

# ***DUI DRUG COURT PAMPHLET***

***The mission of the Sixth Judicial District DUI Drug Court Program is to protect society by providing treatment alternatives to drug and alcohol addicted offenders that minimize the cost to the criminal justice system and the risk to the community. We will return clean and sober, law-abiding citizens to the community and close the revolving door to the criminal justice system.***

## TABLE OF CONTENTS

<b>PARTICIPANT HANDBOOK OVERVIEW</b> .....	3
<b>PROGRAM DESCRIPTION</b> .....	3
<b>STAFFING/PROGRESS REPORTS</b> .....	4
<b>DRUG COURT HEARINGS</b> .....	4
<b>CASE MANAGER / PROBATION SUPERVISION</b> ....	5
<b>YOUR GOALS</b> .....	5
<b>CONFIDENTIALITY</b> .....	5
<b>COSTS RELATED TO THE PROGRAM</b> .....	6
<b>COURT RELATED FINANCIAL OBLIGATIONS</b> .....	6
<b>DRUG COURT HEARING BEHAVIOR &amp; RULES</b> ....	7
<b>PARTICIPANT RULES &amp; POLICIES</b> .....	7
<b>PROGRAM PLANS/TREATMENT PHASES</b> .....	9
<b>COMPLETION OF PHASES</b> .....	12
<b>ALCOHOL &amp; DRUG TREATMENT COMPONENT</b> ..	13
<b>MENTAL HEALTH COMPONENT</b> .....	14
<b>12 STEP SUPPORT GROUPS</b> .....	14
<b>INCENTIVES</b> .....	14
<b>SANCTIONS</b> .....	14
<b>INCARCERATION</b> .....	15
<b>ASSOCIATION</b> .....	15
<b>HOUSING</b> .....	16
<b>EMPLOYMENT / EDUCATION</b> .....	16
<b>VOCATIONAL / JOB TRAINING COMPONENT</b> .....	17
<b>VOCATIONAL REHABILITATION</b> .....	17
<b>RANDOM DRUG SCREENS</b> .....	18
<b>TERMINATION</b> .....	19
<b>DRUG COURT GRADUATION</b> .....	19
<b>ALUMNI/MENTOR GROUP AFTERCARE</b> .....	20
<b>CONCLUSION</b> .....	20
<b>DIVERSION PROGRAM DOCTOR'S NOTICE</b> .....	21
<b>NOTES</b> .....	22
<b>PHONE NUMBERS</b> .....	23

## **PARTICIPANT HANDBOOK OVERVIEW**

Welcome to the Bannock County DUI Drug Court program. This handbook is designed to answer your questions and provide overall information about the DUI Drug Court program. As a person whose major problems stem from alcohol and/or substance abuse, this program is especially designed for you. As you enter this voluntary, intensely supervised treatment program, you need to be motivated to work toward changing your lifestyle and becoming free of alcohol and chemical addiction. This program is accessible regardless of your race, religion, sex, ethnic origin, sexual preference, marital status, or age. This handbook will detail what is expected of you as a DUI Drug Court participant. As a participant, you will be expected to follow the instructions given in the DUI Drug Court by the Judge and comply with the treatment plan developed for you by the case manager and the treatment provider. This handbook may be modified periodically at the discretion of the Drug Court team. The Judge may inform you of changes prior to the handbook being updated.

### **PROGRAM DESCRIPTION**

The DUI Drug Court program is a court-managed, drug and alcohol intervention treatment program designed to provide a cost-effective alternative to traditional criminal case processing. It may be offered if you are charged with a DUI either drug or alcohol related and have had at least one prior DUI or your current BAC is a .20 or above. The program is not available to individuals (including juveniles) with a criminal record for violence/sex offenses, non-Bannock County residents, any Defendant who is currently on probation or parole (unless probation transfer criteria is met), or any Defendant who has previously been convicted of more than one prior felony.

If you are eligible, you will be offered a choice between the DUI Drug Court program or criminal prosecution. Your attorney will advise you and discuss the DUI Drug Court program with you.

Prior to your acceptance and your first appearance in the DUI Drug Court, you will have to complete an intake and screening process with the treatment provider and case manager and fulfill any other conditions as requested, including but not limited to mental health screening. No person has a right to be admitted into the DUI Drug Court program. If you are accepted into the program, you will be required to plead guilty. You will not continue to be represented by your private attorney or assigned public defender during your participation in the DUI Drug Court program. However, there is an assigned attorney from the Public Defender's office who will represent you in a non-traditional role and work as part of the DUI Drug Court team in trying to decide what would best assist your recovery, including both incentives and sanctions. The assigned public defender will not be required to specifically follow directions as to how to proceed at any given hearing.

