



SIXTH JUDICIAL DISTRICT
TREATMENT COURTS
MINNESOTA
COLLABORATION - COOPERATION - TRANSFORMATION

South St. Louis County DWI Court

POLICY AND PROCEDURE MANUAL

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MISSION STATEMENT

The mission of the South St. Louis County 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.

DWI COURT TEAM

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GOALS AND OBJECTIVES

Goal 1: Reduce Recidivism

Measured by:

- Arrests
- Charges
- Convictions
- Probation violations

Goal 2: Abstinence

Measured by:

- PBT testing
- Urinalysis testing
- Self-report on follow-up interviews

Goal 3: Retention

Measured by:

- Rates of graduations versus terminations
- Appearances at DWI Court hearings
- Attendance at probation appointments
- Completion of treatment programming
- Completion of other programming requirements

Goal 4: Improved Access to Services

Measured by:

- Comprehensive assessment completed during first week
- Referrals to identified services/further assessments
- Identified services entered/completed
- Enrollment with primary care physician

Goal 5: Improved Function Levels

Measured by:

- Attendance at self-help groups
- Obtaining stable housing
- Paying fines and court costs
- Participation in pro-social activities
- Attaining employment
- Reinstatement of driver's license

STRUCTURE

Participants for the St. Louis County DWI Court will be screened for eligibility at arraignment (first appearance) or after a probation violation 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
- Sign all necessary releases
- Complete chemical health assessment and comply with recommendations
- Comply with random urine and breathalyzer testing
- Maintain contact with probation
- Submit to drug test within 24 hours of release from jail
- Report to DWI Court weekly

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 active phases of the program can be completed in is 14 months. Participants must move through five phases of the program in order to graduate (phase 6.). Components of the program include regular court appearances, random drug and breathalyzer testing, random home 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 DWI Court program is strictly abstinence-based. 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.

The DWI Court program functions with a team of criminal justice professionals who are all equally committed to the success of each participant, utilizing strengths-based approaches. The team consists of the following individuals: a judge, prosecuting attorneys, defense attorneys, probation officers, law enforcement, treatment providers, a victim advocate, mental health professionals, and a 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, a 3rd in 10 years DWI with one additional conviction, or who are facing a violation of probation on a 2nd Degree DWI that could result in revocation of their stay of execution, or a Felony Criminal Vehicular Operation with victim approval.

ELIGIBILITY CRITERIA

Eligibility

1. Felony DWI, 3rd in 10 years DWI, 2nd Degree DWI facing a VOP, or a Felony Criminal Vehicular Operation with victim approval.
2. United States Citizen¹
3. A resident of South St. Louis County and/or the offense occurred in South St. Louis County and it is feasible for the Court to supervise the participant.

4. 18 years of age or older
5. Chemical assessment of substance abuse or dependence

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 reasons*** 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
 - Prior convictions for assault will be given discretionary review by the DWI Court Team to determine client eligibility and additional program conditions for acceptance.

The sentence for clients who are presumptive commits will be different than for clients who are subject to the standard DWI felony sentence. Clients in DWI Court on a presumptive commit must:

- Complete longer phases (a total of 2 years minimum between phases I-IV of the program)
- Serve 6-15 consecutive days in jail
- Complete community service hours as determined by the DWI Court team (typically 160 hours)
- Pay DWI Court fee as determined by the DWI Court Team. \$100 per month in program.
- Comply with all other DWI Court Rules
- Plead to charges prior to starting Phase 1

Disqualification

The guidelines that the South St. Louis County DWI Court uses to identify that an offender may be ineligible for the program are as follows:

- The offender is a juvenile.
- The offender is not mentally competent or medically capable of complying with the rules of the DWI Court.
- The offender is currently on Conditional Release for a prior offense.
- Certain sex offenses/domestic assaults/violent offenses/weapons convictions will be given discretionary review by the DWI Court Team to determine client eligibility and additional program conditions for acceptance.

¹ 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.

TERMINATION

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

- Failure to maintain contact and/or absconding for a minimum of 30 days
- Incurring a new DWI charge
- Failure to comply with program requirements within a reasonable period of time and participant has failed to improve attendance or motivation
- 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:

- Continuance in current phase
- Demotion to prior phase
- Schedule more frequent court appearances
- Incarceration
- Electronic Monitoring
- STS/CSW
- Probation time extended

GRADUATION

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

- Successful completion of all phase and program requirements, including chemical dependency treatment and cognitive programming
- Six months minimum continuous, documented sobriety
- All participants will serve a minimum of 14 months in the program
- Submission of graduation application
- 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.

