



ADULT DWI COURT PROGRAM

Participant Handbook

Fourth Judicial District Adult DWI Court Team
The Honorable John Holahan, Fourth Judicial District Court
300 South Sixth Street, C-8 Government Center
Minneapolis, MN 55487
Phone: 612.348.6000 • Fax: 612.596.8730

Drafted: December 13, 2006
Revised November 11, 2008



Welcome to the Fourth Judicial District Adult DWI Court. We are here to help and support you in your goal to never drink and drive again. Your participation in the program is one step in helping to alleviate this serious legal and social problem in our society. If you sincerely see the need to change your lifestyle by maintaining a sober, crime-free existence, we are confident you will be a successful participant in this program.

As we begin this journey together, I am hopeful that you will eventually come to realize, step-by-step, day-by-day, as you are completing this program, how your overall quality of life has improved.

Honorable John Holahan
Fourth Judicial District Judge

Table of Contents

Introduction..... 3

Program Rules 4

Cost of Program..... 5

Treatment..... 6

DWI Court Team..... 7

Case Reviews and Court Hearings..... 8

Reporting Days..... 9

Employment/School..... 10

Alcohol and Drug Screens..... 11

Incentives/Sanctions 12

Phases/Termination & Graduation Criteria 13

Phase I 13

Phase II 14

Phase III 15

Resources..... 16

DWI Court Agreement 19

EtG Agreement..... 21

Introduction

Mission Statement

The mission of the Fourth Judicial District Adult DWI Court Program is to increase public safety and reduce the number of alcohol related traffic deaths and injuries by effectively partnering justice system and community resources to focus on the specific issues of repeat DWI offenders.

The Fourth Judicial District Adult DWI Court is designed primarily for people like yourself, those with repeat drunk driving offenses. You enter the program by pleading guilty or being found guilty. The Judge will then sentence you, but stay most of the sentence as long as you successfully complete the program.

As a person whose problems stem from substance abuse, this program is especially designed for you. As you enter this voluntary program that consists of enhanced supervision and treatment, you must be motivated to work toward changing your lifestyle and becoming free from alcohol and drugs.

In a nutshell, our mission is to help you help yourself. By reaching this goal, your life will become much more fulfilling and the community will benefit as a result. Our team is here to guide you through your recovery and believe you have the skills to reach that goal. Welcome to the Fourth Judicial District Adult DWI Court.

Program Rules

The rules of the program are simple. We believe that if you follow these rules you will succeed in this program.

1. **BE HONEST.** Of all the rules, this is often the most difficult. The Team expects you to be honest at all times, in all areas of your life. If you lie, cheat, or steal your way through this program – you will not succeed. This includes lying to any member of the Team, attempting to conceal your drug/alcohol use, tampering or diluting your urine to hide your drug/alcohol use and not accepting responsibility for your actions.
2. **TAKE OWNERSHIP.** When you do something contrary the rules, own up to it and accept the consequences. This is not an easy program and you may make mistakes. We expect you to live up to those mistakes and learn from them. Taking ownership also includes the positive things you are doing to succeed in this program. When you do something right, whether it is turning down a drink, getting a job, or simply showing up on time for court, take pride in the fact that you are the one making the choices to succeed.
3. **SHOW UP.** It is vital that you show up on time for all of your appointments, which includes; court, probation officer contacts, treatment, and any other auxiliary services you may use in this program.

Cost of the Program

The program is no more expensive than if you remained in the regular court system and on traditional probation. That is one of the benefits of being in a program with individualized and intensive services. There are a variety of expenses that include alcohol monitoring fees and the possibility of a fee for treatment, electronic home monitoring, ignition interlock, EtG, Training and Employment, probation and restitution.

- 1.) **IGNITION INTERLOCK DEVICE FEE:** At some point in the program you will be required to use the ignition interlock device. The probation requirement is one year. The Department of Motor Vehicles may require a longer period of time.
- 2.) **OTHER FEES:**

Treatment costs will vary depending on your insurance (if any), and the agency providing your treatment.

SCRAM: Some participants will be required to wear a SCRAM (Secured Continuous Remote Alcohol Monitor) bracelet to monitor alcohol intake.

Electronic Home Monitoring. At some point you may be required to be placed on electronic home monitoring (house arrest). There is a fee for this that is paid to a private vendor.

Drug and alcohol testing is included free of charge. However, if you wish to challenge the results of our testing, you will be required to pay for additional testing.

