

Chaves County DWI Misdemeanor Compliance Procedures

I. OFFICE PROCEDURES AND FILE MANAGEMENT

- A. Complete and accurate records are imperative to the success of this program. Probation files are to be kept in alphabetical order. Files pending “Order to Show Cause” and “Warrants” will be kept separately from Active files. Inactive and closed files will be archived and held for a minimum of 6 years before being destroyed (cross-cut shredded).
- B. Probation files will be reviewed to insure both court records and probation records are reflecting the same data.
- C. DWI Probation files will be entered into the ADE web based Client Tracking Program or “CTP” under non-treatment sanctions. These files will be updated to insure accurate tracking information.
- D. A monthly report will be compiled as soon as possible at the end of each month addressed to the DWI Coordinator and Judges. As a minimum, the monthly report shall include the number of active DWI probation files, New DWI clients, clients who complete probation, clients who are issued bench warrant’s for non-compliance and the amount of monies collected for each month. Other information as deemed appropriate may be added at the request of the DWI Coordinator.
- E. Follow up on court ordered treatment programs need to be conducted. The follow up may be conducted by interview of the client, contact with the agency in charge of ordered sanctions, or by any other method as deemed necessary to verify compliance with court order sanctions. A client compliance report will be provided by the treatment agency.
- F. Violation Reports
 - 1. In the event of a probation violation or non-compliance by a

probationer. The CCO has the discretion of counseling the client or filing an order to show cause or probation violation/revocation. If the infraction is minor such as a missed appointment the CCO will contact the client by phone, then issue a warning letter, letter requesting an order to show cause. If the client fails to respond to the order to show cause or the violation is serious a probation violation/revocation request for warrant may be issued. An order to show cause will be forwarded to the appropriate court for review. Violation/revocation reports will be forwarded to the District Attorney's office for review. The D.A. and/or the Court will either approve or disapprove the probation violation report. If the probation report is approved an order to show cause or bench warrant will be issued by the court at its discretion.

2. Once a violation/revocation has been filed with the court, no further contact will be made with the client until the court proceeding.
 3. Probation violation court preparation will require follow up contact with the District Attorney's Office. The CCO will need to review the entire probation file with the attorney assigned to the case. The Compliance Officer may be required to provide testimony in court or other hearings. Proper court etiquette will be followed. The CCO will be present at all court hearings if possible.
- G. Upon termination of probation, a completion report will be prepared. There are two categories of completion. There are "Successful Completion" and "Unsuccessful Completion". The CCO prepares both the acknowledgement of completion and the certificate of completion. The completion certificate is forwarded to the appropriate Judicial Officer for signature. The original forms are provided to the appropriate Court for placement into court records. A copy of the forms will be placed into the probation file. A copy of the forms will be mailed to the client, DWI Coordinator and DWI Tracker.
- H. Client files in which the court terminates probation without a probation violation report/order to show cause may be closed by a simple file entry.
- I. Scheduling Interviews
1. Clients, at a minimum, will have at least one office interview

with the CCO each month. If the CCO believes more frequent visits are needed to gain compliance; the Compliance Officer may have the client come in for additional interviews. At the option of the CCO, clients residing out of the area may send letters, along with money orders to comply with court costs and fees, once a month to comply with conditions of probation. The client will be given a time and date to appear for the interview or make telephone contact. An entry will be made on the web based calendar or appointment book.

2. Interviews are used to develop compliance of conditions of probation by the client. There is no set time limit for an interview. Each client interview will determine the amount of time needed.

J. Fees Collected

1. The court may order up to \$1 per day or \$30 per month in probation fees. Money Orders are the preferred method of payment. Cash may be taken in the event of an emergency. Personal checks are not acceptable.
2. A notation will be made on the contact sheet and placed in the clients file. The CCO may also use the ADE/CTP to record fees paid.
3. The fees will be officially recorded in the appropriate program receipt book and a copy of the receipt will be given to the client. The payment will be placed in a #10 envelope. The Receipt number and amount will be recorded on the envelope to confirm which payments are for what receipt/client. Monies will be placed in a secure location during normal business hours.
4. At the end of each working day (4:00pm) the CCO will travel to the Chaves County Administration building and contact the Treasurer's office to deposit said monies. A receipt will be collected from the treasurer and attached to the back of the page the receipt is applicable to. The CCO will ensure the deposit is made to the correct account. If the treasurer's office is closed at the time of the deposit the monies will be placed in a sealed envelope along with copies of the applicable receipts. This envelope will be deposited in the drop box located outside of the building on the north

side. The CCO will contact the treasurer's office on the morning of the next business day and reconcile said deposit.

