

PENNINGTON COUNTY DWI COURT

Participant Handbook

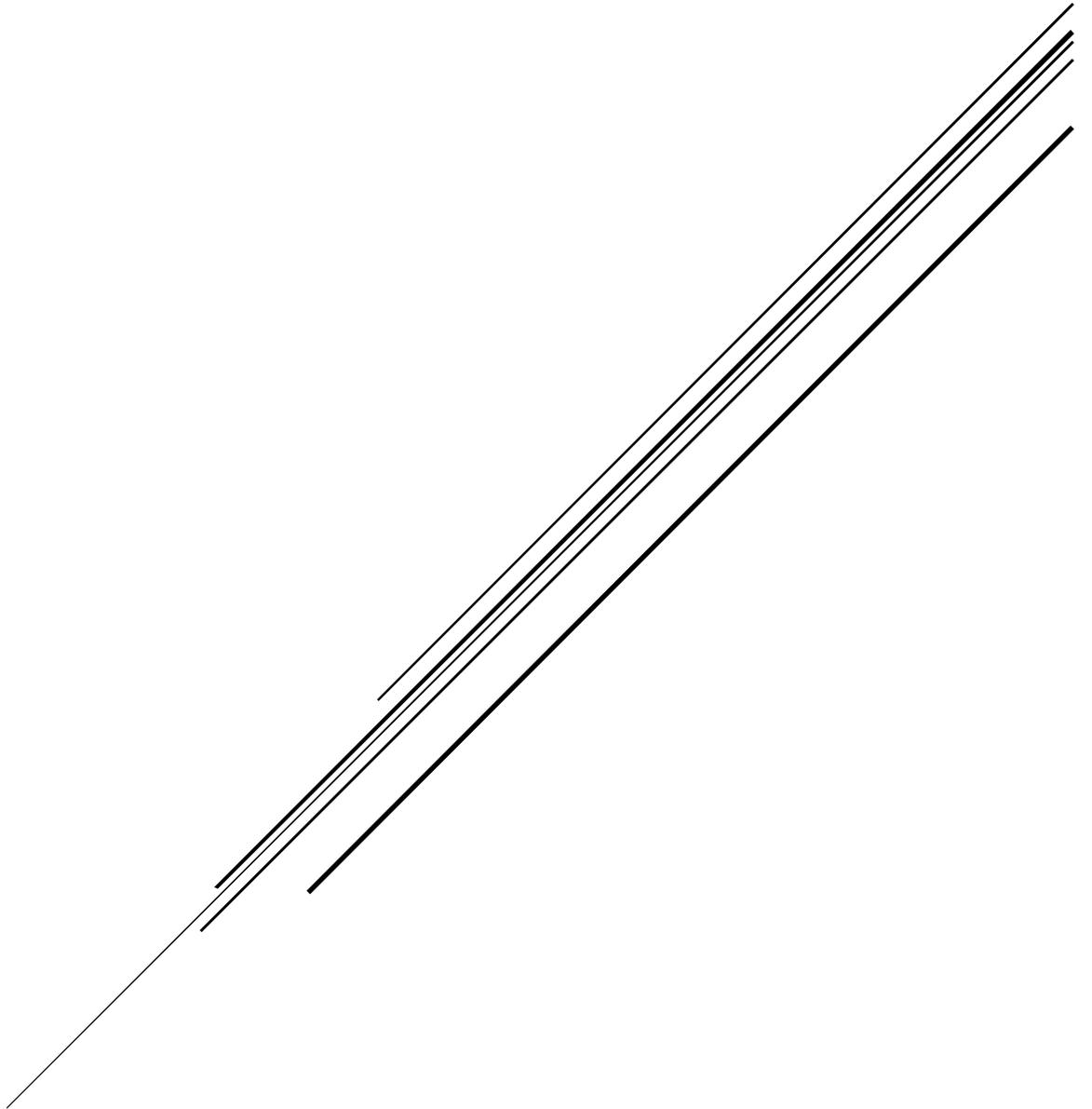


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Welcome

You have been identified as a person with a substance abuse addiction and expressed desire to participate in the DWI Court, a program designed especially for you. As you enter this voluntary, enhanced supervision/treatment program, you will need to be motivated to work toward changing your lifestyle and becoming free from alcohol and other drugs. Your recovery is considered the most important thing. The members of the DWI Court team will be working with you so that you can maintain your sobriety and create a rewarding lifestyle for you and your family. Your family is always welcome to attend DWI Court with you.

