

James Valley Drug/DUI Court Participant Handbook



James Valley Drug Court
200 E 4th Ave
Mitchell, SD 57301
605-995-8992

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Mission Statement

The mission of the James Valley Drug/DUI Court Program is to provide community based rehabilitation through the use of intensive treatment and supervision to stop the cycle of repeat offenders and addiction, thereby creating safe communities and reducing the costs of corrections.

Program Goals

1. Increase public safety by integrating the criminal justice system with treatment systems and community resources
2. Increase individual length of involvement in treatment and other maintenance systems
3. Increase the number of offenders able to work, parent, and participate in the community as sober, productive citizens
4. Reduce incarceration time for non-violent offenders
5. Reduce recidivism

Introduction

What is Drug/DUI Court

Drug/DUI Court is defined as a judicially supervised alternative program to incarceration and includes drug, driving under the influence (DUI), and other specialty court dockets aimed at increasing public safety, increasing offender accountability, and decreasing recidivism. Drug/DUI Courts are a collaborative community effort.

Program Outline

Drug/DUI Court is a voluntary program, which includes regular appearances before the Drug Court judge, frequent and random drug testing, substance abuse counseling in individual and group settings, mental health counseling, educational classes, a system of behavior modification based on incentives and sanctions, and intense community supervision by a Drug/DUI Court Team. Drug/DUI Court requires participants to participate in community support groups and to be employed. The Program length is determined by each participant but is no less than eighteen (18) months.

Eligibility Standards

1. Over 18 years of age
2. Facing felony level drug- or alcohol-related offense
3. Voluntarily entering into Drug/DUI Court and willing to comply to all requirements
4. No current charges of distribution
5. Not required to register as a sex offender
6. No prior conviction of crimes of violence
7. Substantially impacted by your abuse of or dependence on drugs
8. Screened legally eligible for Drug/DUI Court
9. Willing to maintain residency as directed to ensure intensive supervision
10. Must live within 24 miles of the Davison County Courthouse

Referral Process

1. Prosecutor completes legal screen for Drug/DUI Court
2. You complete Drug/DUI Court application and consent forms
3. You complete treatment needs assessment and risk assessment
4. Defense attorney completes an interview with applicant and his/her attorney
5. Defense attorney provides discovery and evaluation to Drug/DUI Court Team
6. Team discusses and accepts or denies pending application
7. If accepted, sentenced to probation with Drug/DUI Court as a condition

*Every reasonable effort will be made by the James Valley Drug/DUI Court team to ensure that the time between arrest and entry into the Drug/DUI Court Program is less than 50 days.

Drug/DUI Court Proceedings

The Drug/DUI Court is a specialized, separate court, operating on a weekly basis and dedicated to the assessment and supervision of participants. Prior to Court, the Drug/DUI Court Team will meet and discuss the successful progress or any violation of the participants. Drug/DUI Court is open to family members or other members of your support network to attend. Children may attend court when appropriate. During the Drug/DUI Court session, the Drug Court Judge will discuss your case with you. Incentives and sanctions will be given as appropriate.

Court Appearance

1. Appropriate clothing is expected at all times. Clothing bearing drug or alcohol related themes, or promoting alcohol or drug use is not allowed. This is a professional setting, no jogging suits, T-shirts with offensive statements, holey jeans, low cut /see-through/revealing tops or bottoms, etc. A good rule of thumb is to dress for the occasion.
2. The following actions will not be tolerated:
 - a. Violence or threats of any kind
 - b. Use and/or possession of drug/alcohol
 - c. Belligerent behavior
 - d. Possession of any type of weapon
 - e. Inappropriate sexual behavior
3. You may not have cell phones or other electronic devices powered on while in the courtroom.

The Drug/DUI Court judge will review any infraction of the rules and may impose sanctions.

You are expected to maintain appropriate behavior at all times during court sessions and while in the courthouse. The Judge and Team members shall be addressed with respect. Unless prior approval is given, you will remain for the entire Drug/DUI Court proceedings. We do encourage you to show your support and encouragement to fellow participants by applause. Your behavior and demeanor while in the courthouse is a reflection on the entire program. Maintaining appropriate behavior is a sign of the progress you and your fellow participants are making towards recovery.

Confidentiality

Drug/DUI Court is open to the public, but Drug/DUI Courts Team meetings are **not**. It is important to protect the privacy interest of everyone involved in Drug/DUI Court. You are required to sign releases from the Drug/DUI Court Team and service providers for health, medical, mental health, criminal, employment and educational records. Since this is confidential information, it cannot and will not be shared with anyone outside of the Drug/DUI Court Team. There is one exception to this rule pertaining to SDCL 26-8A-3 and 4, which requires reporting of any prior or current child neglect/ abuse.

