

Marshall County DWI Court

# Participant

# Handbook

Courthouse  
208 E. Colvin Ave  
Warren, MN 56762

May 16th, 2013

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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 Marshall County DWI Court Program is a combined effort of Marshall County District Court, Marshall County Attorney's Office, Ninth Judicial District Public Defender's Office, Minnesota Department of Corrections, Marshall County Social Services, Marshall 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:

- Defense Council or Public Defender
- County Attorney or Assistant County Attorney
- Coordinator
- Probation
- Treatment Assessors/Providers
- Law Enforcement
- 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 Marshall 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

### Standard Marshall sentence

### DUI Court sentence

3<sup>rd</sup> degree: 30 days jail or EHM

No jail

2<sup>nd</sup> degree: 90 days jail (or 45 jail w/ last 45 on EHM)

30 days in jail, staggered as follows:  
10 days right away;  
20 days stayed if comply w/program

1<sup>st</sup> degree: 180 days jail, no EHM

90 days in jail, staggered as follows:  
30 days right away;  
60 days stayed if comply w/program

- 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 18 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.

### Phase I – Orientation

- Sentencing
- Confinement
- Intake, NEEDS survey
- Orientation
- Initial Meeting with Probation Agent
- Baseline Drug Screen
- Participate in REAM, SCRAM or Mobile Breath Unit if required

Participant's progression during this Phase is dependent upon how active they are and how well their behavior and compliance will be.

**Phase II: Treatment Phase                      Length:                      Minimum 4 months (120 days)**

**Description:** Phase II is the most intensive phase, focusing on substance abuse education and prevention. Phase II centers on participants entering and engaging in treatment, learning to accept responsibility for their crimes and actions, and developing an understanding of their addiction and recovery. During this phase participants will begin an appropriate treatment regimen. Participants will meet with the probation agent to develop case management plans that address their specific, identified needs.

### Requirements

1. Begin treatment/follow recommendations including 12-step or self-help meetings
2. Remain alcohol and drug free
3. Participate in SCRAM, REAM or Mobile Breath Unit when required
4. UA/PBT and other alcohol and drug testing at a minimum of three times per week
5. Submit to random home and work checks
6. Have daily telephone contact with the probation agent

7. Attend weekly case management meetings with probation agent
8. Appear every other week before the DWI court judge
9. Pay all costs and fees as ordered by the Court
10. No sanctions within 30 days of phase change
11. No new crimes committed while participating in the program
12. Maintain a positive attitude towards staff and peers

### **Requirements to Advance to Phase III**

1. Complete at least 4 months total in Phase II
2. Satisfactory progress in all required treatment (complete any missed treatment or meetings as required by the treatment provider) including attending self-help or 12-step meetings
3. Maintain 45 consecutive days alcohol and drug free
4. Submit to all random home and work checks
5. Attend all meetings and maintain phone contact with your probation agent
6. Attend all court appearances
7. Remain current on all costs and fees as ordered by the court
8. No sanctions within 30 days of phase change
9. No new crimes committed while participating in the program
10. Maintain a positive attitude towards staff and peers
11. Complete Petition for Phase III

### **Phase III: Restructuring & Basic Life Skills Length: Minimum 6 Months (180 days)**

**Description:** Phase III is structured to assist participants in maintaining sobriety, increasing responsibility to self and others, and expanding their understanding of their addiction and recovery. Treatment and services will continue during this phase, subject to modifications as may be necessary to meet the individual needs and progress of the individual participant. Motivational and personal self-improvement activities will be utilized.

#### **Requirements**

1. Remain alcohol and drug free and maintain 90 consecutive days without a sanction
2. Complete treatment program and follow aftercare requirements
3. Continue participation in 12-step or self-help group
4. Random UA/PBT or other alcohol or drug testing at a minimum of two times per week
5. Submit to random home and work checks
6. Appear in front of DWI court judge every court session
7. 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)



8. Attend at least two case management meetings per month with the probation agent
9. Have telephone contact with the probation agent at least three times per week
10. Pay all costs and fees as ordered by the Court
11. No unexcused absences from groups for 45 consecutive days prior to phase change
12. Establish a license reinstatement plan

#### **Requirements to Advance to Phase IV**

1. Complete at least 6 months in Phase III
2. Maintain 120 consecutive days alcohol and drug free and maintain 90 consecutive days without a sanction
3. Complete treatment program and follow aftercare requirements
4. Submitted to all random home and work checks
5. Attend all court appearances
6. Complete and/or continue participation in basic life skills classes
7. Develop payment plan for financial obligations (if applicable)
8. Attend all meetings and maintain phone contact with your probation agent
9. Remain current on all costs and fees as ordered by the Court
10. No new crimes committed while participating in the program
11. Maintain a positive attitude towards staff and peers
12. Complete all other requirements of Phase III
13. Complete Petition for Phase IV

**Phase IV: Maintenance & Mastery Length: Minimum 4 Months (120 days)**

**Description:** Phase IV is framed around stabilization and transition by assisting participants to sustain their sobriety by fully accepting and exercising personal and independent responsibility for themselves and their behavior, and by coming to a complete understanding of their addiction and of what is required for their continued recovery. Treatment and services during this phase will be tailored to focus on the goals of maintaining sustained sobriety, ongoing recovery and accomplishing personal improvement goals that will aid in sobriety and recovery.