TEAM APPROACH

The Pennington County DWI Court Program is a combined effort of Pennington County District Court, Pennington County Attorney's Office, Minnesota Department of Corrections, Pennington County Social Services, Pennington County Sheriff's Office, and treatment providers. The DWI court judge(s) will make all decisions regarding your participation in DWI court with input from the DWI court team. In addition to the DWI court judge(s), the DWI court team will consist of:

- District Judge of the 9th District
- Defense Counsel or Public Defender
- County Attorney or Assistant County Attorney
- Coordinator
- Probation
- Treatment Assessors/Providers
- Law Enforcement
- Mental Health
- Victim Coordinator



Every two weeks, the team will meet prior to court to review your case. We will discuss your progress in treatment, the results of your scheduled appointments, etc. These case reviews are designed to inform the DWI Court Team of your strengths and weaknesses. This sharing of information will allow the team to make adjustments to your case plan in an effort to help you be successful. You are the main player and the rest of us are here to support you.

PROGRAM BENEFITS

When you successfully complete the Pennington County DWI Court Program, you will get the following rewards:

- Your probation/conditional release may end
- You will avoid substantial jail time and other negative consequences of a conviction
- You will be clean and sober

- You will have a stable lifestyle
- You will have a job and/or will be furthering your education
- You will have improved your health
- You will be a contributing member of society.

PROGRAM RULES & EXPECTATIONS



As a DWI court participant, you will be required to abide by straightforward, easy rules set forth below. Following these rules will aid in your successful completion of this program. Remember, the DWI court team wants you to succeed.

1. **BE HONEST:** The team expects you to be honest with all DWI team members and treatment providers at all times regarding every aspect of your life. Do not attempt to lie or cheat your way through DWI court because you will fail. Attempting to conceal your alcohol and/or drug use, or tampering with or diluting your system to hide your alcohol and drug use will result in termination from the program. Overcoming alcohol dependence is not easy but thousands do it every year with the help of others. The DWI court team, including the judge(s), will tell you the truth and expect your honesty in return.
2. **TAKE RESPONSIBILITY:** When you do something against the rules, own up to it and accept the consequences. This program is challenging and you might make mistakes. The DWI court team expects you to acknowledge and learn from your mistakes, and accept the sanctions that go along with your mistakes. The DWI court team also understands that taking responsibility for your actions also includes positive actions and measures you are taking to succeed in the program. When you do something right, whether it is turning down a drink or an opportunity to use chemicals, take pride in the fact that you are the one making the decision to succeed. Similar to your mistakes, your positive behavior will also be rewarded by incentives.
3. **BE ON TIME:** In order to successfully complete DWI court, it is vital that you show up on time for all court hearings; meetings, including phone contact with your probation agent; treatment sessions that include counseling, education, self-help groups and other sessions as directed; and any other appointments required by the program. You will be required to appear in front of the DWI court judge(s) on a regular basis. You are to arrive on time for court and stay until your case is called or you are dismissed. You are required to be on time for all appointments and it is your responsibility to keep track of your appointments and make sure you are present on time. If you are late, you will be considered absent which could result in termination from the program or other sanctions as deemed appropriate by the DWI court team.
4. **ATTEND ALL ORDERED TREATMENT SESSIONS:** Treatment sessions include individual and group counseling, educational sessions, 12-step meetings, and any other treatment recommended by your treatment provider. If you are unable to attend a scheduled session, you must contact your treatment provider. You are responsible for making up any missed treatment sessions.

Do not be late. If you are late, you will not be allowed to participate and will be considered absent which could result in termination from the program.