Participant's Rights

You understand that by agreeing to participate in the James Valley Drug/DUI Court Program, you are waiving your right to a usual court proceedings, such as questioning or disputing the legality of search, seizure, or traffic stop; a preliminary hearing; and trial by jury or court. Admission into the Drug/DUI Court requires acceptance of this responsibility. You also understand that admission, participation, and possible termination from the Drug/DUI Court Program are entirely within the discretion of the Drug/DUI Court Team.

Participant's Goals

Although the Drug/DUI Court Team will work with you on individual goals, the following are goals for every participant:

1. To learn to be alcohol and/or drug free
2. To learn better life coping skills
3. To adjust to a drug/alcohol-free lifestyle
4. To develop a non-criminal pattern of living
5. To enhance employment skills
6. To attend Team approved support groups
7. To increase social skills
8. To enhance self-esteem and self-motivation
9. To develop a relapse prevention plan
10. To accept responsibility for financial obligations and learn budgeting skills
11. To develop time management skills

Drug/Alcohol Testing

A critical component of successful Drug/DUI Court participation involves intensive supervision and random drug testing to determine compliance with the rules of the Drug/DUI Court Program. Drug Testing is completed randomly, at least 2 days per week, but not in 7 day blocks of time, and is subject to change based on violations and the recommendation of the Drug Court Team. All tests are observed, and any detectable level of alcohol or controlled substance will be considered as a positive test. Upon a positive test, you will ordinarily be taken into custody. This is done to protect public safety. On occasion, treatment providers may conduct tests for the purpose of therapeutic adjustments; results will be shared with the Team. Drug testing includes frequent contact with the South Dakota Prescription Drug Monitoring Program to ensure you are not abusing prescriptions not approved without the Team's knowledge.

Phases of Drug/DUI Court

The James Valley Drug/DUI Court Program consists of five (5) phases. Requirements of each phase are explained in detail below. You are required to submit a written request to the Drug/DUI Court Team in order to advance to the next phase or graduate. Program length may vary but is no less than 16 months for Drug Court participants and 12 months for DUI Court participants. Before graduating from the Program, you must complete a **Program Exit Survey**.

Phase 1- Acute Stabilization

- Minimum of **60** days
- Court ordered jail time
- Weekly court attendance
- Seek or obtain full-time employment, attend education or completed 30 hours weekly Community Service as determined by the Court Services Officer (CSO)
- Attend MAAEZ (Make AA Easy) group (along with required AA groups as homework)
- Attend two (2) community support group meetings weekly upon completion of MAAEZ
- Address court approved housing
- Abide by 10pm curfew
- Obtain and maintain a weekly/daily planner
- Complete financial review for financial responsibility plan
- Follow treatment plan as directed
- Minimum of three (3) random UAs per week (not in 7 day block)
- Participate in the 24/7 or SCRAM Program (if applicable)
- Begin the process of securing a same-sex support group sponsor
- Review Court Service Payment Plan with Court Service Office
- Minimum **30 days of continuous sobriety**
- Written request to advance to Phase 2 (application provided by CSO)

Phase 2- Clinical Stabilization

- Minimum of **60** days
- Weekly court attendance
- Attend three (3) community support group meetings weekly
- Change people, places and things (rebuilding relationships with family)
- Maintain Court approved housing
- Seek or obtain full-time employment, attend education or complete 30 hours weekly Community Service as determined by Court Services Officer (CSO)
- Abide by 10pm curfew (unless extension approved by CSO)
- Maintain planner
- Follow financial responsibility plan
- Follow treatment plan as directed
- Minimum of three (3) random UAs per week (not in 7 day block)
- Participate in the 24/7 or SCRAM Program (if applicable)
- Secure same-sex support group sponsor
- Minimum **30 days of continuous sobriety**
- Written request to advance to Phase 3 (application provided by CSO)

Phase 3- Pro-Social Habilitation

- Minimum of **120** days
- Bi-Weekly court appearances
- Attend three (3) community support group meetings weekly
- Maintain Court approved housing
- Maintain full-time employment or education
- Abide by 11pm curfew
- Maintain planner
- Continue to follow financial responsibility plan, review plan
- Follow treatment plan as directed
- Minimum of three (3) random UAs per week (not in 7 day block)
- Participate in the 24/7 or SCRAM Program (if applicable)
- Maintain contact with same-sex support group sponsor
- Participate pro-social activity
- Minimum **60 days of continuous sobriety**
- Written request to advance to Phase 4 (application provided by CSO)

Phase 4- Adaptive Habilitation **Drug Court Requirements******

- Minimum of **120** days
- Bi-Weekly court appearances
- Attend three (3) community support group meetings weekly
- Maintain Court approved housing
- Maintain full-time employment or education
- Abide by 12am curfew
- Maintain planner
- Continue to follow financial responsibility plan, review plan
- Follow treatment plan as directed
- Minimum of three (3) random UAs per week (not in 7 day block)
- Participate in the 24/7 or SCRAM Program (if applicable)
- Maintain contact with same-sex support group sponsor
- Participate in pro-social activity
- Minimum **60 days of continuous sobriety**
- Written request to advance to the Phase 5 (application provided by CSO)