PHASES

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 releases 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 at least 4-6 weeks.
- Clients will be allowed to start Phase 1 as a *post-plea* client.

Phase 1

Acute Stabilization (60 days)

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

- Report to Court every week
- Call UA line daily
- Comply with random home visits
- Comply with Probation Office visits as directed by Probation Officer
- Comply with random and/or scheduled UA's/PBT's as directed by Probation Officer
- 7 pm curfew
- Comply with Treatment Requirements
- Comply with all Supervision Requirements
- Pay DWI Court fees at \$100 per month
- With the help of your Probation Officer, develop Case Plan, which may include, but will not be limited to:
 - Address transportation
 - Address housing
 - Maintain employment or education
- Obtain mental health and medical assessments
- Serve statutory-mandated jail time
- Make appropriate changes to maintain a sober lifestyle

Phase 2

Clinical Stabilization (90 Days)

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

- Report to Court 2 times per month
- Call UA line daily
- Minimum of 2 UA's per week
- Comply with random home visits
- Comply with Probation Office visits as directed by Probation Officer
- Comply with random and/or scheduled UA's/PBT's as directed by Probation Officer
- 8 pm curfew
- Comply with Treatment Requirements
- Comply with all Supervision Requirements
- Pay DWI Court fees at \$100 per month
- With the help of your Probation Officer, review Case Plan, which may include, but will not be limited to:
 - Address transportation
 - Address housing
 - Address financial situation if necessary
 - Maintain employment or education
- Obtain mental health and medical assessments
- Continue making appropriate choices to maintain a sober lifestyle
- Begin to focus on Peer Support Groups and Pro-Social Activities

Phase 3

Pro-Social Habilitation (90 Days)

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

- Report to Court 1 times per month
- Call UA line daily
- Minimum of 2 UA's per week
- Comply with random home visits
- Comply with Probation Office visits as directed by Probation Officer
- Comply with random and/or scheduled UA's/PBT's as directed by Probation Officer
- 9 pm curfew
- Comply with Treatment Requirements
- Comply with all Supervision Requirements
- Pay DWI Court fees at \$100 per month
- With the help of your Probation Officer, review Case Plan, which may include, but will not be limited to:
 - Continue to address transportation
 - Continue to address housing
 - Continue to address financial situation if necessary
 - Maintain employment or education
- Continue making appropriate choices to maintain a sober lifestyle
- Focus on relapse prevention
- Maintain consistent Peer Support group and Pro-Social Activity attendance
- Begin Cog Skills if deemed necessary by the DWI Court Team
- Establish a sober network

Phase 4

Adaptive Habilitation (90 Days)

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

- Report to Court 1 times per month
- Call UA line daily
- Minimum 2 UA's per week
- Comply with random home visits
- Comply with Probation Office visits as directed by Probation Officer
- Comply with random and/or scheduled UA's/PBT's as directed by Probation Officer
- 10 pm curfew
- Comply with Treatment Requirements
- Comply with all Supervision Requirements
- Pay DWI Court fees at \$100 per month
- With the help of your Probation Officer, review Case Plan, which may include, but will not be limited to:
 - Continue to address transportation
 - Address license reinstatement if you haven't done so already
 - Continue to address housing
 - Continue to address financial situation if necessary
 - Maintain employment or education
- Continue making appropriate choices to maintain a sober lifestyle
- Focus on relapse prevention
- Maintain consistent Peer Support group and Pro-Social Activity attendance
- Continue and complete Cog Skills if deemed necessary by the DWI Court Team
- Establish a sober network

Phase 5

Continuing Care (90 Days)

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

- Report to Court 1 times per month
- Call UA line daily
- Minimum 2 UA's per week
- Comply with random home visits
- Comply with Probation Office visits as directed by Probation Officer
- Comply with random and/or scheduled UA's/PBT's as directed by Probation Officer
- 11 pm curfew
- Comply with Treatment Requirements
- Comply with all Supervision Requirements
- Pay DWI Court fees at \$100 per month
- With the help of your Probation Officer, review Case Plan, which may include, but will not be limited to:
 - Maintain transportation
 - Address license reinstatement if you haven't done so already
 - Maintain housing
 - Maintain financial stability
 - Maintain employment or education
- Continue making appropriate choices to maintain a sober lifestyle
- Continue focusing on relapse prevention
- Maintain consistent Peer Support group and Pro-Social Activity attendance
- Maintain a sober network
- Develop continuing care plan

Phase 6

Graduate Status (From your graduation date until you complete probation)

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

- Report to Court 1 time every 6 months
- Comply with random home visits
- Comply with Probation Office visits as directed by Probation Officer
- Comply with random and/or scheduled UA's/PBT's as directed by Probation Officer
- Comply with all Supervision Requirements
- Maintain sober lifestyle and network

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. According to best practices, sanctions should be graduated.

