confidential what private information is learned in the program.

Program Phases

PHASE ONE: Acute Stabilization and Orientation	
Length of phase:	30 – 60 days or until goals are achieved
Requirements:	<ul style="list-style-type: none"> • Honesty. • Bi-weekly appearances before the OWI Treatment Court Judge and Team, unless the team determines more court support is appropriate. • Strict compliance with the recommended AODA treatment plan, as determined by the Treatment Provider. • Strict compliance with supervision. • Weekly visits with OWI Treatment Court Probation Agent, or as directed; this includes home visits. • Weekly face-to-face meetings with Treatment Court Coordinator, or as directed. • Strict compliance with alcohol/drug testing by OWI Court personnel weekly, or as directed – no tampering, no diluting. • CAM Ankle Bracelet monitoring. • Obtain a medical and mental health assessment, if deemed appropriate by Treatment Provider. • If no healthcare coverage, pursue healthcare coverage. • Identify other needs and begin to address medical/mental health, living situation, vocational, educational, financial, etc. • A minimum of 14 consecutive days of total abstinence at the time of phasing from the use of alcohol, illegal, or non-prescribed drugs (no misses, dilutes, positives, or admissions). • No unexcused absences from treatment court sessions and scheduled services/appointments for a minimum of 30 consecutive days. • No sanctions for a minimum of 30 consecutive days during the time of phasing. • Achieve treatment goals as determined by the treatment provider. • Application must be made to the court for phase advancement. The Phase I Phase Change Packet must be submitted one week prior to phasing. • Curfew at 9:00 p.m.
PHASE TWO: Psychosocial Stabilization	
Length of phase:	Approximately 90 days or until goals are achieved
Requirements:	<ul style="list-style-type: none"> • Honesty. • Bi-weekly appearances before the OWI Treatment Court Judge and Team. • Strict compliance with the recommended AODA treatment plan, as determined by the Treatment Provider. • Strict compliance with supervision.

	<ul style="list-style-type: none"> • Weekly visits with OWI Treatment Court Probation Agent, or as directed; this includes home visits. • Weekly face-to-face meetings with Treatment Court Coordinator, or as directed. • Strict compliance with alcohol/drug testing by OWI Court personnel weekly, or as directed – no tampering, no diluting. • CAM Ankle Bracelet monitoring. • If no healthcare coverage, pursue healthcare coverage. • Completion of ordered jail time, unless specifically excepted by the Court. • Pay for and comply with Driver's Safety Plan Assessment, if applicable. • Participation in support group meetings, if determined appropriate by your Treatment Provider. Meeting slips are to be turned in to the Treatment Court Coordinator during the OWI Court sessions or at appointments. • Based on the identified other needs in Phase 1: <ul style="list-style-type: none"> ✓ If no high school diploma or GED, address GED need. Treatment Court Coordinator will assist with GED planning. ✓ If not employed, be actively seeking employment or attending employment and training programs through Southwest Technical College (SWTC). Treatment Court Coordinator will assist with the referral process. ✓ Address living situation, if needed. ✓ Address medical and mental health, if needed. ✓ Address financial situation, if needed. • Address a payment plan for court fines and/or restitution. • A minimum of 30 consecutive days of total abstinence at the time of phasing from the use of alcohol, illegal, or non-prescribed drugs (no misses, dilutes, positives, or admissions). • No unexcused absences from treatment court sessions and scheduled services/appointments for a minimum of 45 consecutive days. • No sanctions 45 consecutive days prior to phasing. • Achieve treatment goals as determined by the treatment provider. • Application must be made to the court for phase advancement. The Phase 2 Phase Change Packet must be submitted one week prior to phasing. • Curfew at 10:00 p.m.
PHASE THREE: Prosocial Habilitation	
Length of phase:	Approximately 90 days or until goals are achieved
Requirements:	<ul style="list-style-type: none"> • Honesty. • Monthly appearances before the OWI Treatment Court Judge and Team, unless the team determines more court support is appropriate.

