



SOUTH ST. LOUIS COUNTY DWI COURT PROGRAM

SIXTH JUDICIAL DISTRICT
STATE OF MINNESOTA

Revised 6/19/2009

SOUTH ST. LOUIS COUNTY DWI COURT PROGRAM

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Roles and Responsibilities of the St. Louis County DWI Court Team

Judge: Supervises participant progress through the DWI Court continuum based on weekly court hearing, team input and participant behavior, leads the DWI Team in decision-making; holds participants accountable for their progress by use of incentives and sanctions.

Prosecutor: Reviews cases and determines if defendant is eligible for the program. Participates in coordinated strategy for responding to instances of noncompliance. Advocates for public safety.

Public Defender: Advocate for participant's access to and continued participation in the DWI Court; assists in screening; assures confidentiality requirements are met.

Probation: Provides individual supervision and a broad range of rehabilitative and case management services with the DWI Court continuum. Monitors conditional release. Screens all DWI cases for eligibility criteria and refers for DWI Team consideration. Supervises clients through Phase Program keeping the DWI Team informed on progress or problems on a weekly basis.

Treatment Provider: Attends staffing and provides input on various and appropriate modalities of treatment.

DWI Court Coordinator: Responsible for the operation and appropriate and timely completion of proposed DWI Court program activities. Facilitates case flow, activities of participating agencies, monitors the meeting of goals, objectives and timelines; provides monitoring and contractual service quality assurance. Develops, maintains and facilitates the implementation of policies and procedures. Works toward sustainability through grant application, fundraising and collaboration with state and local partners. Reports on grants, ensuring proper data collection and coordinates evaluation. Attends all state planning meetings.

Evaluation and Management Information System: Data collection and analysis.

MISSION STATEMENT

The mission of the Duluth DWI Court is to provide a comprehensive, multi-disciplinary response to the repeat DWI offender that breaks the cycles of addiction and crime through accountability and improved access to services. This will lead to increased public safety, reduced recidivism, lowered costs and strengthened families in our communities.

GOALS AND OBJECTIVES

Goal	Measurements	Time	Design/Method
Reduce Recidivism	<ul style="list-style-type: none"> • Arrests • Charges • Convictions • Probation violations 	While in Program and then at 1 year 2 years 3 years And post program	<ul style="list-style-type: none"> • Compare South St. Louis DWI Court participants with other similar Minnesota DWI courts. • Compare successful South St. Louis County DWI (DDWI) Court participants with opt-outs or drop-outs • Follow-up using the Level of Service Inventory - Revised
Abstinence	<ul style="list-style-type: none"> • PBT and UA during program and probation • Self-report on follow-up interview 	While in program and then at 1 year 2 years 3 years and post program	<ul style="list-style-type: none"> • Collection during program/probation • Follow-up interview using the Level of Service Inventory - Revised
Retention	<ul style="list-style-type: none"> • Retention rates graduates vs. terminations • Appearances at Judicial Reviews • Attendance at probation appointments • Completion of DWC • Completion of Treatment programming 	While in Program During Course of Probation	<ul style="list-style-type: none"> • Retention rates of active participants • Comparison of active groups at: 1 year 2 years 3 years

Improved Access to Services	<ul style="list-style-type: none"> • Comprehensive multi-dimensional assessment completed during first week • Client referrals to identified services • Referrals • Completed/services entered • Enrollment with primary care physician 	While in program	<ul style="list-style-type: none"> • Reports to judicial reviews • Reports to probation
Improved Participant Level of Function	<ul style="list-style-type: none"> • Employment/Education • Pro-social activities • Attendance of self-help groups • Stable housing • Payment of fines and court costs 	While in program 1 Year 2 Years 3 Years	<ul style="list-style-type: none"> • Reports to judicial review • Reports to probation • Follow-up Level of Service Inventory • Comparison to DWI Courts with similar demographics

STRUCTURE

Participants for the St. Louis County DWI Court will be screened for eligibility at arraignment (first appearance) by Probation and referred to the DWI Court team for review. All individuals must be willing to address their chemical use issues and agree to be released from jail under the following guidelines:

- Supervised Release status possibly with Electronic Monitoring
- Complete chemical health assessment and comply with recommendations
- Comply with random drug and breathalyzer testing
- Maintain contact with Supervised Release Agent
- Submit to drug test within 24 hours of release from jail

Probation will screen all potential applicants for eligibility criteria and refer qualified applicants to the DWI Court Team for acceptance. Participants are accepted into the program pre-plea under the agreement to begin treatment programming and/or cognitive-based programming upon release from custody. The length of the program is determined by an individual's success in maintaining sobriety, compliance with program requirements, and meeting case plan goals. The minimum length of time that the program can be completed in is twelve months. Participants must move through three phases of the program in order to graduate. Components of the program include regular court appearances, random drug and breathalyzer testing, random field visits (via probation officer and law enforcement on nights and weekends), regular case management contacts, chemical dependency treatment, cognitive-based educational programs and other supportive programming. The program is strictly abstinence-based.

The DWI Court Program functions with a team of criminal justice professionals, all equally committed to the success of each participant, utilizing strengths-based approaches. The team consists of the following individuals: judge, prosecuting attorney, defense attorney, probation officer, law enforcement, treatment providers, MADD advocate, and coordinator. Staffing and court sessions are held once per week.

The **target population** is individuals 18 years of age and over who are residents of South St. Louis County and have been arrested for a Felony DWI or who are facing a violation of probation on a 2nd Degree DWI that could result in revocation of their stay of execution. Participants are screened and accepted to the program pre-plea. Should a participant refuse entry into the program at time of arraignment, participation in the program will be mandatory upon plea or finding of guilt. The program is limited to sixty (60) participants.

ELIGIBILITY/DISQUALIFICATION CRITERIA

Eligibility:

1. Felony DWI OR 2nd Degree DWI with Violation* OR Criminal Vehicular Operation with victim approval;
2. United States Citizen*
3. South St. Louis County resident;
4. 18 years of age or older;
5. Chemical Assessment of substance abuse or dependence.

* 2nd Degree DWI Offenders with violations of probation will be considered if:

- The violation is alcohol related.
- The violation will result in an executed sentence of 180 days or greater or with an extensive amount of time having to be served.
- Client assesses chemically dependent and/or chemically abusive.
- Client has not been amenable to traditional probation supervision.
- Formal VOP has been issued.
- Client must admit to violation prior to entry into the DWI Court Program.

