



# **BELTRAMI COUNTY DWI COURT PROGRAM**

**NINTH JUDICIAL DISTRICT  
STATE OF MINNESOTA**

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# BELTRAMI COUNTY DWI COURT PROGRAM

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# **ROLES AND RESPONSIBILITIES OF THE BELTRAMI COUNTY DWI COURT TEAM**

## **Judge:**

- Supervises participant progress through the DWI Court continuum on the basis of information gleaned from bi-weekly DWI Court hearings, DWI Court Team input, and participant behavior.
- Leads the DWI Team in decision-making.
- Holds participants accountable for their progress in the DWI Court continuum via the use of sanctions and incentives.
- Leads bi-weekly DWI Court Team meetings and DWI Court hearings.

## **Prosecutor:**

- Provides legal screening for access to DWI Court.
- Attends bi-weekly DWI Court Team meetings and DWI Court hearings.
- Provides information to pro se potential participants regarding the DWI Court Program

## **Public Defender:**

- Educates potential participants regarding the DWI Court Program.
- Assists in legal screening for access to DWI Court.
- Attends bi-weekly DWI Court Team meetings and DWI Court hearings.

## **Probation:**

- Provides intensive individual supervision of participants and a broad range of rehabilitative and case management services within the DWI Court continuum, including but not limited to: administration of random drug and alcohol testing; random home visits; office visits; field visits; and random searches of participants' person and home.
- Preparation of reports on participants' progress in the DWI Court continuum with recommendations for consideration by the Judge and DWI Court Team.
- Provides treatment status information to the DWI Court Team from treatment agencies not represented on the team regarding participant progress.
- Attends bi-weekly DWI Court Team meetings and DWI Court hearings.

## **Law Enforcement:**

- Assists probation agents with home visits when necessary;
- Assists in monitoring of participants, including but not limited to, random bar sweeps.
- Maintains communication with probation regarding DWI Court participants.

## **Treatment Providers:**

- Provide chemical dependency treatment for DWI Court participants per the DWI Court Treatment Continuum.
- Preparation of reports on participants' progress in the DWI Court continuum with recommendations for consideration by the Judge and DWI Court Team.

**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.
- Writes grants.
- Reports to the State of Minnesota and all grant funders on program activity.
- Manages DWI court expense budget and fees collected budget.
- Collects and deposits participant fees with the Beltrami County Auditor.
- Coordinates and participates in public outreach activities.
- Attends district and state coordinator meetings.
- Attends bi-weekly DWI Team meetings and DWI Court hearings.

**Evaluation and Management Information System:**

- Engages in program evaluation through the data collection and analysis.
- Process evaluations are completed quarterly through state and grant reports.
- Data is collected through Court Services Tracking System (CSTS), Web-based Drug Court Information System (W-DCIS), and Minnesota Court Information System (MNCIS)

**DWI Victim Representative:**

- Attends bi-weekly staffing to provide input and feedback regarding participants.
- Attends steering committee to provide input and feedback regarding program policies.

# INTRODUCTION

The Beltrami County DWI Court Program is designed to coordinate substance abuse intervention with judicial oversight through enhanced supervision and individual accountability. The need for a DWI Court in Beltrami County has been an evolutionary process. As the number of DWI offenders have increased over the years, those in the court system are exploring various ways to deter and address repeat alcohol offenders and pursue more effective treatment options. As the growth and success of drug court programs nationally has increased, that philosophy has been adapted to the DWI arena as well. The DWI Court is the best vehicle within the criminal justice system for expediting the time between arrest and entry into treatment and for providing consistent and lengthy structure so the offender will benefit from the treatment experience.

## MISSION STATEMENT

Through a team-based approach, the Beltrami County DWI Court seeks to enhance public safety through the reduction of DWI recidivism by providing effective chemical dependency evaluation and treatment, intensive supervision and offender accountability.

## GOALS AND OBJECTIVES

Goal 1: Reduce costs associated with chemical use and criminal behavior.

Objective 1: Reduce criminal justice costs associated with gross misdemeanor level participants.

Objective 2: Reduce criminal justice costs associated with felony level participants.

Goal 2: Reduce criminal behavior and recidivism

Objective 1: 70% of participants will graduate from the program within 2 years of their start date.