	<ul style="list-style-type: none"> • Strict compliance with the recommended AODA treatment plan, as determined by the Treatment Provider. • Strict compliance with supervision. • Weekly visits with OWI Treatment Court Probation Agent, or as directed; this includes home visits. • Bi-monthly face-to-face meetings with Treatment Court Coordinator, or as directed. • Strict compliance with alcohol/drug testing by OWI Court personnel, or as directed – no tampering, no diluting. • CAM Remote Breath monitoring (test 4 times per day). • Obtain healthcare coverage or have a reasonable explanation as to why you cannot obtain it. • Participation in support group meetings as determined by your Treatment Provider. Meeting slips are to be turned in to the Treatment Court Coordinator during the OWI Court sessions or at appointments. • Develop and/or identify prosocial activities, such as participation in activities that involve sports (individual or team), reading (book club), crafts, music, dance, and/or theater. Participation in a church group, community club such as the Jaycees' or Lions', and/or in a community special event are considered prosocial activities. • 10 hours of community service. • Develop Relapse Prevention Plan. • Based on the identified other needs in Phase 1: ✓ If no high school diploma or GED, be attending GED classes. Treatment Court Coordinator will assist with GED planning. ✓ If not employed, be actively seeking employment or attending employment and training programs through Southwest Technical College (SWTC). Treatment Court Coordinator will assist with the referral process. ✓ Address living situation, if needed. ✓ Address medical and mental health, if needed. ✓ Address financial situation, if needed. • A minimum of 45 consecutive days of total abstinence at the time of phasing from the use of alcohol, illegal, or non-prescribed drugs (no misses, dilutes, positives, or admissions). • No unexcused absences from treatment court sessions and scheduled services/appointments for a minimum of 45 consecutive days. • No sanctions 45 consecutive days prior to phasing. • Achieve treatment goals as determined by the treatment provider. • Application must be made to the court for phase advancement. The Phase 3 Phase Change Packet must be submitted one week prior to phasing. • Curfew at 11:00 p.m.
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PHASE FOUR: Life Skills	
Length of phase:	Approximately 90 or until goals are achieved
Requirements:	<ul style="list-style-type: none"> • Honesty. • Monthly appearances before the Treatment Court Judge and Team, unless the team determines more court support is appropriate. • Strict compliance with the recommended AODA treatment plan, as determined by the Treatment Provider. • Strict compliance with supervision. • Weekly visits with OWI Treatment Court Probation Agent, or as directed; this includes home visits. • Monthly face-to-face meeting with Treatment Court Coordinator, or as directed. • Strict compliance with alcohol/drug testing by OWI Court personnel – no tampering, no diluting. • CAM Remote Breath monitoring (test twice a day). • Participation in support group meetings as determined by your Treatment Provider. Meeting slips are to be turned in to the Treatment Court Coordinator during the OWI Court sessions or at appointments. • 10 hours of community service. • Maintain Relapse Prevention Plan. • Begin and maintain participating in prosocial activities. • Employed, unless specifically excepted due to retirement, disability, etc. • In school or obtaining GED, or in some vocational or educational program, if needed. • Stable living skills. • Maintain medical and mental health needs, if required. • Address ancillary services as needed (parenting classes, family support, financial assistance, etc.). • A minimum of 60 consecutive days of total abstinence at the time of phasing from the use of alcohol, illegal, or non-prescribed drugs (no misses, dilutes, positives, or admissions). • No unexcused absences from treatment court sessions and scheduled services/appointments for a minimum of 60 consecutive days. • No sanctions 60 consecutive days prior to phasing. • Achieve treatment goals as determined by the treatment provider. • Application must be made to the court for phase advancement. The Phase 4 Phase Change Packet must be submitted one week prior to phasing. • Curfew at 12:00 a.m.