Phase 4- Continuing Care **DUI Court Requirements******

- Minimum of **120** days
- Bi-weekly court appearances *Attendance to be determined by DUI Court Judge*
- Attend three (3) community support group meetings weekly
- Continue full-time employment or education
- Abide by 12am curfew
- Maintain planner
- Continue to follow financial responsibility plan, review plan
- Follow treatment plan as directed
- Minimum of three (3) random UAs per week (not in 7 day block)
- Participate in the 24/7 or SCRAM Program (if applicable)

- Maintain contact with same-sex support group sponsor
- Minimum **60 days of continuous sobriety**
- All court related fines and costs must be paid
- Written request to advance to the graduation phase (application provided by CSO)

*If you are a DUI participant, you are not normally allowed to drive during Phase 1 and are only allowed to obtain a work permit to drive with the team's permission in any other phase.

After the first 30 days of the program in Phase 1 are completed the team may approve and make a recommendation to the sentencing Judge regarding authorization of a work permit. You will be expected to follow the rules and restrictions of those work permits. Violations of a work permit may result in sanctions, such as:

- Loss of work permit
- Jail time
- New law violation
- Termination from the Program

*You are also required to participate in the 24/7 Program as required by law.

Phase 5- Continuing Care

- Minimum of **120** days
- Monthly court appearances
- Attend three (3) community support group meetings weekly
- Maintain Court approved housing
- Maintain full-time employment or education
- Abide by 12am curfew
- Maintain planner
- Continue to follow financial responsibility plan, review plan
- Follow treatment plan as directed
- Minimum of three (3) random UAs per week (not in 7 day block)
- Participate in the 24/7 or SCRAM Program (if applicable)
- Maintain contact with same-sex support group sponsor
- Continue pro-social activity
- Minimum **60 days of continuous sobriety**
- All court related fines and costs must be paid

Graduation

Graduation Requirements

- In Program for 16 (Drug Court) and 12 (DUI Court) month minimum
- Successfully complete Phase 5 (Drug Court participants) or Phase 4 (DUI Court participants)
- Paid all fees on current file
- Paid all treatment costs on current file
- 60 days continuous sobriety
- Employed or attending schooling
- Acceptable housing

- Complete Program Exit Survey

Upon successful completion of five (5) phases (Drug Court participants) or four (4) phases (DUI Court participants), meeting graduation requirements, and upon recommendation of the Drug/DUI Court Team, you will graduate from Drug/DUI Court.

Graduation for the Drug/DUI Court is recognized as a very important event. Your loved ones and friends will be invited to join you at a special ceremony as the Drug/DUI Court Team congratulates you for successfully completing all phases of the Drug/DUI Court Program and achieving your goal to establish a chemical-free life.

Sober Days

Based on proven days of sobriety, you will earn sober days throughout the Program. A sober day is defined as a 24-hour period with no confirmed alcohol or drug consumption and no confirmed attempt to tamper or circumvent monitoring. Sober days begin upon release from any initial jail time the sentencing Judge imposes. You will be tested randomly through PBT's and UA's to ensure sobriety.

A failed PBT, UA, or failure to appear for any drug or alcohol testing (including 24/7) will result in:

- **loss of all sober days.** The sober days will begin at day one when you test clean again and are no longer incarcerated.
- other sanctions as determined by Drug/DUI Court team.

Appearing late to a scheduled PBT or UA:

- **can result in a loss of some or all sober days** in addition to further sanctions.

Failure to maintain contact (i.e. not answering the door during home visits) with the Drug Court Services Officer will be viewed as a non-documented day of sobriety and you may lose your sober days.

Incentives

While participating in the Drug/DUI Court Program, you may be given incentives to reinforce positive behaviors. An incentive, or reward, is an acknowledgement by the Drug/DUI Court Team that you have reached a milestone, accomplished a specific goal, or otherwise exhibited positive behavior or change.

Expected behaviors and incentives can include but are not limited to the following:

Expected behavior	Incentive
<ul style="list-style-type: none"> ✓ Honesty ✓ Accomplishing goal ✓ Positive attitude ✓ Adjusting well to Program ✓ Securing a sponsor ✓ Avoiding temptation to relapse 	<ul style="list-style-type: none"> ✓ Applause ✓ Acknowledgement from the court ✓ Gift card to local restaurant ✓ Gas card ✓ Movie pass ✓ Progression in the Program/medal

Violations and Sanctions

While participating in the Drug/DUI Court Program, you will be given sanctions for any violations. A violation is a behavior or action that conflicts with the Program rules, policies or recommendations. A sanction is a response to a violation. The seriousness of the violation determines the severity of the sanction imposed. The objective of sanctions is to encourage you to continue to work towards recovery and treatment goals.

