

Eau Claire County - OWI PROGRAM GUIDELINES vs NON PROGRAM GUIDELINES

November 1, 2014

JRI-OWI Program	Non-Program Guidelines	Non-Program Aggr. Guidelines
	Minimum Driving (Jail Only)	Aggravated Driving Accident/Injury/Bad Driving Record (Jail Only)
<p>2nd OFFENSE</p> <p>Jail: 5 days with the additional non program guideline time stayed. Can be done on home monitoring after first 48 hours. (48 hrs in pretrial custody counts as first 48 hours)</p> <p>Community Service Hours: 25 Fine + costs: \$1379+ DL Revocation: 12 months + 5 days Ignition Interlock Device: 12 months</p>	<p>.149 and below/controlled substance 10 days jail</p> <p>.15 - .199 10 days jail</p> <p>.20 and above/Refusal 20 days jail</p>	<p>.149 and below/controlled substance 30 days jail</p> <p>.15 - .199 40 days jail</p> <p>.20 and above/Refusal 60 days jail</p>
<p>3rd OFFENSE</p> <p>Jail: 14 days pursuant to 346.65(2)(cm) with additional non program guideline time stayed. Jail can be done on electronic monitoring.</p> <p>Community Service Hours: 50 Fine + costs: \$1694+ DL Revocation: 25 months + 15 days Ignition Interlock Device: 18 months</p>	<p>.149 and below/controlled substance 60 days jail</p> <p>.15 - .199 80 days jail</p> <p>.20 - .249/Refusal 110 days jail</p> <p>.25 and above 110 days jail</p>	<p>.149 and below/controlled substance 80 days jail</p> <p>.15 - .199 110 days jail</p> <p>.20 - .249/Refusal 140 days jail</p> <p>.25 and above 140 days jail</p>
<p>4th MISDEMEANOR</p> <p>Jail: 29 days pursuant to 346.65(2)(dm) with additional non program guideline time stayed.</p> <p>Community Service Hours: 75 Fine + costs: \$1694+ DL Revocation: 29 months + 15 days Ignition Interlock Device: 24 months</p>	<p>.079 and below/controlled substance 150 days jail</p> <p>.08 to .149 and below/controlled substance 230 days jail</p> <p>.15 to .199 270 days jail</p> <p>Refusal or .20 to .249 330 days jail</p> <p>.25 or above 330 days jail</p>	<p>.079 and below/controlled substance 170 days jail</p> <p>.08 to .149 and below/controlled substance 270 days jail</p> <p>.15 to .199 330 days jail</p> <p>Refusal or .20 to .249 350 days jail</p> <p>.25 or above 350 days jail</p>

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All persons serving 5 days for OWI 2nd on home detention will be required to report daily to the CTC for testing.

The following persons may be eligible for home detention without Electronic Monitoring:

- OWI 2nd offense ONLY
- Equates to 2-4 days (48 hours consecutive waived if sat prior to sentencing, after good time etc.)
- Home detention without EM
- Guidelines still to be developed: do we need check in for testing for 2 days only, or call in)

Persons in violation of the conditions of the Pretrial OWI program will be required to appear in court and may have their stayed jail time revoked.

Persons serving their jail sentence on electronic monitoring must meet the following criteria:

Below in red are our “automatic disqualifiers”, we also disqualify anyone with prior Escape Charges. Certainly when the OWI program is up and running participation in the program will be a major factor in any decision as are the other Treatment Courts.

- Serving violent felony conviction
- Serving child support sentence
- Serving felony drug conviction
- Serving sex offense conviction
- Placement on SORP registry
- Felony domestic Violence conviction (current or past)
- Multiple felony OWI convictions
- *Exceptions may be made in extreme circumstances. Acceptance/denial of participation is based on totality of circumstances.

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JRI-OWI program CHECKLIST

Pre Plea

- JRI-OWI program presented at intake for **MISDEMEANOR** - OWI 2, 3,4th
 - District Attorney office
 - Public Defender
 - Clerk of Court at bond – hand paperwork to all OWI 2,3,4th

- Referral to JRI-OWI program

- Defendant to contact with Angie Braaten for program registration

- Assessment process
 - Pretrial will refer to ECC assessor for COMPAS, ASI-MV, additional screeners as needed
 - Referral then to CTC for Case Plan Developed – based on COMAPS ASI-MV, additional screeners as needed

Plea

- Pretrial Offer

- Plea Hearing, including specific language re jail stays et al and scheduling of review hearing

- Review Hearing - scheduled (similar to IDIP return hearing)
 - 2nd 90 days
 - 3rd 120 days
 - 4th 150 days

Program monitoring

- Program Participation monitored by Angie Braaten
 - Oversight and monitoring
 - Referrals for all treatment request
Referral to CTC
 - Communications to courts
- Case Management/plan monitoring by CTC
- Other issues / potential termination from program prior to scheduled review hearing done via order to show cause process

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OWI 2,3,4th OFFENSE Change Process Flow Chart

9.26.2014