Objective 2: 70% of participants will have 90 consecutive days of sobriety by the end of their first year in the program.

Objective 3: 90% of participants will not experience a driving impaired violation within one year after graduation.

Goal 3: Enhance public safety

Objective 1: 70% of participants will successfully complete treatment within 9 months of entering the DWI Court.

Objective 2: 90% of participants who have violations will receive sanctions within two weeks.

Objective 3: Participants will have lower recidivism rate than non-participants in the historical control group one year after release from the DWI Court or supervision.

Goal 4: Enhance the well-being of participants

Objective 1: As appropriate, participants without a high school diploma will be enrolled and actively pursuing their GED within 8 months of entering the DWI Court.

Objective 2: As appropriate, participants will further their education by utilizing vocational/avocational services.

Objective 3: 90% of DWI Court participants will be actively employed or actively enrolled in an education program within 12 months of entering the DWI Court.

Objective 4: 100% of DWI Court participants will actively pursue the process of having their driving privileges reinstated.

## **STRUCTURE**

Participants for the Beltrami County DWI Court are legally screened for eligibility at the time of charging by the prosecutors and referred to the DWI Court Agent for further screening.

Participants are accepted into DWI Court post-sentence. The program is approximately eighteen (18) to twenty-four (24) months in length and is strictly abstinence-based. Participants must move through three phases of the program in order to graduate. Components of the program include:

- regular court appearances;
- random drug and alcohol testing;
- random home and field visits;
- regular case management contacts; and
- chemical dependency treatment and other supportive programming.

The target population of the Beltrami County DWI Court are adult individuals who are Beltrami County residents, have two (2) or more prior DWI convictions within the past ten (10) years, are currently facing DWI charges and are not otherwise ineligible for the program.

## **OFFENDER MOTIVATION TO ENTER DWI COURT**

Offenders entering into the Beltrami County DWI Court will receive a reduced sentencing as follows:

Gross Misdemeanor 3<sup>rd</sup> DWI in 10 Years:

- ❑ 30 days in jail (20 days with good time credit);
- ❑ Waiver of the cost of their criminal fine with the exception of the surcharge and fees.

Felony 4<sup>th</sup> DWI in 10 Years (does not include presumptive commitment to prison):

- ❑ 90 days in jail (60 days with good time credit);
- ❑ Waiver of the cost of their criminal fine with the exception of the surcharge and fees.

Felony 5<sup>th</sup> DWI in 10 Years (does not include presumptive commitment to prison):

- ❑ 6 months in jail (120 days with good time credit);
- ❑ Waiver of the cost of their criminal fine with the exception of the surcharge and fees.

Felony DWI Probation Violation:

- ❑ No jail additional time.

## **DWI COURT COSTS**

DWI Court participants will be expected to pay a fee of \$1,000.00. However, the participant may receive a credit of \$500.00 for successfully graduating from DWI Court and another \$400.00 credit if their driver's license is reinstated or if they are eligible for reinstatement at the time of their graduation. Eligibility for reinstatement only applies to participants whose cancellation period exceeds the length of the program. Therefore, the total cost of DWI Court could be \$100.00, not including supervision and assessment fees. Payment of the initial \$100.00 is to be submitted to the DWI Court coordinator upon program entry or as soon as possible.

## ELIGIBILITY CRITERIA

An adult individual may be eligible for participation in the Beltrami County DWI Court if he or she meets the following criteria:

- Is facing a current DWI charge with two (2) to four (4) DWI convictions within the past ten years and the current charge is not a presumptive commitment to prison under the Minnesota Sentencing Guidelines;
- Will be determined on a case-by-case basis for offenders with an extensive DWI conviction record outside of the ten-year time frame.
- Is facing their first probation violation on a felony DWI offense for drinking, missing treatment or no contact with their probation agent;
- Resides in Beltrami County;
- Voluntarily commits to participate in DWI Court;
- Has been professionally assessed as chemically dependant;
- Is mentally capable to participate;
- Is willing to comply and complete all DWI Court program requirements, including chemical dependency treatment; and
- Has no disqualifying criteria.

An individual is not automatically admitted to the Beltrami County DWI Court upon meeting the above-listed eligibility criteria. DWI Court participants are admitted to the program via the discretionary decision of the DWI Court Team.

