

## **OPERATING WHILE INTOXICATED**

### **.01 AUTHORITY**

[2009 Wisconsin ACT 100](#)

[2015 Wisconsin Act 371](#)

### **.02 GENERAL STATEMENT**

This chapter outlines a supervision model for offenders convicted of Operating While Intoxicated.

### **.03 AGENT RESPONSIBILITIES DURING INTAKE**

Within the first 60 days of supervision, the assigned agent has the responsibility to accomplish the following case opening activities in addition to the normal intake procedures. For prison releases, a 30 day intake period shall be provided at “New Release” status. These standards apply to all clients supervised for an OWI related offense.

- Review the Rules of Community Supervision with the client. Include specific rules requiring compliance with Driver Safety Plan and Ignition Interlock Device.
- Review and complete the Application to Purchase and/or Operate a Motor Vehicle ([DOC-56](#)). The client is also required to show proof of insurance on all vehicles they operate.
- Provide the client with Ignition Interlock Device (IID) information and verify that they have arranged for installation with a local provider. This must be completed before the client will be given permission to operate any motorized vehicle on public roadways. IIDs shall be required as specified on the Judgment of Conviction. It is the expectation that agents review IID compliance reports.
- Review and obtain the Authorization for Disclosure of Non-Health Confidential Information ([DOC-1163](#)) and the Authorization for Use and Disclosure of Protected Health Information ([DOC-1163A](#)) as needed.
- Review requirements for Driver Safety Plan with the client. Obtain a copy of the Driver Safety Plan (if already completed) or verify that the client has scheduled an appointment with local county Human Service Agency that is responsible for Driver Safety Planning and assessments.
- Obtain a urine specimen and document results in the Drug Testing section in COMPAS.
- The Impaired Driving Assessment (IDA) screening tool shall be administered during the intake phase along with the COMPAS assessment.

- Following completion of the COMPAS assessment, IDA Screening Tool, case plan, and review of the Driver Safety Plan assessment, the agent will consult with their supervisor and determine the appropriate supervision level. Medium and High Scores on the IDA Assessment can be utilized as a justification to override the actual supervision level. Supervision strategies will be based on the combination of risk scores, overall supervision recommendation, and assessment bar charts. Enhanced supervision level may be utilized based upon individual needs and staffing with the supervisor.
- Use of Alcohol Monitoring Equipment is recommended based on risk and needs assessment tools. If a client scores MED/HIGH Risk on the IDA and the client is on probation supervision related to a 2<sup>nd</sup> or 3<sup>rd</sup> OWI conviction, the alcohol monitoring equipment is required to be installed within 7 business days of calculating the risk level and for a minimum of 60 days. Other OWI offenders who are not 2<sup>nd</sup> or 3<sup>rd</sup> offense probationers may be placed on discretionary alcohol monitoring equipment. The required length of time for the monitoring equipment can be extended based on issues of noncompliance or with a staffing with the supervisor. If the client is in custody at the time of the assessment being calculated, the alcohol monitoring equipment must be installed within 7 business days of their release from custody.
- If a client's behavior as described in the criminal complaint is for operating under the influence of drugs and the client does not have a history of alcohol abuse, use of alcohol monitoring equipment may be waived by the regional chief or designee.
  
- The use of DOC equipment is not required if the client is being monitored by an outside agency or community partner (i.e. County Jail, Diversion, Courts). If the outside agency does not cover the minimum expectations, then DOC alcohol monitoring equipment must be used for the remainder of the initial 60 days. Regional office may also waive a requirement for alcohol monitoring based on previous participation with treatment and monitoring.

#### **.04 SUPERVISION**

- Agents shall have frequent contacts with treatment providers, family members, and other collateral contacts to review compliance with treatment plan.
- OWI clients shall be referred for services based on needs identified either through the Intoxicated Driver's Program or through an additional Substance Use Disorder (SUD/AODA) assessment.
- Case planning shall include completion of Driver's Safety Plan, addressing criminogenic needs, drivers of the criminal behavior, compliance with monitoring equipment and other treatment as deemed necessary.
- Completion of the Supervision Level Review tool will determine the appropriate supervision level. Reduction in supervision level is supported based on the client's compliance with supervision. Below are some areas of demonstrated compliance:

- - Demonstrated collateral, prosocial activities and community support network
  - Compliance with IID requirements
  - Completed SUD assessment and Driver Safety Plan requirements
  - Compliance with treatment requirements
  - Demonstrated sobriety
  - Relapse Plan in place
  - Demonstrated stability with housing, employment and education
  - Overall Compliance with supervision

## **.05 OPERATING WHILE INTOXICATED CHARTS**

The links below outline the penalty schedules for OWI convictions. NOTE: The date of offense, not the date of conviction or sentencing, determines which OWI law is in effect and which chart should be used.

[OWI Chart for Crimes Committee on or after 03-01-2020](#)

[OWI Chart for Crimes Committed between 01-01-2017 and 03-01-2020](#)

[OWI Chart for Crimes Committed between 07-01-2010 and 12-31-2016](#)