If you are eligible and choose to participate in this program, you must be willing to commit to the entire program. The DUI

Drug Court is divided up in to three (3) parts known as phases. The program may be successfully completed within 12 months, however, the program may be extended as necessary. Program compliance may be determined by various tests which may include, but are not limited to, polygraph, the patch and ETG urine testing. These tests may be at your own expense. At any time during your participation, you could be terminated from the program for noncompliance and sentenced by a Magistrate Court Judge for noncompliance of the rules and treatment plans. You may be charged restitution for any previous DUI Drug Court costs incurred, including treatment, during your time in the program. After successful completion of all of the DUI Drug Court program requirements, you will graduate from the DUI Drug Court program and your originating charge will be dismissed.

### **STAFFING/PROGRESS REPORTS**

Before each DUI Drug Court hearing, the Judge and the DUI Drug Court team, which includes but is not limited to the Drug Court coordinator, the treatment and mental health providers, case manager, the assigned prosecuting attorney, and the assigned public defender, will be given a progress report. The progress report will discuss your drug testing results, attendance, participation, and cooperation in the treatment program, employment and/or other requirements that may have been imposed.

DUI Drug Court staffings are confidential and are not open to the public.

### **DRUG COURT HEARINGS**

As a DUI Drug Court participant, you will be required to appear in DUI Drug Court on a regular basis. The number of times you must appear depends upon the phase of the DUI Drug Court that you are currently in. (The Phases of the DUI Drug Court are listed in another section.) Failure to appear will result in a warrant being issued for your arrest and detention in jail until you can appear before the Court.

The Judge, based upon the progress report, may ask you questions about your progress, and discuss any specific problems you have been experiencing. If you are doing well, you will be encouraged to continue with the program and be rewarded. If your progress report shows that you are not doing well, the Judge will discuss this with you and determine future action, which could include a sanction in order to help you remember your goals in the program. (Sanctions are discussed in another section.)

DUI Drug Court hearings are confidential, however, they are open to the public. You are welcome to bring guests to the DUI Drug Court hearings, they will, however, be required to sign a confidentiality agreement. Please do not bring children, unless given prior permission.

## **CASE MANAGER**

Supervision of participants consists of face-to-face meetings at least on a weekly basis at the office of Court Services/Misdemeanor Probation, as well as the participant's residence. Unannounced site visits to the participant's place of employment and residence will be conducted by the case manager, law enforcement officers may assist. Participants agree to and are subject to search of his/her person, personal property, automobiles and residence without a search warrant at any time and at any place by any probation officer and/or any police officer and waive his/her constitutional right to be free from such searches.

## **YOUR GOALS**

Although the DUI Drug Court team will work with you to establish individual goals, the following are goals for every participant:

1. To learn to be alcohol and 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 through vocational training and educational pursuits;
6. To attend 12-step support groups or other similar programs approved by the Court;
7. To increase social skills;
8. To enhance self-esteem and self-motivation;
9. To learn the warning signs of relapse and develop a relapse prevention plan;
10. To accept responsibility for financial obligations and learn budgeting skills;
11. To develop time management skills.

## **CONFIDENTIALITY**

Federal laws require that your identity and privacy be protected. In response to these regulations, the DUI Drug Court and its case manager, and treatment providers have developed policies and procedures that guard your privacy. You must agree to waive confidentiality and allow the release of all records dealing with your treatment (including mental health) by signing consent and confidentiality forms. These disclosures of information are for the sole purpose of hearings and reports concerning your specific case within the DUI Drug Court.

## **COSTS RELATED TO THE PROGRAM**

If you enter this program with a plea to a misdemeanor DUI you will be required to pay a participation fee of \$100.00 for each month that you are in three phases typically (12) twelve months. If you enter this program with a plea to a felony DUI you will be required to pay a participation fee of \$125.00 for each month that you are in the first three phases, typically eighteen (18) months, then \$100 for each month that you are in phase four, typically six (6) months. While in the fourth phase felony participants will also be required to attend aftercare at a cost to them of \$2.50 per hour. Payments, in the form of cash or money order, paid to the order of the Magistrate Court, shall be given to Bonds & Fines or to the Drug Court coordinator. No one will be denied participation in the program due to inability to pay, however, failure to stay current on your costs may prevent graduation from phases or travel opportunities. **All fees must be paid prior to final disposition of your case.**

If you are sanctioned to participate in S.C.I.L.D., you will be required to pay \$3.00 per day (payable at the end of service). If you are sanctioned to participate in Community Service, you will be required to pay \$0.60 per hour (payable prior to service). The cost of a specialized test (ETG) is \$30.00 and the drug test patch is \$20.00 (as discussed in another section).