*United States Citizen: The DWI Court reserves the right to accept illegal/legal aliens into the court with substantial and compelling reasons. All illegal/legal aliens must have the ability to pay for treatment or be eligible to apply for consolidated funds. There must also be no INS holds in order for the court to accept client.

Presumptive Commits:

Clients who would be considered presumptive commits are not eligible for acceptance into the DWI Court Program unless the DWI Court Team believes that there are substantial and compelling grounds for departure based on the factors listed below:

- ✓ Recommendation from past probation officer
- ✓ Prior Criminal History
 - Past criminal behavior is related to the addiction.
 - Prior Assaults
 - Felony Assaults that have occurred within the past 15 years will automatically exclude client.
 - Non-felony assaults within the past 10 years will be given discretionary review by the DWI Court Team to determine client eligibility and additional program conditions for acceptance.
 - Clients with 2-3 assaults will be excluded.
 - Clients with multiple domestic abuse assaults will also be excluded.
- ✓ Client has not be amenable to traditional probation and has not been in an intensive supervised probation program.
- ✓ Other Collateral information
- ✓ As of 7/1/2009: Presumptive Commits who meet substantial and compelling grounds for departure must meet certain pre-conditions prior to acceptance into the DWI Court:
 - Must participate fully in the pre-admission phase which includes:
 - Signing all necessary releases of information
 - Completing a psychological evaluation if deemed necessary by the DWI Court Team
 - Begin Treatment
 - Must plead to charges prior to starting Phase I
 - Must meet all the other eligibility requirements.

The sentence for clients who are presumptive commits will be different then for clients who are subject to the standard DWI Felony sentence. Presumptive commits:

- MUST complete longer phases (typically 6 months)
- MUST serve 6-15 consecutive days in jail
- MUST complete community service hours as determined by the DWI Court team.
- MUST pay DWI Court fee as determined by the DWI Court Team. (Typically, this is a higher fee than the standard DWI Court Fee)
- MUST comply with all other DWI Court Rules.

Ineligibility/Disqualification: The guidelines that the South St. Louis County DWI Court uses to identify that an offender is ineligible for the program are as follows.

1. The DWI incident resulted in a death.
2. The offender is a juvenile.
3. The offender is not mentally competent or medically capable of complying with the rules of the DWI Court.
4. Offenders currently on intensive supervision for a prior offense.
5. Certain sex offenses/domestic assaults/weapons convictions.
6. Violent Offenders: The offender is a violent offender pursuant to federal statute definition indicating a prior record of conviction for an offense listed below:
 - a. 609.185 Murder in the First Degree
 - b. 609.19 Murder in the Second Degree
 - c. 609.196 Murder in the Third Degree
 - d. 609.20 Manslaughter in the First Degree
 - e. 609.205 Manslaughter in the Second Degree
 - f. 609.221-609.2231 Assault First through Fourth Degree
 - g. 609.224 Felony Level Assault
 - h. 609.2243 Felony Domestic Abuse
 - i. 609.228 Great Bodily Harm Caused by the Distribution of Drugs.
 - j. 609.229 Crime Committed for the Benefit of a Gang
 - k. 609.245 Aggravated Robbery
 - l. 609.25 Kidnapping
 - m. 609.2661-609.268 Murder, Manslaughter, Assault and Injury/Death of an Unborn Child
 - n. 609.342-609.3451 Criminal Sexual Conduct-All Degrees
 - o. 609.498 Witness Tampering
 - p. 609.561 Arson in the First Degree
 - q. 609.582 Burglary in the First Degree
 - r. 609.66 Dangerous weapons
 - s. 609.668 Explosive or incendiary device without injury to others.
 - t. 609.712 Real and simulated weapons of mass destruction.

A disposition of a felony charge of a crime of violence as so described that results in a stay of adjudication or imposition of sentence is not a felony conviction for the purposes of this provision. A disposition results in a felony conviction if a felony sentence is imposed on the offender.

The above provision relating to serious bodily injury will be suspended in those cases of CVO with Great Bodily Harm in those instances where the participant meets all other DWI Court Criteria and victim has given consent from the offender to participate in the DWI Court process.

The DWI Court Team reserves the right to review the following cases for inclusion:

1. A misdemeanor or gross misdemeanor conviction, resolved prior to participation, involving threatened or actual use of force or use, possession or carrying of a firearm or another dangerous weapon.
2. A prior felony arrest or charge involving threatened or actual use of force; use, possession or carrying of a firearm, other dangerous weapon, or bulletproof vest; terroristic threats; harassment or stalking; a crime committed for the benefit of a gang; or use of drugs to injure or facilitate a crime.
3. Using a legally licensed firearm or dangerous weapon in a legally justifiable way, such as in circumstances of self-defense.
4. Possessing or carrying an otherwise legally licensed firearm or dangerous weapon.

TERMINATION

Participants may be terminated from the program for one or more of the following:

1. Failure to maintain contact and/or absconding for a minimum of 30 days;
2. Incurring a new DWI charge;
3. Failure to comply with program requirements within a reasonable period of time and participant has failed to improve attendance or motivation;
4. Any conduct deemed inappropriate for DWI Court participation as determined by the DWI Court Team.

The judge and/or the DWI Court Team retain discretion to take any of the following actions in lieu of termination:

1. Continuance in current phase;
2. Demotion to prior phase;
3. Schedule more frequent court appearances;
4. Incarceration;
5. Electronic Monitoring;
6. STS

