



FOURTH JUDICIAL DISTRICT

ADULT DWI COURT PROGRAM

Participant Handbook

Fourth Judicial District Adult DWI Court Team
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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 Kerry Meyer
Fourth Judicial District Judge

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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 and LAW ABIDDING.*** The Team expects you to be honest at all times, in all areas of your life. You must report all contacts with law enforcement other than routine home visits. If you lie, cheat, or steal your way through this program – you will not succeed and you may be subject to harsher sanctions. This includes lying to any member of the Team, attempting to conceal any new offenses or violations, 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 break 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 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, participant fee, correctional service/probation fee and restitution.

1.) ***IGNITION INTERLOCK DEVICE FEE:*** At some point in the program you will be required to use the ignition interlock device for as long as specified by the Minnesota Department of Public Safety. Financial assistance is available if you qualify.

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.

Correctional Service and Drug and Alcohol Testing: These fees are charged by Probation to help pay for supervision costs. The cost of drug and alcohol testing is included in these fees; 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.

Participant Fee: This fee, usually \$300, is used to help support and supplement the DWI Court program.

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 prior to or upon entering the program. This assessment must be completed after the date of the offense. 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 if you 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 Officers, Law Enforcement, Chemical Health Assessor, Treatment Provider, Victim Advocate, Mental Health Social Worker, DWI Court Coordinator, Community Volunteers, and **YOU**. You are the main player. The rest of us are here to support you.

Case Reviews & Court Hearings

Case reviews are held weekly and Court hearing/reviews are held each Thursday and Friday morning at 8:00 a.m. and 9:00 a.m. (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. Members of the Team, along with other program participants, will be present at the hearings. 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 Requirements

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 or visits at home, work, school, or any other place you may be. You will be required to abide by a curfew and you can expect scheduled and unannounced contacts to be made by Law Enforcement or your Probation Officer. 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. 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 okay to wait until your next reporting day.

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 diploma (GED) or a high school diploma.

If you lose your job while in the program, you will be given a time frame in which 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 your employer or copies of your paycheck stubs. We strongly encourage you to notify your employer of your participation in the program, including the required court appearances and other appointments.

Sobriety Requirement - Alcohol and Drug Screens

Participants are required to refrain from the use of alcohol and illegal drugs and take regular alcohol and drug screens while in the program. This includes refraining from the use of alcohol-based products and substances (See attached EtG Agreement). Screenings could occur 1-2 times per week, possibly more. As you move forward in the program, the testing may occur less frequently.

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

Portable 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 uses 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. You may be responsible for the cost of this monitoring.

Ignition Interlock Device: 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 such violations.

DRUG SCREENS: The Fourth Judicial District Adult DWI Court uses urine tests to detect the presence of illegal drugs in your system. These tests will be conducted on a random basis. A color code phone system is used. You will be assigned a color and you will be expected to call a phone line on a daily basis to see if your color is called. If called, you must submit a urine sample on that day. 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). These are no charges for these tests; however, if you wish to challenge the validity of these tests then it will be at your expense.

If you think you will test positive, notify your Probation Officer before you test. Any attempt to dilute your urine with fluids or other products, or failure to submit, will be treated as a positive urine screen. The minimum sanction for tampering with a drug test is 45 days in jail. **Know that such tampering will not be tolerated and you may be terminated from the program as a result.**

Medication Notification & Verification Requirement

As a participant in the Fourth Judicial District Adult DWI Court program, any use of physician prescribed, or over the counter medication, is not allowed without the knowledge and consent of the Fourth Judicial District Adult DWI Court program and ongoing medication monitoring by treatment and/or probation (See attached Medication Notification and Verification Form).

Incentives & Sanctions

Incentives

Incentives are positive responses to compliance and may include any of the following:

- Praise, compliments from the Judge
- Forgiveness of citations and/or fines
- Applause/special recognition
- Tuition assistance
- Scheduling flexibility
- Medallions
- Sobriety oriented books
- Reduction in sentence
- Decreased supervision/drug testing
- Bus passes
- Curfew modifications
- Fine reduction
- Fishbowl incentives
- Advancement certificate
- Recognition white board

Sanctions

Sanctions are consequences imposed as a direct result of inactivity or failure to comply, and may include the following:

- Verbal or written warning
- Verbal or written apology by participant
- Journaling
- Increased UA/breath testing

- Increased community self-help support meetings
- Mission Detox or House of Charity
- Monetary sanction
- Curfew changes
- EHM
- EtG
- STS
- Detox
- Jail Sanctions
- Termination
- Phase regression
- Delay phase progression
- Community work service

Phases & Advancement Criteria

Phases are the steps identified by the DWI Court Team through which participants

must progress in order to complete the program. The minimum length of intensive program participation is 18 months. Phase I is the most intensive phase, lasting a minimum of sixty days; Phase II is a minimum of eight months and Phase III is a minimum of eight months. Phase IV is less intensive and lasts for a period of two years.

Advancement criteria are the guidelines used to identify how offenders successfully progress through the program.