5. Restitution payments
 - a. May be collected at the request of the court and will insure the correct restitution amount and recipient to the CCO.
 - b. Neither cash nor personal checks will be accepted.
 - c. A copy of the money order will be placed in the client's file, a copy given to the client, a copy placed in the client's file and a notation made to the contact form in the clients file.
 - d. The funds and a form letter will be placed in an envelope addressed to the payee indicated by the court order.
 - e. The CCO will mail the funds to the intended payee the same day received using county DWI postage.
6. The DWIMCP or CCO will not accept court fines or fees.
7. All monies will be deposited within 24 hours in accordance with state law. AT NO TIME WILL MONEY OR CHECKS BE LEFT OVERNIGHT IN THE DWIMCP OFFICE OR IN THE POSSESSION OF THE CCO.
8. Errors in receipt book entry.
 - a. Leave original copy in receipt book. Write VOID across receipt and sign it.
 - b. A correction may be made on a receipt (i.e. corrected amount, name, etc...) however any corrections will be initiated by the CCO or designee.

K. Community Service

1. Time extensions may be granted at the discretion of the CCO as deemed appropriate.
2. Violation of community service will be reported to the

appropriate court by an Order to Show Cause.

3. An acknowledgment of completion will be signed by the CCO and forwarded to the appropriate Court. A copy of the acknowledgment letter will be placed in the clients file and a copy will be mailed to the client.
4. Weekly phone calls will be made to the Community Service agency to discuss compliance of clients.

L. Daily Procedures

1. Morning daily activities
 - a. Check USPO Mailbox
 - b. Check Magistrate Mailbox
 - c. Check Voicemail
 - d. Check e-mail
 - e. Unlock file cabinets
 - f. Pull client files for the day. (Place in wire holder)
2. Afternoon daily activities
 - a. Make phone calls to clients who missed appointments
 - b. Write letters to clients who cannot be contacted by phone
 - c. Lock file cabinets
 - d. Turn off copiers, coffee makers, computers, etc...
 - e. Place sign-in sheet on door
 - f. Travel to County Admin building
 - Make Treasurer's Deposit
 - Mail letters
 - Pick up mail & checks from finance office
 - Drop off invoices & file paperwork in finance office
3. Facsimile's
 - a. Only yellow paper will be used in the fax machine. This is to distinguish a fax from original documents.
 - b. When sending a fax you must use the DWI program cover page. This page has required HIPPA disclosure information.
4. Employee's will sign for keys assigned to them. They will also be assigned passwords for access to computer programs and doors.
 - a. Key's

1. Coordinators Office
2. Screeners Office
3. USPO Mailbox
4. Magistrate Mailbox
5. File Cabinets

b. Passwords

1. ADE/CTP
2. e-mail address
3. finance computer (Procomm)
4. long distance calling
5. USPO machine
6. Finance department door

5. Accuracy, Completeness, Perfection

- a. In this line of work complete and accurate reports is imperative. If you make a mistake, someone could go to jail. If your mistake is large enough that someone could be you!

M. Client in-take

1. Individuals sentenced to probation with the DWIMCP will be processed as follows:

- a. Clients sentenced in Magistrate Court will be ordered to contact the CCO before they leave the Court House.

- If the client comes in directly from the court. A client intake form will be started. The CCO will take the client's name, address, phone number, date of birth. Schedule the client first appointment in approximately one week to allow time for the court to process the J&S. Block off one hour to allow time to discuss the OOP, Screening, DWI School, Ignition interlock, etc...
- If the client does not come in after court. Contact the client by letter or by telephone for processing as soon as possible.

- Set up Screening appointment (Screening Internet Calendar) within 30 days. The \$100 fee is due at time of appointment.

