
Walworth County OWI Court

Participant Handbook

Revised March 2016

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WELCOME

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

This *Handbook* will detail what is expected of you as a WCOC participant. It will review general program information. If you are reading this *Handbook* it means that you are considering the WCOC Program to help you learn how to make successful choices free of the influence of drugs or alcohol in the future.

OVERVIEW

The WCOC is a four phase intervention program for non-violent¹, adults who have pled guilty to an OWI 3rd or OWI 4th offense and who are having difficulty staying clean and sober. It is a collaborative effort between the circuit court, the prosecutor's office, defense attorneys, the probation department, community agencies, police agencies, case management, and treatment programs. By working together, the team seeks to provide a variety of programs and consistent supervision geared toward supporting and helping you maintain a drug and alcohol free life.

The WCOC involves frequent court appearances, random drug and alcohol testing as well as group and individual counseling. The Court awards incentives for compliant behavior and imposes sanctions for negative behavior. Participants who do not comply with the rules may be placed in short-term custody, have phase advancement delayed or face a variety of other sanctions. They may also be terminated from the program. All of the staff working with the program will assist you to be sure you understand what is expected of you.

THE OWI COURT TEAM

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

- Defense Attorney – Role is to protect the rights of the defendant.
- Prosecuting Attorney – Assists in reviewing cases for eligibility for program.
- Probation Agent – Provides direct supervision of participants.

¹ In March 2014, the WCOC Advisory Committee adopted the Wisconsin Department of Justice criteria and specifies that a violent offender is not eligible to participate in the program. A violent offender is defined as a person to whom one of the following applies: (a) The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm; (b) The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

- Treatment Provider – Responsible for educating the participants and helping them deal with alcohol/drug abuse issues.
- Treatment Court Coordinator – Conduct screenings for new participants.
- Law Enforcement Representative
- Corrections Representative
- Higher Education Representative

Prior to the WCOC session, the Team members familiarize themselves with your progress so that they may discuss that progress with you during the review session.

CONFIDENTIALITY

By law your identity and privacy are to be protected. In response to these regulations, the WCOC Team and treatment providers have developed policies and procedures that guard your privacy. You will be asked to sign a Consent for Disclosure of Confidential Substance Abuse Treatment Information. This disclosure of information is for the sole purpose of hearings and reports concerning your specific WCOC case.

WCOC records are separate and distinct from Circuit Court files and District Attorneys Office files. All OWI Treatment Court records are confidential and are not open to the general public. All such files shall be under the sole and exclusive control of the OWI Treatment Court Judge and the assigned representative from the District Attorneys Office, as appropriate, and not the Clerk of Court or other staff members in the District Attorney's Office. All files shall be maintained in a confidential manner.

PROGRESS REPORT STAFFINGS

Before your hearing, the judge will be given a progress report presented by members of the WCOC Team, typically your Probation Agent, Treatment Provider, and/or Coordinator. The progress report will discuss your drug testing results, attendance, participation and cooperation in treatment, employment or other requirements that may have been imposed. All staffings will be held "off the record."

OWI COURT PROCEEDINGS

As a WCOC participant, you will be required to appear in WCOC on a regular basis. The WCOC calendar is a priority and will be a specialized, separate court, operating on an every other week, and dedicated to the evaluation, treatment and supervision of eligible and suitable participants. The WCOC shall be held as scheduled. The number of times you must appear depends on the phase you are in. Failure to appear will result in a warrant being issued for your arrest and detention in jail until you can appear before the Judge. All WCOC participants must be at court unless otherwise excused by the WCOC Judge or a WCOC Team member.

Participants will stay for the entire court hearing unless given prior approval to leave early or treatment is scheduled for that time.

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 and incentives may be assessed. If you have questions about your court appearances you may contact your Probation Agent or the Treatment Court Coordinator.

COURTROOM RULES

All individuals participating in the program will adhere to the following rules, remembering that although the WCOC is dissimilar to the traditional court proceedings; it is still a court proceeding that shall be treated with respect and participants shall govern themselves accordingly.

- When addressing the Judge, the participant shall approach the bench with the utmost respect for the position.
- Participants will attend all scheduled Court appearances on time and immediately be seated in the Courtroom.
- You are encouraged to bring family members to the review sessions.
- Participants will not talk in the Courtroom during proceedings. Family or children will need to keep quiet or step out of the courtroom should the need arise.
- Participants will not bring food or drink into the Courtroom.
- The participant will remain in the courtroom until he/she is dismissed by the Judge. In the event of an emergency, the participant may be excused from court or allowed to leave prior to court being dismissed. You will not be excused for transportation problems or issues; it is your responsibility to find transportation to each court appearance, treatment session, and probation appointment. Any requests for absences will be presented to the WCOC Team for review. The Judge or Coordinator will advise the participant of approval or denial.
- If a participant does not appear on his/her regularly scheduled court date and is not excused from court, the Judge may order that a warrant be for the arrest of the participant.
- The participant will not possess any dangerous weapon of any kind.
- The participant will turn off any cell phone.
- The participant will dress appropriately for court as follows:
 - No shirts with obscene words or pictures
 - No hats, caps, bandanas, sunglasses, or gang attire of any kind

- No tank tops or formed, tight, tank tops intended for wear as under shirts
- No attire with alcohol, drug, or bar logos

PHASES OF THE OWI TREATMENT PROGRAM

The WCOC Program is designed to be completed in 18 months. It is divided into four phases and includes a regular probationary period; each phase has a minimum time length of 12 weeks. Some participants are able to complete their required objectives within those 12 weeks while staying in compliance with the program, while others may take a little longer, have minor setbacks, or imposed sanctions that would delay phase movement. A participant must successfully complete each phase before transitioning to the next phase.