Restitution. As part of your offense(s), restitution may have been ordered. If so, you are obligated to repay the victim the amount ordered as part of your program expectations.

Fines: In most cases, the law requires the judge to impose a fine of at least \$900, plus a surcharge. Do not be discouraged, the judge may suspend part of that fine.

Training and employment fee: There will be a fee assessed called the training and employment fee. That fee is used to help support and supplement the DWI Court program.

Probation fee: Everyone placed on probation in Hennepin County is assessed a fee for their supervision services.

A payment plan will be arranged in the early stages of the program. It is expected that you will maintain regular payments throughout the program.

Treatment

As a participant, you are required to have a chemical health assessment upon entering the program. This assessment will determine what type of treatment you need. During this assessment, it is necessary for you to be honest about your alcohol and/or drug use. It is also vital that you show up for the appointment on time.

Once a placement is recommended, you will be obligated to complete treatment, including aftercare and all other recommendations of the treatment plan as part of the program. We will do our best to place you in a treatment program that fits your needs. The Team will be communicating with your counselors to discuss your progress and attendance. If you do not believe you need treatment or are not willing to put forth the effort needed to complete treatment, you do not belong in this program.

DWI Court Team

The Fourth Judicial District Adult DWI Court Team is key to your success is the TEAM approach. The Team consists of the Judge, City Attorney, Defense Attorney, Probation Officer, Law Enforcement, Chemical Health Assessor, Treatment Providers, Victim Advocate, DWI Court Coordinator, District Court Manager, and **YOU**. You are the main player. The rest of us are here to support you.

Case Reviews and Court Hearings

Case reviews are held weekly and Court reviews are held each Thursday and Friday morning (excluding holidays). The Team will meet prior to court to review each case. These reviews are held to assess how each participant is doing in the program.

You are required to attend all court hearings and be on time. Present at the hearing will be members of the Team along with other program participants. The Judge will review your progress with you and members of the Team to determine what rewards, sanctions, or adjustments may be appropriate.

You are encouraged to ask the Judge any questions and voice any concerns you may have about your program. At the end of the hearing you will be told when to come in for your next review. It is your responsibility to keep track of these important dates as you will receive no notices in the mail.

Reporting Days

Participants in the program are expected to report to their Probation Officer on their assigned report days and times. Depending on your status in the program, contacts with your Probation Officer can vary. The possible places of contact include reporting directly to the probation office, home, work, school, or any other place you may be. In this program, contacts will be made by your Probation Officer, Law Enforcement or any other member of the Team. You should be prepared to show proof of any other meetings or appointments you attended or will be attending.

If you have changes in your life such as address, roommates, employment, etc., you need to inform your Probation Officer prior to any such change. We understand that certain unexpected things arise. If this is the case, you need to notify your Probation Officer immediately upon any change in your life. It is not OK to wait until your next reporting day. If you are planning to be away from your residence for more than a 24-hour period of time, you must have prior approval from your Probation Officer.

Employment and/or School

As part of the program, you are required to obtain/maintain employment or enroll and attend a vocational/education program. The Fourth Judicial District Adult DWI Court requires that participants without a high school diploma pursue a general equivalency (GED) or complete high school.

If you lose your job while in the program, you will be given a time frame to secure another job. While searching for employment, you may be required to participate in job training or community service.

The Team will routinely verify employment through contact with the employer or copies of paycheck stubs. We strongly encourage you to notify your employer of your participation in the program, including the required court appearances and other appointments.

Alcohol and Drug Screens

Participants are required to take regular alcohol and drug screens while in the program. Screenings could occur 1-2 times per week, possibility more. As you move forward in the program, the testing will occur less frequently.

ALCOHOL SCREENS: The Fourth Judicial District Adult DWI Court will use four different methods to screen for alcohol.

Personal Breath Tests (PBTs): PBTs will be administered on regular basis by law enforcement or probation. There is no cost for this test.

Ethyl Glucuronide (EtG): The Fourth Judicial District Adult DWI Court has the ability to test for alcohol through a urine test (EtG). There is no cost for this test, unless you challenge the results. That would be an additional cost to you.

Alcohol Monitoring: The Fourth Judicial District Adult DWI Court will be utilizing new technology that tests for alcohol in your system through the use of an ankle bracelet. This method is called Secure Continuous Remote Alcohol Monitoring (**SCRAM**). When you are placed on SCRAM, you will wear a monitor on your ankle that tests the sweat from your skin for the presence of alcohol.