## DISQUALIFICATION CRITERIA

An offender is not eligible to participate in the Beltrami County DWI Court if he or she is a violent offender. A “violent offender” is defined by Federal Law (28 C.F.R. 93.3(d)) as a person who either:

- is currently charged with or convicted of an offense during the course of which:
  - he/she carried, possessed, or used a firearm or other dangerous weapon; or
  - there occurred the death of, or serious bodily injury to, any person; without regard to whether proof of any of the elements described herein is required to convict.
- has a prior conviction for an offense listed below (pursuant to Federal guidelines):

Minn. Stat. § 609.185	Murder in the First Degree
Minn. Stat. § 609.19	Murder in the Second Degree
Minn. Stat. § 609.196	Murder in the Third Degree
Minn. Stat. § 609.20	Manslaughter in the First Degree
Minn. Stat. § 609.205	Manslaughter in the Second Degree
Minn. Stat. § 609.21	Criminal Vehicular Homicide and Injury
Minn. Stat. §§ 609.221 to 609.2231	Assault: First through Fourth Degree
Minn. Stat. §§ 609.224 to 609.2243	Felony Assault
Minn. Stat. § 609.228	Great Bodily Harm caused by Distribution of Drugs
Minn. Stat. § 609.229	Crime Committed for the Benefit of a Gang
Minn. Stat. § 609.245	Aggravated Robbery
Minn. Stat. § 609.25	Kidnapping
Minn. Stat. §§ 609.2661 to 609.268	Murder, Manslaughter, Assault and Injury/Death of an Unborn Child
Minn. Stat. §§ 609.342 to 609.3451	Criminal Sexual Conduct - All Degrees
Minn. Stat. § 609.498	Witness Tampering
Minn. Stat. § 609.561	Arson in the First Degree
Minn. Stat. § 609.582	Burglary in the First Degree
Minn. Stat. § 609.66	Dangerous Weapons/Firearms
Minn. Stat. § 609.668	Explosive or incendiary device without injury to others
Minn. Stat. § 609.712	Real and simulated weapons of mass destruction
Minn. Stat. § 609.713	Terroristic Threats
Minn. Stat. § 609.855	Crimes involving transit; shooting at transit vehicle

Other disqualifications also include:

- Convictions for other sex offenses, domestic assaults and weapons charges not listed above as well as mental-medical conditions are all decided on a case by case basis.
- Failure of a prior DWI Court program.
- Affiliation with a gang or is a gang member as identified by law enforcement criteria.
- An offender who enters a plea of not guilty thereby placing their case on the jury trial calendar.
- An offender who does not enter a plea of guilty within 45 days from their first appearance.



## ADMISSIONS PROCESS FOR NEW CHARGE

Be advised that the offender has 45 days from his/her first appearance to reach Step 4, accepted/denied.

**STEP 1:** Prosecutor conducts legal screening to determine if charge(s) and criminal history meet eligibility criteria.

Does not meet legal screening – not eligible for DWI Court.

**MEETS LEGAL SCREENING:** prosecutor stamps “DWI Court” on criminal complaint prior to filing with court administration, sends a copy to the agent.

**STEP 2:** If offender is interested in DWI Court, a Rule 25 and/or Chemical Use Assessment must be completed prior to contacting the DWI Court probation agent. Offender must have copy of assessment with diagnosis.

**Diagnosis = Chemically Dependent**  
If assessment has a diagnosis of chemical dependence, offender **is eligible** for DWI Court.

**Diagnosis = abuse or at risk, the offender is not eligible for DWI Court.**

**STEP 3:** If offender is still interested in DWI Court, he/she must contact the DWI Court probation agent for a screening.

**STEP 4:** The DWI Court probation agent will report the results of the screening to the DWI Court Team at the next staffing for *Team* approval/ denial.

The DWI Court probation agent will notify the prosecutor, defense counsel, and court administration of the results of the team staffing—accepted or denied.

**Accepted** – The DWI Court probation agent will inform the sentencing judge of the results.

**Denied** – Offender will continue with the traditional court case processing.

**Sentencing** – As a condition of the District Court sentence, the offender will be ordered to enter and successfully complete DWI Court. DWI Court will be the governing entity for the case until the offender either graduates or is returned to District Court for failure to cooperate or complete the program.

