

# **CASS COUNTY DWI COURT**

## **Participant Manual**

### ***I've been charged with a DWI – what happens next?***

Your attorney will be able to determine if you meet the general eligibility requirements for the DWI Court. Basically, if you have blown over a 0.15 BAC or if you have prior alcohol-related traffic offenses you may be eligible for referral to the DWI Court. .

If you are referred to the DWI Court, you will have an interview with a probation officer and a SATOP screening. The interview and screening help us determine whether you meet the guidelines for DWI Court, the severity of your alcohol problem, and what services you may need.

Your attorney will be advised of the results of your interview and screening. A recommendation as to whether you meet the DWI Court guidelines will be sent to your sentencing judge.

Once you have pleaded guilty, your sentencing judge will order you to participate in and complete the DWI Court program. Your attorney will be able to answer your legal questions.

### ***Once I'm in DWI Court, what comes next?***

1. Contact your treatment counselor to schedule a substance abuse assessment. This must be scheduled before you return to Court.
2. Talk with your probation officer to find out what day each week you report to the probation office.
3. Call ESA to set up continuous alcohol monitoring with SCRAM.
4. Create a monthly schedule that tells you when you must appear in court during that month. You should work with your probation officer and include your work, court, and treatment events on your calendar. The DWI Court will generally meet at 8:30 AM on Monday mornings.
5. Learn the DWI Court rules.
6. If you have been given a folder to keep your papers in, then take that personal folder with you to Court, to treatment and to the probation office.
7. You must be in treatment within thirty (30) days of being accepted into DWI Court.

### ***What should I expect from treatment?***

Each person who enters DWI Court is different. You will complete a substance abuse assessment with your treatment provider. It is very important to answer the questions honestly because the results will be used to determine the type and amount of treatment that is best for you. Although detoxification services or residential treatment may be recommended, most participants initially begin with outpatient services that include both individual and group counseling.

Your treatment counselor will work with you to set up your treatment schedule.

The assessment results are also used to assist your treatment counselor and the probation officer in developing an individual treatment plan with you that is specific to your individual needs.

The treatment plan, which is updated regularly, serves as a guide for you throughout the duration of your time in DWI Court.

You will be evaluated for placement on medication such as Naltrexone or Vivitrol; prescription drugs that help you maintain your sobriety.

Your treatment counselor is a part of the DWI court team. Each week your counselor will give the Judge and other DWI Court team members an updated report regarding your progress. The report will detail your attendance, participation and cooperation in the treatment program. The team works together with you to help you achieve your goals.

## **KEEP YOUR COUNSELING APPOINTMENTS!**

### **YOU MAY BE CHARGED FOR MISSED APPOINTMENTS**

### **COURT SANCTIONS MAY BE IMPOSED!!!**

#### **What should I expect from my probation officer?**

Every DWI court participant is assigned a probation officer from the Department of Probation and Parole or Midwest ADP. Your probation officer is also a DWI court team member and will share information about you with the Judge and the other team members. Your probation officer will report your drug and alcohol testing results and will provide updates on employment or other requirements that you must meet in order to complete DWI Court.

You will meet on a regular basis with your probation officer. He or she will set up a schedule with you so you know when to report to the probation office. As you progress through the program, the frequency of your contacts with your probation officer may decrease.

Your probation officer, law enforcement officers and DWI Court team members may make announced and unannounced visits to your home and may check in with your work supervisor, school officials, physicians, counselors and any other persons involved in working with you during the program. It is their responsibility to monitor your living conditions, your employment and educational/ vocational endeavors, and your cooperation with all aspects of the DWI Court program.

**The probation officer is considered an “arm of the court”. You must follow the directives of your probation officer just as if the Judge had directed you.**

#### **What do I need to know about drug and alcohol testing?**

You will be required to submit to random drug and alcohol testing as long as you are in DWI Court. DWI Court team members may require testing at any time during your participation in DWI Court. If you are having trouble staying sober, you may be asked to test every day. Each participant in the DWI Court will be assigned a color. Each participant will be required to call a number provided by the Probation Officer every day to check if it is their color's turn to provide a urine and/or breath sample. If it is their color, the participant must provide a urine and/or breath sample on that day. Failure to provide a sample will be construed as a positive test.

Generally, every participant will be required to successfully complete a period of continuous alcohol monitoring and will submit to random drug and alcohol testing. The period and frequency of these drug tests will depend upon your needs and the recommendations of the DWI Court team members.

**What is a tracker? Do I have to let the tracker in my house?**

A tracker is a law enforcement officer who may knock at your door and ask you to take a breathalyzer test. The tracker is not there to arrest you. If the tracker asks to come inside, you must let him/her come in.