Phase I	
<i>Key Concept:</i>	Stabilization and treatment.
<i>Length:</i>	Minimum 12 weeks
<i>Requirements:</i>	Follow all rules and comply with all requirements while serving jail sentence (EM, drug testing)
	Continuously wear bracelet/Continuous Alcohol Monitoring (requires analog phone line)
	Random urine screens a minimum of 2 times per week
	Probation agent visits at least 3 of every 4 weeks
	Attend Court review hearings every other week at 10am on Wednesdays
	Attend substance abuse counseling 1-2 times per week – Day and time to be determined by your treatment provider at intake
	Attend probation appointments once per week – Day and time to be determined by your probation agent at intake
	Random home visits
	Curfew as established by probation agent
	Attend Victim Impact Panel
	Seek and maintain employment or perform 20 hours of community service/week/school
	Payment of court fines and costs – weekly payment based off assessment conducted by Collections, Clerk of Courts
	<i>60 days alcohol/drug free and a minimum of 12 weeks in Phase I before advancing to Phase II.</i>

Phase II	
<i>Key Concept:</i>	Maintenance of recovery.
<i>Length:</i>	Minimum 12 weeks
<i>Requirements:</i>	Continuously wear bracelet/Continuous Alcohol Monitoring (requires analog phone line)
	Random urine screens a minimum of 2 times per week
	Probation agent visits at least 3 of every 4 weeks
	Attend Court review hearings every other week at 10am on Wednesdays
	Continue substance abuse counseling
	Random home visits
	Maintain employment or continue performing 20 hours of community service a week
	Attend Victim Impact Panel if unable to attend in Phase I
	Payment of court fines and costs – Collections, Clerk of Courts
<i>90 days sobriety/drug free, a minimum of 12 weeks, and complete level B in treatment in Phase II before advancing to Phase III.</i>	

Phase III	
<i>Key Concept:</i>	Maintenance of recovery and giving back.
<i>Length:</i>	Minimum 12 weeks
<i>Requirements:</i>	Random alcohol testing, minimum once per week
	Random urine screens, minimum once per week
	Probation agent visits at least 3 of every 4 weeks
	Attend Court review hearings monthly at 10am on Wednesdays
	Continue substance abuse counseling
	Random home visits
	Maintain employment/school or continue 20 hours of community service a week
	Payment of court fines and costs –by Collections, Clerk of Courts
	<i>120 days sobriety/drug free and a minimum of 12 weeks in Phase III before advancing to Phase IV.</i>

Phase IV	
<i>Key Concept:</i>	Maintenance of recovery and exit stage.
<i>Length:</i>	Minimum 12 weeks
<i>Requirements:</i>	Random alcohol testing, minimum once per week
	Random urine screens, minimum once per week
	Probation agent visits at least 2 of every 4 weeks
	Attend Court review hearings monthly at 10am on Wednesdays
	Continue substance abuse counseling
	Complete 8 hours of self-directed community service.
	Written narrative
	Maintain employment/school or continue 20 hours of community service a week
	Payment of court fines and costs – Collections, Clerk of Courts
	Commencement
	<i>150 days sobriety/drug free and a minimum of 12 weeks in Phase IV before commencing.</i>

COMMUNITY SERVICE

As a WCOC participant, you are required to seek and maintain employment throughout the duration of the program or enroll in school. If you do not have your high school diploma, you will be required to gain your GED/HSED prior to graduation. If unemployed or disabled, you are required to complete 20 hours of community service per week. Community service assistance may be provided by the Treatment Court Coordinator if needed.

TO FIND A PLACE TO PERFORM COMMUNITY SERVICE

Community service must be performed at a non-profit agency or organization in Walworth County, (unless you have prior written court approval to perform the community service elsewhere). It is your responsibility to find a non-profit agency or organization. No monetary compensation may be received for any community service work and the work cannot be performed for a business. If you cannot locate a place to perform community service on your own, you may contact the Treatment Court Coordinator at 262-741-7039 for assistance/suggestions of community service opportunities.

EXAMPLES OF ACCEPTABLE PLACES TO PERFORM COMMUNITY SERVICE	EXAMPLES OF WORK <u>NOT ACCEPTABLE</u> AS COMMUNITY SERVICE COMMUNITY (unless you have prior written court approval)
The United Way	Yard work for friends or neighbors
A neighborhood center	Odd jobs for friends or neighbors
A church	Snow shoveling for friends or neighbors
A Food Pantry	Babysitting
Goodwill	Working at your job without pay

WHEN YOU ARE DONE PERFORMING COMMUNITY SERVICE

You must get written proof from the non-profit agency or non-profit organization. The accompanying form must be used for all OWI Court community service hours. If you do not have the OWI Court Community Service Time Sheet, an alternate document *must* include the following information:

- The date(s) you performed the community service
- The number of hours you worked
- The duties you performed
- The name and telephone number of a contact person for the non-profit agency or non-profit organization.

After all information is gathered and documented, turn in the OWI Court Community Service Time Sheet(s) to the Treatment Court Coordinator for review and confirmation.

COSTS

These costs are estimates and are subject to change at any time without notice, including the addition of further costs. You will be responsible for the following costs:

- Driver Safety Plan – \$250.00 (2015) Flat Fee
 - \$40.00 Failed Appointment
 - \$100.00 Multiple Assessment Fee
 - \$75.00 Amend Drive Safety Plan
- Fines – assessed and ordered by court
- Fees – assessed and ordered by court
- Restitution will be determined on an individual basis and ordered by the court.
- Electronic Monitoring Equipment (Jail Equipment) – \$17/day (2012)
- Ignition Interlock Device (IID) on any/all vehicles registered in your name – costs can vary, approximately \$1000/year.
- Supervision – Costs are calculated based on income and can vary in increments of \$20, \$40, or \$60 per month. (e.g., \$60/month x 18 months of supervision = \$1080.00 in supervision fees)

Payment progress will be monitored. Frequent delinquent payments can effect phase movement.