As previously mentioned, the Beltrami County DWI Court is a post-sentence program. An eligible participant will be admitted to program by the DWI Court Team via the following process for **new offenses**:

- the offender is arrested;
- the prosecutor legally screens an offender to determine initial eligibility for DWI Court based on an offender's criminal history and current charge;
- members of the Public Defenders Office or private counsel, if applicable, will educate eligible offender's of the advantages and disadvantages of the program;
- if an eligible offender is willing to participate, he or she must complete a Rule 25 Chemical Dependency Assessment and have a copy of the results when contacting the probation agent.
- if an eligible and willing offender's chemical dependency assessment indicates that he or she is chemically dependent, the DWI Court Team will consider the offender for admission to the DWI Court;
- if an offender has been approved to enter DWI Court by the Team, he or she will be sentenced to successfully complete DWI Court as a part of the conditions for his or her probation and will be placed on the next DWI Court docket.

An eligible participant will be admitted to the program by the DWI Court Team via the follow process for **probation violations**:

- When the assigned probation agent has been notified of an offender's first violation of drinking, missing treatment or no contact, that agent may contact the Beltrami County DWI Court Agent to begin the screening process;
- The offender must obtain an updated Rule 25 assessment if the previous assessment is older than six months;
- When the screening and Rule 25 assessment has been completed and the offender meets the eligibility criteria and the team approves, the assigned probation agent shall make a recommendation to enter and complete DWI Court in their Probation Violation Report to Court;
- The offender may be ordered to DWI Court as a condition of probation reinstatement.

## **PHASES OF THE PROGRAM**

The DWI Court Program is a three-phased treatment process, lasting eighteen (18) to twenty-four (24) months. Time frames for the phases for an individual may be modified at the discretion of the DWI court team.

### **PHASE ONE**

**LENGTH:** minimum six (6) months

**OBJECTIVES:** Intake, assessment and orientation, enter and successfully complete the recommended treatment program(s), and establish abstinence.

- REQUIREMENTS:**
- participation in chemical dependency treatment as recommended by the Rule 25 Assessment;
  - attend recommended community support meetings;
  - notify team of sponsor;
  - cooperation with frequent, random and observed drug and alcohol testing, at least two (2) to four (4) times a week;
  - cooperation with frequent and random field visits;
  - cooperation with weekly case management contacts;
  - do not enter any establishment selling alcoholic beverages;
  - attend bi-weekly DWI Court hearings; and
  - abstinence from drug and alcohol use.

- ADVANCEMENT:**
- minimum of sixty (60) days of continuous sobriety immediately prior to advancement;
  - satisfactory treatment progress or completion of treatment program;
  - satisfactory compliance with all DWI Court program requirements; and
  - approval of DWI Court Judge upon recommendation from the DWI Court Team

## **PHASE TWO**

**LENGTH:** minimum of four (4) months

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

- REQUIREMENTS:**
- continued participation or completion of chemical dependency treatment, including continuing care and/or any cognitive programming recommended by the treatment provider;
  - attend recommended community support meetings;
  - regular contacts with sponsor;
  - attend bi-weekly DWI Court hearings;
  - cooperation with random, frequent and observed drug and alcohol testing, at least two (2) times a week;
  - cooperation with random field visits;
  - cooperation with weekly case management contacts;
  - may enter a restaurant where alcoholic beverages are sold if receives prior approval from DWI Court agent.
  - continued abstinence from the use of alcohol and drugs;
  - obtain employment or pursue further education;
  - if not employed or in school, perform community work service.

- ADVANCEMENT:**
- minimum of ninety (90) days of continuous sobriety immediately prior to advancement;
  - satisfactory treatment progress or completion of treatment program;
  - satisfactory compliance with all DWI Court program requirements;
  - approval of DWI Court Judge upon recommendation from the DWI Court Team; and
  - all court-ordered financial obligations are paid in full.

## PHASE THREE

**LENGTH:** remainder of the program

**OBJECTIVES:** Continued abstinence, maintenance of recovery and lifelong sobriety plan.

**REQUIREMENTS:**

- continued participation or completion of chemical dependency treatment, including aftercare and/or any cognitive programming recommended by the treatment provider
- attendance of recommended community support meetings;
- regular contacts with sponsor;
- attend one (1) DWI Court hearing a month;
- cooperation with random and observed drug and alcohol testing;
- may enter a restaurant where alcoholic beverages are sold if receives prior approval from DWI Court agent;
- cooperation with random field visits;
- cooperation with a minimum of one (1) case management contact a month;
- continued abstinence from the use of alcohol and drugs;
- continued employment, attend school or performance of community work service.