5. OBEY ALL LAWS: You are required to refrain from any further violations of the law. Additional charges may result in being terminated from DWI court. **Do not drive a vehicle if you do not have a valid driver's license.**
6. DO NOT USE OR POSSESS ANY ALCOHOL OR DRUGS: The goal of DWI court is to help you remain abstinent from alcohol and all non-prescribed drugs. You will be tested throughout the entire DWI court process. A positive test will not automatically disqualify you but may result in a sanction or a change in treatment. Drug screens can be conducted at any time at the treatment agencies, during court appearances, or by probation or law enforcement officers. **Diluted urine tests and missed drug tests are considered a positive test.** Attempting to "cheat" on a test will result in a sanction which may include incarceration. Sobriety is the primary focus of this program and maintaining an alcohol and drug free lifestyle is very important in your recovery process.
7. REPORT TO PROBATION AGENT AS DIRECTED: You are required to maintain contact with your probation agent as required. You must notify your probation officer immediately of any changes in residence or phone number. You must be prepared to provide a urine test at each visit. If you have any problem making an appointment, you are to call your probation agent.
8. RELATIONSHIPS: While you are in the DWI court program, cohabitation or intimate relationships with other DWI court participants will not be allowed.
9. BEHAVIOR: Inappropriate physical and/or verbal behavior will not be tolerated and may result in termination from the program. Make NO threats toward other participants, counselors, DWI court team members, or behave in a violent or aggressive manner. NO weapons are allowed at any time, whether you are in court, treatment, or meeting with DWI court staff. Cell phones, pagers or other electronic devices are not allowed at court appearances, treatment appointments, the Department of Corrections, or the DWI court offices. You will be required to dress appropriately for your court appearances and treatment appointments and to practice good personal hygiene. Clothing that can be described as alcohol and/or gang related and/or gang colors are also considered inappropriate in court and treatment sessions. While in court, remain seated and quiet unless you are called on to speak.

PROGRAM DESCRIPTION

HOW THE PROGRAM WORKS

In addition to a contract that governs the terms of your DWI Court participation, you will be asked to sign consents for release of information. This is extremely important to complete so that the entire DWI Court team understands what is going on with you. We cannot help you unless we have all the facts. Again, our goal is to help you, not put you back in jail or send you to prison. All information will be confidential to the Team unless we have your permission to share with another. Your DWI Court

experience will be broken up into five steps which are described below and on following pages. This program will last a minimum of 14 months, but could last longer. It all depends on you—if you use, you may have to start over with the steps as well as serve some jail time. Jail is considered a sanction; further sanctions are discussed on Page 13.

Prior to entering Pennington County DWI Court

- Screen Process
- Enter a Plea and are subject to follow all conditions given by the court which may include curfew requirements
- Initial orientation with DWI Court Agent during this time a PSI/LSCMI may be given
- Provide initial baseline Drug screen
- Complete Chemical Assessment
- Meet with Defense Counsel regarding rights process of DWI Court
- Attend one DWI Court hearing (optional)
- Complete an Application to enter into Pennington County DWI Court
- Application is reviewed by the Pennington County DWI Court Staff
- Final Plea entered
- Sentencing
- Proceed with confinement requirements

Over All DWI Court rules:

Be Honest

Show Up

Try Hard

1. Maintain a positive attitude towards staff and peers.
2. No new crimes committed while in DWI Court
3. Pay all costs and fees as ordered by the court.

PHASES

Phase I: Acute Stabilization Length: Minimum 60 Days

Requirements

1. Complete 60 days in phase 1
2. To advance to phase II, Maintain 30 consecutive days sobriety and 30 days without a sanction.
3. Attend Court Bi-Weekly.
4. Begin and comply treatment requirements.
5. Comply with supervision requirements: random drug testing (3x a week), office visits, home visits, and work checks, curfew, etc.
6. Establish case plan with probation agent.
7. Address housing and transportation concerns.
8. Maintain employment to every extent possible.

9. Address statutory-mandated jail time.
10. Change people, places, and things.
11. Establish a payment plan for court fees. Pay a minimum of \$50 to move on to phase II.
12. Show up, be honest, and try hard!

