

# White Earth Nation/Becker County Adult DWI Court Program



## Participant Handbook

Name \_\_\_\_\_

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## **WELCOME TO THE WHITE EARTH NATION/BECKER COUNTY DWI COURT**

This Handbook is designed to answer your questions and to help you successfully complete the requirements of the White Earth Nation/Becker County DWI Court program. As a participant, you are expected to follow the instructions given to you by the Judge and your Probation Agent, comply with your case plan and the individual treatment plan developed for you by an approved treatment provider.

DWI Court is divided into four phases and you must successfully complete each one in order to graduate from the program. This Handbook details what is expected of you as a DWI Court participant. It reviews general program information, as well as what specific things you must do to complete each phase of the program.

If you are reading this Handbook, it means that you have been accepted into DWI Court based upon your history of chemical dependency and encounters with law enforcement. It also means that we are confident that DWI Court will help you learn how to make successful choices, free of the influence of alcohol or controlled substances.

You are encouraged to share this Handbook with your family and friends.

### **OVERVIEW**

The White Earth Nation/Becker County DWI Court is a four phase program for Becker County residents, 18 years of age or older who have pled and been adjudicated guilty of an alcohol related felony DWI, the third or more alcohol related DWI offense within 15 years, or the 2<sup>nd</sup> alcohol related DWI within 10 years with an additional aggravating factor arising from a Becker County incident, or who has violated probation and who are having difficulty staying clean and sober. The DWI Court Program is for chemically dependent offenders. It is a collaborative effort between the 7<sup>th</sup> Judicial District Court, the White Earth Nation, the County Attorney's Office, the Detroit Lakes City Attorney's Office, Local Defense Counsel, White Earth Substance Abuse, Becker County Social Services, Probation, Law Enforcement Agencies, and treatment providers. By working together as a DWI Court Team, we seek to provide a variety of programs and intensive supervision tailored to support and help you maintain an alcohol and drug-free life.

The DWI Court is an intensive supervision program whereby the participant is required to have regular contact with the Probation Agent, attend frequent court appearances, participate in mandatory substance abuse counseling, regularly attend community support meetings and submit to frequent, random and observed alcohol and drug testing. The Court awards incentives for compliant behavior and imposes swift sanctions for negative behavior. Participants who do not comply with the rules may be placed in short-term custody, moved back to the previous phase of DWI Court, or a variety of other sanctions. Participants may also be terminated from DWI Court. All staff working with DWI Court will assist you to make sure you understand what is expected of you.

## THE DWI COURT TEAM

The DWI Court Judge makes all decisions regarding your participation in the DWI Court Program with input from the DWI Court Team. In addition to the Judge, the DWI Court Team consists of the following members:

- Prosecuting Attorney
- Defense Counsel
- Probation Agent
- Rule 25 Assessor
- Coordinator
- Bailiff/Court Security
- Law Enforcement
- Treatment Provider

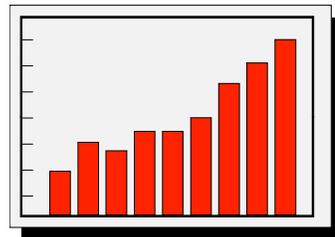
Prior to each DWI Court session, the DWI Court Team members familiarize themselves with your progress and the Judge discusses that progress with you during the DWI Court session.

## GUILTY PLEA, ADJUDICATION AND SENTENCING

You will be required to enter a plea and be adjudicated guilty pursuant to an agreement reached between the Prosecuting Attorney and your attorney. You will not be allowed to withdraw your guilty plea unless permitted by law. You will be sentenced by the Judge to DWI Court.

## PROGRESS REPORTS

Before your DWI Court hearing, the Judge is given a progress report presented by your Probation Agent and/or Treatment Provider. The progress report discusses your alcohol and drug test results, attendance, participation and cooperation in the treatment program, employment or other requirements that were imposed, depending on which phase you are in. The Judge may ask questions about your progress and discuss any problems you may be having. If you are doing well, you may be rewarded with program incentives. If your progress reports show that you are not doing well, the Judge will discuss this with you and determine future action, which could include a sanction in order to help you remember your goals in the program.





## DWI COURT HEARINGS

As a DWI Court participant, you are required to appear in DWI Court hearings on a regular basis. How often you must appear depends upon the phase of DWI Court you are currently in. Failure to appear may result in the issuance of a warrant for your arrest and detention in jail until you can appear before the court. If you have questions about your court appearances, you may contact your Probation Agent or other members of the DWI Court Team.