Ignition Interlock Device: This device is installed in the car and is used to detect alcohol use for the driver. An ignition interlock is a device that offenders blow into that detects alcohol. The car will not start if it detects a measurable amount of alcohol. There are also rolling re-tests throughout the offender's drive. If any violations occur, you need to contact your probation officer within 24 hours so that arrangements can be made for alternative testing. Sanctions by the Department of Motor Vehicles as well as the court may be imposed for violations.

DRUG SCREENS: The Fourth Judicial District Adult DWI Court will be utilizing urine tests to detect the presence of illegal drugs in your system. These tests will be conducted on a random basis. A variety of drugs can be detected by the lab. All positive tests will be run twice to ensure the accuracy of the test. All screens that return positive results on both tests will be considered positive for the presence of that drug(s). There are no charges for these tests; however, if you wish to challenge the validity of these tests then it will be at your expense.

Any attempt to dilute your urine with fluids or other products, or failure to submit, will be treated as a positive urine screen. **This will not be tolerated by the Team and you will be terminated from the program.** If you think you will test positive, notify your Probation Officer before you test.

Incentives and Sanctions

Incentives

Incentives are positive responses to things you do well in the program. Various types of incentives will be used depending on what it is you succeed in doing. For example, if you maintain your sobriety for 90 days in Phase I, you will likely receive an incentive for completing that aspect of your program. Incentives may include, but are not limited to:

- Phase advance and phase completion rewards
- Sobriety medallions
- Verbal praise
- Decrease restrictions/requirements such as: less frequent alcohol/drug testing, less contacts, less court appearance, etc.
- Gift certificates to local businesses
- Food/Beverages
- More liberty /free time
- Court appearance priority – you appear near the beginning of court hearings.

Sanctions

Sanctions are imposed responses to any prohibited activity that you commit. Various types of sanctions will be used as consequences, depending on what type of mistake you make. For example, if you missed an appointment with your Probation Officer, you would receive a sanction for missing that appointment. Sanctions may include but are not limited to:

- Verbal warnings
- Loss of phase
- Appear at end of court hearing.
- Community service work/STS
- SCRAM
- Area/People restrictions
- Increase alcohol/drug testing
- Delay in phase advancement
- Sit in court all day
- Custody/jail
- Curfew
- Write an essay
- Increased P.O. contacts/court
- Monetary sanctions

Phases/Termination & Graduation Criteria

These phase descriptions are intended for you to use as a guideline for what is involved in each phase. All graduation and termination criteria are subject to discretion by the Team. All decisions made by the Team are final. The minimum length of the program is 18 months, with each phase approximately six months in length.

Phase 1

Description: Phase 1 is the most intensive phase of the program. The emphasis is on treatment and will include a combination of the following:

- Treatment
- Curfew
- Random home visits
- Jail for sanction purposes
- Sentence to Service
- Victim Impact Panel
- Random drug testing/EtG
- Support Network Meetings
- Work toward license reinstatement
- PBT—Preliminary Breath Test: minimum twice weekly
- Enhanced supervision
- Weekly court appearances (26 judicial reviews, mandatory)

Graduation Criteria: These criteria must be completed to move to Phase 2:

- Abstinence for 90 days
- Successful participation in treatment
- Maintain employment
- Payment of fines and fees
- Completion of Sentence to Service
- Completion of victim impact panel
- Attend all court appearances
- No new criminal offenses
- Abide by all rules

Termination Criteria: Committing any one of these will result in your termination from the program:

- New alcohol and/or drug related conviction
- Violent offense conviction
- Abscond from jurisdiction of the court
- Drinking and driving
- Failure to follow and comply with rules and regulations of the DWI program
- Undermining the integrity of the program

Phase 2

Description: Phase two consists of an individual case plan, developed by you and the Team, requiring participation in any combination of the following:

- Continuing care
- Curfew
- Jail for sanction purposes
- Education/GED
- Driver's license process
- Employment
- Random Drug Testing/EtG
- PBT—Preliminary Breath Test
- Bi-weekly court appearance (13 judicial reviews, mandatory)
- Health maintenance/medical compliance
- Enhanced supervision
- Support network meetings
- Comply with ancillary service programming

Graduation Criteria: These criteria must be completed to move to Phase 3:

- Abstinence for 90 days
- Complete individualized case plan
- Attend all court appearances
- Abide by all rules and regulations of the DWI program

Termination Criteria: Committing any one of these will result in your termination from the program:

- New alcohol and/or drug related conviction
- Violent offense conviction
- Abscond from the jurisdiction of the court
- Drinking and driving
- Failure to follow and comply with rules and regulations of the DWI program
- Undermining the integrity of the program

Phase 3

Description: Phase 3 consists of maintaining the individualized case plan and a healthy lifestyle. This requires you to participate in any combination of the following:

- Maintain employment
- Curfew
- Jail for sanction purposes
- Random Drug Testing/EtG
- PBT—Preliminary Breath Test
- Support Network Meetings
- Weekly Court Appearance (6 judicial reviews, Mandatory)
- Enhanced supervision

Graduation Criteria: These criteria must be completed to graduate from Fourth Judicial District Adult DWI Court:

- Abstinence for 180 days
- Complete individualized case plan
- Attend all court appearances
- Payment of all fines and fees
- Abide by all rules and regulations of the DWI program

Termination Criteria: Committing any one of these will result in your termination from the program:

- New alcohol and/or drug related conviction
- Violent offense conviction
- Abscond from the jurisdiction of the court
- Drinking and driving
- Failure to follow and comply with rules and regulations of the DWI program
- Undermining the integrity of the program

Resources

The following names and phone numbers are important program resources for you and the program.

Probation

Megan Daly
DWI Court Probation Officer
612-596-7469

Emil Carlson-Clark
DWI Court Probation Officer and Ignition Interlock contact
612-348-6871

Dara Jeffers
DWI Court Probation Officer
612-596-1745

Fourth Judicial District Court Administration

Dennis Miller
DWI Court Coordinator
612-348-3874

Alcoholics Anonymous

Online Intergroup <http://www.aa-intergroup.org/>
Greater Minneapolis Intergroup
952-922-0880

Notes/other numbers

A series of 30 horizontal lines spaced evenly down the page, intended for handwritten notes or numbers.

Fourth Judicial District Adult DWI Court Participant Agreement

The purpose of the Fourth Judicial District Adult DWI Court is to provide assistance to me in an effort to address my substance abuse problem.

The Fourth Judicial District Adult DWI Court is a treatment-based, non-adversarial process designed to support my sobriety.

I have been offered and have accepted the opportunity to participate in this program.

I HEREBY VOLUNTARILY AGREE TO THE FOLLOWING:

1. To attend and complete any treatment program, including AA/NA, that I am referred to by the Court, and to be supervised by persons designated by the Court. I will obey all rules of the treatment program and pay all required fees.
2. To submit to urine, breath and other drug testing as ordered by the Court. Further, to cooperate during random home visits by probation officer, police officer, or other authorized agency, including breath testing and cursory searches of my person and residence.
3. To appear for any and all court dates, treatment meetings or other scheduled appointments as ordered by the Court, and I will be on time.
4. To comply with my Probation order and any other rules designated by Probation or members of the Team.
5. To not be absent from my home for more than twenty-four hours without my probation officer's advance permission.
6. I agree to keep the Court and treatment providers informed of my current address and phone number(s) and to report all changes to my probation officer prior to executing such changes.
7. I will not use or possess alcohol or any mood-altering substances while participating in the program. Furthermore, I understand that I must have prior permission from Court staff before consuming any prescribed medication.
8. The Court may impose immediate sanctions for non-compliance with conditions of the program. I understand I have the right to a formal hearing before jail sanctions are imposed.
9. I hereby waive the requirement of the filing of an *Apprehension and Detention Order* for any probation violation allowing the Court to impose any immediate sanctions.
10. I, _____ agree to the terms set forth by the Fourth Judicial District Adult DWI Court, and understand that if I do not follow the Court rules I will be terminated from the program and referred back to the Fourth Judicial District Adult DWI Court for sentencing. I have received a copy of this Participant Agreement and the Participant Handbook and agree to its terms and

conditions. I also understand that full compliance will fulfill the original Court order and may result in early termination of my probation.

Dated: _____

Participant

Judge John L. Holahan

EtG (Ethyl Glucuronide Agreement)

DWI COURT URINE ABSTINENCE TESTING AND INCIDENTAL ALCOHOL EXPOSURE CONTRACT EtG Agreement

Recent advances in the science of alcohol detection in urine have greatly increased the ability to detect even trace amounts of alcohol consumption. In addition, these tests are capable of detecting alcohol ingestion for significantly longer periods of time after a drinking episode. Because these tests are sensitive, in rare circumstances, exposure to non-beverage alcohol sources can result in detectable levels of alcohol (or its breakdown products). In order to preserve the integrity of the DWI Court testing program, it has become necessary for us to restrict and/or advise Drug Court participants regarding the use of certain alcohol-containing products.