Phase II: Clinical Stabilization Length: 90 Days

Requirements

1. Complete 90 Days in Phase II.
2. To advance to Phase III, maintain 45 consecutive days sober and without a sanction.
3. Attend Court Bi-weekly.
4. Comply with treatment requirements, begin looking at aftercare options.
5. Establish a license reinstatement plan.
6. Comply with supervision requirements: random drug testing (3x a week), office visits, home visits, and work checks, curfew, etc.
7. Review case plan with probation agent and adjust as necessary.
8. Participate in any combination of the following processes (cognitive skills, education/GED, driver's license process, employment, parent education, health maintenance, financial management training, living skills and hygiene training, and any other similar program as deemed appropriate by the DWI court team).
9. Continue to address payment plan. Pay a minimum of \$150 to advance to Phase III.
10. If recommended, obtain mental health and medical assessments.
11. Continue to address housing, employment, and/or transportation needs (if any).
12. Show up, be honest, and try hard!

Phase III: Pro- Social Habilitation Length: Minimum 90 days

Requirements:

1. Complete 90 Days in Phase III.
2. To advance to Phase IV, maintain 60 consecutive days sober and without a sanction.
3. Attend Court Bi-weekly.
4. Comply with treatment requirements and after care options.
5. Comply with supervision requirements: random drug testing (2x a week), office visits, home visits, and work checks, curfew, etc.
6. Maintain employment and housing to every extent possible.
7. Establish a sober network and pro-social activities.
8. Consistent peer support group attendance.
9. Continue to address payment plan. Pay a minimum of \$200 to advance to phase IV.
10. Continue to address housing, employment, and/or transportation needs (if any).
11. Show up, be honest, and try hard!

Phase IV: Adaptive Habilitation Length: Minimum 90 days

Requirements:

1. Complete 90 days in Phase IV.
2. To advance to phase V, maintain 75 consecutive days sobriety and without a sanction.
3. Attend Court Monthly.
4. Continue compliance with treatment and aftercare requirements.
5. Continued compliance with probation requirements: random drug testing (2x a week), office visits, home visits, and work checks, curfew, etc.
6. Maintain housing, employment and transportation. If needed, participate in job training, vocational training, parenting classes, etc.
7. Continue to address payment plan. Pay a minimum of \$200 to advance to phase V.
8. Consistent peer support group attendance.
9. Maintain sober network and pro-social activities.
10. Review case plan with probation agent.
11. Show up, be honest, and try hard!

Phase V: Continuing Care Length: Minimum 90 Days

Requirements:

1. Complete 90 days in Phase V.
2. Attend Court Monthly.
3. Maintain sober network and prosocial activities
4. Continued compliance with probation agent.
5. Random drug testing minimum one time per week.
6. Continued compliance with treatment and aftercare recommendations (if any).
7. Consistent peer support group attendance.
8. Maintained housing and employment.
9. Continue to address payment plan. Pay the remaining \$200 in order to graduate.
10. To graduate, maintain 180 consecutive days sober and without a sanction.
11. Develop a continuing care plan.
12. Complete graduation application and interview.
13. Show up, be honest, and try hard!

GRADUATION

To be eligible for graduation from DWI court, participants must, at a minimum, have actively participated in drug court for 14 months, have 180 consecutive days sober, have successfully completed each of the phases of DWI court, and have in place a specific plan for after-care and continuing sobriety and recovery.

TERMINATION CRITERIA

New arrests or serious or repeated violations of DWI court rules and requirements or any aspect of your treatment plan may result in your being terminated from the DWI court program. Violations that could result in termination include, but are not limited to, the following:

1. Repeated program violations over an extended period of time.
2. Absconded, on warrant status for 60 or more days.
3. Any conduct deemed inappropriate for DWI court participation as determined by the DWI court
4. Fail individualized case plan
5. Does not attend all court dates
6. Tampering with a test sample
7. Violence or threatened violence to another participant or to DWI court personnel
8. Failure to participate in court ordered treatment or services
9. Failure to pay court ordered costs and fees
10. Failure to demonstrate, over a reasonable period, progress through DWI court and toward sustained sobriety
11. Engaging in an inappropriate or prohibited relationship with another participant
12. At the request of the participant

If the DWI court concludes that your termination may be necessary, you will receive a written notice that explains why termination is being considered and, if you so request, a fact-finding hearing will be held to determine whether your participation in DWI court should be terminated.