OWI COURT RULES RELATING TO DRUGS

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

- Totally abstain from the use of drugs and alcohol, including non-alcoholic beer, energy drinks containing alcohol, and synthetic cannabinoid.
- Inform the treating physician(s) that you are in recovery and may not take narcotic or addictive medications or drugs. You must present any treating physician with your NOTICE TO ANY HEALTH CARE PROVIDER card every time you seek treatment. In addition, prescribed medications must have the physician sign the PRESCRIBED MEDICATION FORM the same day that you are given the prescription. Failure to abide with this condition will result in a sanction or possible termination from the program. The card will state the following:

I am a participant in the Walworth County OWI Treatment Program. As such, I am not permitted to use any controlled substances or alcohol, unless, medically, it is absolutely necessary that I do so pursuant to the orders of a physician. Before giving or prescribing me a controlled substance, please review and consider the following:

Make every effort to treat me without giving or prescribing me a controlled substance. Please note in my medical record why a controlled substance was medically necessary, if such is given or prescribed. Please provide me with a letter for the court stating that I have disclosed my addiction problem.

- Attend court sessions and treatment sessions as scheduled, submit to random alcohol and drug testing, remain clean and sober and law abiding.
- Not associate with people who use or possess drugs.
- Keep all members of the WCOC Team informed of your current address and phone number at all times (you may update this information with your Probation Agent, Treatment Provider, and/or Coordinator). You must remain a Walworth County resident throughout your participation in the program.
- As a condition of participation in the program, your person, property, place of residence, vehicle or personal effects may be searched at any time with or without a warrant, and with or without reasonable cause, when required by a Probation Agent or other law enforcement agent.
- Must live in an alcohol/drug free residence.
- Must inform Probation Agent immediately should you come in contact with any form of law enforcement. Abide by all other rules and regulations imposed by the WCOC Team.

INCENTIVES AND SANCTIONS

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

Incentives for compliance:

- Certificates awarded for phase and program completion.
- Positive recognition from Judge and WCOC team member(s), including applause and praise.
- Promotion to next phase of program.
- Permission to travel out of area.
- Flexibility in payment plan.
- Drawings for gift cards.
- Commencement ceremony and certificate of completion.

Sanctions used for noncompliance:

Examples of Program Violations
Failure to pay fines and court costs
Failure to complete work/school/community service requirement
Failure to attend individual treatment appointment
Failure to receive prior permission to change your address
Entering an establishment where alcoholic beverages are sold
Failure to attend VIP
Failure to follow established curfew hours
Failure to attend group
Failure to attend probation appointment
Failure to attend court
Failure to be present at scheduled home visit
Failure to submit to Breath analysis or Urinalysis
Failure to report after a 2 nd attempt missed drug test
Buying, selling, or possessing an alcoholic beverage or any substance for the purpose of intoxication
Driving Violation – Law Enforcement Contact (driving without a license, outside of occupation hours, etc.)
Driving Violation – Reported to or by WCOC Team (driving without a license, outside of occupation hours, etc.)
Operating motor vehicle without IID/WCOC approval
Confirmed noncompliance with IID requirements
Confirmed Alcohol Use (Alcohol Dependent)
Confirmed Alcohol Use (Alcohol Abuse)
Other Drug Use - abuse or outdated prescription
Other Drug Use – Illegal Substances
Positive Alcohol Use on IID
Failure to participate in group
Tampered UA test
Non-compliance with Electronic Monitoring
Cutting of Electronic Monitoring bracelet
Lying to the Court or WCOC Team
New Arrest – Traffic
New Arrest – Other Crimes

Examples of Sanctions	Letter of Apology to victim/WCOC Team/WCOC Participants
	Develops and Maintains Job Log/Itinerary
	Verbal Warning by Judge
	Verbal Warning by Probation Agent
	Verbal Warning by WCOC Team Member
	Thinking Report – Specific to Incident
	Essay – on Specific topic (honesty, attitude)
	Daily Activity Log
	Life Skills Assignments
	Frozen in Phase (time does not count towards time in program)
	Referral to GED
	Referral to individualized therapies (anger management, family violence, parenting classes)
	Referral to Individual Treatment sessions
	Impose/increase community service hours
	Increase frequency of alcohol and drug testing
	Increase frequency of home/office visits with probation agent
	More Frequent Status Hearings
	Reverse Incentives - Take Something Away
	Impose Electronic Monitoring
	House Arrest
	Impose/Increase community service hours
	48 hours Jail Commitment
	Phase Demotion
	Pre-Arranged Community Service Hours
	Warning Tours to Correctional Facilities
	Intensive Out Patient Treatment
	Meeting with WCOC Team
	Status Hearing on the Record
	Day Reporting
	Issuance of Warrant
Placement in residential substance abuse treatment	
Flash Jail Sanctions (3-5 days)	
Motion for Termination	
Termination from Court	

HOME VISIT GUIDELINES

Home visits are conducted randomly at any time during the day or evening and will be conducted by your probation agent, monitoring agent, and/or law enforcement agent(s). A minimum of one home visit per month will be conducted by your agent as well as weekly random drug testing conducted by monitoring agents. It is expected that you will cooperate and comply with the probation agent, monitoring agent, or law enforcement agent who visits your residence.

