

2nd Circuit DUI Court Participant Handbook



Second Judicial Circuit
425 N Dakota Ave
Sioux Falls SD 57104
Updated 06.16.2025

Table of Contents

Welcome Letter From Judge.....	4
Your Team.....	5
Defense Attorney.....	6
Mission Statement.....	6
Eligibility Requirements	6
Application Process for DUI Court	7
DUI Court Requirements.....	8
Program Requirements.....	8
Work Permits.....	10
DUI Court Costs	11
Drug Testing	12
24/7	13
Incentives, Sanctions, and Therapeutic Adjustments.....	14
Incentives.....	14
Therapeutic Adjustments	14
Violations and Sanctions.....	14
How do I Successfully Complete DUI Court?	15
DUI Court Graduations.....	15
Phases and Requirements	15
Phase 1	15
Phase 2	16
Phase 3	16
Phase 4	17
Phase 5	17
What happens if I Fail to Follow the Rules of DUI Court?	18
Process for Termination	18
Voluntary Removal.....	18
Termination Process.....	19
Complaint Policy.....	20
Emergency Procedures	20
Infection Control Policy	20
FAQ	21

Important Phone Numbers.....	21
Participant Handbook Receipt and Acknowledgement Form	22

Welcome Letter From Judge

Hello,

On behalf of the DUI Court team, I would like to welcome you into our program. My name is Sara Pokela, and I have been a member of the DUI Court team from its first days in 2011 and the presiding judge since 2018. The DUI Court team is dedicated to helping you get well, achieve your goals, and successfully complete the requirements of this program.

Please read this handbook carefully, as it is designed to help you be successful in this court. You are responsible for understanding the expectations and requirements contain within the handbook. If you have questions about any part of the program, I encourage you to talk to your CSO to make sure you understand. The handbook is a useful guide to help ensure you are aware of all program requirements.

We are excited to have you as a participant in our program. We look forward to working with you in the coming months and years. Please remember, when you are struggling our basic motto -- show up, be honest, and try. We have found when folks do these three things success will follow.

A handwritten signature in black ink, appearing to read "Sara Pokela".

Your Team

Judge Jennifer Mammenga – Judge

Judge Andrew Robertson - Judge

Nichole Larive – DUI Court Coordinator

Marissa Hastings – MH representative

Carrie Groenweg – CD representative

Scott Prenger – Court Services Officer

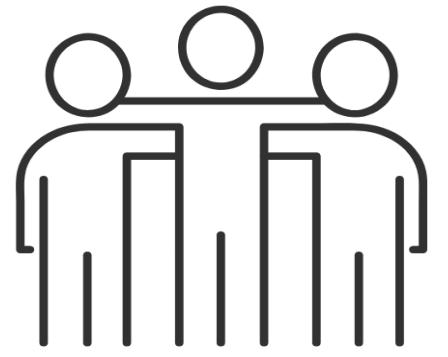
Darrin Keller – Court Services Officer =

Amber Whittington – Public Defender

Marya Tellinghuisen – Prosecutor

Lt. Jason Leach – Law Enforcement

Cpl. Jasmine Thelen – Law Enforcement



Defense Attorney

The DUI Court Defense Attorney will be your defense attorney the whole time you are in DUI Court. You always have the right to hire your own attorney if you want. Even though the Defense Attorney is a member of the DUI Court Team, they are also **your attorney**. As your attorney, you will have attorney-client privilege, which allows you to share privileged and confidential information with them which they cannot share with the Team unless you give them permission to do so.

The Defense Attorney's job is to help you understand your rights and the requirements of the DUI Court program. The DUI Court Judge makes all final decisions, but the Defense Attorney will advocate for you to the Judge and the Team.

The Defense Attorney will defend your legal rights, and make sure you get fair treatment, and they will also share your view on things like incentives and sanctions, phase advancement, and graduation or termination. The Defense Attorney will represent you in evidentiary hearings if you do not agree that you violated probation. They will also represent you if you are facing termination from DUI Court and if you are facing a Probation Violation after termination from DUI Court unless you request a different attorney.

The Defense Attorney will attend DUI Court sessions and can answer any questions you might have during DUI Court. You should contact them **before** DUI Court, if possible, to talk about any issues that might come up. You can reach them at [\(605\) 367-4242](tel:(605)367-4242).

Mission Statement

The mission of the Second Circuit DUI court is to promote an alternative way for DUI offenders to receive justice and treatment, with an eye towards public safety, personal dignity, and program accountability while promoting recovery and real-life change.