GRADUATION

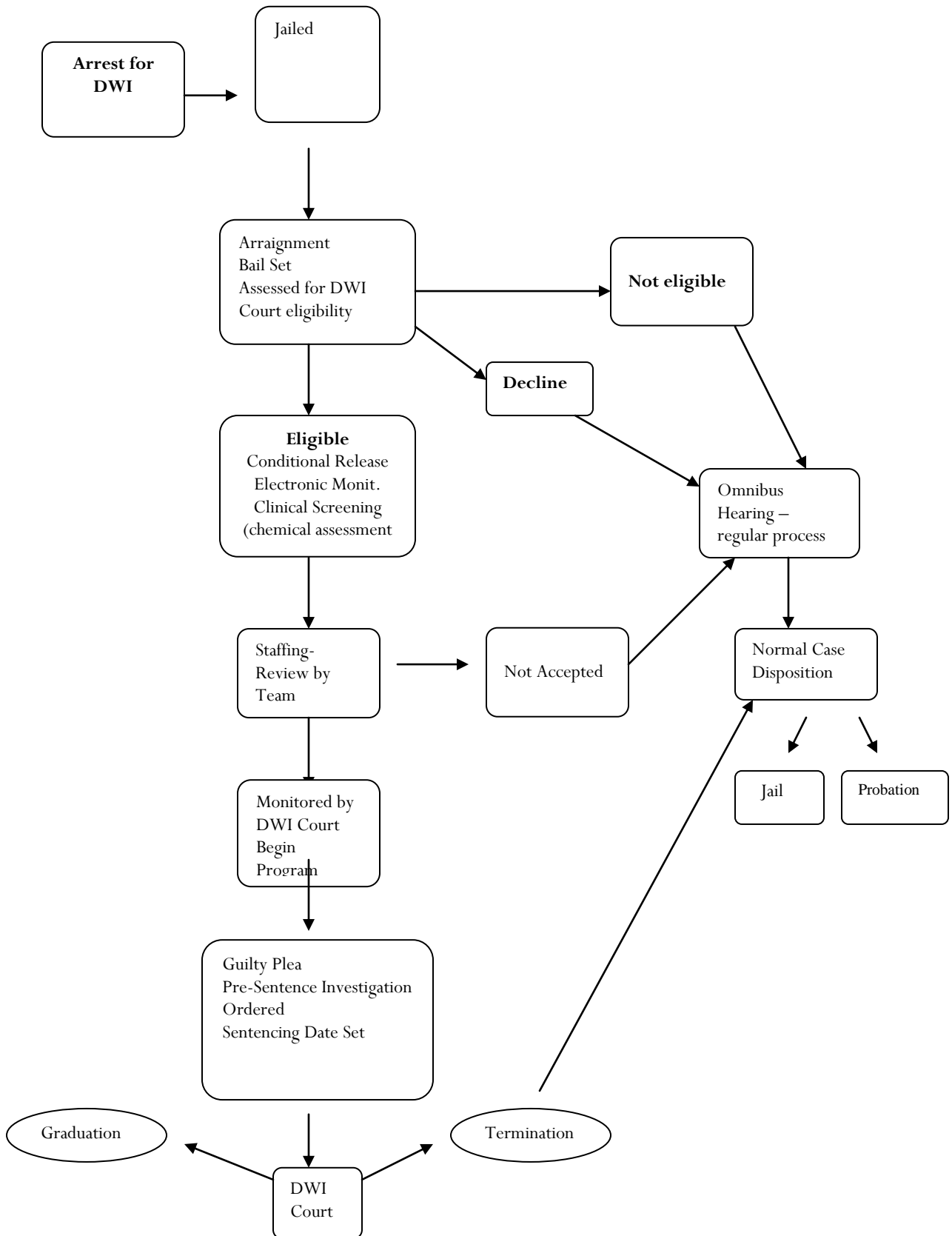
Participants will graduate from the program upon completion of all of the following requirements:

1. Successful completion of all phase and program requirements, including chemical dependency treatment and cognitive programming;
2. Ten months minimum continuous, documented sobriety;
3. Submission of graduation application

4. Approval of DWI Court Team.

Any of the above requirements may be waived by the DWI Court Judge under special circumstances. Upon graduation, participants will continue to be monitored by probation for the balance of their probation term.

ENTRY PROCESS



PHASES

STANDBY PHASE: When the DWI Court has 31-60 clients, we will need a full time probation officer and a half time probation officer or an equivalent community compliance officer. If the half-time person is not on staff, the number of participants that can be accepted by the DWI Court will be 30. A list will be started of people who would be eligible for the DWI Court but for the staffing concerns. Those participants will be put in a pre-admission phase. The stand-by phase procedures are as follows:

- DWI Probation Officer will screen potential applicants and put them in the pre-admission phase.
- The pre-admission participants will be put on a standard pre-trial release contract with added requirements which will include:
 - Signed consent forms for the DWI Court
 - A chemical use assessment
 - Follow the recommendations of the assessment.
 - Treatment should be started.
- Prior to admission into Phase I of the DWI Court Program, there will be no expectations that the applicants will receive any services from the DWI Court including home visits and drug testing.
- The stand-by participants will be transferred to Phase I of the DWI Court as room becomes available.
 - The DWI Court team reserves the right to take participants who they feel would benefit the most from the intensive supervision of the DWI Court protocol and not necessarily the first on the list.
 - Pre-admission participants will start at day one of Phase I, however, the DWI Court Team reserves the right to start pre-admission participants at the 60 day mark of Phase I.
- Presumptive Commits will not be not be admitted to this phase unless the team finds substantial and compelling grounds to admit client based on the criteria listed on the previous pages.

PRE-ADMISSION PHASE: Presumptive Commits and other clients, to be determined by the DWI Court Team, will be placed in a pre-admission phase. This will be an extended assessment phase prior to acceptance into the DWI Court Program. The Pre-Admission Phase will be an opportunity for the DWI Court team to evaluate the client prior to official acceptance into the program. This conditional acceptance will be an opportunity for the team to decide whether this program will work for a particular client and whether we have the services and the ability to assist the client.

- The pre-admission clients will be put on a DWI Court pre-trial release contract with added requirements which will include:
 - All necessary signed consent forms for the DWI Court, treatment staff etc.
 - A chemical use assessment
 - Follow the recommendations of the assessment.
 - Follow through with psychological evaluation if deemed necessary.
 - Follow all rules of the DWI Court Team
- There is an expectation of random drug and alcohol testing and home visits by probation and law enforcement.

- The client will be allowed to move out of the Pre-Admission Phase only with the consent of the DWI Court Team. It is anticipated that this phase will last 4-6 weeks.
- Client's who are permitted into Phase I, will begin Phase I at day 60.

PHASE I

In addition to all the terms of DWI Court probation, participants will also be required to:

- Attend treatment as required by treatment provider(s) and participate in aftercare as directed.
- Attend DWI court every week.
- Report as directed to provide PBT and/or urine screens.
- Abide by a curfew of 7pm. – 6am.
- Attend AA or other structured sobriety and accountability group weekly at least two times a week –provide verification of attendance by writing down the name of the meeting, date and time, the topic discussed, and what was learned. (Attendance at 2 AA meetings will not be strictly enforced until after participant has completed treatment).
- Complete a pro-social activity at least one time a week – provide verification in writing describing the activity, who was present, and what was learned. The pro-social activity can include attending AA meetings over and above the 2 mandatory weekly meetings.
- 1/3 of Fee or \$400 must be paid prior to Phase II advancement. Client can choose STS/CSW to pay off fee with approval of DWI Court Team.
- Actively seek full-time employment or be attending school.
- Maintain 60 consecutive days of sobriety immediately prior to Phase II.
- Comply with case plan programming as determined by probation.
- Resolve case prior to phase change.