2. Required File Documents

- a. File Folder - (Orange for DWI, Manila for Driving on Revocation or MIP, Blue for Community Service).
 - 1) File tab will include:
 - Client's Name
 - Court Docket #
 - Start Date - Completion Date
 - # of days on Probation
- b. Client Intake form – It is critical that as much data is collected from the client including identifiers, phone numbers, addresses, family members, employment, vehicle information, etc...
- c. Judgment & Sentence order – Prepared by the Magistrate Court and a copy signed by the CCO. The court will also provide copies of the Criminal Complaint, DWI Citation, Statement of Probable Cause and any other applicable court documents.
- d. Contact Report – List every contact with the client, relatives, employers etc... - whether by phone, letter or personal contact. Information shall include contact date, type of contact and remarks of conversation should be entered in the appropriate column.
- e. Order of Probation – The probation order is prepared from information included in the J & S by the CCO. The CCO will read this form to the client and allow the client to read along with the CCO and initial each paragraph. The client will sign the original and a copy given to the client and copy (unsigned by Judge) will be placed in the file. The original will be forwarded to the appropriate Judge for signature in the appropriate envelope. Upon return a copy will be made. Both original and copy will be returned to the court for file stamp. The original will be given to the court and copy placed in the client file to replace the unsigned copy.

- 1). Key OOP points:
 - Cannot violate the law
 - Permit CCO search without warrant
 - Cannot use drugs
 - Cannot drink alcohol
 - Court payments
 - Screening within 30 days
 - DWI School within 60 days
 - Probation costs

- 2). Digital photograph – A digital photograph shall be taken after the client signs the Order of Probation. A hard copy will be placed in the clients file and an electronic copy uploaded to the ADE/CTP.

- f. Court and Probation Payment memo.
- g. Mandatory DWI Screening letter
- h. Chaves County Notice of Privacy Practices.
- i. Consent and Authorization to Release Information form & Notice of Privacy Practices.
- j. DWI School schedule and procedures.
- k. ASPEN schedule (if assigned by Screener).
- l. AA attendance sheet (if assigned by Screener).
- m. Ignition interlock information sheet.
- n. Community Service
 - 1) Community Service Waiver of Claim/Liability – The CCO will read this form to the client as they follow along with a copy of the form. The client will sign a copy for the CCO and a copy given to the client.
 - 2) Community Service Workers Rules - The CCO will read this form to the client as they follow along with a copy of the form. The client will sign a copy for the CCO and a copy given to the client.

- 3) Time Sheet – It is the responsibility of the client to return the time sheet to the CCO upon completion of community service hours. The CCO will make a copy and sign for the client and the original placed in the client file.
- 4) Probation costs cannot be converted to Community Service. This program depends on funding derived from probation costs, DWI Grant and in-kind match from the county. In many cases the fees collected do not cover the actual costs.

N. Office Environment and Dress

1. Office personnel will maintain a professional working environment. Desks and counter tops will be kept clear of excess clutter, food, drinks, client files, etc...
2. Personnel will dress appropriately with a neat and professional appearance in both clothing and personal grooming during normal business hours. If called into court proper courtroom attire will be worn (ie: collared shirts, slacks, tie, sport coat or jacket, dress shoes. Shorts, t-shirts, sleeveless tops, short skirts, hats shall not be worn in the courthouse at any time. Cell phones and pagers are not allowed in the courtrooms at any time.

O. Operational Values

1. This is a Misdemeanor Court Compliance Program. Our job is to ensure the defendants / clients complete court ordered sanctions. Firm but fair is our creed. There is a time to be cordial and a time to be firm. There is never a time to be spineless or heavy handed.
2. Encourage individuals to take responsibility for dysfunctional behavior and its improvement – “We’re giving you a chance to succeed.”
3. Assist in the development process by providing positive feedback and concerned accountability – “We’re here to help you and to encourage you to succeed”.
4. Provide opportunities for personal growth and encourage

participation to address areas of dysfunction – “We’ll find you the help you need and help you discipline yourself to make changes for the better.”

Scheduling

- New clients every week or two until they start completing court ordered sanctions
- Established clients who are on time and on track may be scheduled once per month.
- Clients who need constant supervision may be scheduled every week or even a couple time per week.

Give client a business card with appointment time and date written on back. Most clients do not keep appointment calendars. Have the client place the card in their wallet or purse for safekeeping.

Procedure for Violation/Revocation

Procedure for OTSC

Q. Chemical Analysis

1. If the CCO suspects the client has been consuming alcohol an alcohol stick test may be administered. If the test results are positive and charges against the client will be sought the client will be referred to the agency authorized to administer urinalysis. The client will be given the CCO's business card with the purchase order written on the back. The business card for the MRO will also be given to the client and directed to immediately contact that agency.

R. Community Service only Clients

1. Client Intake
2. Required file documents

NOTES :

New Client - Log Completion date on Web Calendar

Violation or early Release – Remove completion date from calendar.