Eligibility Requirements

- At least 18 years old
- Facing Felony charges
- Qualification based on risk/needs assessment
- Pass legal screen for entry into the DUI Court program
- Resident of Sioux Falls
- Willing to participate in the DUI Court program (demonstrated by applying)

Application Process for DUI Court

1. Submit a request for legal screening to the State's Attorney:
<https://forms.office.com/g/PiAUndwbum>

Information needed:

- Last name, First Name
 - Case Number
 - Custody status
2. Complete the application with your Defense attorney and return it to the treatment court coordinator.
 - Nichole Larive - nichole.larive@ujs.state.sd.us - 605-201-9395
 3. If approved the DUI Court Service Officers will schedule risk assessment.
 - Scott Prenger - 605-323-5664
 - Darrin Keller - 605-941-7643
 4. The DUI court officer will connect you to treatment for further assessments.
 5. If you meet the criteria the team will discuss, and the Judge will make the final determination if you are approved for participation in DUI court.

Once the application is completed, your risk/needs assessment and treatment assessments are completed, your attorney will receive notification of acceptance or denial into the program.

The DUI Court officers screen all applicants for eligibility and refer for further review.

We use the LSI-R and IDA screening tools to determine the risk of our applicants.

Need is assessed by qualified Mental Health and Substance Abuse clinicians.

DUI Court Requirements

The length of the program is determined by an individual's success in maintaining sobriety, compliance with program requirements, and meeting case goals. The DUI Court program has 5 phases, takes a minimum of 18 months to complete but typically takes closer to 24 months.

DUI Court sessions are held weekly on Tuesdays at 9:30 AM. How often you must come to court is based on your phase. Court appearances are mandatory, and failure to appear will result in a bench warrant for your arrest.

Location: 425 N Dakota Ave., Sioux Falls, Courtroom 3B

Time: 9:30 AM

Contact your CSO if you are going to be late or miss court.

While at court:

Be on time. Be respectful to the Judge, the team, and your fellow participants.

Bring your planner.

Turn off your phone.

Be quiet and pay attention. You should always be dressed appropriately and maintain adequate personal hygiene. Do not wear anything too tight or revealing. Do not wear hats, bandanas, or do-rags. No sunglasses or clothes with drug/alcohol logos or gang symbols. Any gang-related symbols, signs, colors, or affiliation regalia/tattoos will need to be covered in court.

During court, be supportive of your fellow participants and encourage them with applause.

Program Requirements

Show up and be on time

As a DUI Court participant, you will need to go to a lot of different appointments for treatment, counseling, education, and other types of services. If you need to change any appointment, you must do it at least 24 hours before the appointment starts. Contact the provider to approve.

It is your responsibility to set up your appointments, keep track of them, and go to the appointments as scheduled. **You will be provided with a planner**, and the team will help you fill it out. It is very important to keep these appointments and to be on time. Being late or missing appointments can result in sanctions or probation violations.

Follow your probation plan

Your court service officer will instruct you on all the rules and expectations of probation. You must follow and fully comply with all instructions from your court service officer. Non-compliance will result in a violation of probation. You are expected to keep all appointments, be on time, and be respectful to all program staff.

You are expected to follow all conditions of probation.

Follow your treatment plan

Your treatment plan is unique and tailored to fit you. Do not compare your treatment plan to another participant's. You are here to focus on your own recovery. If you have questions about your treatment plan, contact a member of treatment. Your treatment plan will be made by you and your counselors. You will get both addiction and mental health treatment. You will be in both individual and group sessions. The team will talk regularly about how you are doing in treatment.

Confidentiality

To participate in DUI Court, you must sign a release that says the DUI Court team can share information about your progress during team meetings. Court hearings are held in open court and are open to the public.

The DUI Court team and counselors make every possible effort to ensure your personal information is protected.

Honesty is always the best policy

Thousands of people overcome their substance use disorder every year, but it is not easy. Your success will take your best effort. Your best effort includes being truthful to everyone involved in your recovery.

Ask for help

The entire DUI Court team wants you to succeed. If you are struggling, or have questions or concerns about anything, ask for help. You are not in this alone.

Important things you should tell probation:

- If you used alcohol or any mind-altering substance
- Any change to your phone number
- All changes to work or school schedule
- All medications, pills, and supplements you are taking
- If you had contact with law enforcement or have been arrested
- Any change to living situation

Follow all directions of the DUI Court Team

Follow all laws. Do not commit any crimes. Do not threaten anyone or commit any violent acts. Tell your court service officer right away if you have contact with law enforcement (even if it was not your fault). **DO NOT DRIVE WITHOUT PERMISSION**

Housing

Live in a safe and sober place that supports your recovery.