If you quit or are terminated from the DWI court program, you will appear before district court for sentencing or probation violation disposition.

INCENTIVES AND SANCTIONS



Incentives and sanctions are determined by the judge with input from the DWI court team. The type of incentive or sanction received will vary depending on the behavior that needs to be recognized. Incentives are used to recognize and reward participation and progress through the program.

Sanctions are used to emphasize participant accountability and to provide more structure and support when it is needed. Incentives and sanctions include but are not limited to:



Responses to Behavior

Achievements	Incentives
<ul style="list-style-type: none"> • Attending all court appearances • Negative drug test results for period of time • Attendance and participation in support meetings • Completion of GED, driver license, treatment, Cognitive Behavioral Skills • College enrollment and attendance • Job promotion • Compliance with treatment/supervision plan • Voluntary Speaking Engagements • Artwork, Essays, Journals • Phase Advancement 	<ul style="list-style-type: none"> • Recognition and Praise by the Judge • Courtroom recognition • Certificates of achievement • Fishbowl items such as fishing supplies, home décor, organizers, etc. • Reduction in court fee's • Decreased court appearances (w/ phase advancement) • Phase advancement • #1 on Docket of Choice • Applause • Candy or other treats • Early call in court/leave after appearance • Gift drawings • Birthday or event cards • Assistance with relicensure • Relief from previously imposed sanctions
Choices	Sanctions
<ul style="list-style-type: none"> • Missed court appearances • Missed appointment with probation officer • Missed support meetings • Violation of court order • Positive drug test • Missed drug test (considered a positive drug test) • Tampered drug test • Missed treatment • Inappropriate behavior at treatment facility • New law violation • Driving while license suspended/revoked • Failure to perform sanctions • Noncompliance with treatment plan • Dishonesty 	<ul style="list-style-type: none"> • Reprimand from the Judge • Increased court appearances • Increased drug testing • Increased treatment • Attend MADD Panel • Increase Probation Visits • Work Release • Peer Review • Additional community service hours • Essay presented to Judge or gallery • Restricted travel or associations • Placement on EHM or SCRAM • Short Duration of Jail • Delay in Phase change or regress to a prior Phase • Jail time • Termination from DWI Court

<ul style="list-style-type: none"> • Dilute alcohol/drug test 	
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PAYMENT OF PROGRAM FEES

Program Fee

The Pennington County DWI Court will impose an \$800 fee as a condition of participation in DWI Court. The payment can be paid in full at any time or you may follow the payment plan that is set up with in the phases. These funds will be collected by Pennington County DWI Coordinator and used for DWI Court expenses and reward programs. If a participant is having difficulty with this fee, they can discuss their situation with their probation agent and the probation agent will bring it up at our staffing.

Electronic Monitoring Fees

Participants may be required to pay a fee for an electronic home monitor, remote electronic alcohol monitor, and/or SCRAM.

Chemical Testing Confirmation Fee

Participants may be required to pay for costs associated with confirmation testing of positive tests including, but not limited to urinalysis, drug patches, and mouth swabs.

TREATMENT PROCEDURES

Your treatment will be provided through a team approach with the combined resources of treatment programs, probation, law enforcement and other assigned DWI court staff. The assessor will determine what level of treatment will best meet your needs and recommend to the DWI court judge that you receive either outpatient or residential treatment. If you are admitted to a residential treatment program, your treatment plan will include the requirements of that program. If you are not admitted into a residential treatment program, a multi-component, outpatient program has been developed which includes:

➤ **Treatment Plan**

An “initial” treatment plan will be developed by you and your treatment team following an overall assessment of your problems and needs. The plan will act as a guide for your initial treatment phase and within it, you will set goals, select methods for meeting those goals, and develop target dates for achieving those goals. The plan will be maintained by your treatment team and will be updated as you progress through the program.