Home visits will serve as a way for team members to become better acquainted with you and your family and assess living conditions. The WCOC Team views them as an opportunity to demonstrate your commitment to a lifestyle change – not only to the court, but also family and friends.

- Your residence must be alcohol and drug free.
- You must submit to PBT testing and random urine screens.
- If you have a curfew, you must be at your residence during the hours set by the Judge. You are responsible for making sure that you hear the door bell or knock on the door when the agent or agent arrives. Failure to answer will result in a curfew violation.
- Your house/vehicle/person may be subject to search (without a warrant) for alcohol and other illegal substances.
- If you are not home when an agent or agent comes to your home, he/she will leave a business card/note at the front door with the date and time of their visit. Monitoring agents will also leave their business care/note at their first attempt (if no phone contact is made). At the second attempt, monitoring agents will leave another card/note with instructions to follow. You will be responsible for following those written instructions.
- When an agent or agent comes to your home it is expected that you will be prompt in your interaction with him/her. Please stop any ongoing conversations on the phone or with another person.
- People living at your residence should be advised that even if you are not home, they are required to answer the door when the agent or agent arrives.
- You must notify your probation agent every time you do not plan to return home for the night, even if you are not on curfew.

Everyone in your home, including yourself, is expected to be courteous and respectful to all agents and agents reporting to your home.

ALCOHOL AND DRUG TESTING

ALL DRUG AND ALCOHOL TESTING WILL TAKE PLACE AT ANY OF THE FOLLOWING LOCATIONS:

- THE PROBATION OFFICE
- ELKHORN POLICE DEPARTMENT
- WALWORTH COUNTY HUMAN SERVICES BUILDING
- WALWORTH COUNTY JUDICIAL CENTER
- YOUR RESIDENCE

Drug and alcohol testing will be conducted on a completely random basis by means of an ID call-in system. You will not know that you need to submit to a test until you call into the system after 5am that day when arriving for testing, or at your scheduled appointment with your agent, your treatment session, or until asked to provide a urine and/or breath sample during a home visit. In other words, be prepared to provide a urine sample on each occasion which you have contact with a treatment court team member.

Random drug screens will be conducted weekly. Random drug testing can begin the day you are released from the Huber facility. When providing a urine sample you will be expected to remove all outer clothing – jackets, hoodies, coats, coveralls, hats, etc. You will be expected to turn out your pockets. You will be expected to submit to a visual inspection of your waistband. You may be observed by a member of the same sex during the process of obtaining a urine sample. We will make every effort to effect these procedures in the most discreet and respectful manner that is possible.

You have been ordered not to consume alcohol. You are responsible for ensuring that alcohol does not enter your body. You may not consume any foods in which alcohol is an ingredient. Contrary to common beliefs, alcohol is not removed in the cooking process. You may not use medications, including NyQuil or other cold/cough medicines with alcohol, mouth wash, breath sprays, teeth whitening gel, or any other products which contain alcohol, including non-alcoholic beer. Positive PBT's will result in sanctions, whether the positive PBT resulted from consuming alcohol or not.

DILUTED URINE SAMPLES OR OTHER EVIDENCE OF TAMPERING WILL BE VIEWED AS ATTEMPTS TO BEAT A DRUG TEST. IF YOU SUBMIT A DILUTED OR TAMPERED SAMPLE, YOU WILL BE SANCTIONED.

**** Please see Drug Testing Policy and Procedure addendum for full description of the random drug testing procedure ****

TERMINATION FROM THE WCOC PROGRAM

Warrants, new arrests, or a violation of any aspect of your treatment plan may result in a probation violation and your termination from the program. **You will be terminated for any new drinking and driving offenses.** Other violations, which may result in termination, include the following:

- Habitual missing and/or positive drug tests
- Altered drug test
- Demonstrating a lack of program response by failing to cooperate with the Probation Agent or treatment providers
- Violence or threat of violence directed at WCOC staff, other participants of the program, and/or other clients of the treatment providers
- Pattern of substance-related violations
- Commission of a violent crime
- Failure to attend scheduled WCOC hearings.
- Involvement in or committing assaultive behavior
- Any other grounds that the WCOC Team deems sufficient for termination.

Any member of the WCOC Team may make a motion for termination of a participant from the program. When the motion for termination is made and seconded, the judge will inform the participant in court that termination is being considered and either accept or deny the motion. Following court, the individual will have the right to retain counsel and be given a status hearing regarding the motion for termination. At the given WCOC session, the participant will appear with an attorney, provide information to the WCOC Team, and make statements and/or answer questions from any member of the WCOC Team, including the Judge. The team shall reconvene to discuss the facts and the proposed termination. Final decision of termination will remain with the WCOC Judge once all of the facts have been received. Upon termination, the WCOC Judge shall recuse himself/herself and the matter will be scheduled for sentencing. The terminated participant shall not have any appeal rights to the termination decision; termination decisions determined by the WCOC Judge are final.

AFTER TERMINATION

Upon termination, the WCOC Judge shall recuse himself/herself and the matter will be scheduled for sentencing.

COMMENCEMENT

Upon successful completion of all four phases, including a good faith effort toward payment of all assessed fees and restitution and continued sobriety, and upon recommendation of the WCOC Team, the WCOC Judge shall declare the participant a graduate of the WCOC Program. The commencement ceremony will recognize successful completion of all required phases. At this time, you will be discharged from probation as well. The WCOC commencement is recognized as a very important event. Your loved ones will be invited to join you at a special ceremony as the Team congratulates you for successfully completing Phase I – IV of the program and achieving your goal to establish a chemical free life.