## **COURT RELATED FINANCIAL OBLIGATIONS**

Any DUI Drug Court participant with court-related financial obligations, i.e., child support, restitution, fines, victim's compensation fund, fees, court costs, will make court payments on a regular schedule as approved, and provide the team with documentation of the payments. Unless a specific amount is ordered by the Court, amounts and payment schedules are to be established by the Drug Court coordinator and documented for the Judge's approval. If you cannot make the payment discuss your situation with the coordinator, and when possible, she/he will help you make other arrangements. **Failure to make timely payments may slow down your progress to the next phase, your completion of the program or a sanction may be imposed.**

## DRUG COURT HEARING BEHAVIOR & RULES

*Any violation of the following rules will be reviewed by the DUI Drug Court Judge who may impose sanctions.*

1. Participants will attend all scheduled Court appearances on time.
2. Participants will not talk in the courtroom during the DUI Drug Court hearings.
3. Participants will dress appropriately for Court as follows:
  - \* no hats, caps or bandanas
  - \* no sunglasses
  - \* no violent, racist, sexist, alcohol or drug related themes
  - \* no gang clothing
  - \* shirt, blouse, pants or skirt (of reasonable length) and shoes
4. Appropriate grooming is expected at all times. Hair must be kept neat and clean and of modest style. Extreme styles and colors are not permitted.
5. Participants will refrain from use of any profanity.
6. No phones or pagers are allowed.
7. No cameras or video equipment are allowed except for graduations (with prior approval).
8. During Phase I, participants must remain in the Courtroom until dismissed by the DUI Drug Court Judge.
9. Talk to the Judge, the DUI Drug Court team and Court staff with courtesy and respect.
10. Participants may show support and encouragement to fellow participants by applause, but only during appropriate times.
11. Children are not permitted unless prior permission is given in advance from the case manager and/or Court. If children are in attendance, children must remain quiet and under your control. If your children are disruptive, you and your children may be asked to leave the Courtroom and you may be considered absent from the DUI Drug Court hearing at which time a sanction could be imposed. Upon your graduation of a Phase, you may bring your children. Any person under the age of 16 is considered a child.
12. Participants are not allowed to eat or drink during the DUI Drug Court hearings, with the exception of items given to you during the DUI Drug Court hearing, i.e. candy bars.

## PARTICIPANT RULES & POLICIES

*Any violation of the following rules will be reviewed by the DUI Drug Court Judge who may impose sanctions.*

1. Appropriate clothing is expected at all times. Sunglasses will not be worn inside the Court Services/probation office or treatment facilities. No alcohol or drug-related logos may be worn on clothing. No gang colors or gang clothing will be worn.
2. Appropriate grooming is expected at all times.
3. You must attend all scheduled counseling sessions, educational sessions, and self help sessions unless you obtain prior approval. You must arrive on time and not leave until the meeting is over. If you are going to be late you must call prior to your appointment time for permission to be late. If you are late, you may not be allowed to attend the session and may be considered absent. Arrangements must be made to reschedule an appointment prior to missing the group or appointment. All missed groups or appointments must be made up before your next court appearance. Any absence from a group or appointment will result in a sanction being imposed.