➤ **Alcohol and Drug Testing**

As a participant in this program, you will be required to submit to frequent and random alcohol and drug testing. You will be tested through the entire treatment process. The frequency of testing will depend on your progress in the program. The DWI court judge will have access to all alcohol and drug test results including any failures to test, and may order an alcohol and/or drug test at any time. Tampering with the test will be deemed a positive test and may result in your termination from the program. A positive or “dirty” test will not automatically disqualify you from the DWI court program. The judge will be reviewing your overall performance in the program.

Diluted Tests: A diluted test result occurs when a person drinks an excessive amount of liquids or takes other chemicals to cover that individual’s use prior to testing.

➤ **Self-Help Meetings**

Attendance will be required at some type of self-help meeting such as Alcoholics Anonymous. The frequency of attendance requirement is determined by your progress in the program and your phase level. Attendance is an important part of your recovery process to help you develop levels of trust and to learn and create social bonds with other recovering addicts. Your treatment team will provide you with information regarding the time and location of self-help meetings and will also direct you to special interest and recovery events in the community. You must provide proof of attendance to the DWI court probation officer.

BASIC LIFE SKILLS

Upon your entry into the DWI court program, the DWI team assessor will evaluate your housing, transportation, family and general living needs and when appropriate, refer you to a local, state and/or county agency for assistance.

EDUCATION, VOCATION & EMPLOYMENT PROGRAMS

Chemical dependency recovery means developing self-sufficiency and becoming a productive and responsible member of the community. During the treatment program, you will be expected to be employed, or involved in an educational or vocational training program. Your probation officer and assessor will refer you to the proper agencies for education, training and job placement.

PROGRESS REPORTS

Before your DWI court hearing, the judge(s) will be given a progress report updating your advancement through the program. The entire DWI court team will review and discuss the progress report, which includes your alcohol and drug testing results, attendance, participation and cooperation in the treatment program, and compliance with DWI court rules and requirements. The judge may ask you questions about your progress and discuss any problems you may be having. You will be expected to discuss openly and honestly how you are progressing in treatment and what issues may be affecting you for the week. If you are doing well you may be rewarded with incentives. If the team concludes that you are not progressing or complying with the rules and requirements, the judge will discuss this with you and determine future action, which may include intervention to help you remember and pursue your goals in the program and move toward or maintain your recovery.

CONFIDENTIALITY

Your identity and privacy will be protected consistent with federal and Minnesota laws. In response to these regulations, policies and procedures have been developed which guard your confidentiality. You will be asked to sign a waiver authorizing the transfer of information among all participating agencies. An identification number will be assigned to you that will be used in all research and evaluation activities to safeguard your identity. In some instances your employment may be terminated if contacted by the probation officer. If you think this may happen to you, tell your probation officer and the DWI court judge(s).

CONCLUSION: REMEMBER, SUCCESS COMES ONE DAY AT A TIME

The Pennington County DWI Court Program has been developed to help you achieve total abstinence from alcohol, controlled substances and all criminal activity. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible member. The program is voluntary and is your personal choice. The judge(s), the court staff and the treatment team will guide and assist you, but the final responsibility is yours. You must be motivated to make this change and commit to an alcohol and drug free life.

Good luck to you!

CONTACT INFORMATION

Phone Numbers

- Derek Biermaier, DWI Court Probation Officer 218-227-9017
- Melora Bergee, Coordinator 218-684-7029
- Pennington County Social Services 218-681-2880
- Thief River Falls Police Department 218-681-6161
- Richard Sather, Defense Counsel 218-681-8630

- Kristin Hanson, Pennington Asst. County Attorney 218-681-0773
- Riverview Recovery 218-681-3522
- Victim Services 218-681-0881
- Sanford Mental Health 218-683-4351

DWI Court Address

- Courthouse
141 Main Ave S
Thief River Falls, MN 56701

Internet Listings

- Driver & Vehicle Services: <http://www.dmv.org/mn-minnesota/departement-motor-vehicles.php>
- Unemployment Benefits: www.uimn.org
- Financial Management Tips: www.aboutchecking.com
- Addiction Recovery: www.recoveryroadmap.com
- Al-Anon: www.al-anon.alateen.org
- Faces of Recovery

Personal Notes