**GRADUATION:**

- minimum of one hundred and eighty (180) days of continuous sobriety immediately prior to graduation;
- successful completion of chemical dependency treatment and all DWI Court program requirements;
- approval of DWI Court Judge upon recommendation from the DWI Court Team.
- preparation and submission to the Judge of a post-graduation sobriety plan.
- paid all treatment costs and has received all discharge reports.

## POST GRADUATION—PROBATION

**LENGTH:** remainder of traditional probation

**OBJECTIVES:** Maintain recovery and reinforce a clean, sober and legal lifestyle.

**REQUIREMENTS:**

- remain on probation for the duration of the court-ordered probation at a level to be determined at the time of graduation; and
- compliance with all conditions of the original sentence.

## **TERMINATION**

A participant may be terminated from the program if he or she has:

- been out of contact and/or absconded for a minimum of thirty (30) days;
- has incurred a new DWI or felony conviction; or
- has failed to comply with DWI Court program requirements.

## **INCENTIVES**

Incentives are responses to compliance, perceived as a positive by the receiver. The DWI Court Judge will reward participants with incentives for complying with program requirements on the basis of his or her own discretion and recommendations from the DWI Court Team. Incentives may include any of the following:

- praise and compliments from the Judge;
- applause and special recognition from the Judge and other DWI Court participants;
- decrease in frequency of required DWI Court appearances;
- decrease in frequency of probation office visits;
- decrease in frequency of alcohol and drug testing;
- restoration of privileges lost through a sanction;
- acceleration to the next program phase;
- court drawing; and
- graduation.

## **SANCTIONS**

Sanctions are the imposition of a consequence, perceived as negative by the receiver, as a direct result of a prohibited activity. The DWI Court Judge will impose sanctions on participants on the basis of his or her own discretion and recommendations from the DWI Court Team. Sanctions may include any of the following:

- verbal or written warning;
- verbal or written apology to the Judge and/or other DWI Court Participants;
- preparation of an essay;
- reading assignments and reports;
- round table discussion with the DWI Court Team;
- restricted travel;
- imposition of a curfew;
- additional drug and alcohol testing;
- increased supervision;
- community service work;
- retention in current program phase;
- regression to prior program phase;
- jail;
- apprehension and detention order/bench warrant;
- other self-imposed sanctions; and
- termination from the DWI Court Program.

## **TREATMENT PROTOCOL**

Identification and referral to a treatment program occurs on the basis of a DWI Court participant's chemical dependency assessment. Participants should enter a treatment program as recommended by their assessment as soon as possible, preferably within ten (10) days of entering DWI Court.

The Beltrami County DWI Court defers to a participant's chemical dependency assessment to match a participant to the appropriate level of treatment intervention, utilizing the least restrictive environment that will address the presenting problems. While in DWI Court, a participant's treatment continuum may include the following:

- a period of detoxification;
- a funding determination (county paid-consolidated funds, Medical Assistance, self-insured, etc.);
- a referral to appropriate treatment resource(s);
- participation in a residential/extended care program;
- participation in a high intensity outpatient program;
- participation in a low intensity outpatient program;
- cooperation with continuing care services; and/or
- participation in community support group meetings

In recognition of the unique gender, cultural and co-occurring disorder issues involved in selecting an appropriate inpatient treatment provider, participants in DWI Court may choose among the various regional service providers in seeking chemical dependency treatment, so long as the treatment program of their choice matches the level of intensity recommended by their chemical dependency assessment.

In recognition of the unique gender, cultural and co-occurring disorder issues involved in selecting an appropriate outpatient treatment provider, participants in DWI Court may choose between Lake Region Chemical Dependency and Bemidji Area Program for Recovery, so long as the treatment program of their choice matches the level of intensity recommended by their chemical dependency assessment.