4. All participants will be required to report to the DUI Case Manager as scheduled. Participants MUST bring a current pay stub or paycheck and their self-help meeting card. The reporting period for self-help meetings is a seven-day period from Tuesday to Tuesday. You MUST have attended the requisite number of self-help meetings prior to your appointment with the Case Manager. Failure to do so will result in a sanction.
5. The following actions will not be tolerated:
  - \* Violence or threats of any kind
  - \* Use and/or possession of drugs and/or alcohol
  - \* Belligerent behavior
  - \* Possession of any type of weapon
  - \* Inappropriate sexual behavior or harassment
  - \* Romantic relationships among participants.
  - \* Failure to notify the DUI Drug Court team of any court obligations or fees within 12 hours.
  - \* Additional arrests, citations and/or other violations of the law and any contact with law enforcement must be reported within 12 hours.
6. You may not carry beepers or cellular phones to group sessions.
7. The program will comply with Idaho Code §16-1619 regarding the reporting of cases of abuse or neglect of minors. The program will also comply with Idaho Code § 39-5303 regarding the reporting of cases of abuse and neglect of adults. Federal law and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.
8. You are expected to maintain appropriate behavior at all times during DUI Drug Court sessions and while in the Courthouse. Your behavior and demeanor are a reflection of the entire program. Maintaining appropriate behavior is indicative of the progress you are making toward your recovery.
9. Participants will totally abstain from the use of illegal drugs and alcohol.
10. Participants will promptly and truthfully answer all inquiries directed to them by all DUI Drug Court team members, and will allow any representative of the DUI Drug Court to visit their home, place of employment, or elsewhere at any time. Participants will carry out all instructions given to them by the DUI Drug Court.
11. Participants will not violate any city, state, or federal law.
12. Participants are subject to curfew times: Phase I curfew is at 10:00 p.m., Phase II is at 11:00 p.m., and Phase III is at 12:00 a.m., unless otherwise staffed. Participants are required to be in their residence at the time of curfew. If you are unable to be located within your residence after curfew, a sanction may be imposed.
13. Participants may not leave Bannock County without prior permission of at least 48 hours.
14. During the term of the program, you may not have in your possession or carry any firearms, ammunition, explosives and/or other weapons.
15. Random UA's must be submitted by 8:30 a.m. on the day requested (as discussed in another section). If you have been sanctioned to S.C.I.L.D., you must complete your UA test prior to your check in time and day for S.C.I.L.D., unless otherwise directed.
16. Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This may result in termination from the DUI Drug Court program.
17. Maintain confidentiality of all DUI Drug Court sessions and of other Drug Court participants. Treatment cannot succeed unless all participants maintain the confidentiality of other participants and of information disclosed in treatment and DUI Drug Court.

## **PROGRAM PLANS / TREATMENT PHASES**

Based on your needs, an Individualized Program Plan will be developed. The Plan will outline goals you must achieve prior to advancing to the next phase. There are three active, highly-structured, outpatient treatment phases in the program. Each phase consists of specified objectives, therapeutic and rehabilitative activities, and specific requirements for “graduation” into the next phase. The components and requirements for advancement from each phase are described below.

### **Phase I: Stabilizing Period**

The goals of this Phase are to establish your abstinence; to understand and accept that you have an alcohol/drug dependence problem; demonstrate a willingness to participate in treatment activities; become compliant with the conditions of participation in DUI Drug Court; establish an initial therapeutic relationship; and commit to a plan for active treatment.

Minimum requirements:

1. Attend one DUI Drug Court session per week;
2. Meet with your Case Manager once per week;
3. Home/employment visits at the discretion of the Case Manger;
4. Employment verified by Case Manger
5. Submit to random urinalysis/BAC tests at least three times per week, which reflect no use of drugs or alcohol, you may be required to pay for any specialized testing requested;
6. Pay DUI Drug Court fees and other Court obligations as set;
7. Attend group counseling twice weekly;
8. Attend all assigned family, individual, parenting, CSC, Breaking Barriers, Mental Health and/or any other additional groups as assigned;
9. Submit all homework as requested;
10. Must comply and follow all recommendations of treatment;
11. Must obtain a sponsor with in the first 6 weeks and maintain contact throughout DUI Drug Court, (minimum contact one time weekly);
12. Attend a minimum of three NA/AA self help weekly, provide verification.

### **Phase II: Educational Period**

The goals of this Phase are to have you demonstrate continued efforts at achieving abstinence; develop an understanding of substance abuse and offender recovery tools, including relapse prevention; develop an understanding and ability to employ the tools

of cognitive restructuring of criminal/risk thinking; develop the use of a recovery support system; and assume or resume socially accepted life roles, including education or work and responsible family relations.

Minimum requirements:

Attend DUI Drug Court every other week;

Meet with your Case Manager every other week or as directed;

Home/employment visits at the discretion of the Case Manger;

Employment verified by Case Manger

Submit to random urinalysis/BAC tests at least two times per week, which reflect no use of drugs or alcohol , you may be required to pay for any specialized testing requested;

Pay DUI Drug Court fees and other Court obligations as set;

Attend group counseling once weekly;

Attend all assigned family, individual, parenting, CSC, Breaking Barriers, Mental Health and/or other additional groups as assigned;

Submit all homework as requested;

Must comply and follow all recommendations of treatment;

Maintain a sponsor throughout DUI Drug Court, (minimum contact one time weekly);

Attend a minimum of three NA/AA self help weekly, provide verification.

### **Phase III: Self-Motivational/Monitoring Period**

The goals of this Phase are to have you demonstrate continued abstinence; demonstrate competence in using recovery and cognitive restructuring skills, in progressively more challenging situations; develop further cognitive skills such as anger management, negotiation, problem solving and decision making, financial and time management; demonstrate internalized recovery skills with reduced program support; demonstrate continued use of community recovery support system; and demonstrate continued effective performance of socially-accepted life roles.