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.

Table of Sanctions and Incentives

Possible Sanction	Possible Incentives
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	Lunch with Judge
Restricted travel	Lunch with Team Member of choice
House arrest	Books/coffee cups/key chains
Modified curfew/check-in time	Birthday cards
Extra UA/breath testing	Medical/dental assistance
Increased supervision/court reporting	Medallions
Increased community support groups	Social parties (bowling, mini golf, etc.)
Increase time in phase or track	Candy/other treats
Demotion to earlier program phase	Staggered Sentencing
Volunteer at Detox	Reduction in sentence
Emergency Room visit	Decreased frequency of court appearances
STS	Decreased supervision/
MADD Panel	Lift curfew
EHM	Leave court early
Increased home supervision	Waive fines
CSW	Phase acceleration
Detox	Graduation certificate
Short-term jail sentence	Graduation treats
Termination	Graduation/early graduation

DRIVING OFFENSES

Cancelled license and driving or Ignition Interlock violations	Minimum 24 hours jail. Add 6 months to the end of phase 5. Graduates will return to phase 5 for 6 months.
Cancelled license or use of drugs or alcohol and either driving or attempting to drive (which includes attempted use of Ignition Interlock)	Minimum 7 days jail. Start over phase 1, day 1.

TREATMENT PROTOCOL

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

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) and a Pre-Sentence Investigation on each program participant.

A comprehensive, individualized case plan will be developed for each participant based on information gathered from the chemical assessments, face-to-face interviews and the pre-sentence investigation. The participant will participate in developing the case plan.

The probation officer and DWI Court Team are expected to facilitate the participant's completion of the case plan and provide assistance in obtaining ancillary services needed, e.g. 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 to: 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 team
- Phase 2: A minimum of two (2) visits a week or more at the discretion of the team
- Phase 3: A minimum of one (1) visits a week or more at the discretion of the team Phase 4:
- Phase 5: A minimum of one (3) visits a month or more at the discretion of the team
- Phase 6: 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.

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, two (2) times per week

Phase 2: eight (8) times per month, two (2) times per week

Phase 3: eight (8) times per month, two (2) times per week

Phase 4: eight (8) times per month, two (2) times per week

Phase 5: eight (8) times per month, two (2) times per week

Phase 6: one (1) time 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, or any other labeled to contain alcohol, 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 Ginko 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.

Preliminary Positives

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.

- The participant will be confronted with the preliminary positive result.
- 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.
- If the participant denies, the team will consider interventions in order to ensure abstinence until results come back.

PRESCRIPTION DRUG POLICY

If during the course of participation it becomes necessary for a participant to take prescription medication, the participant must have a blue card signed by their provider, stating that the medication is absolutely necessary. Probation must be notified immediately. The following are the procedures that must be followed for all participants who are placed on prescription medications.

DWI Court participants will be required to provide a blue card signed by their provider if a prescription drug is required. 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 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 should expect pill counts to be completed by probation, if the team feels it is necessary, or by random.

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

The South St. Louis County DWI Court prohibits the illegal use of smoked or raw marijuana by participants, and requires convincing and demonstrable evidence of medical necessity presented by a competent physician with expertise in addiction psychiatry or addiction medicine before permitting the use of smoked or raw

marijuana by participants for ostensibly medicinal purposes.

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

FEES

DWI Court fees are \$100/month, minimum \$1400, 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.

Participants will be required to pay \$100 per month to the DWI Court. If payment of \$100 is not possible, the participant may contact probation to request permission to complete community service work or sentence to serve to pay off fees. The equivalent amount of community service work (CSW) or Sentence to Service (STS) work must be performed

Payments 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. Community service work will only be accepted in lieu of DWI Court fees on a case-by-case basis, and as needed. Participants are responsible for finding their own community service opportunities, which the DWI Court can help with. Participants should contact probation for help finding community service work opportunities. Currently, one hour of community service or STS work is equivalent to \$7.00 in DWI Court fees.

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.