## CONFIDENTIALITY

State and federal law requires that your identity and privacy be protected. In response to these regulations, DWI Court personnel, case managers and treatment providers have developed policies and procedures to help protect your privacy. You are required to sign a **Consent for Release of Information** form. This disclosure of information is for the sole purpose of hearings and reports concerning your specific DWI Court case.

## DWI COURT PHASES

DWI Court is a minimum of 15 months and is divided into four phases and a graduation. You must successfully complete each phase before entering into the next phase. Each phase has a key concept or focus. The basic minimum requirements are listed below. In addition, it is expected that you will be employed and/or participating in educational or vocational training to improve your employment opportunities.

<b>PHASE ONE</b>	
<b>LENGTH:</b> minimum ninety (90) days	
<b>OBJECTIVES:</b> Intake, assessment and orientation, enter and successfully complete the recommended treatment program(s), and establish abstinence.	
<b>REQUIREMENTS:</b>	<ul style="list-style-type: none"> <li>• Enter and engage in treatment, follow recommendations of chemical use assessment, and demonstrate progress in treatment               <ul style="list-style-type: none"> <li>○ This includes attendance at a support group if recommended by CUA</li> <li>○ Verification of attendance to DWI Court Team as requested</li> </ul> </li> <li>• Submit an essay outlining goals of participation in the White Earth Nation/Becker DWI Court</li> <li>• Provide and follow weekly agenda and schedule including contact information</li> <li>• Daily phone contact with designated DWI Court Team member</li> <li>• Determine requirements to obtain or reinstate driving privileges and develop a written plan for licensure</li> <li>• Curfew 9:00 p.m. to 6:00 a.m. unless modified by DWI Court Team</li> <li>• Remain law abiding</li> <li>• Follow all general and special rules of probation</li> <li>• No driving unless licensed</li> <li>• No drugs, alcohol or mood altering substances in your home or in your possession</li> <li>• Attend court biweekly</li> <li>• Minimum of three contacts within the community per week will be conducted by</li> </ul>

	probation, law enforcement and other community agencies <ul style="list-style-type: none"> <li>• Random testing – minimum of three tests per week</li> <li>• Maintain 45 days of continuous sobriety before Phase Two, excluding time spent in residential treatment</li> <li>• Satisfaction of fee requirements</li> </ul>
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<b>PHASE TWO</b>
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<b>LENGTH:</b> minimum ninety (90) days
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<b>OBJECTIVES:</b> Continued abstinence, stabilization and maintenance of recovery.
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<b>REQUIREMENTS:</b>	<ul style="list-style-type: none"> <li>• Minimum of 90 days</li> <li>• Attend Impact Panel</li> <li>• Support group attendance 2x per week             <ul style="list-style-type: none"> <li>○ Provide verification of attendance</li> </ul> </li> <li>• Approved pro-social activity 1x per week             <ul style="list-style-type: none"> <li>○ Provide verification of involvement</li> </ul> </li> <li>• Participate in any combination of the following processes: cognitive skills, education/GED courses, driver’s license process, employment, parent education, health maintenance, community work service, financial management training, living skills and hygiene training, and any other similar program as deemed appropriate by the DWI planning team.</li> <li>• Comply with case plan</li> <li>• Obtain approved sponsor.</li> <li>• Provide and follow weekly agenda and schedule including contact information.</li> <li>• Demonstrate progress toward obtaining driver’s license.</li> <li>• Curfew 10:00 p.m. to 6:00 a.m. unless modified by DWI Court Team</li> <li>• Remain law abiding.</li> <li>• No drugs, alcohol or mood altering substances in your home or possession</li> <li>• No driving unless properly licensed</li> <li>• Secure successful discharge summary from treatment program before entering Phase Three</li> <li>• Attend DWI Court biweekly</li> <li>• Contact with probation officer two times per month</li> <li>• Minimum of two field visits per week?</li> <li>• Random testing – minimum of two times per week</li> <li>• Minimum of 60 days of sobriety until Phase Three</li> <li>• Satisfaction of fee requirements</li> </ul>
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**PHASE THREE**