Minimum requirements:

1. Attend DUI Drug Court one time every three week;
2. Meet with your Case Manager once every three weeks or as directed;
3. Home/employment visits at the discretion of the Case Manger;
4. Employment verified by Case Manger;
5. Submit to random urinalysis/BAC tests at least one time per week, which reflect no use of drugs or alcohol, you may be required to pay for

- any specialized testing requested;
6. Pay DUI Drug Court fees and other Court obligations as set, fees must be paid in full prior to graduation;
  7. Attend individual counseling as needed;
  8. Attend all family, individual, parenting, CSC, Breaking Barriers, Mental Health and/or other additional groups as assigned;
  9. Attend Aftercare Transitional group as directed once weekly;
  10. Submit all homework as requested;
  11. Attend Alumni/Mentor groups as directed.
  12. Must comply and follow all recommendations of treatment;
  13. Maintain a sponsor throughout DUI Drug Court, (minimum contact one time weekly);
  14. Attend a minimum of three NA/AA self help weekly, provide verification.

#### **Phase IV: Transitional and Peer-Motivational Period Alumni Group**

The goals of this Phase are to have you demonstrate the ability to identify relapse issues, intervene and contribute to and support the development of others in earlier phases of the Drug Court program such as providing sober activities and community services.

##### Minimum requirements:

1. Attend a scheduled Drug Court session once every four weeks;
2. Submit to random urinalysis/BAC tests, which reflect no use of drugs or alcohol, you may be required to pay for any specialized testing requested;
3. Meet with your Probation & Parole officer once every four weeks or as directed;
4. Attend alumni groups;
5. Attend self-help support meetings;
6. Mentor a new Drug Court participant and/or group session;
7. Attend any assigned group, family, and/or individual counseling sessions;
8. Continue to make payments of Court ordered obligations and drug court payments of \$100 per month (all Drug court payments must be current prior to graduation);
9. Attend Aftercare groups as directed at a cost of \$2.50 per hour;
10. Complete an exit calendar, exit interview, and plan for aftercare.
11. Curfew will be determined by the Case Manager.

## **COMPLETION OF PHASES**

Completion of each phase is based upon your performance, a move/graduation into the next phase (based upon projected time-lines) is not automatic regardless of the sanctions or lack thereof. The DUI Drug Court Judge will promote or demote you according to your individual progress with recommendations from the DUI Drug Court team.

## **ALCOHOL & DRUG TREATMENT COMPONENT**

Part of your DUI Drug Court participation will consist of required substance/alcohol abuse treatment. An initial treatment plan will be developed by you and your counselor following an overall assessment of your problems and needs. The plan will act as a guide for your phases of treatment. This plan will help you set goals, select methods of achieving those goals and develop target dates for achieving those goals. The type of treatment you will receive will be based on your needs, clinical assessment, and input from other members of the DUI Drug Court team. Treatment courses will be held at both the treatment provider's facility and other places as referred. The assessment and treatment planning process are ongoing based upon your progress and what will benefit your recovery and successful completion of substance/alcohol abuse treatment. Changes in treatment intensity are based upon clinical need and are not imposed as a sanction.

Substance/Alcohol abuse counseling comprises of three separate formats: individual, group, and education. As part of your treatment plan, you will be required to participate in all three types of counseling. Together they are designed to develop self-awareness, realize self-worth, and practice self-discipline. Generally, all DUI Drug Court treatment will be on an outpatient basis. However, based upon your ongoing assessment, a minimum 30-day inpatient treatment may be necessary during the course of treatment. If you receive outpatient treatment, you may be required to attend:

- Group Counseling
- Individual Counseling
- Family Counseling

Group and individual counseling will consist of working on tasks to achieve goals in your individual treatment plan. The treatment plan is developed from your ongoing assessment. You will have a copy of your treatment plan and so will the treatment team. The purpose is so you can monitor your progress in treatment. The treatment team will also monitor your progress. The need

and type of family counseling will be based on your assessment. Family counseling will be a variety of different services that are needed to help the family support your recovery and understand the problems that result when one or more family members have a substance/alcohol abuse problem. Family counseling may consist of:

- Parenting
- Children's Groups and treatment for your children, as indicated
- Trust Building
- Family Education
- Referral to other services, such as credit counselors

You need to be aware that compliance and progress in Alcohol and Drug Treatment are expected from you. Your compliance and progress in Alcohol and Drug Treatment will be staffed on a weekly basis with other members of the DUI Drug Court team. The following are considered failure to comply with treatment and there may be sanctions for any of these behaviors:

- Lack of participation
- Declining treatment as offered
- Tardiness
- Absences
- Failure to comply with treatment plan
- Violence or threats of violence
- Not complying with other counseling
- Under the influence of intoxicants
- Non-therapeutic relationships as defined by the Drug Court team and/or your counselor

Treatment is based on motivational stages of change.