It is **YOUR** responsibility to limit your exposure to the products and substances detailed below that contain ethyl alcohol. It is **YOUR** responsibility to read product labels, to know what is contained in the products you use and consume and to stop and inspect these products **BEFORE** you use them. **Use of the products detailed below in violation of this contract will NOT be allowed as an excuse for a positive test result. When in doubt, don't use, consume or apply.**

Cough syrups and other liquids medications: DWI Court participants have always been prohibited from using alcohol-containing cough/cold syrups, such as Nyquil®. Other cough syrup brands and numerous other liquid medications, rely upon ethyl alcohol as a solvent. DWI Court participants are required to read product labels carefully to determine if they contain ethyl alcohol (ethanol). All prescription and over-the-counter medications should be reviewed with your case manager before use. Information on the composition of prescription medications should be available upon request from your pharmacist. Non-alcohol containing cough and cold remedies are readily available at most pharmacies and major retail stores.

Non-Alcoholic Beer and wine: Although legally considered non-alcoholic, NA beers (e.g. O'Douls®, Sharps®) do contain a residual amount of alcohol that may result for alcohol, if consumed. DWI Court participants are **not** permitted to ingest NA beer or NA wine.

Food and Other Ingestible Products: There are numerous other consumable products that contain ethyl alcohol that could result in a positive test for alcohol. Flavoring extracts, such as vanilla or almond extract, and liquid herbal extracts (such as Ginkgo Biloba), could result in a positive screen for alcohol or its breakdown products. Communion wine, food cooked with wine, and flambé dishes (alcohol poured over a food and ignited such as cherries jubilee, baked Alaska) must be avoided. Read carefully the labels on any liquid herbal or homeopathic remedy and do not ingest without approval from your case manager.

Mouthwash and Breath Strips: Most mouthwashes (Listermint ®, Cepacol ®, etc) and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol can produce a positive test result. DWI Court participants are required to read product labels and educate themselves as to whether a mouthwash product contains ethyl alcohol. Use of ethyl alcohol-containing mouthwashes and breath strips by DWI Court participants is not permitted. Non-alcohol mouthwashes are readily available and are an acceptable alternative. If you have questions about a particular product, bring it in to discuss with your case manager.

Hand sanitizers: Hand sanitizers (e.g. Purell ®, Germex ®, etc.) and other antiseptic gels and foams used to disinfect hands contain up to 70% ethyl alcohol. Excessive, unnecessary or repeated use of these products could result in a positive urine test. Hand washing with soap and water are just as effective for killing germs.

Hygiene Products: Aftershaves and colognes, hair sprays and mousse, astringents, insecticides (bug sprays such as Off ®) and some body washes contain ethyl alcohol. While it is unlikely that limited use of these products would result in a positive test for alcohol (or its breakdown products) excessive, unnecessary or repeated use of these products could affect test results. Participants must use such products sparingly to avoid reaching detection levels. Just as the court requires DWI Court participants to regulate their fluid intake to avoid dilute urine sales, it is likewise incumbent upon each participants to regulate their fluid intake to avoid dilute urine samples, it is likewise incumbent upon each participant to limit their use of topically applied (on the skin) products containing ethyl alcohol.

Solvents and Lacquers. Many solvents, lacquers and surface preparation products used in industry, construction, and the home, contain ethyl alcohol. Both excessive inhalation of vapors, and topical exposure to such products, can potentially cause a positive test result for alcohol. As with the products noted above, DWI Court participants must educate themselves as to the ingredients in the products they are using. There are alternatives to nearly any item containing ethyl alcohol. Frequency of use and duration of exposure to such products should be kept to a minimum. A positive test result will not be excused by reference to use of an alcohol-based solvent. If you are in employment where contact with such products cannot be avoided, *you need to discuss this with your Case Manager.* Do not wait for a positive test result to do so.

REMEMBER- WHEN IN DOUBT, DON'T USE, CONSUME, OR APPLY.

I have read and understand my responsibilities:

Participant

Date

*Moving the Mountain begins
by carrying away small stones.
-William Faulkner-*

This Book Belongs To:

Name _____

Treatment Program _____

Counselors Name _____

Phone number _____

Sponsor's Name _____

Phone number _____