

2015

Fourth Circuit DUI Court
Participant Manual



Fourth Circuit DUI Court
78 Sherman St.
Deadwood, SD 57732

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Mission Statement

The mission of Fourth Circuit DUI Court is to increase community safety by reducing recidivism of our participants and break the cycle of addiction through the efficient use of public funds.

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 DUI Court

DUI Court is a specialty court whose aim is to address specific issues arising from a growing DUI problem in this State and in our Circuit. It is a judicially supervised alternative program to incarceration for driving under the influence (DUI) offenses. DUI Courts are a collaborative community effort aimed at increasing public safety, holding offenders accountable, and decreasing recidivism. This Circuit's DUI Program has teamed up with law enforcement to form a strong bond and apply law enforcement in a manner which many in the community seldom observe. Law enforcement's involvement will differ from its perceived obligations, and will offer assistance to the participants in an effort to help maintain participant sobriety.

Program Outline

DUI Court is a voluntary program, which includes regular appearances before the DUI Court Judge, frequent and random drug and alcohol 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 the DUI Court Team. DUI Court requires you to participate in community support groups and to be employed. The length of the Program is at least sixteen (16) months.

Eligibility Standards

1. Over 18 years of age
2. Facing felony level drug- or alcohol-related offense
3. Voluntarily entering into 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 alcohol and other substances
8. Screened legally eligible for DUI Court
9. Willing to maintain residency as directed to ensure intensive supervision
10. Has not been terminated or voluntarily left another program

Referral Process

1. Prosecutor completes legal screen for DUI Court
2. Complete DUI Court application
3. Complete updated drug and alcohol evaluation, along with an LSI-R
4. Defense attorney provides discovery and evaluation to DUI Court Team
5. Team votes and accepts or denies pending application
6. If accepted, DUI Court becomes sentencing option
7. Sentenced to probation with DUI Court as a condition

*Every reasonable effort will be made by the DUI Court team to ensure that the time between arrest and entry into the DUI Court Program is less than 30 days.

DUI Court Proceedings

The DUI Court is a specialized court, operating on a weekly basis and dedicated to the assessment and supervision of participants. The DUI Court Team will meet prior to court at 10:00 am on Thursdays at the Lawrence County Courthouse unless previously re-scheduled. Participants shall personally appear at 11:45 a.m. on Thursdays and be prepared for Court at 12:00 p.m. All court proceedings will be recorded. DUI Court is open to family members or other members of a participant's support network. **No children may attend.** Individuals present in the courtroom, other than the participants, may observe but not participate in proceedings. Individuals wishing to provide input to the DUI Court Team are encouraged to do so in writing. Law enforcement or a DUI Court Team member will be available to take PBT's and other drug tests before DUI Court begins.

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 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

DUI Court is open to the public, but DUI Court Team meetings are **not**. Special permission to attend Team meetings must have prior approval. It is important to protect the privacy interest of everyone involved in DUI Court. You are required to sign releases from the 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 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 a DUI Court Program, you are waiving your right to usual court proceedings, such as questioning or disputing the legality of a search, seizure, or traffic stop; a preliminary hearing; and a trial by jury or court. Admission into the DUI Court requires acceptance of

this responsibility. You also understand that admission, participation, and possible termination from the DUI Court Program are entirely within the discretion of the DUI Court Team.

Drug/Alcohol Testing

A critical component of successful DUI Court participation involves intensive supervision and random alcohol and drug testing to determine compliance with the rules of the DUI Court Program. The frequency of the tests will be determined by the phase each participant is in and is subject to change based on violations and the recommendation of the DUI Court Team. Testing is conducted at treatment sessions, in the community, at the participant residence and at DUI Court sessions by the Court Service Officer. All tests are observed, and any detectable level of alcohol or controlled substance will be considered as a positive test. Upon a positive test, a participant 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.

Alcohol monitoring through the 24/7 Program, SCRAM monitoring will be required as provided by statute. The Fourth Circuit DUI Court CSO will assist in enrolling the participant and monitor the program with the assistance of the Lawrence County Sheriff's Office's 24/7 Program and other sheriff's departments and law enforcement agencies in the 4th Circuit. The 24/7 Program rules may differ from your DUI Court rules and procedures. If there is a conflict between the 24/7 Program and the DUI Court rules, then you should ask your CSO for clarification. **You will also be required to maintain an alcohol and drug-free residence throughout all phases.**

You understand that you will be tested for the presence of alcohol and other drugs in their system both on a regular and on a random basis according to procedures established by the DUI Court Team and/or treatment and mental health providers. You understand that you will be given a time and location to report to for testing. It is the participant's responsibility to report to the assigned location at the time for the test. You understand that if you are late for a test or miss a test, that the test will be considered a positive test and that a sanction may be imposed. You understand that if a sample provided is not of a sufficient quantity, that it will be considered a positive test and that a sanction will be imposed. You understand that the ingestion of excessive amounts of fluid can result in a diluted sample and that the samples will be tested to ensure they are not diluted. You understand that if a sample is diluted or tampered with, that it will be considered a positive test and that a sanction may be imposed, up to and including termination.