PHASE FIVE: Recovery Management	
Length of phase:	Approximately 90 days or until goals are achieved
Requirements:	<ul style="list-style-type: none"> • Honesty. • Monthly appearances before the Treatment Court Judge and Team, unless the team determines more court support is appropriate. • Strict compliance with the recommended AODA treatment plan, as determined by the Treatment Provider. • Strict compliance with supervision. • Weekly visits with OWI Treatment Court Probation Agent, or as directed; this includes home visits. • Monthly face-to-face meetings with Treatment Court Coordinator, or as directed with testing compliance. • CAM Remote Breath monitoring (test once per day) for half of Phase 5 and then weekly UAs the remainder of Phase 5. • Strict compliance with alcohol/drug testing by OWI Court personnel – no tampering, no diluting. • Obtain healthcare coverage or have a reasonable explanation as to why you cannot obtain it. • Participation in support group meetings as determined by your Treatment Provider. Meeting slips are to be turned in to the Treatment Court Coordinator during the OWI Court sessions or at appointments. • Committed participation in prosocial activities. • Employed, unless specifically excepted due to retirement, disability, etc. • In school or obtaining GED, or in some vocational or educational program, if needed. • Stable living arrangements. • Maintain medical and mental health needs, if required. • Addressed ancillary services as needed (parenting classes, family support, financial assistance, etc.). • Maintain an established a payment plan for court fines and/or restitution (a finding of indigent will not delay graduation). • A minimum of 90 consecutive days of total abstinence at the time of phasing from the use of alcohol, illegal, or non-prescribed drugs (no misses, dilutes, positives, or admissions). • No unexcused absences from treatment court sessions and scheduled services/appointments for a minimum of 90 consecutive days. • No sanctions for a minimum of 90 consecutive days. • Achieve treatment goals as determined by the treatment provider. • The Phase 5 Phase Change Packet must be submitted two weeks prior to phasing to Graduation.

Graduation

You will graduate from OWI Treatment Court when the following requirements are met:

- Successful completion of all five stages.
- Graduation Application completed, including a definitive aftercare plan which may include self-help meetings and out-patient counseling, if determined by the treatment provider.
- Discharge Plan reviewed and discussed.
- Recommendation of the Team.
- Absolute sobriety (to include no positive alcohol/drug tests, including missed or tampered tests, for a minimum of 90 consecutive days in Phase 5).
- Obtained gainful, consistent employment or sufficiently involved in a vocational/educational training program as determined by the OWI Court Team.
- No unexcused absences from scheduled services or sanctions for 90 consecutive days.
- Have improved stable living arrangements and healthy interpersonal relationships as determined by the OWI Court Team.
- Achieved an understanding of personal problems of addiction, criminal behavior, and relapse prevention as demonstrated through a written graduation application.

The Judge shall declare you a graduate of the OWI Treatment Court. A graduation ceremony will be a celebration of completing all established guidelines. You will be presented with a certificate of completion by the Team.

Continuing Care Phase

Per ASAM guidelines and best practices, OWI Court Program graduates will have the option of continuing in the Continuing Care Phase of the program after graduation.

The Continuing Care Phase is a six-month transition period in which recent OWI Court graduates develop healthy practices in maintaining long-term sobriety. To participate, participants agree to keep the following commitments:

- Maintain complete sobriety from drugs and alcohol.
- Meet at least once per month with your treatment provider.
- It is recommended at least one recovery meeting each week.
- Meet with the probation officer as directed by your agent.
- Maintain stable housing.
- Maintain a weekly work/school schedule.

Fees/Costs

Each participant **may** be responsible for the following costs:

- Assessment and Treatment
- Treatment Plan/Driver Safety Plan
- Fines/Costs
- Electronic Monitoring Equipment
 - SCRAM Units: SCRAM Bracelet and Remote Breath
 - Alcohol/Drug Testing

Failure to Pay Fines - If an OWI Treatment Court participant is delinquent in the payment of fines, the information will be relayed to the OWI Treatment Court Team and OWI Treatment Court Judge to include in the client information sheet to the Treatment Court Team.

Reduction of Fines, Court Costs – An OWI Treatment Court participant may perform community service work for a public agency or non-profit charitable organization in lieu of payment of fines. The maximum amount of community service hours shall be one-half of the amount of the base fine at the rate of \$10 per hour. The participant shall not receive credit for community service hours unless written documentation of the community service, signed by a supervisor, is submitted to the Treatment Court Coordinator or the Clerk of Court's office.