- Pre-Contemplation
- Contemplation
- Determination
- Action

- Maintenance – successful completion of the program

Treatment will be cognitive/behavioral in nature. The individual's treatment will focus on current problems that are barriers to the individual's success and contribute to their addictive/criminal behaviors. Successful strategies will be developed by the counselor and individual to replace addictive/criminal behaviors with pro-social sober living skills.

### **MENTAL HEALTH COMPONENT**

Part of your DUI Drug Court participation may consist of required mental health evaluation and/or treatment. An initial consultation may be scheduled at any time during your participation in the program. During the consultation, the assigned counselor will determine whether additional treatment is necessary. If additional treatment is necessary, you will be required to attend additional meetings and counseling sessions and comply with any additional recommendations.

### **12-STEP SUPPORT GROUPS**

Involvement in 12-step support groups is vital to your recovery. Attendance at these groups is mandatory and will be documented. The fellowships will help you see how others with similar problems are recovering from their addictions. You will observe that changing to a drug-free lifestyle is a positive and exciting experience. Very few alcoholics and addicts maintain recovery without a support system.

### **INCENTIVES**

Incentives reward the participants for positive steps taken in attaining a drug/alcohol and crime free lifestyle. Incentives include but are not limited to promotion to the next phase, tokens, certificates, and other rewards. As the participants successfully progress in the DUI Drug Court program, each participant will have more personal responsibility and achievements. All participants who successfully graduate from the DUI Drug Court program will have their charge dismissed.

### **SANCTIONS**

Each DUI Drug Court participant must abide by the conditions of the DUI Drug Court. Sanctions may be imposed for various infractions of the rules. Sanctions, while generally consistent, are individualized as necessary. Responses to or sanctions for noncompliance may include, but are not limited to:

- Warnings and admonishment from the bench in open court;
- Imposition of curfew;
- Participation in S.C.I.L.D.;
- Demotion to earlier program phases;
- Continue or restart a particular phase;
- Increased frequency of testing and court appearances;
- Confinement in the courtroom or jury box;
- Increased monitoring;
- Required community service or work programs;
- Periods of jail confinement;
- House arrest;
- Discretionary jail time imposed by case manager;
- Termination from the program and reinstatement of regular court processing;

The following is a specific list of behaviors and possible sanctions that **MAY** be imposed:

### **INCARCERATION**

You may be required to serve time in custody while participating in DUI Drug Court. The case manager has 60 days of discretionary jail time. Jail time may be used as a sanction for various infractions of the rules, including but not limited to positive drug/BAC tests, missed drug/BAC tests, continuous missed groups or meetings, and inappropriate behavior. Release will be determined at the discretion of the DUI Drug Court Judge.

You are expected to follow all rules and regulations of the Bannock County Jail. Failure to do so may result in disciplinary action from the detention center staff as well as the DUI Drug Court team.

After you enter a plea of guilty, any time spent incarcerated, as a result of sanctions through the DUI Drug Court will not be credited against your sentence.

The fees for any jail time associated with a DUI Drug Court sanction may be waived upon your request of such to the DUI Drug Court Judge. You are responsible, however, for any fees which are/were incurred as a result of incarceration prior to the acceptance into DUI Drug Court or incarceration associated with another charge.

## **ASSOCIATION**

During the DUI Drug Court program, you **WILL NOT** be allowed to associate/communicate, in any way, with any person deemed inappropriate by the DUI Drug Court team, including, but not limited to:

- Persons who are incarcerated;
- Persons with a criminal record;
- Persons who are on juvenile, misdemeanor, or felony probation or parole;
- Persons suspected of engaging in criminal activity
- Persons known or suspected to be involved with illicit drugs or substances/alcohol;
- Possibly with persons who are participating in a drug/alcohol treatment program, including other Drug Court programs.

This policy will be enforced regardless of the status of your relationship. Any exceptions to this policy will be determined on a case-by-case basis.

## **HOUSING**

You will be required to maintain Court-approved stable housing in Bannock County. The case manager will determine if your home's cleanliness is appropriate and if not you will be expected to follow his/her recommendations in reference to repairs, cleaning and suitability. The Judge may require you to move from your current residence into a suitable housing situation.