Any violations of the Drug/DUI Court Program rules, policies, or recommendations will result in the **immediate** imposition of sanctions, as determined by the Drug Court Judge or Drug/DUI Court Team. The Drug/DUI Court Team will fairly individualize sanctions as deemed appropriate.

Inappropriate behaviors and sanctions can include but are not limited to the following:

Inappropriate Behavior	Possible Sanction
<ul style="list-style-type: none">✓ Dishonesty✓ Failure to maintain journal✓ Failure to attend AA meetings✓ Breaking curfew requirements✓ Reporting late to PBT or UA✓ Testing positive on PBT or UA	<ul style="list-style-type: none">✓ Verbal reprimand✓ Written letter✓ Incarceration✓ Loss of sober days✓ House arrest✓ No phase progression

Therapeutic Adjustments

Therapeutic adjustments are treatment-oriented responses for substance use in the Drug/DUI Court Program. Modifications in treatment services are based on the recommendations of the treatment providers.

Types of Therapeutic Adjustments

Therapeutic adjustments can include but are not limited to the following:

- Increased self-help meetings
- Increased drug/alcohol testing
- Journaling
- Motivational interview exercises
- Evaluation of possible medication

Termination

Termination is evaluated on an individual basis. A motion to terminate participation may be made by the Drug/DUI Court Team. The motion to terminate may be made for any of the following reasons:

- Concern for public safety
- Threat to the integrity of the program
- Available treatment options have been exhausted, and the participant is no longer working towards recovery
- Violating rules of the Drug Court
- Commission of a crime
- Failure to attend Drug Court hearings
- Abandonment of treatment program
- Evidence that participant is involved with drug dealing or driving while under the influence
- Evidence that participant is involved in any threatening, abusive, or violent verbal or physical behavior towards anyone
- Tampering with drug/alcohol screening tests
- Inability to pass required drug/alcohol screening tests for any reason
- Failure to make satisfactory progress
- Any other grounds that the Drug Court Team finds sufficient for termination

Process for Termination

1. Any member of the Drug/DUI Court Team makes a motion for termination
2. Court Services Officer will provide you with a written notice of the motion. The motion will explain the reasons for the motion.
3. The Judge will advise you of your due process rights, the potential penalty of termination from Drug/DUI Court, and that termination from the Drug/DUI Court may be used as grounds to revoke a suspended prison sentence.
4. You will be offered the chance to be represented by a lawyer for the Drug/DUI Court termination process. You can either hire your own lawyer or ask for court-appointed counsel.
5. You will be asked to either admit or deny the allegations that led to the motion to terminate.
6. If you deny allegations you will receive and immediate hearing where you can present any evidence or comments to the Court and Team.
7. If you admit or the Court fines you committed the alleged violations, you will have a chance to address the Court and the Team as to whether you should be terminated from the program.
8. After the Court session, the Drug/DUI Court Team will meet to discuss termination.
9. The Judge, after consulting with the Team, will make the final decision as to whether you are terminated from the program.
10. If you are terminated, the Judge will advise you of your rights concerning potential probation revocation and appoint you an attorney.
11. If you are terminated, you will be required to participate in an exit interview.

Voluntary Removal

You may request removal from the Drug/DUI Court Program; however, you are advised to meet with your defense attorney before making this request. If you have been deemed an absconder from court services supervision while in the Drug/DUI Court Program, you will be considered to have voluntarily removed yourself.

Fees

Court Related Fees

You are required to keep up with your payments for court related fees. Court related fees can include but are not limited to the following:

- Child support
- Restitution
- Crime Victim Fund
- Public Defender fees
- Court fines

Program Related Fees

You may be required to pay for testing, monitoring, and treatment while in the Program. Failure to make timely payments could result in delayed completion of the Program. The fees can include but are not limited to the following:

- UA's
- 24/7 Program
- SCRAM
- Interlock
- Treatment

Drug Court Application



Application Process

1. Read through the Participant Manual with defense attorney.
 2. Fill out and submit the following application and Consent for Disclosure of Confidential Substance Abuse Treatment Information to the Drug Court Office in the Davison County Court House.
 3. **Once application is received** by the Drug Court, you will be required to keep two scheduled appointments. These appointments must be completed before the Team will further consider your application.
 - The Court Services Office will call you to schedule a LSI-R (Risk/Needs Assessment)
 - You will need to contact Stepping Stones, 605-995-8180, to schedule a Treatment Needs Assessment
- *Your attorney will receive written notification of acceptance or denial into the program.
4. If you are accepted into the program, you must complete the following forms, which are included in the Participant Handbook.
 - Drug Court Publicity Consent Form
 - Drug Court Treatment Program Basic Understanding, Waivers and Agreements
 - Drug Court Participant Manual Receipt and Acknowledgement
 - South Dakota Prescription Drug Monitoring Program