ALUMNI REUNIONS

In order to provide you with a continuing support system we will host annual alumni reunions where you will have the opportunity to meet with other graduates and members of the team. Invitations will be sent to you by mail, therefore it is important to keep your Probation Agent or the WCOC Coordinator informed of any changes in address or phone number.

CONCLUSION

The goal of the Walworth County OWI Court Program is to help you achieve a life free of dependence on mind-altering substances. The Judge, court staff and the 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/alcohol free life.

CONTACT INFORMATION

Clerk of Court: 262-741-7012

Clerk of Court – Collections: 262-741-7017

WCOC Coordinator: 262-741-7039

Walworth Department of Health and Human Services: 262-741-3200

Department of Corrections – Community Corrections: 262-741-6360

**WALWORTH COUNTY OWI COURT
PARTICIPANT WAIVER AND AGREEMENT**

NAME: _____ **Case Number:** _____

1. As a condition of my sentence to the Walworth County OWI Court (WCOC), I agree to the terms set forth in this agreement.
2. I have entered a guilty plea. As a condition of the plea agreement, I am being sentenced to participate in the WCOC and will be subject to a term of probation not to exceed eighteen months.
3. I understand that upon entering my plea of guilty and being accepted in to the WCOC, my attorney will not further assist me unless my participation in the program is terminated through a probation violation.
4. I understand that upon entering my plea of guilty, my driver's license will be revoked according to the penalty imposed for this charge and I will be required to install an ignition interlock device in all vehicles registered in my name.
5. I agree to complete diagnostic evaluations and participate in a treatment program dealing with my substance abuse problem as ordered by the WCOC. I further agree to pay all program fees as directed.
6. The WCOC Judge, Probation Agent, Coordinator, Prosecutor, Public Defender, Treatment Representatives, Court staff, program evaluator, and WCOC Team members will be informed of my involvement in counseling, alcohol and/or drug use testing results and my overall progress in the program, I will, therefore, consent to a full disclosure of all records, reports and test results compiled by individuals involved in my treatment, counseling, and waive all privileges.
7. I agree to execute the Consent for Disclosure of Confidential Substance Abuse Information. I understand that any information from this release will be kept apart from the Court file in a secured, electronic database with restricted access, specifically, the release and sharing of my prognosis, treatment assessment/outcomes, treatment plan, or any other relevant information.
8. I agree to appear in court on all scheduled court dates and to attend all appointments scheduled through my Probation Agent. I understand that I must report to my Probation Agent and that my Probation Agent or any other court or police officer may make unscheduled home visits. Further, I understand that I may be subject to search and seizure as a participant in the WCOC without the requirement of probable cause or a search warrant.
9. I agree I will not use, possess or associate with persons who use or possess any controlled substance or illegal drug, such as marijuana, heroin, cocaine, methamphetamine, PCP, LSD, or any chemical substitutes. I will not use or possess alcohol. I will not use or possess any drugs without a prescription. I will not possess any drug paraphernalia. I understand that I am not permitted to use controlled substances, unless it is absolutely medically necessary that I do pursuant to the orders of a physician. I agree to advise all treating physicians of my participation in the WCOC prior to receiving any type of treatment. I agree to ask all treating physicians for a letter confirming that I have disclosed my addiction problem, my participation in the WCOC, and of my request to seek non-narcotic medications. I will provide a physician's letter to the WCOC if I am prescribed any narcotic medications. I agree not to use over the counter medications that are prohibited by the court which may result in a false positive drug/alcohol test. I understand that failure to abide by these conditions may jeopardize my continued participation in the program.

10. I agree to be tested for the presence of drugs and/or alcohol as often as requested by the WCOC Judge, Probation Agent, or Treatment Provider. Testing may be accomplished by a preliminary breath test, urinalysis, or other method selected by the Probation Agent. I understand that if I fail to participate in a test; it will be treated as a positive test. I further understand that positive or adulterated test results or failure to participate in necessary testing may result in sanctions for my conduct at the discretion of the WCOC Judge.
11. I agree to have a working phone at all times during the WCOC program. I further agree that should I have excessive violations while in the program, I could be placed on monitoring equipment that requires an analog phone line and I will be responsible for obtaining such line.
12. I understand that my continued participation in the WCOC is solely at the discretion of the WCOC Judge. Violations of this agreement, program participation conditions, probation order, or any other conditions required by my Probation Agent and or WCOC Judge may result in an increase of the intensity of treatment options and/or sanctions, up to termination from the program and revocation of probation. Sanctions include, but are not limited to, increased supervision, community service, and jail.
13. I understand that sanctions may be imposed at any time by the WCOC Judge without a formal violation charge and/or hearing. I waive the right to formal charges, a hearing and representation by an attorney.
14. I waive my right to due process regarding a determination of a violation, sanction, or extension of this contract, including the right to an attorney, notice of any violation, a hearing, a neutral decision maker at same, confrontation and cross-examination of witnesses, and production of evidence at such hearing, and appeal.
15. I agree that the court may initiate, permit, engage in, or consider ex parte communications and am knowingly waiving the same.
16. I understand that before court reviews, a team consisting of representatives from the district attorney, public defender, law enforcement, treatment, probation, WCOC coordinator, and the judge, will meet and discuss my case. I do not object to such persons meeting with the judge for this purpose without my presence or that of my attorney. I do not object to such persons reading and discussing my review report regarding my progress in treatment.

I have carefully read all of the terms and conditions of this agreement. I have done this in the presence of an attorney (or having waived my right to the presence of an attorney) and have had an opportunity to ask any questions that I might have regarding the agreement. I have also had the opportunity to ask the Judge or Coordinator any questions about the program. By signing this agreement, I certify that I fully understand all of the terms and conditions detailed in this agreement and agree to abide by each of the conditions.