PHASE II

- Continue to complete aftercare or the Driving with Care curriculum.
- Attend DWI court bi-weekly.
- Report as directed to provide PBT and/or urine screens.
- Abide by a curfew of 9pm-6am.
- Attend AA or other structured sobriety and accountability group weekly at least two times a week –provide verification of attendance by writing down the name of the meeting, date and time, the topic discussed, and what was learned.
- Complete a pro-social activity at least one time a week – provide verification in writing describing the activity, who was present, and what was learned. The pro-social activity can include attending AA meetings over an above the 2 mandatory weekly meetings.
- Maintain full-time employment or be attending school.
- An additional \$400 of the DWI Court Fee, must be paid prior to Phase II advancement. Client can choose STS/CSW to pay off fee with approval of DWI Court Team.
- Comply with case plan as determined by probation.
- Maintain 6 consecutive, documented months of sobriety prior to advancing to Phase III.

PHASE III

- Report to DWI court once a month.
- Report as directed to provide PBT and/or urine screens.
- Maintain full-time employment or be attending school.
- The remainder of the DWI Court Fee must be paid in full prior to graduation. Client can choose STS/CSW to pay off fee with approval of DWI Court Team.
- Comply with case plan as determined by probation.
- Maintain sobriety for 10 consecutive months prior to advancing to standard probation.
- Submission of graduation application and approval of the DWI Court Team is necessary to advance to graduate and advance to Phase IV.

PHASE IV

- Report to court two times a year.

SANCTIONS AND INCENTIVES

Sanctions: The imposition of one or more negative consequences in response to undesirable behavior(s). Sanctions must be predictable, consistent and immediate.

Incentives: The award of one or more positive consequences that is the direct result of, and is a reward for, the participant's positive behavior.

Sanctions and incentives should be applied as soon as the DWI Court Team is aware of the behavior. The principle applied should be that the participant receives the least restrictive sanction based upon past behavior and sanctioning.

Sanctions may include:

Incentives may include:

Verbal or written warning	Praise, compliments from the Judge
Verbal or written apology to judge and/or group	Court: All-Star list, early call
Essays for court	Fishbowl drawings
Journaling	Bus passes
Reading list-complete	Movie passes
Peer review	Restaurant/retail/grocery gift card
Round table with team	Video rental gift card
Self imposed sanctions	Applause/special recognition
Penalty box (jump seat)	Lunch with Judge
Restricted travel	Lunch with Team Member of choice
House arrest	Tuition help
Modified curfew/check-in time	Birthday cards
Extra UA/breath testing	Medical/dental assistance
Increased supervision/court reporting	Medallions
Increased community support groups	Books/coffee cups/key chains
Increase time in phase or track	Social parties (bowling, mini golf, etc)
Demotion to earlier program phase	Candy/other treats
Volunteer at Detox	Staggered Sentencing
Emergency Room visit	Reduction in sentence
Clean jail	Decreased frequency of court appearances
MADD Panel	Decreased supervision/drug testing
EHM	Lift curfew
Increased home supervision	Leave court early
CSW	Waive fines
STS	Fine reduction
Detox	Phase acceleration
Short-term jail sentence	Graduation certificate
Weekend jail	Graduation treats
Termination	Graduation/early graduation

TREATMENT PROTOCOL

Identification and referral to treatment occurs once the eligible participant is released from jail custody after arrest. Participants should enter a treatment program as soon as possible following the assessment. If this is not possible, the probation officer and participant will develop an interim care plan that addresses housing, court appearances, support group meetings, and whatever else the probation officer deems necessary.

The DWI Court will match the participant with the appropriate level of treatment intervention, utilizing the least restrictive environment that will address the presenting problems. The treatment continuum can and will involve:

- Detox
- Assessment and funding determination (county-paid-consolidated funds; Medical Assistance, self-insurance)
- Referral to appropriate treatment resource(s)
- Residential/extended care program
- High intensity outpatient program
- Low intensity outpatient program
- Continuing care
- Support group meetings
- In-custody outpatient programming at Northeast Regional Corrections Center

The DWI Court Program has partnered with Arrowhead Regional Corrections and the Bethel Treatment Program to utilize the “Driving With Care” curriculum, specifically tailored to repeat DWI offenders. Participants are screened using the ASUDS (Adult Substance Use and Driving Survey) which determines the level of curriculum needed; therapy or education. The “Driving With Care” curriculum utilizes a cognitive-behavioral and educational change focus, with recidivism prevention at its core.

If screening and assessment results recommend treatment in addition to the Driving With Care curriculum, the participant will be referred to other treatment providers within the community. The providers must be Minnesota licensed programs to include private, not-for-profit agencies, private for-profit agencies and hospitals. Providers are required by contract with the Department of Human Services to follow all local, state, federal confidentiality laws. They are also required by the DWI Court Program to provide regular participant progress reports to the judge and probation officer as well as functional assessment results at discharge.

Participants with co-occurring disorders will be matched to appropriate programming and ancillary resources. Referrals will be made as required and included in case planning.

All providers will be required to develop treatment case plans, maintain participant records, monitor participants during treatment and continue to provide case management as the participant moves into recovery in the community. The DWI probation officer will be involved in case planning and supportive services with the counselor and the participant during treatment and aftercare through successful completion of the DWI Court Program.

SUPERVISION PROTOCOL

Each participant will be referred to a probation officer specifically assigned to DWI Court for case planning, monitoring, accountability, and direct services. After sentencing, the probation officer will conduct an LSI-R (Level of Service Inventory-Revised, a pre-screening and risk/needs assessment tool), an ASUDS-R (Adult Substance Use and Driving Survey – Revised, an assessment to determine risk and placement within the Driving With Care Curriculum) and a Pre- Sentence Investigation on each program participant.