Participants will be permitted to move within Bannock County while in the program; however, the DUI Drug Court team must pre-approve the change.

## **EMPLOYMENT / EDUCATION**

The Judge may require you to obtain and maintain full-time employment throughout your involvement in the program, unless you are enrolled full time in an education/vocational program. While you are enrolled in an educational program, you should strive to maintain a B average. Any exceptions to this policy will be determined on a case-by-case basis.

Participants shall not be terminated from employment for any reason within their control. Participants who are terminated may be required to do community service or work on the S.C.I.L.D. program. Participants will be permitted to change jobs or education while in the program; however, the DUI Drug Court team must be notified prior to the change.

If you are terminated (at no fault of your own) or quit your job and/or education program (upon approval) while in the DUI Drug Court program, you will be given a time frame in order to locate appropriate employment.

The case manager will verify employment and education routinely, either through copies of class schedules, grades, paycheck stubs or phone contact. On-site visits will also be conducted. In the event of incarceration, your direct supervisor must confirm all work release schedules. It is your obligation to inform your employer of your participation in DUI Drug Court and make necessary arrangements for Court appearances, groups, meetings, etc. You should not accept employment or enroll in classes which have unavoidable conflicts with your DUI Drug Court obligations. You must have six months of steady employment to graduate, unless otherwise approved.

### **VOCATIONAL / JOB TRAINING COMPONENT**

Participants with less than a high school degree or GED/HSE and/or those who are unemployed or underemployed will be expected to work on developing their skills. Areas in which the DUI Drug Court team may be able to provide you with assistance include but are not limited to:

- Assessment of current skills
- Aptitude and interest testing
- Development of a personal action plan
- Life skills seminars
- Adult education referrals
- Job and interview counseling
- Job search skills

### **VOCATIONAL REHABILITATION**

A representative from the Office of Vocational Rehabilitation is available to assist program participants. Factors such as educational or occupational ability and motivation will be considered. Services include:

- Career counseling
- Training placement
- Job placement
- Various educational opportunities

All rehabilitation services are based on participation and good standing in the program.

## **RANDOM DRUG/ALCOHOL SCREENS**

Random drug/alcohol screens of any of your bodily fluids will play a significant role in your recovery. It is your responsibility to make sure that you understand and comply with the stated guidelines and ask for clarification if you do not fully understand. Failure to comply with proper procedure or a positive screen may result in a sanction.

You will be drug and alcohol tested randomly throughout your entire DUI Drug Court program. You will be observed to ensure freedom from errors. A positive result is presumed accurate. A missed test will be considered a positive test. Any attempt to falsify a test will be considered a violation. All DUI Drug Court participants must call 236-0603 or 236-0604 between the hours of 5:00 a.m. and 8:30 a.m. every day including Saturday, Sunday and Holidays, to determine whether your assigned color will be tested.

It is important that you continue to call until you receive the recorded message. (Failure to test due to alleged problems with the machine may result in a sanction.) It will be your responsibility to show up at the testing sight if you are unsure if you are to test or not. If you are ordered to test, you must be present, with your drug testing ID card, to provide your UA/BAC sample between 7 and 8:30 a.m., unless other arrangements have been made. If you show up past 8:30 a.m. you will be considered tardy and a sanction may be imposed, however if you show up prior to 8:30 a.m. but are unable to provide a sample until closer to 9:00 a.m. it will not be considered a tardy. Your sample must be submitted no later than 9:00 a.m., if you are unable to do so it will be reported as a refusal to test. If you disagree with the results of a positive test, then you may pay for the confirmation of that test. The cost of confirmation is \$100.00, which is non-refundable if the test results are confirmed positive. You may be requested, at any time, to submit to additional specialized testing at your own expense.

If you are approved to travel, you may be required to wear a patch to determine the presence of drug/alcohol use during your travel. Your cost for the patch is \$20.00. It will be your responsibility to contact the Drug Court coordinator (236-7080) and make an appointment to have the patch applied. Participants without an appointment may not get a patch. Failure to patch prior to travel will be a violation and a sanction will be imposed. You are responsible for the patch. The patch is designed to remain on your body through a variety of conditions. Any tampering with the patch once it has been applied will be considered a positive test. Use of the patch is at your own risk. Any concerns about the patch should be directed to the Drug Court coordinator or case manager **prior** to the patch being applied. You may be required to submit to a special UA test (ETG) at a cost to you of \$30.00.