Defendant: _____ **Date:** _____

WALWORTH COUNTY OWI COURT

CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE TREATMENT INFORMATION

Participant's Name: _____ **Case #:** _____

I, _____ have read or had explained to me the Notice to Patients pursuant to 42 C.F.R. § 2.22 regarding the disclosure of my substance abuse treatment information and hereby consent to the release of the approved substance abuse treatment information between: the Walworth County OWI Court (WCOC) Judge, Prosecutor, Public Defender, Probation Agent, Treatment Representative, Law Enforcement Representative, WCOC Team, program evaluators, Court staff, contracted random drug testing agencies, and _____. I further understand consent to the release of this information to other WCOC participants or member of the public while in open court during any review hearing.

Additionally, I authorize the above parties to communicate and disclose to one another my diagnosis, urinalysis results, and information about my attendance or lack of attendance at treatment sessions, my cooperation with the treatment program, prognosis, treatment assessment/outcomes, treatment plan, or any other relevant information, and: _____.

As a participant in Walworth County's OWI Court, data will be collected on participants and participant progress in the program. This data will be used by the Wisconsin Department of Justice and the Federal Bureau of Justice Assistance to help evaluate the Walworth County OWI Court. Personal information will not be disclosed publically and is stored in a secure database with restricted access. For the purpose of analysis, data will be deidentified – no names will be used.

The purpose of, and need for, this disclosure is to inform the court and all other named parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, treatment assessment/outcomes, treatment plan, or any other relevant information compliance and progress in accordance with the program's monitoring criteria. This information may be released through verbal, written, electronic communication, and will be stored in a secure, electronic database with restricted access.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the program and revocation of my probation for the above referenced case, such as the discontinuation of all court supervision and/or, where relevant, dismissal of the charges and/or, where relevant, the assignment of this case to a division other than the WCOC.

I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of substance abuse patient records and that recipients of the information may re-disclose it only in connection with their official duties.

Participant's Signature

Date

Notice to patients pursuant to 42 C.F.R. § 2.22

The confidentiality of alcohol and drug abuse patient records maintained by this program is protected by federal law and regulations. Generally, the program may not say to a person outside the program that a patient attends the program, or disclose any information identifying a patient as an alcohol or drug abuser unless:

- (1) The patient consents in writing;
- (2) The disclosure is allowed by a court order; or
- (3) The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.

Violation of federal law and regulations by a program is a crime. Suspected violations may be reported to appropriate authorities in accordance with federal regulations. Federal law and regulations do not protect any information about a crime committed by a patient either at the program or against any person who works for the program or about any threat to commit such a crime. Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.

See 42 U.S.C. § 290DD-3 for federal law and 42 C.F.R. Part 2 for federal regulations. Revised November 2013

WALWORTH COUNTY OWI COURT
PRESCRIBED MEDICATION FORM

I am a participant in the Walworth County OWI Treatment Program. As such, I am in recovery and not permitted to use any controlled substances or alcohol, unless, medically, it is absolutely necessary that I do so pursuant to the orders of a physician. Before giving or prescribing me a controlled substance, please review and consider the following:

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

Patient Name: _____

Date of Visit: _____

Medication Prescribed: _____

Dosage and Frequency: _____

By completing and signing this form, I, the physician, acknowledge that the above patient is an active participant in the Walworth County OWI Court and I am prescribing the above medication because it is medically necessary.

Physician Signature	Printed Name	Date
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OWI Participant: Please have your physician complete the above form the same day you are prescribed the medication. Include contact information for your health care provider and return this form to your Treatment Provider/Probation Agent/Treatment Court Coordinator as soon as possible. Any questions can be directed to 262-741-7039 or 262-741-3247.

Health Care Provider: _____

Address: _____

Phone: _____

This form is required for any controlled substances as stated by section 8 in my Participant Waiver and Agreement form. My waiver of Consent for Disclosure is signed and on file with the Walworth County OWI Court and shall act as authorization for release of the above information.

Name: _____ Case #: _____

Please read and initial the following statements to confirm awareness and comprehension of the Walworth County OWI Court Program.

_____ I understand the Walworth County OWI Court (WCOC) can be completed in, at minimum, 48 weeks.

_____ I am required to have a working phone line, at all times, throughout the duration of the program.

_____ I understand that I will be placed on continuous alcohol monitoring equipment, at minimum, in Phase 1 and Phase 2 of the program. The equipment may be reinstated should the OWI Court Team deem appropriate.

_____ I understand I am required attend OWI Court treatment group sessions once a week. In addition to my presence, I am also required to participate, openly share and discuss with facilitators and group members, and complete and present objectives each week. This does entail "homework."

_____ I understand I am required to meet with a probation officer once a week and that I am also susceptible to drug/alcohol testing at these visits.

_____ I understand it is my sole responsibility to account for transportation to and from group, probation meetings, court, etc. I must make my own plans for transportation.

_____ I understand I am responsible and held accountable for completing 20 hours of work, community service, and/or school (tutoring services if applicable) each week while in the program. It is my responsibility to keep a log of these hours and turn them in to the Court. If I do not have my GED/HSED, I will be required to gain in prior to graduation.

_____ I understand court is mandatory; court sessions are bi-weekly on Wednesdays at 10am.

_____ I understand it is my responsibility to contact my probation agent and/or treatment provider upon my release from jail.

_____ I understand as a participant in OWI Court I will be required submit to random drug testing; to provide breath and urine specimens for analysis and that all positive results will be reported to all involved parties.