All participants will have drug testing at least two times each week. You will participate in the 24/7 Program as directed by the DUI Court team and/or in compliance with South Dakota law. You may be required to participate in the 24/7 Program for the duration of your time in DUI Court and during any probationary period following graduation from DUI Court. You will pay for alcohol and drug testing including confirmation testing. 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 DUI Court

This DUI Court Program has four (4) phases and each phase contains a number of requirements that you must follow. Phase requirements are listed below. You are required to submit a written application for

phase advancement and graduation. This application must be submitted prior to the Team Meeting. The total Program length is at least sixteen months. You will be required to complete Program assessments at intake, completion of Phase 2, and at the completion of Program. Before graduating from the Program, you must complete a Program Exit Survey. Program graduations will be held in January, May and September.

You will have an Individualized Treatment Plan and a Case Management Plan developed, in conjunction with the Probation Change plan. The plans will outline goals for you that must be achieved before advancing to the next phase. Upon completion of each Phase, a written request must be submitted to the Team prior to the Team Meeting, and you will be expected to present your request in Court to be considered for Phase advancement.

Phase 1: (minimum of 120 days)

- No driving is permitted in Phase 1*
- Attend Fourth Circuit DUI Court weekly
- Show Up, Try, and Be Honest
- Attend, participate, and comply with change/treatment plan
- Develop a Treatment Relapse Prevention Plan
- Comply with the directives of the Court and DUI Court Team
- Report to supervision meetings as instructed
- Abide by the curfew set by the DUI Court team (10PM-6AM unless otherwise instructed)
- Seek and engage in full time employment, training or education (32 hours minimum)
- Have preapproved, appropriate housing and roommates
- Gather and organize financial paperwork (complete a plan to pay fees)
- Participate and follow the rules of the 24/7 Sobriety Program or SCRAM
- Attend a minimum of 3 support group meetings each week
- Obtain a support group sponsor of the same sex
- Undergo a minimum of 2 UA's each week and additional tests as directed
- Maintain the DUI Court Participant planner
- Have 90 continuous days of sobriety
- Make payments and keep receipts and note in participant planner (\$25.00 min. payments)
- Allowed to submit one (1) Special Request (subject to approval by the DUI Team)

Phase 2: (minimum of 120 days)

- Attend Fourth Circuit DUI Court twice a month (Medium/Large Court days) or as directed
- Show Up, Try, and Be Honest
- Attend, participate, and comply with change/treatment plan
- Driving will be considered by the team after Participant submits a written request for permit
- Comply with the directives of the Court and DUI Team
- Report to supervision meetings as instructed
- Abide by the curfew set by the Fourth Circuit DUI Court Team (11pm-6am)
- Establish and maintain full time employment, training or education
- Maintain Fourth Circuit DUI Court Team approved housing and roommates
- Continue working on a financial responsibility plan
- Participate and follow the rules of the 24/7 Sobriety Program
- Attend a minimum of 3 support groups each week

- Undergo a minimum of 2 UA's each week and additional tests as directed
- Maintain the DUI Court Participant planner
- Have 90 continuous days of sobriety
- Make payments and keep receipts and note in participant planner (\$25.00 min. payments)
- Allowed to submit two (2) Special Requests (subject to approval by the DUI Team)

Phase 3: (minimum of 120 days)

- Attend Fourth Circuit DUI Court monthly or as directed
- Show Up, Try, and Be Honest
- Attend, participate, and comply with change/treatment plan
- Comply with directives of the Court and DUI Team
- Report to supervision meetings as instructed
- Abide by the curfew set by the Fourth Circuit DUI Court Team (12am-6am)
- Maintain full time employment, training or education
- Maintain Fourth Circuit DUI Court Team approved housing and roommates
- Follow the financial responsibility plan
- Participate and follow the rules of the 24/7 Sobriety Program as directed
- Attend a minimum of 3 support groups each week
- Undergo a minimum of 2 UA's each week and additional tests as directed
- Maintain the DUI Court Participant planner
- Have 120 continuous days of sobriety
- Make payments and keep receipts and note in participant planner (\$25.00 min. payments)
- Allowed to submit two (2) Special Requests (subject to approval by the DUI Team)