Tell probation where you are living and who you are living with. Do not have unapproved guests or visitors, and do not let someone move in without permission. Do not move without permission. The team might require you to move if you are not living in a safe and sober place that supports your recovery.

As a participant of the 2nd Circuit DUI court, you are required to live in Sioux Falls.

Employment

During your time in DUI Court, you must be employed, or enrolled full-time in educational or job training. Employment, schooling, or training must be approved by the team. If you lose your job or are terminated from a program, you must notify your court service officer immediately.

Do not Gamble

Gambling is just as addictive as drugs and alcohol. While you are on probation you ARE NOT ALLOWED to go into casinos or gaming/gambling businesses. Do not play games of chance, lottery, or any kind of betting for money, prize, or something of value.

Use and update your daily planner

Write all your appointments and daily activities in your DUI Court planner.

Work Permits

If you have a valid driver's license at the time of sentencing, you may be eligible for a work permit. You must successfully complete a treatment program to be eligible for a work permit. You must be compliant with all programming and be in at least Phase 2 of the Program. You must have 90 days in the DUI court program. You must be able to financially maintain the vehicle, substance testing costs (SCRAM, Remote Breath, or others.), and insurance always. You will write a letter to the DUI Court team outlining why you need a vehicle. The letter must include a description of what alternate transportation is available and identify the vehicle to be driven. Additionally, you must provide monthly proof of insurance to the DUI Court team. If a work permit is granted, you must complete all necessary forms to obtain and maintain the work permit.

You may only drive where allowed by your work permit. Violation of the work permit will result in a sanction up to and including termination from the DUI Court Program.

*If you have a valid license at any time during your time in the DUI Court program, your driving privileges are at the discretion of the team, and you may be required to install interlock. You must be financially stable, show proof of insurance and remain compliant with all programming requirements.

*If you do not have a valid license at the time of sentencing but obtain a valid driver's license from the Department of Motor Vehicles while you are a participant in the DUI court, you **MAY NOT** drive until you are granted permission from the DUI court team.

Driving

- **You are not allowed to drive without a valid Driver's License**
- **You are not allowed to drive without vehicle insurance**
- **You are not allowed to drive without the team's permission**

A driving sanction for driving without permission:

The first violation will be 10 hours of community service (at the team's discretion), any subsequent violations will result in further sanctions, up to and including termination from the DUI court program.

You shall not drive any motor vehicle before approval from the team and are lawfully licensed and insured.

DUI Court Costs

You are required to pay your court costs, fines, fees, attorney fees, and any other money ordered at sentencing. Work with your Court Service Officer to make a payment plan.

Program Related Fees

You may be required to pay for testing, monitoring, and treatment while in the program, which may include:

- 24/7 Program
- Lab analysis for positive UAs
- SCRAM/Remote Breath
- Interlock
- Other

Drug Testing

Drug Testing is frequent and random (unexpected, unannounced, unanticipated) during the entire program.

Every day you will call into the drug testing system to determine if you will be tested.

- Phone Number: AM 605-461-7674 from 6 AM to 10 AM
PM 605-461-7684 from 12:30 PM to 4:30 PM

Monday through Friday testing

Court Services Office 2nd Floor of the Courthouse

425 N Dakota Ave, Sioux Falls SD 57104

AM session 7:30AM – 10:00AM

PM session *only upon approval by CSO based on job hours* 2:30 PM – 4:30 PM

Saturday and Sunday and Holiday testing

Minnehaha County Jail 24/7 desk

305 W 4th St Sioux Falls SD 57104

9:00 AM – 10:30 AM

You will not be able to enter the lobby until 9:00 AM

All urinalysis tests will be observed. You may also be tested using Breathalyzer testing, SCRAM, oral swab testing, or drug use sweat patch testing.

Positive tests will be reported to the team, and an appropriate therapeutic adjustment and/or sanction will be given.

If you are disputing the positive test you will need to pay \$35 to have the test sent into the lab for confirmation. If the test is positive, you will not be refunded that money. If the test is negative, you will be refunded that money.

Positive UAs will result in a loss of program days

Missed UAs will result in a loss of program days

Do not have or use drugs or alcohol

Sobriety is a focus of the DUI Court program. A sober lifestyle is important to your recovery. This includes avoiding all alcohol and any other substances that are mind and/or mood-altering unless approved by the team. Stay away from establishments whose main business is the sale of alcohol, unless permitted by your court service officer. Do not use or have any drugs or alcohol with you, in your home, or your vehicle.