Community Support

You will be required to attend community support groups while in Grant County OWI Treatment Court. Alcoholics Anonymous, Narcotics Anonymous, and SMART Recovery are examples of community support groups. The goal is for you to build a sober support network which will remain in place once you have graduated from Grant County OWI Treatment Court. Attendance is verified by a signature from the individual chairing the meeting, an individual attending the meeting, or an attendance confirmation email. Further, you may be encouraged to get a sponsor and/or peer support.

Other Programs

The Grant County OWI Treatment Court Team may find other programs which are important for your success in Grant County OWI Treatment Court including Victim Impact Panels, Thinking for a Change, employment and/or job training programs, parenting and budgeting/financial classes. You must complete any programs that are ordered by the Grant County OWI Treatment Court Judge.

Incentives and Sanctions

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

RESPONSES TO BEHAVIOR	
ACHIEVEMENTS	INCENTIVES
<ul style="list-style-type: none">▪ Honesty▪ Attending all court appearances▪ Negative drug/alcohol test results for period of time▪ Attendance and participation in treatment▪ Attendance and participation in support meetings▪ Obtain a sponsor▪ Completion of assignments and step work▪ Employment▪ Job promotion▪ Enrollment in employment and training program▪ Completion of GED▪ College enrollment and attendance▪ Compliance with treatment/supervision plan▪ Artwork, Essays, Journals▪ Stable living▪ Prosocial activities▪ Develop a budget▪ Community Service▪ Phase Advancement	<ul style="list-style-type: none">▪ Reduced jail time▪ Reduced fines▪ Reduced fees▪ Family incentives▪ Positive team interaction▪ Phasing▪ Assistance with employment▪ Assistance with education▪ Removal of curfew▪ Removal of EMP▪ Reduced supervision▪ Monetary incentives, such as gas cards, gift cards▪ Gym membership▪ Candy▪ Certificates▪ Notebooks, pens, pencils, dictionary▪ Fishbowl drawings

Sanctions are the imposition of a consequence, perceived as negative by the receiver, as a direct result of a prohibited activity.

Violations of the rules of the OWI Court Program may result in the immediate imposition of sanctions, as recommended by the OWI Treatment Court Team and determined by the OWI Treatment Court Judge. Sanctions shall be imposed based upon the nature and frequency of violations and on a case-by-case basis.

You will have the opportunity to address the court regarding the facts and proposed response, but there will not be a separate formal hearing prior to the imposition of sanctions, except for a jail sanction – see jail sanction / expulsion due process below. You agree to accept ordered sanctions, as a condition of participation in OWI Treatment Court.

Sanctions in Grant County OWI Treatment Court may include but are not limited to and may be employed individually or in combination to:

CHOICES	SANCTIONS / THERAPEUTIC ADJUSTMENTS
<ul style="list-style-type: none"> ▪ Dishonesty ▪ Missed or late court appearances ▪ Missed or late appointments with OWI staff ▪ Missed support group meetings ▪ Violation of court order ▪ Disobey directive of Coordinator and/or Provider ▪ Disobey directive of Probation Agent ▪ Positive drug/alcohol test ▪ Missed drug/alcohol test (considered a positive test) ▪ Tampered drug/alcohol test ▪ Inappropriate behavior at appointments ▪ New OWI or felony conviction ▪ Driving while license suspended/revoked ▪ Failure to perform sanctions ▪ Noncompliance with treatment plan ▪ Failure to follow DOC Rules 	<p style="text-align: center;">SANCTIONS</p> <ul style="list-style-type: none"> ▪ Reprimand from the Judge ▪ Write an essay ▪ Speak at OWI Treatment Court ▪ Life skills assignment ▪ Oral apology in court ▪ Letter of apology ▪ Journaling ▪ Day Reporting to Probation, Court or Coordinator ▪ Increased court appearances ▪ Increased drug/alcohol testing ▪ Delay in Phase change ▪ Curfew Imposed ▪ Community service hours ▪ Electronic Monitor ▪ Home detention ▪ Sentence to Jail ▪ Loss of Huber privileges ▪ Team Intervention ▪ Imposing a stayed jail sanction ▪ Expulsion <p style="text-align: center;">THERAPEUTIC ADJUSTMENTS</p> <ul style="list-style-type: none"> ▪ Assessment ▪ Writing assignment / Journaling ▪ Support groups ▪ Increased Treatment Dosage ▪ Residence Change (sober living, transitional living) ▪ Residential Treatment ▪ Halfway House Placement ▪ Behavioral Contract / Last Chance Contract

Note: The OWI Court Team shall consider mitigating and aggravating circumstances in determining the most appropriate sanction and treatment response.