_____ I understand as a participant in OWI Court I will be required to report to SEM's Elkhorn office for a random drug test on days when my assigned color is called. It is my responsibility to have reliable transportation and/or can obtain transportation when needed.

Signature _____ Date _____

By signing and dating below, I am acknowledging that I have read and understand what is expected of me in order to participate and fully comply with the WCOC Program. I have discussed and received clarification of all questions/concerns with my attorney or a member of the WCOC Program prior to entering my plea.

Defendant Signature _____ Date _____

Attorney Signature _____ Date _____

WCOC Drug/Alcohol Testing Rules and Procedures

My Phone ID is:

You must call in to Southeastern Monitoring, Inc. (SEM) UA Call Line each day after 5am to determine if you are required to report for testing. You are required to report in for testing should it be your day to test. Testing hours are 7 days a week, 6:30-10:15am. Doors are locked at 10:15am so all participants must report by 10am on testing days.

Southeastern Monitoring, Inc.
7 W Walworth St
Elkhorn, WI 53121

UA Call Line: 262-753-2405

Office Number: 262-723-4849 during business hours
Home Visits: 262-723-4849 – leave message before 8:30am

WCOC DRUG TESTING PROCEDURE

Walworth County OWI Court (WCOC) participants are expected to be drug and alcohol free. The WCOC monitors compliance with this requirement by frequent, random, and observed drug tests. Drug testing is essential to the WCOC program by providing a framework for accountability to gauge the participant's treatment progress. The reliability of drug testing is dependent on the integrity and accuracy of the collection process along with the chain of custody of the sample. Staff realizes that drug testing is a somewhat invasive procedure; however, strict adherence to the following collection protocol will ensure reliability and validity of all drug test results. Drug tests confirm when a participant is clean, demonstrating program compliance which serves as the foundation for rewards and movement through the paths toward graduation.

- Upon admission to the program, case managers will review the drug testing collection protocol with the participant and provide the participant with a copy.
- Participants agree that the court may generally rely on a presumptive chemical test results (urinalysis results). A participant may request a further confirming test of any positive urinalysis, but the participant agrees that if the confirming test comes back positive, the participant's sanction may be increased or may face termination for dishonesty. Additionally, this cost would be the sole responsibility of the participant.
- **If you have any changes in schedule, requests, issues, etc., you must inform your probation agent/Treatment Coordinator and gain approval prior to your test. You do NOT contact SEM in such instances.**
- Because selection for testing is done on a random basis, ALL program participants MUST appear in the office ready to provide a urine sample for testing.
- **All participants are required to report 30 minutes prior to closing to ensure sufficient time is available for collection.**

Random Collection – UA Call Line

WCOC participants are randomly tested for drugs/alcohol at a minimum of once per week. Random Urinalysis Drug Testing is required of all participants and facilitated by a call-in procedure.

- All participants will be assigned a client phone ID number by the Treatment Court Coordinator.
- Participants will call the testing line each day after 5:00 A.M. to find out if they are required to report for testing. The line is active between the hours of 5 am and 7:59 pm (closes at 8 pm).
- If the call line tells the participant to report for testing, he or she must report to Southeastern Monitoring, Inc. between 6:30 am and 10:15 am, 7 days a week.
 - Participant will be expected to provide a PBT and UA sample at each appointment and should be prepared to do so.
 - Participants will be required to wait in the SEM office until they are able to provide a sample.
 - All collections will be observed.
 - If the participant is not able to secure transportation, they will need to call SEM prior to 8:30am to arrange for a site checker to come to them and will be required to be at home and available from 10:30am-12:30pm same day. A cost of \$30 will be charged for the home visit.
 - Participants are responsible for adjusting their occupational hours to be prepared for daily tests.
 - Participants will be informed not to use Nyquil, Listerine, or any other products containing alcohol. Use of such products may result in a positive PBT and will be deemed a failed test.
- The participant will follow the same procedure daily.
- Participants could be tested multiple times per week.
- Any participant can be called upon to report for testing if deemed appropriate.
- The schedule shall be set up such that each participant is randomly screened for banned substances at least once per week, depending on which phase the participant is currently in.

Collection Procedure

The WCOC will employ several techniques to minimize tampering and adulteration. The following procedure will be followed by collection staff to ensure accurate testing:

1. Collector will verify participant identification upon arrival.
2. Collector will conduct a PBT/breath test.

3. Same-gender collection staff member will supervise dropping of specimens. The tester will enter the bathroom area with the participant to ensure no tampering is evident.
4. The participant must leave all bags in the custody of the collector before entering the bathroom. The participant will empty all pockets and show the collector all possible areas of hiding. The bathroom will be cleared of all possible contaminants and tampering devices.
5. The participant will wash their hands.
6. Client lifts shirt to expose waist.
7. Participant is given specimen cup and collection wand.
8. Collector directly observes urine pass into the cup.
9. Collector reads and records results. All procedures are within view of the WCOC participant so that accusations of tampering cannot be charged to the tester.
10. The participant will wash their hands.
11. Both collector and participant sign paperwork.

Random Home Collection Procedure

The WCOC will employ several techniques to minimize tampering and adulteration. The following procedure will be followed by collection staff to ensure accurate testing:

1. Collector will verify participant identification upon arrival.
2. Collector will conduct a PBT/breath test.
3. Same-gender collection staff member will supervise dropping of specimens. The tester will enter the bathroom area with the participant to ensure no tampering is evident and the bathroom will be cleared of all possible contaminants and tampering devices.
4. The participant will wash their hands.
5. Client lifts shirt to expose waist.
6. Participant is given specimen cup.
7. Collector directly observes urine pass into the cup.
8. Collector reads and records results. All procedures are within view of the WCOC participant so that accusations of tampering cannot be charged to the tester.
9. The participant will wash their hands.
10. Both collector and participant sign paperwork.
11. The participant shows the collector the contents of the refrigerator and food storage areas.