All providers treating DWI Court participants must 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. Additionally, participating treatment providers must prepare bi-weekly reports on DWI Court participants' treatment progress with recommendations to the DWI Court Judge and DWI Court Team. All DWI Court participants will be required to sign releases permitting treatment providers to share information with the DWI Court team for effective assessment, treatment and court reporting.

## **SUPERVISION PROTOCOL**

Upon entering DWI Court, each participant will be to the DWI Court agent who will provide intensive supervised probation, including case management, individual monitoring, accountability and direct service. Participants will also be court ordered to abide by all terms and conditions of probation, and recommendations for evaluations and/or treatment.

The DWI Court agent will gather information to formulate a comprehensive, individualized case plan that is developed with and signed by each participant. The case plan should be used as a “road map” to guide the progress of participants and each plan shall adhere to the following principles:

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

The DWI Court agent shall 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.

The DWI Court agent may perform random field visits at a participant’s home on a random and regular basis. The agent will use a strengths-based approach for engagement (honesty, positive regard, respect) and submit brief reports of the field visits on a regular basis to DWI Court team. The frequency of field visits is dictated by phase level (i.e. Phase 1 would be visited more often than Phase 2) and enhanced or decreased when necessary, or as a positive incentive reward.

## **TESTING PROTOCOL**

Alcohol and other drug testing is one of the ten key components for a problem-solving court and is crucial to program integrity. Test results can act as a deterrent to future alcohol use; identify participants who are maintaining abstinence; identify participants who have relapsed; provides incentive, support and accountability for participants; is adjunct to treatment; and frames sanction decisions. Effective testing is frequent, random (unexpected, unannounced and unanticipated), progressive (linked to phase requirements) and observed.

All DWI Court participants are informed about testing policies and procedures upon entry into the program by signing the DWI Court contract and agreeing to comply with drug testing requirements. Therapeutic and/or punitive responses to continued use of alcohol and drugs are determined by the Judge on the basis of his or her discretion and recommendations from the DWI Court team.

Random breathalyzers are conducted and can occur during any contact with the DWI Court agent, including field visits, court sessions and as determined by any other DWI Court team member should the need arise. Law enforcement agencies are also administering random breathalyzers.

Participants choosing to enter the Beltrami County DWI Court must agree to cease the use of all mood-altering substances that would test positive during a drug test (including, but not limited to narcotics, tranquilizers, sedatives, stimulants, opiates, opiate-based medications, and alcohol-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 Judge and DWI Court team with appropriate medical documentation provided. The use of the medication may be approved on a conditional, time-limited basis based on the established facts. Any use of doctor monitored prescription drugs is determined on a case-by-case basis by the Judge and DWI Court team.

## CONFIDENTIALITY STATEMENT

Any program that specializes, in whole or in part, in providing treatment counseling or assessment and referral services for participants with alcohol and/or drug problems must comply with the Minnesota State and Federal confidentiality regulations.

The DWI Court team must adhere to the Minnesota Government Data Practices Act and other applicable laws and policies relating to their respective departments.

DWI Court participants must be informed of privacy rights in writing and are required to sign a release of confidential information upon entering the program and provided a copy. Information that is protected by federal confidentiality regulations may always be disclosed after the participant has signed a proper consent form. Said forms are signed with the case manager and treatment providers to facilitate information sharing.

A proper consent form must be in writing and must include all of the following:

- 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/DWI Court participant 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/DWI Court participant; and
- the date the consent is signed by the client/DWI Court participant.



## APPENDIX A

### Beltrami County DWI Court

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#### DWI Court Contract



I, \_\_\_\_\_, with a birth date of \_\_\_\_\_, have entered a guilty plea in Case No. \_\_\_\_\_, to the crime of \_\_\_\_\_.  
I understand that by entering into this DWI Court Contract, I am bound by the following terms:

1. I will successfully participate in alcohol and/or other drug treatment as directed by the DWI Court. I will also successfully complete my treatment/case plan. Depending on my income and insurance, I understand that I may have to pay for some or all of the cost of my treatment.
2. I agree to be supervised by the DWI Court Probation Officer or other persons designated by the DWI Court.
3. I will obey all laws and be of good conduct.
4. I understand I will be required to pay a fee of \$1000.00 to participate in this program. I may receive a credit of \$500.00 for successfully graduating from DWI Court and another \$400.00 credit if my driver's license is reinstated while in DWI Court. My total cost could be \$100.00, not including supervision and assessment fees.
5. I will attend all treatment meetings, court dates and other scheduled appointments and I will be on time.
6. I will submit to random chemical testing. I may request a further confirming test but if those results are positive, not only will I be required to pay for the cost of the test but my participation in DWI Court may also be terminated based on my failure to be candid with the court about my chemical use. I understand that if I delay or refuse testing, it will be considered "dirty" and I may be sanctioned. I understand that I may also be tested in my home. I understand that altering or trying in any way to change my body fluids to hide drug or alcohol use may be grounds for sanctions or termination from DWI Court.
7. I agree to sign consents for disclosure of confidential information to the DWI Court relating to all of my treatment programming and pertinent medical records.
8. I agree to tell any law enforcement officer who contacts me that I am in DWI Court. I understand that while I am in DWI Court, I cannot work as a confidential informant with any law enforcement agency without prior approval of the DWI Court.
9. I agree to keep the DWI Court informed of my current residence, employment/school status, address and telephone number(s), including any cell phone number, and to report any changes within 24 hours. I understand that I will not leave the geographical area of the DWI Court without obtaining prior approval from the DWI Court Probation Agent.
10. I understand that I am responsible for what goes into my body, including food, drinks or medication that may contain alcohol or other addictive drugs. I will not use, possess or associate with persons who use or possess any controlled substance, illegal drug or alcohol. I will tell all of my treating physicians that I am receiving treatment for chemical abuse and dependence. If a treating physician wants to prescribe narcotic or addictive medications to me, I must tell my supervising agent and get specific permission from the DWI Court to take the medication. I will notify my supervising agent within 24 hours of receiving a doctor's prescription for medication. Before taking over-the-counter or prescribed medication, I will check with the pharmacist to ensure that it is non-narcotic, non-addictive and contains no alcohol.
11. I understand that I am subject to random searches of my person, vehicle and residence at the request of my supervising probation agent and/or a law enforcement officer.
12. I understand that I am not allowed to enter bars, taverns or other establishments that sell or serve alcoholic beverages, except as follows:
  - a) First 90 days in the program—no entry of any establishment that sells or serves alcohol;
  - b) After 90 days until Phase 3—may enter restaurants where alcohol is sold with special permission from the DWI Court Agent, which must be in writing;

- c) Phase 3—allowed to enter restaurants and may eat lunch in bars before 4:00 pm, but must provide a PBT test immediately after leaving the business unless providing a test through ignition interlock.
- 13. I understand that during Phase 1, my focus is primarily on treatment and recovery and I may not be able to work. I also understand that during the course of the DWI Court program, I will be required to get a job, further my education or perform community service work as requested by the DWI Court. I understand that failure to do so may result in sanctions or termination from the program.
- 14. I agree that during Phase 1 and Phase 2, I will not engage in intimate relationships with other participants of the Beltrami County DWI Court.
- 15. I agree to waive my right to have my attorney present at DWI Court review hearings.
- 16. I understand that one sanction that may be imposed by the DWI Court is to be taken into custody. I understand that by signing this contract, I am waiving my right to a hearing on this violation of DWI Court contract, including the right to appear before a judge, to confront witnesses, to subpoena witnesses and the right to testify or remain silent.
- 17. I understand that failing to fully participate in DWI Court, failing to appear when scheduled, failing to abstain completely from drug and alcohol use are examples of DWI Court contract violations that may result in sanctions being imposed against me, including being taken into custody and/or terminated from DWI Court.
- 18. I understand that if I fail to successfully complete the DWI Court program or if I am terminated prior to successful completion because of violation of the contract, this may result in a probation violation heard in District Court, with all rights associated with a probation violation hearing.
- 19. I understand that if I enter this program and fail to finish it, I may not be allowed to enter the program again in the future.
- 20. I will to the best of my ability, take advantage of the opportunities offered to me in this program.
- 21. Other specific conditions:

I have read the above contract and I understand what I have read. I am willing to enter into this agreement with the Beltrami County DWI Court.

\_\_\_\_\_  
Participant's Signature

\_\_\_\_\_  
Date

*Contract Reviewed with Participant by:*

\_\_\_\_\_  
(Defense Counsel)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Beltrami County DWI Court Judge

\_\_\_\_\_  
Date