Unified Judicial System

Application to James Valley Drug & DUI Court Program

First Judicial Circuit

Date of Application	Do you need disability accommodations? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please state request:	Will an interpreter be needed? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state language:
Name		Alias
Race	Sex	Date of Birth
Current Address (Street)		Telephone Number
		Cell Phone Number
City	State	Zip
Other States Lived in:		
How Long at this Address?	Armed Forces Veteran? <input type="checkbox"/> Yes <input type="checkbox"/> No	Valid Driver's License? <input type="checkbox"/> Yes <input type="checkbox"/> No Driver's License Number
Reliable Transportation? <input type="checkbox"/> Yes <input type="checkbox"/> No	State ID Number	
Do You Have Children? <input type="checkbox"/> Yes <input type="checkbox"/> No Do You Pay Child Support? <input type="checkbox"/> Yes <input type="checkbox"/> No	Number of Dependents	
Significant Other		
NAME- Last, First, Middle (include Aliases)	DOB	Criminal Court Involvement-If so what?
Other Members of Household		
NAME- Last, First, Middle (include Aliases)	DOB	Criminal Court Involvement-If so what?
Next of Kin	Relationship	Telephone Number
Current Employer	Monthly Income	Receive Disability? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are You an Addict? <input type="checkbox"/> Yes <input type="checkbox"/> No	Primary Drug of Choice	
Primary Care Provider/Physician		

Mental Health Diagnosis? <input type="checkbox"/> Yes <input type="checkbox"/> No		Take Psychotropic Medications? <input type="checkbox"/> Yes <input type="checkbox"/> No	
List all Mental Health Diagnoses		List Medications	
Drug & Alcohol Evaluation Completed? <input type="checkbox"/> Yes <input type="checkbox"/> No		LSI-R Completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Agency Completing	Date	Score	Date
Highest Grade Completed		GED <input type="checkbox"/>	Graduation <input type="checkbox"/>
Skill or Trade		Certification or Degree? <input type="checkbox"/> Yes <input type="checkbox"/> No	
On Probation Currently? <input type="checkbox"/> Yes <input type="checkbox"/> No		Probation Officer	
Current Charges			Offense Date:
Do you have any matters pending in any other court? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of court		Charges	
Have you ever been sentenced to drug court before? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of court		Date:	
Have you ever been sentenced to the Penitentiary? <input type="checkbox"/> Yes <input type="checkbox"/> No		Date:	
Defense Attorney Name		Telephone Number	
<p>"The defendant consents to the disclosure of Drug/DUI Court application information, including a Risk/Needs Assessment and a Treatment Needs Assessment, prior to entry of a plea, for purposes of obtaining information useful for acceptance into the Drug/DUI Court Program."</p>			
_____		_____	
Defense Attorney Signature	Date	Applicant Signature	Date

CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE TREATMENT INFORMATION

I, _____, having agreed to enroll and participate in the Adult Drug Court Program, hereby acknowledge that treatment information normally is confidential under federal law. I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of substance abuse patient (or client) records, and Part 164 of Title 45 of the CFR, which governs the confidentiality of mental and physical health records generally. I also understand that it is unlawful to violate these confidentiality requirements, but that both requirements permit me to voluntarily consent to permit disclosure of my health and substance abuse treatment information.

Therefore, I, _____, consent to allow the release of employment, medical, psychiatric, treatment, educational, mental health, or other documents and records that are deemed necessary for Drug Court purposes concerning Case No(s). _____. I also consent to the disclosure of on-going communications about my diagnosis, prognosis, and compliance status, which includes, but is not limited to, the following:

- Assessment results pertaining to Drug Court eligibility, treatment needs, and supervision needs;
- Attendance at scheduled appointments;
- Attendance at support group meetings;
- Drug and alcohol test results, including efforts to defraud or invalidate drug or alcohol tests;
- Attainment of treatment plan goals, such as completion of a required counseling regimen;
- Evidence of symptom resolution, such as reductions in drug cravings or withdrawal symptoms;
- Evidence of treatment-related attitudinal improvements, such as increased insight or motivation for change;
- Attainment of Drug Court phase requirements, such as obtaining and maintaining employment or enrolling in an educational program;
- Compliance with electronic monitoring, home curfews, travel limitations, and geographic or association restrictions;
- Adherence to legally prescribed and authorized medically assisted treatments;
- Procurement of unauthorized prescriptions for addictive or intoxicating medications;
- Commission of or arrests for new offenses; and
- Menacing, threatening, or disruptive behavior with staff members, fellow Participants or other persons.

These communications may be disclosed among the following parties or agencies involved in the Drug Court Program: the Drug Court judge, the Drug Court team members, the employees engaged in the Drug Court operations and administration, court services officers in the Drug Court Program, treatment providers utilized by me during the Drug Court Program, the Drug Court defense attorney, and/or other referring or treating agencies involved in the direct delivery of services through the Adult Drug Court Program.