The Chemical Use Assessment information gathered prior to admission to the court, as well as, information gathered during face to face interviews with clients, the Pre-Sentence Investigation and from the administration of the LSI-R and ASUDS-R will be used to formulate a comprehensive, individualized case plan developed with and signed by each participant. The case plan should be used as a “road map” to guide the progress of program participants and follow these core principles:

- Be written and based on dynamic and criminogenic risk factors, with priority target factor identified; and
- Identify participant strengths, assets and supports; and
- Identify participant goals (simple, specific, measurable, attainable) that address competency development, restorative accountability and community safety; and
- Identify what actions to take to accomplish each goal, be time driven and dynamic in nature and provide consequences and rewards.

The probation officer is expected to facilitate the participant’s completion of the case plan and provide assistance in obtaining ancillary services needed, i.e. supportive housing, employment skills training, GED classes, child care, transportation and other needs.

Participants will be supervised by probation upon their release from jail. Contact with probation should occur where the needs of the participant are best met; locations can include but are not limited too, probation office, clients’ home, clients’ employment site, treatment facility or court. In addition, random field visits to the participant’s home or place of employment will be conducted by probation or law enforcement during non-business hours: evenings, weekends and holidays. The frequency of field visits is dictated by Phase (i.e. Phase 1 would be visited more often than Phase 2) and will be increased or decreased when necessary, however, 50% of the contacts with clients must be during non-traditional hours. The recommended client contact expectations are as follows:

Phase 1: A minimum of three (3) visits a week or more at the discretion of the DWI Court Team.

Phase 2: A minimum of two (2) visits a week or more at the discretion of the DWI Court Team.

Phase 3: A minimum of three (3) contacts per month or more at the discretion of the DWI Court Team.

Phase 4: As needed as determined by the DWI Court Team.

Participants must attend DWI Court sessions on a regular bases; the frequency is dictated by Phase and will be increased or decreased when necessary based on compliance or non-compliance:

Phase 1: weekly

Phase 2: bi-weekly or more at the discretion of the DWI Court Team.

Phase 3: once every four weeks or more at the discretion of the DWI Court Team.

Phase 4: twice a year or more at the discretion of the DWI Court Team.

TESTING PROTOCOLS

Alcohol and other drug testing is one of the ten key components for a problem-solving court and crucial for program integrity. Test results can act as a deterrent to future drug use, identify participants who are maintaining abstinence, identify participants who have relapsed, provide incentive, support and accountability for participants and are an adjunct to treatment and frame sanction decisions. Effective testing is frequent, must be random (unexpected, unannounced, unanticipated) and progressive (linked to phase requirements). Breathalyzer testing along with urinalysis testing for alcohol and other drugs will be utilized with all DWI Court participants

All DWI Court participants will be informed about testing policies and procedures upon entry into the program and must sign an agreement to comply with testing requirements. Therapeutic and/or punitive responses are determined by the DWI Court Team for positive drug and breathalyzer tests.

All urinalysis tests will be observed. A full screen, including testing for nine drugs will be obtained upon release from jail to establish a baseline. After the initial baseline is established, participants will be placed on a list for random UA's and must call as directed by probation daily to receive instructions regarding when to report for drug/alcohol testing.

DWI Court Clients who have been identified as having a drug of choice other than alcohol will be routinely tested for that drug. In addition to the ETG (alcohol testing), DWI Court Client's will be tested randomly, monthly for additional drugs to ensure that clients are not abusing other chemicals.

Positive test results: If a participant admits that the urine will be positive for drugs, a confirmation test is not necessary. If the participant denies using drugs and the test results are positive, the sample will be submitted for confirmation. Sanctions will be imposed for positive tests. The participant is responsible for payment of the confirmation test if the test is positive and use of drugs has been denied.

Urine and/or breath testing will be conducted on a random and frequent basis and will be dictated by Phase and be increased or decreased based on compliance or non-compliance at the discretion of the DWI Court Team:

- Phase 1: eight (8) times per month
- Phase 2: eight (8) times per month
- Phase 3: three (3) times per month

URINE TESTING AND INCIDENTAL DRUG AND ALCOHOL EXPOSURE

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. In order to preserve the integrity of the DWI Court testing program, it has become necessary to restrict and/or advise DWI Court participants regarding the use of certain alcohol containing products. .

It is the responsibility of the participant to limit his/her exposure to the products and substances detailed below that contain ethyl alcohol. (This information is contained in the handbook and will be verbally explained to each client upon entrance into the court). It is the responsibility of the participant to read product labels, to know what

is contained in the products that he/she uses and consumes and to stop and inspect these products **BEFORE** he/she uses them. *Use of the products detailed below will NOT be allowed as an excuse for a positive test result.*

Cough Syrups and Other Liquid Medications: DWI Court participants are prohibited from using alcohol containing cough/cold syrups, **such as Nyquil**. You 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 probation officer before use. Information on the composition of prescription medications should be available from your pharmacist. Non-alcohol containing cough and cold remedies are readily available at most pharmacies and retail stores.

Non-Alcoholic Beer and Wine: Although legally considered non-alcoholic, NA beers do contain a residual amount of alcohol that may result in a positive test. DWI Court participants are NOT permitted to ingest NA beer or wine.

Food and Other Ingestible Products: There are numerous other consumable products that could result in a positive test. Flavoring extracts, such as vanilla and almond extract, and liquid herbal extracts such as Ginkgo Biloba, could result in a positive screen for alcohol. Communion wine, food cooked with wine, and flambé dishes (cherries jubilee or baked Alaska) **MUST** be avoided. Read carefully the labels on any liquid herbal or homeopathic remedy. In addition, foods containing poppy seeds must not be consumed.

Mouthwash and Breath Strips: Most mouth washes (Listermint, Cepacol, etc) and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol can produce a positive test. DWI Court participants are not permitted to use mouthwashes and breath strips that contain ethyl alcohol. Non-alcohol mouthwashes are readily available.

Hand Sanitizers: Hand sanitizers 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 test. Hand washing with soap and water is just as effective.

Cosmetics and Tanning Lotions, enhancers, sunscreens and self-tanners: Some cosmetics and tanning lotions contain hemp or THC. Use of these products could result in a positive test.

The 500 ng/ml is the standard cutoff for all Minnesota Drug Courts and is the nationally accepted cutoff for EtG testing. If we do receive a preliminary positive on at EtG test, the following procedures will be implemented.