Unable to Provide

If a participant cannot provide a sample, they will remain in the designated drug testing waiting room until they are able to do so. THEY WILL NOT BE ALLOWED TO LEAVE AND RETURN TO PROVIDE A SAMPLE; all consumption of fluids will be strictly monitored. If the participant leaves the drug testing waiting area for any reason before providing a sample, a “refusal” will be documented and reported to the Court. *Failure to produce a sample could be considered a positive.*

If a participant is unable to provide a sample before SEM closes, **the participant will immediately make contact with their agent and follow the instructions of the agent.** This could include reporting to the office to produce a sample or give a statement. Should the participant be required to report, the participant will inform reception that they are a member of the Walworth County Drug Court and need to provide a urine sample. The participant shall not leave until a sample is provided to an agent. If by close of business the participant is still unable to produce a sample, it will be considered a “refusal” and the participant will be transported to the Walworth County Jail.

Failure to Report

If a participant falls to report to SEM for drug testing when the call line asks them to report, SEM agents will contact the participant via the phone number on file with the Drug Court. The participant will be informed that they need to **immediately make contact with their probation agent and report for testing at the discretion of the agent or SEM employees.** Upon arrival, the participant will inform reception that they are a member of the Walworth County Drug Court and need to provide a urine sample. The participant shall not leave until a sample is provided to an agent. If by close of business the participant is still unable to produce a sample, it will be considered a “refusal” and the participant will be transported to the Walworth County Jail. *Failure to report could be considered a positive.*

Participants will be responsible to secure transportation to the respective probation office. The participant will also immediately contact their probation agent and inform them the reason for missing the test. Failure to report may result in jail sanctions.

The above procedure is in place and is expected to be followed. If a participant should miss a test, there is no excuse or question on what should be done in such an event. All failures to produce and/or report could be considered positive drug tests and be sanctioned.

Screening Test Results

Urinalysis results and results of other monitoring techniques will be documented and provided to the WCOC Team. Any positive urine screens, tampered samples, refusal to provide a sample, or missed tests can be grounds for sanctions. Participants will be warned that certain substances can give “false positive” tests. A warning substantially in the following form will be given to all participants in the participant handbook:

You have been ordered not to consume alcohol. You are responsible for ensuring that alcohol does not enter your body. You may not consume any foods in which alcohol is an ingredient. Contrary to common beliefs, alcohol is not removed in the cooking process. You may not use medications, including NyQuil or other cold/cough medicines with alcohol, mouth wash, breath sprays, cough drops, teeth whitening gel, or any other products which contain alcohol, including non-alcoholic beer. Positive PBT's will result in sanctions, whether the positive PBT resulted from consuming alcohol or not.

Prior to each test, the participant will have an opportunity to state whether they have stayed clean and sober since the last test. If there is admittance or denial of usage prior to administering the test, that admission will be passed along to the participant’s probation agent/WCOC Team as information to be used when determining sanctioning. A \$15.00 cash deposit to Southeastern Monitoring, Inc. will be required on any denied positive test. Any denied positive test that is confirmed positive will result in the cost being imposed on the participant for confirmation testing. This cost can vary based off the type of test required and will be added to the fines/fees/court costs as assessed by the WCOC. The \$15.00 cash deposit will be refunded on any denied positive test that is NOT confirmed.

Participant non-compliance: Non-compliance issues, such as positive UA results, are reported to probation and the WCOC via an incident report in a timely manner (same day).

Fake/Adulterated UAs will result in a 10 day jail sanction. If there is admittance or denial after the test is given, that admission will be passed along to the participant’s probation agent/WCOC Team as information to be used when determining sanctioning.

Diluted UAs are treated as a faked UA and will result in a 10 day jail sanction. If there is admittance or denial after the test is given, that admission will be passed along to the participant’s probation agent/WCOC Team as information to be used when determining sanctioning.

Participants may request a confirmation test at their own expense, amount to be determined by type of test being conducted. Collection staff will follow chain-of-custody procedures to ensure accuracy. Staff will obtain sealed, signed specimen and paperwork. Sample is kept in locked cabinet until it is shipped via Fed Ex overnight to the drug testing facility who uses certified carriers to ensure safe and protective custody of the specimens while in transport.

Prescription Medications

Participants in the WCOC are expected to be drug free, including the use of mood-altering, potentially addictive, prescription medications. Participants with medical needs requiring repeated use of prescription medications are to provide accurate, up-to-date prescription information to the WCOC Team. Participants are required to inform all treating physicians and dentists that they are in recovery and may not take narcotic or addictive medications or drugs. In the event a prescription medication is deemed medically necessary, the physician and/or dentist must sign the *Prescribed Medication* form. The prescription medication form and a copy of the prescription must be submitted to the WCOC Team. Medical emergency situations will be reviewed on a case-by-case basis.

Tampering

Tampering with a urine sample can be substituting the urine of another, a diluted specimen, flushing, or an adulterated specimen. A diluted specimen is when an individual has intentionally ingested high levels of liquids in order to decrease the concentration and make it difficult for the lab to identify drugs. An adulterated specimen is when an individual has introduced a foreign substance into the collected sample to intentionally disguise drugs in the urine. All collections of urine are carefully observed by a same sex collector and the sample is checked for color, temperature, pH balance, specific gravity and creatinine to identify tampering issues. Tampering or attempting to tamper with a drug test is considered a positive and a sanctionable activity.