Expulsion

A Motion for Expulsion may be made by any member of the OWI Court Team. There must be a second to the expulsion motion for the team to consider it. If there is no second to the expulsion motion, then the motion fails.

If there is a second to the expulsion motion, then the OWI Court Judge will inform you of the motion at the court session immediately following the staffing. The OWI Court Judge will explain to you your rights to counsel. Expulsion pleadings will be filed forthwith and delivered to you immediately following the OWI Court session or by the end of the

business day, unless extenuating circumstances exist. If you request to be heard, then the expulsion conference will be scheduled as soon as possible, ideally within 14 days.

The OWI Court Team and the OWI Court participant, with his or her attorney, if represented by counsel, will meet to discuss the Motion for Expulsion at an expulsion conference. The participant retains the same due process rights during the expulsion conference including: notice, right to counsel and right to be heard. The process is informal and not on the record. The OWI Court judge is not part of this meeting or decision. The team's recommendation shall be made part of the record during the due process hearing / expulsion hearing.

Voting members include one representative from the following agencies: Probation and Parole, Sheriff's Department, State Public Defender's Office, District Attorney's Office, Treatment Provider, and Treatment Court Coordinator

If the OWI Court Team recommends expulsion, the matter will be set for a hearing before the OWI Court Judge as soon as possible (usually the same day of the expulsion conference). The Motion for Expulsion hearing will be on the record in open court. The rules of evidence and procedure applicable at a sentencing hearing shall be observed at the expulsion hearing.

If the OWI Court Judge agrees that there is a basis to grant the Motion for Expulsion, findings and conclusions will be made on the record, and you will be removed from the program and may be returned to Circuit Court for resentencing or the remaining imposed and stayed sentence served.

NOTE: Absconding is grounds for termination. If you fail to appear in court for two consecutive court sessions, and you fail to appear at the third consecutive court session, expulsion proceedings will ensue. You will be mailed a motion to expel to your last known address informing you that you are now in the expulsion phase of the program, as a result of absconding. You will then have 14 business days to respond to that motion by either calling or coming in and indicating that you'd like a termination hearing. A hearing will then be scheduled as outlined in the expulsion proceedings noted above. If you do not respond to the motion within 14 days, you will be terminated from the program.

Jail Sanction / Expulsion Due Process²

Participant Rights:

- The participant who is alleged to have committed a violation(s) warranting a termination or jail sanction shall be entitled to:
 - Notice of the violation and/or allegations used as the basis for the termination/jail sanction.
 - Be present at the due process evidentiary hearing.

² *Treatment Court Best Practices and Recordkeeping, October 2021, Due Process, pages 7-9.*

- The right to call their own witnesses.
- The right to cross-examine witnesses.
- The right to factual findings.
- The right to counsel (see below for additional information).
- If a participant wishes to knowingly, intelligently, and voluntarily waive their right to a due process hearing they:
 - Have a right to be present during a waiver of the due process hearing.
 - Must be informed of their right to a due process hearing.
 - Must not be under the influence of any substances which would impact their ability to understand the waiver of the due process hearing.

Right to Counsel:

- The participant is entitled to counsel to assist them with an evidentiary hearing.
- Should the participant wish to have counsel for an evidentiary hearing, they may apply to the State Public Defender's office.
 - The State Public Defender will appoint counsel to the participant if they qualify.
 - If the participant does not qualify, they may apply for counsel through the Court.
 - The participant may choose to hire their own counsel.
- The due process hearing may be adjourned to a later date to give the participant and their defense counsel adequate time to prepare.
- If the participant wishes to waive their right to counsel and proceed pro-se, the court must ensure that the participant knowingly, intelligently, and voluntarily waives their right to an attorney.
- A participant who has waived their right to counsel may nevertheless re-assert that right.