1. The participant will be confronted with the preliminary positive result.
2. If the participant admits to alcohol use or the use of the products he/she has been warned about, the team will proceed with the standard sanctions.
3. If the participant denies, the team will employ any of the following procedures to ensure abstinence until the confirmation results are received. (The team will consider all factors including transportation, employment and physical and mental health concerns when determining the best possible preliminary intervention for the client.)
 - a. Report twice a day at Detox or the Bethel for PBT's
 - b. Individual one on one sessions with treatment staff.
 - c. UA every day until confirmation is back.
 - d. Electronic monitoring.

Prescription Drug Policy

Participants must agree to cease the use of all mood-altering substances that would result in a positive drug test (including, but not limited to narcotics, tranquilizers, sedatives, stimulants, opiates, opiate-based medications). If during the course of participation it becomes necessary for a participant to take prescription medication, prior approval must be sought by the DWI Court Team with appropriate medical documentation provided. The use of the medication may be approved on a conditional, time-limited basis based on established facts. Any use of doctor monitored prescription drugs is determined on a case-by-case basis by the DWI Court Team. The following are the procedures that must be followed for all participants who are placed on prescription medications.

DWI Court participants will be asked to sign a contract regarding his/her prescription drug use. Participants will be required to identify one primary health care provider (PHCP) to coordinate all healthcare needs and sign the appropriate releases for the DWI Court Team. The PHCP will be responsible for managing all the prescription medications with the exception of those participants who do see a psychiatrist.

Participants will be asked to notify the DWI Court Team Probation Officer or Treatment staff immediately if he/she is prescribed or administered a mood altering or controlled substance. He/she will also be required to provide a copy of the prescription by his/her next scheduled court date and keep the medication in its original prescription container.

In addition, the participant will be expected to maintain a medication log showing when and how much medication he/she has taken every day. The participant will be asked to bring this log into court during every DWI Court appearance. The DWI Court Treatment Team member may review the medication log with the individual during these court appearances or during one on one or treatment sessions.

Pill counts will be done weekly with the DWI Court Treatment Team Member or the DWI Court Team Probation Officer.

Participants will be required to fill all of his/her prescriptions at one pharmacy. A monthly printout documenting new prescriptions and/or refills from that pharmacy must be provided to the DWI Court Team.

Failure to comply with the prescription drug policy may result in a sanction or termination from the program.

FEES

In order to ensure that participants will be able to graduate in time, and in order to keep participants accountable to the program, there is a new fees policy going into effect March 1, 2011.

Typical DWI Court fees are \$1200, but vary depending on the charges faced. Each participant is responsible for keeping track of the fees they owe. Participants should speak to the coordinator or probation to determine fees owed. Other court fees assessed outside of DWI Court are not covered under this policy, and participants should speak to Court Administration if they have questions regarding those fees.

- * Participants must pay 1/3 of their fees in order to move from Phase I to Phase II. Participants must have paid 2/3 of their fees to move from Phase II to Phase III. Participants cannot graduate to Phase IV until all fees have been paid off.
- * If participants cannot graduate on time due to being behind in fees, extra fees will be charged according to the following schedule:
 - There is a one-month grace period with no extra fees charged
 - \$50 per month are added for the next 3 months

- After that, \$100 per month will be added to the Court fees
- * Participants will be required to pay \$100 per month to the DWI Court. If payment of \$100 is not possible, the equivalent amount of community service work (CSW) or Sentence to Service (STS) work must be performed. The payment must be made or the work must be done by the last day of each month.
- * If participants fail to pay \$100 per month or get their community service/STS work completed, the DWI Court Judge may order that the payments or work be made up. If participants fail to comply with the Judge's order, it will be considered a violation, and the DWI Court Team may use its discretion to sanction the participant.

Community Service/STS Work:

- * Community service work must be approved by probation or the DWI Court Team in order for it to count towards participants' court fees. Participants are responsible for finding their own community service opportunities, which the DWI Court can help with. Participants should contact the coordinator to get help finding opportunities.
- * Currently, one hour of community service or STS work is equivalent to \$7.50 in DWI Court fees.

Paying DWI Court Fees:

- * If paying by cash or check, the easiest way is to give the money to the coordinator. Otherwise, payments can be made to Court Administration in Room 133 of the Courthouse.
- * When paying in Room 133, it is very important to ensure that payments will be applied entirely to DWI Court fees. Participants should inform the person taking the payment that they would like the entire amount applied ONLY to DWI Court fees. In addition, participants should request a receipt and check to make sure that the payment was not prorated across their other fees owed.

EVALUATION DESIGN

Data is maintained by Arrowhead Regional Corrections through data entry into the Court Services Tracking System (CSTS). This database is used statewide to collect, store, and distribute extensive information about each participant, the case, and progress on probation. It is stored on the St. Louis County computer network and shared statewide through the Statewide Supervision System (SSS). Additional data, pertaining to DWI Court participation and/or necessary for evaluation, is stored within CSTS to the limits of its capacity or maintained by the DWI Court Coordinator. In determining which data to collect, the DWI Court examined the drug court proposed variables for statewide reporting and reviewed data necessary for measurement of goals and objectives.

Team evaluation occurs yearly to determine progress toward meeting goals and objectives and to ensure fidelity to the program design. In addition, an outcome evaluation is conducted at least every two years through an outsource contractor.

ETHICS AND CONFIDENTIALITY STATEMENT

Any program that specializes, in whole or in part, in providing treatment counseling or assessment and referral services for participants with alcohol or drug problems must comply with the Federal confidentiality regulations (42 C.F.S. §2.12(e)). The Federal regulations apply to programs that receive Federal funding and Federal law will prevail if there is a conflict with state laws.

Two Federal laws and regulations guarantee the strict confidentiality of information about persons – including participants – receiving alcohol and drug abuse assessment and treatment services. These laws and regulations are found in 42 USC § 290dd-3 and ee-3 and 42 CFR Part 2.

Confidentiality of participants is governed under 42 USC §290dd which encourages treatment and is applicable to most problem-solving court programs. Section 290dd applies if the Court orders screening, assessments, referrals, treatment and diagnosis.

Information that is protected by Federal confidentiality regulations may be disclosed after the offender has signed a proper consent form. The regulations also permit disclosure without the participant's consent in several situations, including medical emergencies, program evaluations and communications among program staff. Participants who refuse to sign consent forms permitting essential communications can be excluded from treatment or provided treatment temporarily in the hope that resistance to signing the consent forms will evaporate as treatment proceeds.