Admitting you used drugs or alcohol before a test will almost always lessen the sanction you may receive.

The following substances are not allowed: Kratom, CBD, delta-8 CBD, delta-10 CBD, THC V, O, and other variants, spice/K2, synthetic drugs, tia, flakka, bath salts, xylazine and any other substance labeled not for human consumption.

Poppy seeds are prohibited.

Do not use any herbal or over-the-counter medications without talking with your counselor and court service officer.

Non-Alcoholic Beer and Wine: NA beers do contain a residual amount of alcohol that may result in a positive test. DUI participants are not permitted to ingest NA beer or Wine.

You are responsible for what you put in your body.

24/7

As a part of your court requirements, you may be enrolled in the 24/7 program. You are to abide by all 24/7 rules and policies and are subject to the consequences of that program independent of DUI Court policies and procedures.

You may be on SCRAM, PBTs, or Remote Breath. Follow all directions of the 24/7 program staff.

Prescription Medication Policy

If your doctor gives you any medication in response to an illness or injury, you must:

- Tell your court service officer
- Bring in documentation of any medication you are given
- You must sign a release allowing DUI Court staff to talk with your doctor about your use of the medication

The emergency room should be used for life-threatening situations only.

Incentives, Sanctions, and Therapeutic Adjustments

The court uses incentives, sanctions, and therapeutic adjustments in response to your accomplishments, behaviors, and treatment needs.

Incentives

An incentive is an acknowledgment by the DUI Court Team that you have reached a milestone or have completed a goal toward your life in recovery. As you progress through DUI Court you will receive incentives from the DUI Court team. Incentives may be received for a variety of behaviors/achievements. Examples of incentives are:

- Gift cards
- Fishbowl drawing
- Phase advancement
- Permission to travel
- Fine credits

You may also receive incentives directly from your CSO for forward progress.

Therapeutic Adjustments

A therapeutic adjustment is a change in the treatment plan. Therapeutic adjustments can include, but are not limited to:

- Increased self-help/peer support meetings
- Increase in substance testing
- Journaling
- Motivational interviewing exercise
- Residential treatment

These adjustments are made with input from your counselors to assist you in reaching your treatment goals.

Violations and Sanctions

Sanctions are given for not following the rules of the program. The DUI Court Judge and Team will discuss sanctions based on any violations. The Judge will administer sanctions in court. You may also receive supervision sanctions directly from your CSO.

Sanctions can include, but are not limited to, the following:

- Verbal warning
- Extended phase time
- Losing work permit
- Incarceration
- Termination from DUI Court

Sanctions can be given immediately by CSO or at the next court session.

How do I Successfully Complete DUI Court?

- DUI Court lasts 18-24 months
- DUI Court consists of five (5) phases. Each phase is explained in detail below
- Show up
- Try
- Be Honest
- Engage and complete your treatment

DUI Court Graduations

DUI court graduations are generally held quarterly. You will graduate in the closest month when you have met requirements, have completed all tasks, and are referred by your counselors, and CSO.

Phases and Requirements

Phase 1

- Minimum of 60 days in phase
- 14 days of continuous sobriety
- Weekly court attendance
- Comply with Treatment
- Comply with Supervision
- At minimum weekly office visit
- At minimum monthly community visit
- Develop a transportation plan
- 28% chance of UA daily – including weekends and holidays
- Daily alcohol testing
- Begin to focus on peer support groups
- Obtain and maintain a planner
- Assess housing
- Address Employment
- Change people, places, and things
- Submit a written request to move to the next phase

Phase 2

- Minimum of 90 days
- 45 days of continuous sobriety
- Weekly court attendance
- Comply with Treatment
- Comply with Supervision
- At minimum weekly office visit
- At minimum monthly community visit
- 28% chance of UA daily – including weekends and holidays
- Daily alcohol testing
- Start to focus on one (1) peer support group meeting per week
- Start working with peer support
- Maintain planner
- Establish housing
- Establish employment
- Change people, places, and things
- Submit a written request to move to the next phase

Phase 3

- Minimum of 90 days
- Bi-weekly court appearances
- Comply with Treatment
- Comply with Supervision
- At minimum bi-weekly office visit
- At minimum monthly community visit
- 28% chance of UA daily – including weekends and holidays
- Daily alcohol testing
- Maintain planner
- Maintain housing
- Maintain employment
- Review educational opportunities
- Attend two (2) recovery support meetings per week
- Establish pro-social activity
- Change people, places, and things
- 60 days of continuous sobriety
- Submit a written request to move to the next phase