**LENGTH:** minimum one hundred eighty (180) days

**OBJECTIVES:** Continued abstinence and maintenance of recovery.

**REQUIREMENTS:**

- Minimum of 180 days
- Follow the rules and recommendations of treatment and successfully complete it
- Provide and follow weekly agenda and schedule including contact information
- Develop and identify personal improvement goals
- Demonstrate progress toward obtaining driver's license
- Make driver's license application when eligible
- Continue with any combination of the following processes: cognitive skills, education/GED courses, driver's license process, employment, parent education, health maintenance, community work service, financial management training, living skills and hygiene training, and any other similar program as deemed appropriate by the DWI Court Team
- Submit an updated aftercare well-being plan
- Engage in appropriate social activities
- Create a plan to pay court ordered obligations; fines, and fees
- Maintain contact with your sponsor
- Maintain employment, education/vocational progress
- Curfew 11:00 p.m. to 6:00 a.m. daily unless modified by DWI Court Team
- Remain law abiding.
- No drugs, alcohol or mood altering substances in your home or possession
- No driving unless licensed
- Attend community based support meetings (minimum two (2) times per week).
- Attend DWI Court twice per month unless modified by the DWI Court Team.
- At least one (1) visit with probation officer per month.
- Minimum two (2) field visits per week
- Random Testing – minimum of 1 per week
- Minimum of 180 days of continuous abstinence from all non-prescribed mood-altering substances.
- Satisfaction of fee requirements

## PHASE FOUR

**LENGTH:** minimum ninety (90) days

**OBJECTIVES:** Reaching personal and treatment goals/sustaining achievements and recovery, reinforcing and maintaining a clean, sober and legal lifestyle.

**REQUIREMENTS:**

- Minimum of 90 days
- Curfew 11:00 p.m. to 6:00 a.m. unless modified by DWI Court Team
- Attend DWI Court monthly
- Remain law abiding
- No drugs, alcohol or mood altering substances in your home or possession
- Follow the rules and recommendations of treatment and successfully complete it
- Provide and follow weekly agenda and schedule including contact information
- Continue with any combination of the following processes: cognitive skills, education/GED courses, driver's license process, employment, parent education, health maintenance, community work service, financial management training, living skills and hygiene training, and any other similar program as deemed appropriate by the DWI Court Team
- Submit an updated aftercare well-being plan
- Engage in appropriate social activities
- Continue with plan to pay court ordered obligations, fines, fees
- Maintain contact with your sponsor
- Maintain employment, education/vocational progress
- No driving unless licensed
- Demonstrate progress toward achieving personal improvement goals
- Attend community based support meetings (minimum two (2) times per week)
- Make driver's license application when eligible
- Attend alumni group gatherings
- Take the steps necessary for eligibility in obtaining reinstatement of driver's license (including fees & fines).
- At least one visit with probation officer per month
- Minimum one (1) field visit per week
- Minimum one (1) random drug test per week
- Complete petition for graduation.
- Participate in a roundtable discussion with the planning team, where the petitions will be discussed
- Demonstrate progress toward obtaining driver's license
- Minimum of 90 days of continuous abstinence from alcohol and all non-prescribed

	mood-altering substances. <ul style="list-style-type: none"> <li>• Satisfaction of fee requirements</li> </ul>
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<b>GRADUATION:</b>	<ul style="list-style-type: none"> <li>• minimum of five (5) months since placed in phase four (4) and a minimum of eighteen (18) months in the program</li> <li>• minimum of two hundred seventy days (270) days of continuous sobriety immediately prior to graduation</li> <li>• all fees are paid for DWI Court</li> <li>• satisfactory completion of chemical dependency treatment and continued participation in all recommended aftercare</li> <li>• satisfactory completion of all DWI Court program requirements</li> <li>• submitted a post-graduation stability and sobriety plan/recovery plan</li> <li>• approval from the DWI Court Team</li> </ul>
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### DWI COURT PROGRAM RULES

As a participant you are required to abide by the rules outlined in this handbook, including, but not limited to the following:

**Behavioral Contract.** When appropriate, a behavioral contract may be completed between the DWI Court Team and the participant. Failure to adhere to the terms of the Behavioral Contract will result in termination from the Program.

**Totally abstain from the use and/or possession of alcohol and controlled substances.** This condition is fundamental for successful completion of the program. Do not consume or ingest any product containing alcohol, including “non-alcoholic beer.” **Other prohibited substances include energy drinks, herbal supplements and/or synthetic drugs.** Any prescription or over-the-counter medication must be approved by the DWI Court Team prior to use. Abuse or misuse of prescription or over-the-counter drugs will be considered a relapse and will result in a sanction or possible termination from the program. Use of someone else’s prescription or non-approved medication will result in a sanction or possible termination from the program. Inform your treating physicians that you are a recovering addict, and that you may not take narcotic or addictive medications or controlled substances or any products containing alcohol. Do not associate with people who use or possess alcohol or controlled substances. No huffing of any substance is allowed. ***It is your responsibility to make sure that whatever product you are ingesting or consuming does not contain any alcohol. Not knowing that something contains alcohol is not an excuse!***

**Mental Health Treatment.** When required, complete a mental health evaluation and follow any and all recommendations. You will be required to sign releases for any and all mental health treatment providers.