For your own protection, if you are using any prescription or over-the-counter medications, you **must** bring them to the drug tester and your case manager for viewing, approval and verification of the prescribing doctor. All prescriptions issued must be reported within 12 hours. All medications will not automatically be approved. You must inform your physician that you are a DUI Drug Court participant and if at all possible to please prescribe you a non-narcotic drug, if a narcotic drug is prescribed, a note from the Doctor stating that it was addressed is required. Do not consume poppy seeds or any over the counter medication that contains

alcohol or narcotic drugs; i.e.: Vicks 44D, Vicks Inhaler, Nyquil, Primatene Inhaler, Mouthwash, energy pills, etc.

## **TERMINATION**

The DUI Drug Court Judge may terminate you from the DUI Drug Court program. Circumstances for termination include, but are not limited to:

- Your exhibition of violent behavior or threats of violent behavior toward self or others, or displayed inappropriate, disruptive, or noncompliant behavior;
- You have refused to satisfactorily participate in program requirements;
- You have violated program rules;
- You are arrested, with or without conviction (case by case basis); or
- You abscond from the program.

If you are terminated from the DUI Drug Court program, your O.R. release will be revoked. If you are terminated, you have no rights to appeal any sanction, including termination, imposed during the program (as waived in the DUI Drug Court Agreement and Guilty Plea Questionnaire). The Court will thereafter proceed to sentencing whereupon the Court will impose a sentence on your previously entered guilty plea.

## **DUI DRUG COURT GRADUATION**

In order to graduate from the DUI Drug Court program the following criteria must be met:

You have or are currently working toward a diploma, GED/HSE or attending ESL classes or other studies as approved by the Court;  
You have all Court ordered fees, restitution, and child support paid in full or current based on negotiated arrangements;  
You have had six months of steady employment, education program, or other program approved by the DUI Drug Court;  
You have no violations of the law for the last six (6) months of the program;  
You have completed all three phases; and  
You have six (6) months of sobriety.

Graduation comes after successful completion of all the program requirements. Prior to graduation, you must complete an exit calendar and interview. Graduates will be honored and receive a certificate at a special graduation ceremony.

The DUI Drug Court graduation ceremony is an important event in your life. The DUI Drug Court team strives to make this a

memorable experience in your life. Prior to your graduation you may be required to prepare a short speech to present at your graduation. You may invite guests. There could be members of the media present. The DUI Drug Court encourages graduating participants to speak with the media, however, this is not required.

### **ALUMNI/MENTOR GROUP/AFTERCARE**

After graduation participants are encouraged to serve as a mentor for new participants or group sessions and/or perform public speaking as requested by the program. Aftercare also involves continued attendance at AA or NA meetings, regular graduate support groups that continue to work on relapse prevention and alumni social meetings.

Graduates of the program are encouraged to call the DUI Drug Court if they are struggling in their sobriety or if they are experiencing other crisis situations.

### **CONCLUSION**

The goal of the DUI Drug Court is to help you achieve a life free of dependence on mind-altering substances and alcohol. The Judge, the DUI Drug Court team and the Court staff are here to guide and assist you, but the final responsibility is yours. To succeed, you must be motivated to make this commitment to a drug and alcohol free life.

We hope this handbook has been helpful to you and answered most of your questions. If you have additional questions or concerns about the DUI Drug Court program, please feel free to contact the treatment counselor, the case manager, the Drug Court coordinator, or your attorney. Important DUI Drug Court telephone numbers have been listed on the last page of this Handbook for easy access.

**GOOD LUCK TO YOU!**



## DIVERSION PROGRAM DOCTOR'S NOTICE

Name:		
DOB:		
Date:		

Dear Physician:

The above named individual is a participant in the Bannock County Diversion program. If at all possible, PLEASE prescribe him/her a NON-NARCOTIC drug, also if at all possible no Benzodiazepines. If you are unable to prescribe an alternative medication please make a note below in reference to your decision.

Your assistance in the recovery of the client is of paramount importance and will help ensure him/her a drug free lifestyle that will continue throughout the diversion program and eventually throughout their life.

Your help and assistance is greatly appreciated.

Physician Notes:		
Attending Physician Signature:		
	Prescribing Doctor	

### NOTES



## ESSENTIAL PHONE NUMBERS

Bannock County Case Manger	236-7004
Bannock County Drug Court	236-7322
Bannock County Drug Testing	236-0603
2 <sup>nd</sup> Drug Testing number	236-0604
Bannock County Prosecutor	236-7280
Bannock County Public Defender	236-7040
Dept. of H & W Mental Health	234-7900
Drug Court Coordinator	236-7080
Road to Recovery	233-9135