I understand that the purpose of and the need for this disclosure is to: inform the court and the other above-specified agencies of my eligibility and/or acceptability for substance abuse treatment services; to report on and adequately monitor my treatment, attendance, prognosis, and compliance with the terms and conditions of the program; to discuss and assess my status as a Participant in the Drug Court Program; and, to assess and comment on my progress in accordance with the Drug Court's reporting and monitoring criteria.

I agree to permit the disclosure of this confidential information only as necessary for, and pertinent to, hearings, and/or reports concerning the status of my participation and compliance with the conditions of my probation as

defined by the Drug Court. I understand that information about my medical status, mental health and/or drug treatment status, my arrest history, my levels of compliance or non-compliance with the conditions of my Drug Court participation (including the results of urinalysis or other drug screening tools,) and other material information will be discussed and shared among members of the Drug Court team.

I further understand that as an essential component of the Drug Court Program summary information about my compliance or non-compliance will be discussed in an **open and public courtroom**, including but not limited to, whether I have attended all meetings, treatment sessions, the results of urinalysis or other drug testing as required, and the disclosure of my compliance or noncompliance with the terms and conditions of the Program as defined by the Court. It is entirely possible that third parties will attend these court sessions and will hear these discussions. This process will require the redisclosure of confidential treatment information to individuals who have not been individually and specifically authorized to receive such information. Therefore, **I hereby specifically consent to any potential redisclosure to third persons who may be in attendance at any of my Drug Court sessions.**

I further understand that if I re-disclose confidential information of any other Participant to another party, I expose myself to legal liability for unauthorized disclosure of confidential information.

Recipients of this confidential information may re-disclose it only in connection with their official duties. **I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Drug Court for the case named above such as the discontinuation of all court-ordered supervision or probation upon my successful completion of the Drug Court requirements, or upon sentencing for violating the terms of my Drug Court involvement.**

_____ Date _____
Drug Court Participant

_____ Date _____
Witness



Drug Court Publicity Consent Form

I hereby consent to and authorize the use, publication and reproduction of all media by the Drug Court or anyone it authorizes, for all photographs/video taken of me, with or without names as the case may be, for any editorial, promotional, advertising, educational or other purpose.

I understand that any photographs or videos may be used in any publication for promotion of Drug Courts. I realize that this coverage may place my picture, with or without further explanation, alone or accompanied by other pictures, in a story, on a website, or on a cover of any or all publicity materials for Drug Courts. I hereby release the Drug Court, its staff, and employees, or anyone it authorizes, from all claims relating to or arising from the uses consented above.

I am over eighteen years of age, have read this consent and release, or have had it read and explained to me, fully understand its contents, and enter into it voluntarily and without coercion.

Print Name _____

Address _____

City, State, Zip _____

Phone _____

Date _____

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Drug Court such as the discontinuation of all court-ordered supervision or probation upon my successful completion of the Drug Court requirements, or upon sentencing for violating the terms of my Drug Court involvement.

Signature _____

James Valley Drug & DUI Court
TREATMENT PROGRAM BASIC UNDERSTANDING,
WAIVERS AND AGREEMENTS

Defendant's Name: _____

Address: _____

Date of Birth: ____/____/____ Phone Number(s): _____

I UNDERSTAND THAT:

As a condition for participation in the Drug Court Treatment Program, I must give up certain statutory and/or constitutional rights. I hereby voluntarily agree and consent to give up the following statutory and/or constitutional rights upon my acceptance into the Drug Court Treatment Program enumerated below:

1. **LEGAL WAIVER:** I do hereby release and forever discharge the complaining witnesses, victim(s), the Drug Court Judge, the State's Attorney's Office, the Defense Attorney on the Drug Court Team, the Court Service Officer(s), the Drug Court Staff, and their respective heirs, successors, executors, administrators, and assigns from any and all claims of any kind or nature whatsoever, either in law or in equity, arising out of my arrest, participation in, or termination from, the Drug Court Program, and do expressly release and forever hold them harmless from any criminal or civil action which I may have a right to bring as a result of my arrest or participation in the Drug Court Program. (____)

2. **RELEASE OF INFORMATION:** I agree to complete a diagnostic evaluation for the development of my Drug Treatment Program as ordered by the Court. I hereby authorize release of all treatment information by the provider to the Court, Court Services, and the Drug Court Team. The Team and Court may consider any such information in deciding whether I remain in the Drug Court Treatment Program. (____)

3. **STATUS OF PROGRAM:** I have no legal right to participate in the Drug Court Treatment Program, and my acceptance and participation is a privilege. I may be excluded or terminated from the Program at any time. (____)