Discovery:

- The participant and their attorney are entitled to the records related to the violations, which may include the test results, the reports of the testing lab, the procedures of the testing lab, etc.
- If the violation(s) involve or include non-drug test violations (behavioral/other rules violations), the participant's counsel may request such records from the appropriate reporting agency.
- Waivers or releases may be required in order for the participant's counsel to receive certain protected or otherwise confidential information.

Standard of Proof:

- The allegations of violations by the participant must be established by the State by preponderance of the evidence.

Evidentiary Standards:

- If the violation involves drug testing results, the standard of proof for the drug test results must have an indicia of "sufficiently reliable."

- There must be a clear chain of custody for the samples and opportunity for timely confirmation testing.
- Hearsay is permissible in a due process hearing.

Hearing Procedures:

- The due process hearing shall be held on the record.
- The hearing may be held at a time other than the usual prescribed treatment court hearings.
- The State shall present its witness(es) for each of the alleged violation(s) of the participants.
- The participant has a right to cross-examine the witnesses brought against them.
- After the close of the State's evidence, the participant and their counsel may present their own witnesses, subject to cross-examination by the State.
- At the end of the hearing, both the State and the participant's attorney may make closing statements to the presiding judge.

IID Monitoring

IID (Ignition Interlock Device) events will be monitored by the Treatment Court Coordinator. It is your responsibility to notify the Treatment Court Coordinator of any Missed or Failed Rolling Tests, a High BAC, and/or an Unauthorized Start within 12 hours of the event. Failure to do so will be considered a program violation and subject to sanctions. (If the event occurs during non-business hours or on the weekend, leave a message on the Coordinator's voicemail.) Depending on the event, you may be subject to further testing and/or inquiry per the discretion of the Treatment Court Coordinator and/or the OWI Court Team.

Drug and Alcohol Testing Protocols

Grant County OWI Treatment Court will employ several screening and testing procedures to ensure proper interventions are utilized for assisting each participant in sobriety. Grant County OWI Treatment Court will utilize continuous alcohol monitoring during most of the participant's time in the program. Grant County OWI Treatment Court reserves the right to utilize other forms of drug and alcohol testing as needed.

POLICY:

A critical component of successful Treatment Court participation is mandatory drug and alcohol screening. Grant County OWI Treatment Court participants will be regularly drug/alcohol screened. Any member of the Treatment Court Team and any law enforcement officer may request testing at any time. Drug/alcohol screening will take place with the Treatment Court Coordinator and may take place at court, appointments with the provider, group sessions, and/or during a visit with the probation agent. Methods of screening are determined by Treatment Court Team and are not negotiable.

Any detectable level of alcohol, drug or mood altering substances is considered a positive test. This includes CBD, Delta and Hemp products (any and all legal cannabinoids), NA beer, NA wine, mouthwash, cough syrup, and any other over the counter medications that contain alcohol.

Participants shall promptly comply with the testing procedure if directed to test. If a sample is not produced, is not of sufficient quantity, or is adulterated/diluted in any way, it will be treated as a positive sample and reported to the Treatment Court Team. If a participant fails to appear to test on time or does not appear at all, it will be treated as a positive test.

COST:

If a participant denies drug/alcohol use after a drug/alcohol screen is positive, the screen will be sent to a laboratory for confirmation. The participant may be charged the cost of the laboratory test if positive, and the amount is expected to be paid within 30 days.

DRUG/ALCOHOL SCREENING:

Drug/alcohol screening methods will include urinalysis, ETG and CAM (continuous alcohol monitoring) during most of the participant's time in the program. A participant will be placed with the SCRAM Ankle Bracelet during Phase 1 and Phase 2 of the program and will be tested weekly through urinalysis. A participant will be placed with the SCRAM Remote Breath unit during Phase 3, Phase 4 and Phase 5 of the program and be tested by means of a UA bi-weekly/monthly. Once the participant is halfway through Phase 5, the participant will be tested by means of weekly urinalysis. Other testing methods employed in the OWI Court program are: sweat patches, oral swabs or other clinically accepted means.