A proper consent form must be in writing and must contain each of the items contained in §2.31, including:

- The name or general description of the program(s) making the disclosure;
- The name or title of the individual or organization that will receive the disclosures;
- The name of the client who is the subject of the disclosure;
- The purpose or need for the disclosure;
- How much and what kind of information will be disclosed;
- A statement that the client may revoke the consent at any time, except to the extent that the program has already acted upon it;
- The date, event, or condition upon which the consent expires if not previously revoked;
- The signature of the client; and
- The date the consent is signed.

A general medical release form or any consent form that does not contain all of the elements listed above and herein, is not acceptable.

MEMORANDUM OF UNDERSTANDING

SOUTH ST. LOUIS COUNTY DWI COURT

AGREEMENT between Arrowhead Regional Corrections, St. Louis County Attorney's Office, Sixth Judicial District Public Defender, Duluth Police Department, St. Louis County Sheriff's Office, Center for Drug and Alcohol and the Sixth Judicial District Court.

The parties to this Agreement endorse the mission and goals of the DWI Court Program in order for participants to eliminate further drug related offenses, enhancing public safety. By addressing criminal thinking and chemical dependency, the participants will realize improved quality of life. The parties recognize that for the DWI Court mission to be successful, cooperation and collaboration must occur within a network of systems.

MISSION STATEMENT

The mission of the South St. Louis County DWI Court is to provide a comprehensive, multidisciplinary response to the repeat DWI offender that breaks the cycles of addiction and crime through accountability and improved access to services. This will lead to increased public safety, reduced recidivism, lowered costs and strengthened families in our communities. DWI is defined as a criminal offense in violation of Minnesota Statute §169A.

PROGRAM GOALS

The parties agree that there are ten guiding principles under which the respective agencies will work cooperatively. They are:

- 1) Improve the safety on the roadways through the integration of drug and alcohol treatment, as well as other treatment services, with criminal justice system processing.
- 2) Reduce recidivism with DWI offenders
- 3) Reduce the amount of time between the offense date, the entry of treatment and the beginning of court supervision
- 4) Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights.
- 5) Eligible participants are identified at time of arraignment. The participants are then screened by the DWI Court Team. Participants receive a chemical dependency evaluation. Abusive and dependent participants are then admitted to DWI Court.
- 6) DWI Court provides access to a continuum of drug, alcohol and other related treatment and rehabilitation services.
- 7) Frequent alcohol and other drug testing monitor abstinence.
- 8) A coordinated strategy governs the DWI Court responses to participant compliance.
- 9) There is on-going judicial interaction with each DWI Court participant.
- 10) A monitoring and evaluation plan measures the achievement of program goals and gauges effectiveness.

- 11) Continuing interdisciplinary education promotes effective DWI Court planning, implementation and operations.
- 12) Forging partnerships among problem solving courts, public agencies and community-based organizations generates local support and enhances DWI Court effectiveness.

INDIVIDUAL AGENCY RESPONSIBILITIES AND STAFF COMMITMENTS

Sixth Judicial District – Court Administration

1. The Court Administrator will identify and notify the DWI Court Team of potential DWI Court participants according to the charges the participant receives via complaint.
2. The Court Administrator coordinates court time and resources to establish and maintain a consistent court calendar devoted solely to the DWI Court.
3. The Court Administrator provides a clerk to monitor and record the week to week DWI Court process.
4. The Court Administrator provides or seeks on-going training of judicial officers.

Sixth Judicial District – Court Administration (DWI Court Judge)

1. The Judge will be assigned to the DWI Court Program on a minimum one-year assignment to ensure consistency.
2. The Judge will assume the primary role to motivate and monitor the participants of the DWI Court Program
3. The Judge will ensure a cooperative atmosphere for attorneys, probation officers, law enforcement, and treatment providers to stay focused on the task of providing substance abusers with treatment opportunities.
4. The Judge will provide the necessary reinforcers when deemed appropriate while maintaining the integrity of the court.
5. The Judge will participate as an active member of the staffing Team and chairs the Steering/Planning Team.
6. The Judge will act as a mediator to develop resources and improve interagency linkages.
7. The Judge will act as a spokesperson to educate the community and peers about the DWI Court Program and appear before governmental agencies, public commissions, legislative hearings, public forums and the media.
8. The Judge will provide training to new or replacement judges.

Sixth Judicial District – Court Administration – DWI Court Coordinator

1. The Coordinator will be contracted to provide general oversight to the DWI Court Program to include meeting attendance, grant reporting and administration of budget (to include management of contracts), program support, funding solicitation and community outreach. The responsibilities exist for the term of this Agreement, as funding permits.
2. The Coordinator will organize events and meetings, compile supporting materials to disseminate to stakeholders and providers of services to maintain linkages.
3. The Coordinator will provide oversight of the statistical database and evaluation process of the program.
4. The Coordinator will provide or seek continuing training for the DWI Court Team.
5. The Coordinator will provide leadership and direction to ensure compliance with the national and state standards set forth by the National Association of DWI Court Professionals and the Minnesota Courts.

6. The Coordinator will assist in seeking funding sources, respond to grant solicitations, implement and monitor grant funds and provide fiscal, narrative and statistical information as required by the funding source to ensure the on-going operation of the program.
7. The Coordinator is responsible for the preparation of the annual report setting forth the incidence of recidivism among DWI Court graduates.
8. The Coordinator will assist the DWI Court Team with monitoring and evaluation of the program when necessary.
9. The Coordinator will provide training to new or replacement coordinator.

Arrowhead Regional Corrections – Probation Officer

1. Probation officers will be assigned to provide field supervision of DWI Court participants for the term of this Agreement, as funding permits, and to participate as an active member of the Staffing Team and Steering/Planning Team. Additional Community Corrections representatives will participate as active members of the Steering/Planning Committee as well.
2. Arrowhead Regional Corrections will maintain a partnership with DWI Court in facilitating chemical use evaluations and placement of participants in the appropriate treatment facility.
3. The Probation Officer will provide coordinated and comprehensive supervision and case management to include telephone contact, office/home/employment visits, as well as random field visits to participant’s homes.
4. The Probation Officer will oversee compliance of all program requirements and provide the DWI Court Staffing Team with sufficient and timely information to implement sanctions and incentive systems.
5. The Probation Officer will participate in weekly case reviews with the DWI Court Staffing Team and provide written updates on all active participants. On-site progress reports to the judge will be provided.
6. The Probation Officer will facilitate frequent drug and breathalyzer testing on a random basis.
7. The Probation Officer will coordinate the utilization of community-based services such as health and mental health services, victims’ services, housing, entitlements, transportation, education, vocational training, job skills training and placement to provide a strong foundation for recovery.
8. The Probation Officer will contribute to the Team’s efforts in community education and local resource acquisition.
9. The Probation Officer will contribute to the education of peers, colleagues, and the judiciary in the efficacy of problem-solving courts.
10. The Probation Officer will provide training to new or replacement probation officers.