Phase I: Pre-Trial Engagement & Orientation (60 Days)

Description: Phase I involves the following:

- Attend court weekly
- Complete orientation
- Complete chemical health assessment
- Develop and adhere to treatment plan
- Complete Introduction to Recovery
- Attend recovery support groups as directed
- Meet with probation as directed
- Submit to random drug and alcohol testing as directed
- Adhere to curfew
- Submit to random, unannounced home checks

Advancement Criteria: These criteria must be completed to move to Phase II:

Officially commit to the program and be sentenced
Abstain from alcohol and drugs for a minimum of 30 consecutive days
Satisfactory participation in treatment
Satisfactory compliance with supervision

Phase II: Treatment & Continuing Care (8 months)

Description: Phase II involves the following:

Attend court every other week
Adhere to treatment or continuing care plan
Attend recovery support groups as directed
Participate in pro-social activities as directed
Meet with probation as directed
Submit to random drug and alcohol testing as directed
Complete STS or community service
Complete victim impact panel
Prepare a relapse prevention plan
Seek or secure employment/education/training
Adhere to curfew
Submit to random, unannounced home checks
Develop payment plan for participant fees and other program costs
Develop plan for driver's license reinstatement and ignition interlock

Advancement Criteria: These criteria must be completed to move to Phase III:

Abstain from alcohol and drugs for a minimum of 60 consecutive days
Satisfactory participation in treatment
Satisfactory compliance with supervision
Complete victim impact panel
Submit relapse prevention plan
Submit payment plan for fees and other program costs
Submit driver's license reinstatement plan and ignition interlock

Phase III: Sustained Recovery (8 months)

Description: Phase III involves the following:

Attend court every three weeks
Adhere to treatment or continuing care plan
Attend recovery support groups as directed
Participate in pro-social activities as directed
Complete cognitive-behavioral group or Study & Action, if required
Meet with probation as directed

Submit to random drug and alcohol testing as directed
Maintain employment/education/training
Satisfy fees and other program costs
Adhere to curfew
Submit to random, unannounced home checks
Seek driver's license reinstatement and ignition interlock

Advancement Criteria: These criteria must be completed to move to Phase IV and graduate:

Petition for graduation
Abstain from alcohol and drugs for a minimum of 180 consecutive days
Satisfactory completion of treatment
Satisfactory compliance with supervision
Satisfactory completion of STS or community service
Complete cognitive-behavioral group or Study & Action, if required
Payment of fees and other program costs
Achieve driver's license reinstatement and ignition interlock

Phase IV: Administrative Probation (2 years)

Description: The participant must abide by the Administrative Probation Contract that was signed upon graduation.

Upon completion of phase 4, the participant is discharged from probation.

Termination Criteria

Termination from the program may result from the following situations:

1. Participant has been out of contact and/or absconded for a minimum of 30 days.
2. Participant incurs a new DWI conviction or violent offense conviction, as determined by the team.
3. Participant has failed to comply with program requirements after all attempts have been made to improve attendance and motivation without success.
4. Participant engages in any conduct deemed inappropriate for DWI Court participants as determined by the DWI Court team.
5. Participant has violated probation and the Court revokes probation and executes the sentence.
6. Participant requests execution of their sentence.

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

Iqbal Duale
DWI Court Probation Officer
612-348-6871

Ana Brzica
DWI Court Probation Officer
612-596-1745

Bob Roeglin
DWI Court Probation Supervisor
612-348-3705

Fourth Judicial District Court Administration

Dennis Miller
DWI Court Coordinator
612-348-3874

Alcoholics Anonymous

Online intergroup: www.aa-intergroup.org
Greater Minneapolis Intergroup
www.aaminneapolis.org/pages/index.htm
952-922-0880

SMART Recovery®

Online groups: www.smartrecovery.org/meetings/olschedule.htm
Minneapolis/St. Paul Twin Cities Area Group
www.smartrecovery.org
612-805-2259

**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 remaining law abiding and addressing my substance abuse problem.

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 community self-help support groups, 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 officers, police officers, or other authorized agencies, including breath testing and cursory searches of my person and residence.
3. To appear on time for any and all court dates, treatment meetings, or other scheduled appointments as ordered by the Court.
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 during my curfew period without my probation officer's advance permission.
6. 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. To not use or possess alcohol or any mood-altering substances while participating in the program. Furthermore, I understand that I must consume any prescribed medication only as directed by a health professional.
8. That 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. To waive the requirement of the filing of an *Apprehension and Detention Order* for any probation violation allowing the Court to impose any immediate sanctions.

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 a sanction will be imposed. 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 Kerry W. Meyer

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 about a product, don't use, consume or apply it.

Below are some common products to avoid:

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 (NA) beer and wine: Although legally considered non-alcoholic, NA beers (e.g. O'Douls®, Sharps®) do contain a residual amount of alcohol that show up as 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. Washing with soap and water is 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 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 ABOUT A PRODUCT, DON'T USE, CONSUME, OR APPLY IT.

I have read and understand my responsibilities:

Participant

Date



**MINNESOTA
JUDICIAL BRANCH**
FOURTH JUDICIAL DISTRICT

Fourth Judicial District Adult DWI Court
MEDICATION NOTIFICATION and VERIFICATION FORM

This notice is to verify _____ is currently a participant in the Fourth Judicial District Adult DWI Court program. As a participant in the Fourth Judicial District Adult DWI Court program, any use of physician prescribed, or over the counter medication, is not allowed without the knowledge and consent of the Fourth Judicial District Adult DWI Court program and ongoing medication monitoring by treatment and/or probation. The Court requests that you take this into account when prescribing or recommending medication. The undersigned participant and the Fourth Judicial District Adult DWI Court program greatly appreciate your consideration of these restrictions as you provide medical or dental treatment to this patient. Please feel free to contact _____ at _____ to discuss any issues relating to this patient and their supervised treatment, medication monitoring, and court involvement.

Participant Name

Signature of Participant

Date

Probation Officer

Phone Number

We request that you sign below for our records to ensure that the above named participant is fulfilling his/her responsibility to the Court and to their medical provider by disclosing this information. Thank you.

Date

Signature Physician/Nurse Practitioner/Dentist

Phone Number

*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 _____