COLLECTION/TESTING:

All testing methods will be observed. Urinalysis will be observed by the same sex (male-male, female-female). During the urine collection, the participant is not exposed to the view of any person not conducting the urine collection. The urine collection is not reproduced through a visual or sound recording. The participant's genitals, pubic area, buttock, and anus are not subject to any physical inspection beyond observation of the urine collection. (If a tester of the same sex is unavailable, the observation procedure will be modified.) The tester will explain to the participant what is expected. The participant will urinate into the toilet, allowing the tester to hear liquid entering the toilet, then urinate into the cup, then finish urinating in the toilet.

Oral tests will be directly observed by the tester (male or female) while the swab is in the mouth.

URINE COLLECTION CHAIN OF CUSTODY PROCEDURE:

- Gloves are worn at all times during the collection process.
- Collection cup remains sealed until the participant is given the test cup.

- Chain of Custody form is completed if there is a positive UA and the participant denies use.
- Collector and participant sign the Chain of Custody form.
- Specimen is kept in participant's sight until the security seal is applied to the collection cup lid.
- Once collection is sealed, the cup is placed in a secured area until the specimen is ready to be shipped to the lab.
- Specimen is mailed at the USPS, Lancaster, Wisconsin.
- The yellow copy of the Chain of Custody is kept in participant's treatment court file.

Prescription Medication

If at any time you are in need of a prescription, you may be required to disclose your participation in Grant County OWI Court to the Medical Facility / Clinic – Physician. You should discuss whether or not you are in need of disclosure with your Treatment Provider. The Medical Facility / Clinic – Physician will need to complete the Medical/Dental Medication Form.

If you are required to disclose, then you will be required to provide the Treatment Court Provider the signed Medical/ Dental Medication Form **at the next** office visit. The consumption of such prescription will be monitored accordingly by the Treatment Provider for the duration of the prescription / condition.

It is your responsibility to ensure that the medication you are taking or other food, drink or substance he/she consumes will not create a “false-positive” drug/alcohol test result.

If you fail to disclose your participation and provide the required Medical/Dental Medication Form to your Treatment Provider and test positive for a controlled substance, the test will be considered positive and a sanction may be imposed.

Conclusion

The goal of the Grant County OWI Court is to help you achieve a better life and give you the tools necessary to maintain it. The Grant County OWI Court Team is here to guide and assist you, but the final responsibility is yours. To succeed, you must be willing to work with the Grant County OWI Court Team to make the changes necessary to maintain a healthy and Alcohol and Drug-Free life.

This manual is subject to change.

GRANT COUNTY TREATMENT COURT OWI COURT PROGRAM

MEDICAL / DENTAL MEDICATION FORM

"The small expense of restoring an individual to health and usefulness is returned manifold." Dr. Charles H. Mayo

FROM:	
<i>(Medical Facility / Clinic)</i>	
<i>(Physician's Name)</i>	
<i>(Address, Including City, State, Zip)</i>	
<i>(Telephone)</i>	<i>(FAX)</i>

This notification is to inform you that: _____
(Name of OWI Court Participant)

is currently a Grant County OWI Court participant and is a person in recovery from substances. As part of a structured judicially supervised treatment program, the Grant County Treatment Court participants are frequently subjected to random drug testing. ***Therefore, all medications and treatment procedures should be prescribed with this information in mind.***

Diagnosis / Treatment: _____
(Please Print)

Prescription: _____
(Please Specify Medication Type and Dosage)

Prescription: _____

Prescription: _____

Date

Signature of Physician

The 10 Key Components of a Treatment Court

1. Treatment Courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the treatment court program.
4. Treatment courts provide access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs treatment court responses to participants' compliance.
7. Ongoing judicial interaction with each treatment court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among treatment courts, public agencies, and community-based organizations generates local support and enhances treatment court effectiveness.