**Do I have a Curfew while in DWI Court?**

Yes. The Curfews for DWI Participants are as follows:

- Phase 1 – 10:00 pm
- Phase 2 – 11:00 pm
- Phase 3 – 12:00 am
- Phase 4 – 12:00 am

These curfews may be readjusted on an individual basis based on a participants work schedule. The participant must provide work schedule information to the Probation Officer. The Probation Officer will verify the information with the employer.

**How do I advance through DWI Court?**

The DWI court program has four phases; as you progress through the phases, there will be fewer requirements that you must meet. The minimum length of the DWI Court program is 18 months, but many participants need additional time to complete the requirements.

Listed below are the general requirements for each phase. Remember, each person in the DWI Court program has different needs: You may be required to participate in one or more activities that are not on this list. Also, some cases may have different requirements as determined by the DWI Court team.

<b>PHASE 1</b>	
<b>Length of phase:</b>	<b>A minimum of 4 months</b>
<b>General Requirements: These will be adapted to your individual needs</b>	Participation in treatment as determined by your needs; Court attendance <b>weekly</b> ; random urine tests as required by DWI Court team; compliance with medication assisted treatment if appropriate; contact with your probation officer as directed; successful completion of SCRAM, or any other continuous alcohol monitoring, as required by DWI Court team; Phase 1 fees paid in full before moving to the next phase.
<b>PHASE 2</b>	
<b>Length of phase:</b>	<b>A minimum of 4 months</b>
<b>General Requirements: These will be adapted to your individual needs</b>	Continued participation in treatment or other services as determined by your progress; Court attendance <b>first, third, and fifth Monday's of the month</b> ; random urine tests as required by the DWI Court team; compliance with medication assisted treatment if appropriate; contact with your probation officer as directed; pre-GED testing (if needed); employment or vocational training (if needed); stable housing; Phase 2 fees paid in full before moving to the next phase.

<b>PHASE 3</b>	
<b>Length of phase:</b>	<b>A minimum of 4 months</b>
<b>General Requirements: These will be adapted to your individual needs</b>	Continued participation in treatment or other services as determined by your progress; Court Attendance <b>the first Monday of the month</b> ; random urine tests as required by the DWI Court team; continued compliance with medication assisted treatment if needed; continue GED study – schedule/take test (if needed); maintain stable employment; continue vocational training; stable housing; Phase 3 fees paid in full before moving to the next phase.
<b>PHASE 4</b>	
<b>Length of phase:</b>	<b>A minimum of 6 months</b>
<b>General Requirements: These will be adapted to your individual needs</b>	Continued participation in treatment or other services as determined by your progress; Court attendance <b>the first Monday of the month</b> , random urine tests as required by DWI Court team; sobriety for at least 6 months; pass GED test; stable employment and living circumstances, Phase 4 fees paid in full, all Court costs paid.

**Is my information confidential?**

Federal law requires that drug court participants’ identities and privacy be protected. In response to these regulations, the DWI Court has developed policies and procedures that guard your privacy. Upon entry into DWI Court, you will be asked to sign a **Consent for Disclosure and Exchange of Confidential Information Regarding Substance Abuse and Mental Health Treatment**. This disclosure of information gives the DWI Court permission to obtain prior and current substance abuse treatment information and allows the DWI Court teams to discuss your progress. You will be expected to allow the teams’ access to medical and other records of care and services (as necessary, and with your full knowledge) that may impact your participation in the program.

**How often do I go to Court?**

You are required to appear in court on a regular basis. The number of appearances depends upon the Phase of DWI Court you have achieved.

- If you are in Phase 1 you attend once a week, every Monday
- In Phase 2, you will come to court the 1st, 3rd, and 5th Monday's of the month
- In Phase 3, you attend the first Monday of every month;
- Phase 4 meets the first Monday of every month.

If there is a holiday or the Court is closed on the Monday you are scheduled to appear, you are scheduled to appear the next Monday that the Court is open.

**If you fail to appear in court, an arrest warrant may be issued and you may be subsequently detained in jail until you are brought before the Judge.**

**How much Community Service must I complete?**

Section 577.023 RSMo. requires that certain participants complete a minimum amount of community service. The requirements are as follows:

- Minimum of 240 hours of community service for Prior Offenders.
- Minimum of 480 hours of community service for Persistent Offenders.

### **How much do I pay for DWI Court?**

You will be required to pay a DWI Court fee of \$2,000. In addition, you may be ordered by your sentencing judge to pay circuit court costs, fines and restitution. The DWI court team is not involved in assessing these charges. If you have questions about the circuit court costs, fines and restitution, please discuss this with your attorney.

In addition to the DWI Court fee, you will be responsible for fees for supervision, treatment, SCRAM, drug and alcohol testing, and any additional costs incurred due to your participation in the DWI Court. These additional costs may be paid directly to the providers.

The DWI Court fees are the minimum amounts that must be paid to advance through the four phases. In Phases 1, 2, 3 and 4, you will pay

Phase 1 = \$150

Phase 3 = \$700

Phase 2 = \$350

Phase 4 = \$800

You must pay the amount of the fee for each phase before you will be advanced to the next phase.