**Overnights.** When anticipating being away from home overnight, you must provide the address and phone number of the place you are staying, the day and time you are leaving, and the day and time you will be returning to your own residence. An “overnight” is considered any time you are away from home past 1 a.m. Since certain phases require permission prior to any overnight visits, all overnights must be approved by your Probation Agent at least 12 hours ahead of time unless there are special circumstances.

**Use or Possession of Certain Prohibited Property.** You are prohibited from using or possessing any surveillance equipment or devices.

**Attend all treatment sessions as scheduled.** This includes individual and group counseling, educational sessions, and other treatment as directed. Unexcused missed treatment sessions will result in a sanction.

**Be on time.** Be on time for court, treatment sessions, probation meetings, PBTs, UAs and any other appointment scheduled for you as part of your participation in DWI Court. Failure to appear as required may result in a sanction.

**Submit to chemical testing (urinalysis, breath tests) as requested.** You will be tested throughout the entire program. During the first phase you will be tested frequently and randomly. As you progress through the program, testing is required on a less frequent basis. The goal of the DWI Court Program is to help you achieve total abstinence from alcohol and controlled substances. A missed UA or diluted UA will be considered a positive UA and you may be sanctioned or terminated from the program.

**Out-of-state travel.** Three weeks notice of out of state travel, subject to approval, by your Probation Agent, is required.

**Attend all scheduled DWI Court sessions.** You must attend all court sessions scheduled by the DWI Court Probation Agent. As a participant, you are expected to dress appropriately for court. You are expected to wear a shirt or blouse, pants, dress or skirt of reasonable length. Shoes must be worn at all times. Clothing bearing offensive, violent, racist, sexist, drug/alcohol-related themes or promoting/advertising alcohol or drug use is considered inappropriate. Hats may not be worn. Gang attire is also inappropriate. Body piercings, other than earrings, are not allowed in court. Sunglasses cannot be worn in court.

**Do not make threats toward other participants/staff or behave in a violent manner.** Violent or inappropriate behavior is not tolerated and will be reported to the DWI Court Team. This behavior may result in a sanction or termination from the program. Any conduct that is deemed inappropriate by the DWI Court Team may result in termination from the program.

**Keep the DWI Court Team, Probation Agent, and treatment provider informed of your current address and phone number at all times.**

**Maintain confidentiality of other DWI Court participants.** Treatment cannot succeed unless all participants maintain the confidentiality of other participants and of information disclosed in treatment.

**Employment/Education Requirements.** You may be required to perform a specified number of hours of structured activity per week. This may be accomplished by actively seeking or maintaining employment, attending school/job training, performing unpaid alternative community work assignments or other activity approved by the DWI Court Probation Agent. This requirement will be determined by the DWI Court Team.

**Abide by all other rules and regulations imposed by the DWI Court Team.** Other rules and requirements are outlined in the DWI Court Participation Agreement that you must sign in order to enter the program.

**Whereabouts.** You are responsible to call the whereabouts line any time you leave the house. The Probation Agent should always be able to find you.

**If you are contacted by any other law enforcement officer, tell them that you are in DWI Court. You cannot work as a confidential informant with any law enforcement agency while in DWI Court.**

**Journal.** Upon entry into the program you will be given a pocket size journal. This is a tool you will use to keep track of your attendance including but not limited to; community support meetings, treatment information and any other information directed by the team. You will need to bring this journal with you to each court hearing. The first journal will be free, however if you loose it the second one will cost you \$20.00.

**Curfew.** You will be given a curfew upon starting DWI Court. As you advance through the program, curfew times will be extended or shortened depending upon your progress. You are to be home by curfew unless an extension has been approved by the Probation Agent in advance.

**Honesty.** Dishonesty will result in a more severe sanction.

**Re-entry into the program, if you fail to finish, may not be allowed.**

## CHEMICAL TESTING

You will be tested randomly for alcohol and controlled substances throughout the entire DWI Court Program. You will be provided with a copy of the chemical testing policy of White Earth Nation/Becker County DWI Court.

You will be observed to ensure freedom from errors.

- The following will count as a positive (dirty) test:
  - If you refuse to test.
  - If you miss a test.
  - If you have a diluted UA.
  - Stalling – If you are unable to provide a sample within a reasonable amount of time or if it is not of sufficient quantity to test.
  - Any adulteration of any sort, which may include tampering or falsifying.
  - If a positive test needs to be sent to a commercial laboratory for confirmation, you will be required to pay for the cost of the test prior to testing.