#### **Requirements**

1. Remain alcohol and drug free
2. Maintain established individualized case plan
3. Continue self-help or 12-step program
4. Appear in front of DWI court judge every other court session
5. Random UA/PBT or other alcohol and drug testing minimum of one time per week
6. Case management meetings with probation agent as determined
7. Pay all fines and fees as required
8. Maintain employment, education/vocational progress

9. Develop and identify personal improvement goals

#### **Requirements to Advance to Phase V**

1. Complete at least 4 months in Phase IV
2. Maintain 120 consecutive days alcohol and drug free and maintain 120 consecutive days without a sanction
3. Follow aftercare requirements (if applicable)
4. Attend all court appearances
5. Submit to all random home and work checks
6. Attend all meetings and maintain phone contact with your probation agent
7. Remain current on all costs and fees as ordered by the court
8. Maintain employment, education/vocation progress
9. Accomplish identified personal improvement goals and submit an essay about how they were achieved
10. No new crimes committed while participating in the program
11. Maintain a positive attitude towards staff and peers
12. Complete all other requirements of Phase IV
13. Complete Pre Graduation Packet.

#### **Phase V: Transition & Aftercare**

**Length: Minimum 4 months (120 days)**

**Description:** Phase V consists of continuing to assist participants in maintaining their recovery and continue to live free from chemical substance use.

#### **Requirements**

1. Remain alcohol and drug free
2. Appear in front of DWI court judge a minimum of one time per month
3. Supervised probation
4. Current on program financial obligations
5. Random UA/PBT or other alcohol and drug testing as determined by the DWI court team
6. Submit an essay outlining participants thoughts and opinions of the program and progress made
7. No new crimes committed while participating in the program
8. Maintain a positive attitude towards staff and peers

### **GRADUATION**

To be eligible for graduation from DWI court, participants must, at a minimum, have actively participated in drug court for 18 months, 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. Violation of law while in the program which would have made the participant ineligible upon initial screening
4. Any conduct deemed inappropriate for DWI court participation as determined by the DWI court
5. Fail individualized case plan
6. Does not attend all court dates
7. Tampering with a test sample
8. Violence or threatened violence to another participant or to DWI court personnel
9. Failure to participate in court ordered treatment or services
10. Failure to pay court ordered costs and fees
11. Failure to demonstrate, over a reasonable period, progress through DWI court and toward sustained sobriety
12. Engaging in an inappropriate or prohibited relationship with another participant
13. 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 the 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:



### INCENTIVES

Applause  
Commencement award  
Gift certificates  
Candy or other treats  
Praise/compliments from the Judge  
Early call in court – leave after appearance  
Gift drawings  
Birthday or event cards  
Fine reduction  
Assistance with relicensure  
Relief from previously imposed sanctions  
Movie  
Potluck/Picnic  
Bowling

### SANCTIONS

Implement curfew  
Jail time or Sentence to Serve  
Community Service  
Increased UA's  
Increased court appearances  
Increased relapse/aftercare treatment  
SCRAM, REAM or Mobile Breath Unit  
Termination from DWI Court  
Verbal reprimand  
Submit an essay  
Verbal or written apology to court  
Daily reporting to probation  
MADD Panel  
Other sanctions as determined  
By DWI Court team

## PAYMENT OF PROGRAM FEES

### **Program Fee**

The Marshall County DWI Court will impose an \$800 fee as a condition of participation in DWI Court. The payment can be made on a monthly basis or through a payment plan to be determined by the probation officer. These funds will be collected by Marshall County DWI Coordinator and used for DWI Court expenses and reward programs. If participant completes program according to the schedule times the DWI staff may choose to return partial payment of the program fees.

### **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 are 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 Marshall 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 Biermair, Probation Officer 218-227-9017
- Melora Bergee, Coordinator 218-684-7029
- Ruth Finseth, Marshall County Social Services 218-745-5124
- Marshall County Sheriff's Department 218-745-5411
- Richard Sather, Defense Council 218-681-8630
- Marshall County Attorney 218-745-4321
- River View Recovery Center 218-681-3522
- Ashley Solvik, Victim Services 218-745-5523

### DWI Court Address

- Courthouse  
208 E. Colvin Ave  
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### Internet Listings

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



## Personal Notes