### **Try to pay ahead so it is not so hard to keep up in the upper phases.**

If you are unable to afford the fees, payments plans are available and County Assistance may be available in certain circumstances.

### **What does it mean to be “terminated” from DWI Court?**

Warrants, new arrests or a violation of any aspect of the treatment plan may result in your termination or expulsion from the program. Other violations that may result in termination include the following:

- Missing scheduled drug and/or alcohol tests and/or positive tests,
- Altered drug tests,
- If you remove, alter, tamper with, damage or destroy electronic monitoring equipment, such as SCRAM (In addition, you may be subject to new felony charges arising under section 575.205 RSMo)
- Demonstrating a continuing lack of commitment to the DWI Court program by failing to cooperate with the probation officer or treatment provider,
- Violence or threat of violence directed at treatment staff, other participants of the program or other clients of the treatment providers.

Termination from the DWI Court program is considered a violation of your probation, therefore the DWI Court probation officer will submit a violation report to your sentencing court and the matter will be set for hearing. The sentencing judge will determine whether you remain in the community, are sent to county jail, or sent to prison.

### **What am I required to do to graduate from DWI Court?**

You will have to participate for a minimum of eighteen months in DWI Court. You will also be required to have:

- spent at least six consecutive months in Phase 4
- finished your substance abuse treatment program and/or any other services you may have been directed to complete
- at least 6 months of sobriety
- no positive drug and/or alcohol tests for 6 months
- maintained a stable residence
- maintained employment (or involvement in an educational or vocational program)
- obtained a GED (requirement for those who did not receive a high school diploma)
- completed your community service hours
- paid all DWI Court fees
- paid all of your criminal case Court costs
- paid all treatment fees

Depending on the terms of the agreement under which you entered the DWI Court, you may receive an early release from probation. If you successfully complete the DWI Court program, you will receive a SATOP completion form that will enable you to obtain your Driver's License after your period of suspension and/or revocation.

### **Will I be able to get a Limited Driving Privilege through the DWI Court?**

The Cass County DWI Court is able to grant a limited driving privilege (LDP) to those participants who meet the requirements of Court Operating Rule 26.05. These requirements include, but are not limited to the following:

- at least one (1) year in DWI Court and one (1) year of not operating a vehicle illegally
- attained the "continuing care" portion of treatment, which will include SATOP completion
- compliance with 302.309 RSMo, including ignition interlock and proper financial responsibility
- substantial and sustained performance of all requirements of the program and treatment
- demonstrate to the DWI Court team that the participant no longer poses a threat to the public safety of the citizens of the state and that the participant is able to maintain a sober, law-abiding lifestyle.
- Not disqualified for a LDP due to reasons stated in 302.309 RSMo, including, but not limited to prior convictions for leaving the scene of an accident, involuntary manslaughter, etc. Please consult your attorney to see if any of these disqualify you from receiving an LDP.

**If you are eligible for a LDP, you must have an attorney file a petition for a LDP and allow time for the Director of Revenue to file a response.**

**SUBJECT TO CHANGE DISCLAIMER**

The policies, regulations, procedures, and fees in this manual are subject to change without prior notice, if necessary, to keep the Cass County DWI Court in compliance with State and Federal laws and/or with rules and regulations of the DWI Court Team Member, and the Missouri Department of Health

The DWI Court reserves the right to change the program rules, fees, and other requirements, of whatever kind, affecting participants. The provisions of this manual do not constitute a contract, express or implied, between any prospective applicant or participant and the Cass County DWI Court.

## **DWI COURT RULES**

1. Totally abstain from the use of alcohol and illegal drugs. These include medications, mouthwashes or other substances that may result in a positive urine or breathalyzer test.
2. Inform all treating physicians that you are a recovering addict and may not take narcotic or addictive medications or drugs.
3. Attend court sessions and treatment sessions as scheduled, submit to random alcohol and drug testing, remain clean and sober and law abiding.
4. No association with people who use or possess drugs or alcohol.
5. No possession of any weapons while in the DWI Court program.
6. Keep the DWI Court teams, probation officer, case manager and treatment provider informed of your current address, phone number, and employer at all times.
7. Dress appropriately for court and treatment sessions: a shirt, blouse, or clean t-shirt; pants, dress, or skirt of reasonable length; shoes must be worn at all times; clothing bearing violent, racist, sexist, drug or alcohol-related themes, or promoting or advertising alcohol or drug use is considered inappropriate; NO hats, NO shorts, NO gang attire, NO tank tops or halter tops.
8. **Remember**, when you are in Court and treatment, turn off cell phones, do not chew gum.
9. Be quiet in court and when it is your turn to talk to the DWI Court Judge, call her or him “**Judge**” or “**Your Honor**”.
10. Abide by all other rules and regulations imposed by the DWI Court Team.