If you have a positive test in any DWI Court phase, the Judge, based on recommendations from the DWI Court Team, will apply immediate sanctions.

## ELECTRONIC HOME MONITORING



Participants who have been convicted within ten years of the first of two or more prior DWI's are required, at their expense, to participate in an electronic alcohol monitoring program for a minimum of 30 consecutive days each year, pursuant to MN State Statute 169A.277, if court ordered.

## SEARCH AND ARREST REQUIREMENTS

As a participant in DWI Court, you are required to submit to searches of your person, vehicle, place of residence or any area under your control at any time of the day or night with or without a search warrant, without prior notice and without probable cause by any peace officer or probation agent or their representative. Any law enforcement officer who observes a current participant of DWI Court in any of the following circumstances is authorized to arrest that individual:

- ingesting alcohol or controlled substance;
- in violation of any criminal law;
- being under the influence of alcohol or controlled substance;
- testing positive for alcohol or controlled substances;
- possessing alcohol, controlled substances or drug paraphernalia;
- being in the presence of a person in possession of controlled substance(s) and a reasonable person in a like position would conclude that controlled substances are present.



Participants detained in jail will be brought before the DWI Court Judge for hearing.

## PROGRAM FEES

As a DWI Court participant, you must agree to pay a program fee of \$1,000. You will be required to pay a portion of the fee to advance to the next phase. You can earn \$800 of that fee with successful completion of certain requirements in each phase. You are also responsible for paying for the cost of treatment which is separate from the DWI Court program fee. There may be other fees to pay depending on your situation and needs. You must be current with all of your payments before you are allowed to move to the next phase of the program.

### Where to pay fees:



- Pay the program fee to Becker County DWI Court by submitting to Probation Agent or Coordinator.
- Pay fees for other services directly to the agency providing the service to you.

## **INCENTIVES**



Incentives are used to recognize and reward participation and progress. Upon the recommendation of the DWI Court Team, participants may be given rewards or incentives for compliant behavior. The most frequently used incentive is the Judge publicly recognizing progress during court sessions and acknowledging to the participant and the entire court the participant's hard work and accomplishments. Individuals who are doing well may also receive early phase promotion and less restrictive phase requirements.

## **SANCTIONS**

There are immediate and direct consequences for all conduct, both positive and negative. Sanctions follow violations and are applied as close to the time of the negative conduct as possible by the DWI Court Team.

Incentives and sanctions may be applied at the participant's next scheduled DWI Court hearing, with the exception of serious violations (e.g. positive screen for alcohol, or a positive UA, or the commission of a new crime, etc), in which case the participant may be required to appear at the next DWI Court session.

Sanctions are used to emphasize the strict expectations and requirements of the program including participant accountability and to provide more structure and support when it is needed. Although final sanction decisions are made by the Judge, the DWI Court Team is involved in the process.

## **TERMINATION FROM DWI COURT**

Warrants, new arrests or a violation of any aspect of your case plan may result in your termination from the DWI Court program. If you are out of contact or have absconded and a warrant for your arrest exceeds 60 days, you will be automatically terminated from DWI Court. Other violations, which may result in termination, include, but are not limited to, the following:

- Missing and/or positive alcohol or drug tests;
- Altered alcohol and/or drug test;
- Demonstrating a lack of program response by failing to cooperate with the Probation Agent or treatment program;
- Violence or threat of violence directed at treatment staff, other participants of the program , other clients of the treatment providers, or DWI Court Team members;
- Dishonesty;
- Any act, conduct or behavior that would affect the safety of the public;
- Any act, conduct or behavior that would undermine the integrity of the DWI Court program;
- Failure to comply with the terms of a Behavioral Contract;

- Any conduct deemed inappropriate for DWI Court participation as determined by the DWI Court Team.

## **GRADUATION**



Upon your successful completion of a treatment program and satisfaction of all other court requirements including continued sobriety, you will graduate from DWI Court based on the recommendations of the DWI Court Team. At this point you may be successfully discharged from supervision or placed on either supervised or unsupervised probation.

Graduation from the DWI Court program is recognized as a very important event. Your family is invited to join you at a special ceremony as the DWI Court Team congratulates you for successfully completing the DWI Court program and achieving your goal to establish an alcohol and drug-free life.

## **CONCLUSION**

The goal of the Becker County DWI Court Program is to help you achieve a life free of dependence on mind-altering substances. The Judge, court staff, and DWI Court Team are here to guide and assist you, but the final responsibility is yours. To succeed, you must be motivated to make this commitment to an alcohol and drug free life.