4. **PROGRAM LENGTH:** The length of the Program varies, with the minimum time to complete all levels of programming being one (1) year. Average program length is 12 to 24 months, depending on my needs, abilities, and motivation to meet Program objectives. Upon successful completion of Drug Court, I may be ordered to complete the remainder of my probation period on standard probation. (____)

5. **GENERAL REQUIREMENTS:** I must attend all Drug Court sessions, attend treatment sessions, pass repeated drug screens, and address problems such as corrective thinking that contribute to my addiction. I must reduce risk factors which may include improving my family situation, bettering my employment status, increasing my educational level, moving from known drug distribution areas, etc. I may be required to pay restitution, fees for participation in the Program, fines, my Court Appointed Attorneys Fees, and any other related costs. I must

make suitable progress towards controlling my addiction, and the Program will set individual requirements that I must meet. (____)

6. **INDIVIDUALIZED TREATMENT PLANS:** The Clinician I am assigned to will set my individual treatment plan requirements, which will then be reviewed by the Drug Court Team. The final decisions regarding my progress, compliance with Program requirements, and continued participation are in the Judge's sole discretion. I have no right to appeal the Court's decisions. (____)
7. **COMMUNITY SUPPORT GROUP MEETINGS:** You will be required to attend community support group meetings as part of your treatment plan. The Drug Court may provide secular group alternatives if you so choose. Your choice of community support group is voluntary, although you must choose one of the possible alternatives given by the Drug Court Team and your treatment provider. If you decide to change groups, your treatment provider and the Drug Court Team must first approve the change. Your attendance at group meetings will be recorded, and you will be subject to sanctions for not attending. (____)
8. **TERMINATION:** I can quit the Program at any time but I must meet with the Drug Court Judge and Team to discuss my reasons for this decision and they may delay my withdrawal from the Program for a reasonable amount of time to make sure my decision is firm. If I voluntarily terminate myself from the Program, abscond from the Program, or am involuntarily terminated, I understand that I will be subject to revocation of my suspended sentence. (____)
9. **FEES:** I will have to pay for some components of the Program, such as:
 - A. Drug Testing;
 - B. Ankle Bracelet Monitoring System;
 - C. Treatment/Counseling;
 - D. 24/7 Sobriety Program.Money I pay into the Program is non-refundable. If I quit, am terminated from the Program, or if the Program ends for any reason, I will not get my money back. (____)
10. **SANCTIONS:** If I do not fully comply with the Program, the Judge may impose sanctions at his/her sole discretion. Additionally, my Court Service Officer(s) (CSO) may impose administrative sanctions. As a condition of my participation in the Drug Court Program, I do not have a right to an Evidentiary Hearing to contest the imposition of most sanctions. I do have the right to a Hearing to contest sanctions that may result in a loss of liberty, including jail sanctions. The Judge may also terminate me from the program. (____)
11. **COMMISSION OF A CRIMINAL OFFENSE:** If I commit an additional criminal offense, excluding minor traffic offenses, I may be terminated from the Program. (____)
12. **COURT PROCEEDINGS:** The Drug Court proceedings will be informal and performed in open Court. Clothing bearing drug or alcohol related themes, or promoting alcohol or drug use is not allowed. (____)
13. **SEARCHES:**
 - A. I will submit to random searches of my blood, breath or urine, person, possessions, vehicle or residence for controlled substances, alcohol, or any paraphernalia at the request of the Court Service Officer(s) (CSO). I am aware that law enforcement,

under the direction of the CSO, will be included in the above random searches as part of my participation in the Program. (____)

- B. I will be subject to random searches of my blood, breath or urine, person, possessions, vehicle or residence for controlled substances, alcohol or any paraphernalia by treatment provider staff or their designee while participating in the treatment program or while on treatment provider property. Failure to comply with these requirements may result in sanctions. (____)
14. ATTORNEY: Drug Court is a non-adversarial forum and, therefore, treatment and accountability is the primary concern. I understand that the attorney who represented me in the criminal case does not represent me in Drug Court, and the defense attorney who participates in the Drug Court is not acting as my attorney (even if the same attorney who represented me is also the defense attorney who participates in drug court). If the attorney who represents me in the criminal case is the same attorney who participates in the Drug Court, I waive any claim of conflict that might otherwise arise if that attorney is required to later represent me in court proceedings (for example, if I am terminated from the Drug Court Program). (____)
15. DISCUSSIONS IN MY ABSENCE. I understand and acknowledge that the members of the Drug Court Team, including the Defense Attorney and the Prosecuting Attorney, will be talking to the Drug Court Judge about me, my progress in the Program, and any problems that I might be having. The Team may also discuss with the Judge, at various times, sanctions or rewards, which I may receive because of my participation in the Program. I also understand and acknowledge that I will not be present for these discussions with the Judge. It has been explained to me these discussions with the Judge without me being present are necessary in order for me to receive the maximum benefit from the Program. I understand this and waive my presence at these meetings and discussions with the Drug Court Judge. (____)
16. WAIVER OF PRIVACY: Program officials may require me to provide very personal information. This may include, but will not be limited to: my criminal record, financial and tax information, child support records, education and work history, family history, and medical and psychiatric information. I understand and agree that these things may be discussed in open Drug Court session, in treatment sessions, or in other settings related to participation in the Program. I agree to sign specific releases promptly to allow the gathering of this information. (____)
17. DUTY TO NOTIFY: I must obtain permission from my Court Service Officer(s) (CSO) prior to making any change in my residence or mailing address, any change, or disconnection of my phone number, or any change in my employment. I must also notify my Court Service Officer(s) (CSO) immediately after any law enforcement contact. (____)
18. CONTACT WITH LAW ENFORCEMENT: I must obey all laws, and notify my Court Service Officer(s) (CSO) of any criminal charges that are made against me, including any driving violations or minor offenses. My arrest or conviction on other charges, or my failure to report other charges, may result in termination from the Program. (____)
19. NO ALCOHOL OR CONTROLLED SUBSTANCES: I understand that I cannot drink, possess, or otherwise ingest alcohol, nor may I associate with those who do, while I am a participant in the Drug Court Program. I also understand that I cannot use or possess marijuana, K2 or like