Phase 4

- Minimum of 120 days
- 90 days of continuous sobriety
- Monthly court appearances
- Comply with Treatment
- Comply with Supervision
- CSO-directed office visits
- At minimum monthly community visit
- 28% chance of UA daily – Including weekends and holidays
- Daily alcohol testing
- Maintain planner
- Obtain approved housing
- Attend three (3) recovery support meetings per week
- Maintain employment
- Change people, places, and things
- Complete 10 hours of community engagement opportunities to advance to the next phase
- Submit a written request to move to the next phase

Phase 5

- Minimum of 180 days
- Monthly court appearances
- Comply with Treatment
- Comply with Supervision
- At minimum monthly office visit
- At minimum monthly community visit
- 15% chance of UA daily – including weekends and holidays
- Random alcohol testing
- Maintain planner
- Attend four (4) recovery support meetings per week
- Maintain employment
- Maintain approved housing
- Complete 20 hours of community engagement opportunities before Graduation
- Submit a written request to move to the next phase

What happens if I Fail to Follow the Rules of DUI Court?

When I fail to follow the rules of the program, I can be terminated from DUI Court.

Some examples of reasons to terminate are:

Reasons to be terminated can include but are not limited to the following:

- Violating rules of the DUI Court
- Concern for public safety
- Driving without a valid Driver's License
- Driving under the influence
- Driving without teams' permission
- Commission of a crime
- Failure to attend DUI Court hearings
- Absconding of the treatment program
- Absconding from DUI Court
- Drug dealing
- Evidence that the participant is involved in any threatening, abusive, or violent verbal or physical behavior toward anyone
- Tampering with drug/alcohol screening tests
- Failure to make satisfactory progress
- Any other grounds that the DUI Court Team finds sufficient for termination

Process for Termination

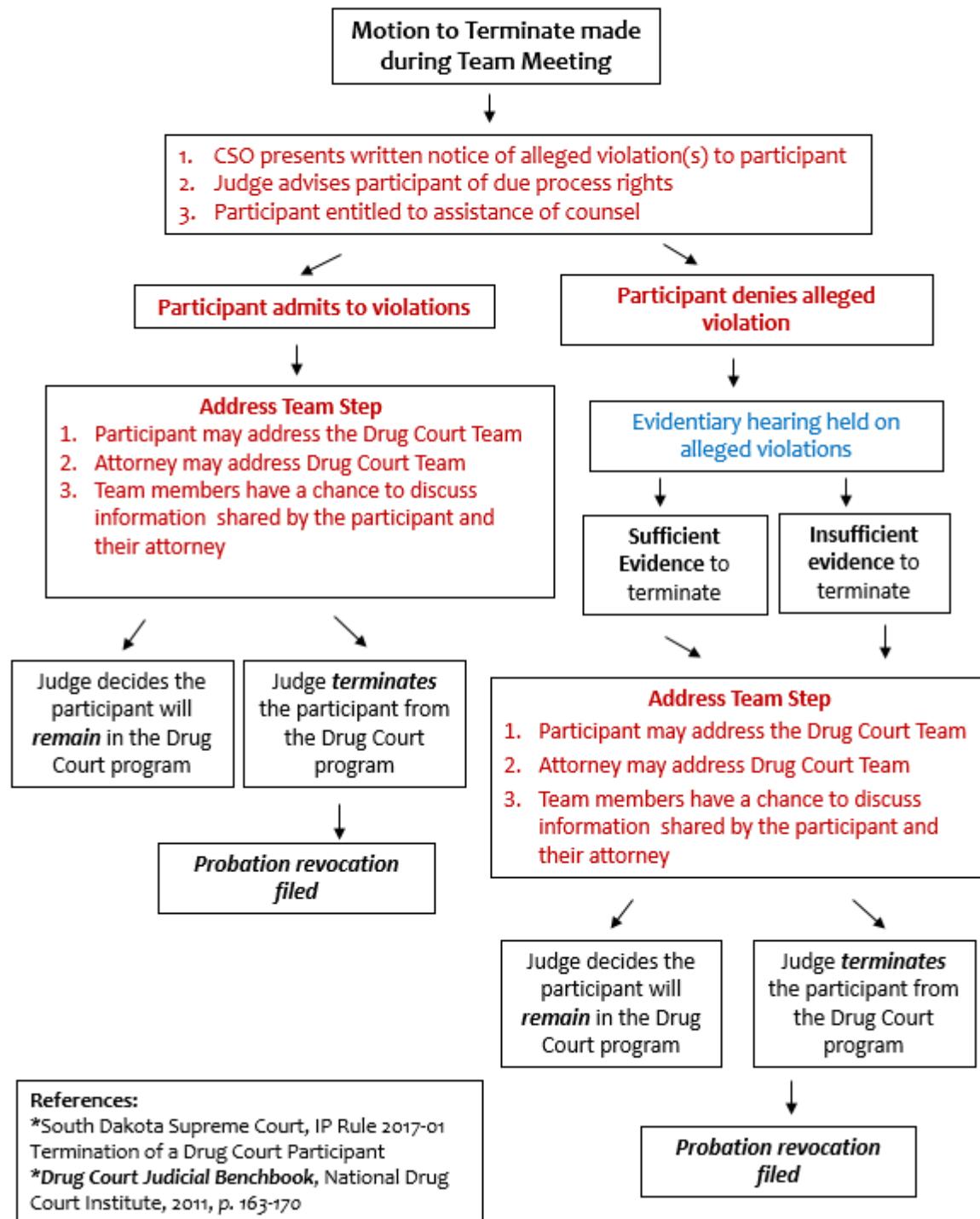
1. A member of the DUI Court Team makes a motion for termination.
2. Your court service officer will give you a written copy of the possible violations.
3. The team attorney will be appointed to represent you unless you request a different attorney.