St. Louis County Attorney and Duluth City Attorney (Prosecutor)

1. A Prosecutor will be assigned to the DWI Court Program for the term of this Agreement, as funding permits, and will participate as an active member of the staffing Team and the Steering/Planning Team.
2. The Prosecutor will assist in identifying non-violent defendants arrested for specified DWI and Criminal Vehicular Operation offenses.
3. The Prosecutor agrees that a positive drug test or open court admission or drug possession or use alone will not result in the finding of additional charges based on that admission.
4. The Prosecutor will participate as a Team member, operating in a non-adversarial manner during court, to promote a sense of a unified Team presence.

5. The Prosecutor, during staffing, will advocate for effective incentives and sanctions for program compliance or lack thereof.
6. The Prosecutor will contribute to the Team's efforts in community education and legal resource acquisition.
7. The Prosecutor will contribute to the education of peers, colleagues, and the judiciary in the efficacy of problem-solving courts.
8. The Prosecutor will provide training to new or replacement prosecutors.

Sixth Judicial District – Office of the Public Defender (Public Defender)

1. A Public Defender will be assigned to the DWI Court Program for the term of this Agreement, as funding permits, and will participate as an active member of the staffing Team and the Steering/Planning Team.
2. The Public Defender will assist in identifying non-violent defendants arrested for specified DWI offenses.
3. The Public Defender will advise the defendant as to the nature and purpose of the DWI Court, the rules governing participation, the consequences of abiding or failing to abide by the rules and how participating or not participating in DWI Court will affect his/her interests.
4. The Public Defender will explain all of the rights that the defendant will temporarily or permanently relinquish.
5. The Public Defender will explain that because criminal prosecution for admitting to alcohol or other drug use in open court will not be invoked, the defendant is encouraged to be truthful with the judge, the probation officer and the treatment staff, and inform the participant that he or she will be expected to speak directly to the judge, not through an attorney.
6. The Public Defender will participate as a Team member, operating in a non-adversarial manner during court, to promote a sense of a unified Team presence.
7. The Public Defender will review the participant's progress in the program and advocate appropriately for effective incentives and sanctions for program compliance or lack thereof.
8. The Public Defender will contribute to the Team's efforts in community education and legal resource acquisition.
9. The Public Defender will contribute to the education of peers, colleagues, and the judiciary in the efficacy of problem-solving courts.
10. The Public Defender will provide training to new or replacement public defenders.

Center for Drug and Alcohol Treatment – Duluth (Treatment Provider)

1. The Treatment Provider will participate fully as a Team member, for the term of this Agreement, as funding permits, and will work as a partner to ensure the success of DWI Court participants.
2. The Treatment Provider will operate in participation with DWI Court and Arrowhead Regional Corrections for the placement of participants in the appropriate treatment curriculum.
3. The Treatment Provider will provide progress reports to the Team prior to staffing so that the Team will have sufficient and timely information to implement sanctions and incentive systems.
4. The Treatment Provider will advocate for effective incentives and sanctions during staffing
5. The Treatment Provider will provide information to the Team on assessment, basis of substance abuse, the impact of treatment on the offender, and the potential for relapse.
6. The Treatment Provider will contribute to the Team's efforts in community education and local resource acquisition.

7. The Treatment Provider will contribute to the education of peers, colleagues, and the judiciary in the efficacy of DWI Courts.
8. The Treatment Provider will provide training to new or replacement treatment providers.

**Duluth and Fond du Lac Police Departments and St. Louis County Sheriff's Department
(Law Enforcement)**

1. Law Enforcement will assist the DWI Court in monitoring of program participants and designate specific officers to perform the service for the term of this Agreement, as funding permits, and will assign a representative to participate as an active member of the Steering/Planning Team.
2. Law Enforcement will identify appropriate representatives to participate in the weekly DWI Court staffing meetings to provide appropriate information and insight from the law enforcement community's perspective regarding DWI Court participants.
3. Law Enforcement will help to identify potential and eligible DWI Court participants.
4. Law Enforcement serves as a liaison between the Steering/Planning Team and the community and provides information to the Steering/Planning Team on community issues related to drug or alcohol abuse.
5. Law Enforcement will provide assistance, information and support to participants in the community, encouraging them to succeed in the program.

In creating this partnership and uniting around a single goal of addressing an underlying problem affecting our community, we are pledged to enhance communication between the courts, law enforcement, probation, and treatment programs. Through this linkage of services, we expect greater participation and effectiveness in addressing chemically dependent offenders involved in the criminal justice system.

All parties agree to be represented in the DWI Court Steering/Planning Team. The Planning Team will be responsible for modifying and amending this Agreement. The Planning Team will address problems and issues as identified and develop policy and program modifications.

Agreement Modifications

Any individual agency wishing to amend and/or modify this Agreement will notify the Steering/Planning Team of the issue(s). The Steering/Planning Team will address the issue(s) for the purpose of modifying and/or amending the Agreement. The issue will be decided by consensus (if possible) or by simple majority, if not.

Termination of Agreement

Individual agencies contemplating termination of their participation in this Agreement shall first notify the Steering/Planning Team of their concern(s). The Steering/Planning Team shall attempt to resolve the problem to ensure continuation of the DWI Court program. If unable to resolve the problem, the individual agency or department can exercise its right to terminate this Agreement by notifying all other agencies in writing a minimum of sixty (60) days prior to such termination.

IN WITNESS THEREOF, the parties have caused their duly authorized representative to execute this Agreement.

Sixth Judicial District Court Administrator

Date

Sixth Judicial District Court Judge

Date

Arrowhead Regional Corrections – DWI Court Coordinator

Date

St. Louis County Attorney

Date

Sixth Judicial District – Office of the Public Defender

Date

Center for Drug and Alcohol Treatment

Date

Northeast Regional Corrections Center

Date

Fond du Lac

Date