substances, synthetic marijuana, scheduled controlled substances, over-the-counter drugs except as authorized herein, or any mind-altering substances, nor associate with those who do, while I am a participant in the Drug Court Program. (____)

20. **MEDICATIONS:** I understand that I will be required to provide frequent and random searches of my blood, breath or urine, person, possessions, vehicle or residence for controlled substances, alcohol, or any paraphernalia as a condition of my participation in the Drug Court Program. I agree that I will not take any medications, including cough, cold, and any other over-the-counter medications without prior approval from my treatment provider and my Court Service Officer(s) (CSO). I also agree to provide a complete list of my medications to my treatment provider and my Court Service Officer(s) (CSO). I also will not use or consume any food or beverage that contains poppy seeds while I am in the Drug Court Program. (____)
21. **DRUG TESTING:** I understand that results of my tests shall be admissible as evidence in the Drug Court. (____)
22. **MEDICAL NEEDS:** I, unless authorized by the Drug Court Team, will have only one doctor meeting my primary health needs. All appointments must be scheduled with that doctor or medical professional with the knowledge and permission of the Drug Court Team or my CSO, including emergent needs. (____)
23. **ALCOHOL/DRUG TREATMENT AND COUNSELING:** I will attend alcohol/drug treatment and participate in group, family, and/or individual counseling. (____)
24. **HOUSING:** I understand that stable housing is necessary for my recovery and must be approved by the Drug Court Team. I agree to comply with their recommendations and restrictions. (____)
25. **EMPLOYMENT/EDUCATION/JOB TRAINING:** I agree to maintain approved employment and/or attend any education or job training programs to which I am referred. (____)
26. **GAMBLING:** I will not gamble nor enter any gambling establishments where the primary source of revenue is gaming funds without the written permission of my supervising officer. (____)
27. **CURFEW:** I agree to abide by a curfew as determined by the Drug Court Team. The curfew will have a beginning time when I am to be home and an ending time when I may leave. During my curfew, I may be on my property, as long as I am able to hear and get to the telephone. (____)
28. **FREE, VOLUNTARY, KNOWING AGREEMENT:** My participation in the Program requires that I waive very important rights. I have fully discussed my rights with the Defense Attorney on the Drug Court Team before agreeing to enter into the Program. I am satisfied that I understand how the Program will affect my rights. At the time of executing this document, my thinking is clear and I am not under the influence of any substance. The decision to waive my rights and enter the Program is mine alone and made of my own free will. I expressly agree to accept and abide by all the terms and conditions of the Drug Court Treatment Program as established by the Court and the Treatment Provider. (____)

29. NO REVOCATION OF ASSIGNMENT: I hereby consent to this case being assigned to the Drug Court Judge for all purposes, including sanctions. (____)
30. I hereby consent to the disclosure of Drug/DUI Court application information, including a Risk/Needs Assessment and a Treatment Needs Assessment, prior to entry of a plea, for purposes of obtaining information useful for acceptance into the Drug/DUI Court Program. (____)

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Drug Court such as the discontinuation of all court-ordered supervision or probation upon my successful completion of the Drug Court requirements, or upon sentencing for violating the terms of my Drug Court involvement.

SIGNATURE OF DEFENDANT

DATE

SIGNATURE OF WITNESS

DATE



Drug/DUI Court Participant Manual Receipt and Acknowledgement

I, _____, acknowledge receipt of the Drug/DUI Court Participant Manual. I understand that it is my responsibility to read and comply with the policies contained in the handbook and any revisions made to it.

Participant's Printed Name: _____

Participant's Signature: _____

Date: _____

Witness Signature: _____