Voluntary Removal

You may request to be removed from the DUI Court Program. Before the team will consider your request, you must visit with your defense attorney.

Termination Process

Drug and Other Problem Solving Courts **Termination Process**



Complaint Policy

You have the right to file a complaint if you feel you have been treated unfairly by a team member. Please contact the DUI Court Coordinator, Nichole Larive. If the coordinator is the source of the complaint, then please contact the Treatment Court Director, Noreen Plumage.

Nichole Larive: 605-201.9395
Noreen Plumage: 605-773-4161

Emergency Procedures

Situations may arise that require us to adjust the actions in this handbook. Such situations may include a natural disaster, a pandemic, or other public health emergency.

The team may need to adjust the following:

- drug-testing procedures
- the way you attend treatment
- communicate with your counselors
- report to court and/or probation
- Graduation dates

These adjustments will be limited to the time of the emergency.

Infection Control Policy

The DUI Court team cares about your health.

DUI Court will take steps to minimize exposure to diseases at the courthouse.

If you are exposed to a transferable disease stay home and seek medical attention. You are expected to notify your court service officer as soon as possible.

Remote access to the court will be utilized where appropriate.

FAQ

How long does it take to complete DUI court?

DUI court has five phases. The first two phases have the most requirements for probation, treatment, and court reporting. As the participant moves through the program, requirements decrease. A participant must meet all the goals before graduating. The minimum is 18 months.

What treatment options are available?

Treatment is required in DUI Court. A participant can go to detox, inpatient, outpatient, or residential treatment. The level of treatment is based on the participants clinical needs for recovery. You will work closely with your team of counselors to create your treatment plan.

What other services are provided?

The DUI Court team will work with each participant to get employment, education, housing, health care and any other needs you may have.

What happens if a drug test comes back positive?

Addiction is hard to beat. The DUI Court team understands this and respond to positive drug tests with varying degrees of sanctions/adjustments depending on phase and progress in the program.

Important Phone Numbers

Probation office: 605-782-3043

- Scott Prenger - 605-323-5664
- Darrin Keller - 605-941-7643

Clerk of Courts: 605-367-5900

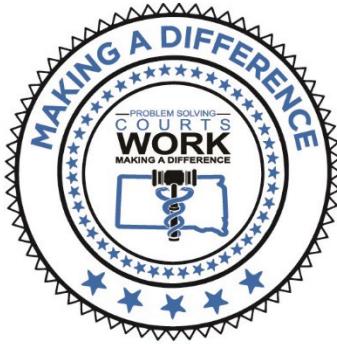
Coordinator: 605-201.9395

Carroll Institute: 605-336-2556

Southeastern Behavioral Health: 605-336-0503

Emergency: 911

Helpline: 211



Participant Handbook Receipt and Acknowledgement Form

I have been given a copy of the *Participant Handbook*. I will read and follow the rules of the program.

Participant Name Printed:	
Participant Signature:	
Date:	