Phase 4: Maintenance (minimum of 120 days)

- Attend Fourth Circuit DUI Court monthly or as directed
- Show Up, Try, and Be Honest
- Attend, participate and comply with change/aftercare treatment plan
- Report to supervision meetings as instructed
- Maintain full time employment, training or education
- Maintain Fourth Circuit DUI Court Team approved housing
- Participate in the 24/7 Sobriety Program as directed
- Attend a minimum of 3 support groups each week
- Participate in a Community Service Learning Project and or Community Service hours
- Undergo a minimum of 2 UA's each week or as directed by the DUI Court Team
- Maintain the DUI Court Participant planner
- Continuous sobriety (minimum of 120 days)
- Participants will remain in Phase 4 until a graduation ceremony is held
- Make payments and keep receipts and note in participant planner (\$25.00 min. payments)
- Special Requests are subject to approval by the DUI Team

**You are not 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. The Participant must be Sanction free for 45 days and approved by Treatment before the Team will allow the Participant to request for a Drivers Permit. You are also required to participate in the 24/7 Program as required by law.*

Graduation

Graduation Requirements

- Complete Phase 4, meeting all sobriety requirements
- Must fill out a Pre-Graduation Life Plan detailing the progress of your participation in the DUI Court
- Meeting continuum of care requirements
- Employed
- Acceptable housing
- In Program for at least sixteen (16) months

Upon successfully completion of all four (4) phases, meeting graduation requirements, and upon recommendation of the DUI Court Team, you will graduate from DUI Court.

Graduations will occur three times each year. The timing will depend upon scheduling, but graduation will generally occur in winter, spring and fall. Graduation for the 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 DUI Court Team congratulates you for successfully completing all phases of the DUI Court Program and for achieving your goal to establish a chemical-free life.

Incentives

While participating in the DUI Court Program, you may be given incentives to reinforce positive behaviors. An incentive, or reward, is an acknowledgement by the 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
✓ Honesty	✓ Applause
✓ Accomplishing goal	✓ Acknowledgement from the court
✓ Positive attitude	✓ Gift card to local restaurant
✓ Adjusting well to Program	✓ Gas card
✓ Securing a sponsor	✓ Movie pass
✓ Avoiding temptation to relapse	✓ Progression in the Program/medal

Violations and Sanctions

While participating in the 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 DUI Court Program rules, policies, or recommendations will result in the **immediate** imposition of sanctions, as determined by the DUI Court Judge or DUI Court Team. The DUI Court Team will individualize sanctions as deemed appropriate.

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

Inappropriate Behavior	Possible Sanction
✓ Dishonesty	✓ Verbal reprimand
✓ Failure to maintain journal	✓ Written letter
✓ Failure to attend AA meetings	✓ Incarceration
✓ Breaking curfew requirements	✓ Loss of sober days
✓ Reporting late to PBT or UA	✓ House arrest
✓ Testing positive on PBT or UA	✓ No phase progression

Termination

Termination is evaluated on an individual basis. A decision to terminate participation will be made by the DUI Court Team. The decision 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 DUI Court
- Commission of a crime
- Failure to attend DUI 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 DUI Court Team finds sufficient for termination

Process for Termination

1. Any member of the DUI Court Team makes a motion for termination
2. Court Services Officer will provide you with a written notification of the motion
3. You will be given the opportunity to choose whether or not you would like to have a lawyer represent you at the termination hearing.
4. You will address the DUI Court Team concerning the possibility of termination at the next regularly scheduled Court session.
5. After the Court session, the DUI Court Team will vote on termination.
6. If there is a majority vote for termination, you will be terminated from the Program.

7. In the event you are terminated, the Court shall advise you of your rights concerning potential probation revocation and appoint you an attorney.
8. You are required to participate in a termination interview and may be subject to a probation revocation proceeding.

Voluntary Removal

You may request removal from the 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 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

You will be responsible to set up a payment plan with the Court Service Officer to present to the Team for approval.

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
- Treatment
- Court fines
- Confirmation testing costs

DUI 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 DUI Court Office in the Deadwood Court House.
 3. **Once application is received** by the DUI Court, you will be required to keep two scheduled appointments. These appointments must be completed before the Team will further consider your application.
 - The DUI Court Services Office will call you to schedule a LSI-R (Risk/Needs Assessment)
 - Compass Point will call you 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 Manual.
 - DUI Court Publicity Consent Form
 - DUI Court Treatment Program Basic Understanding, Waivers and Agreements
 - DUI Court Participant Manual Receipt and Acknowledgement



Unified Judicial System

Application to Fourth Circuit DUI Court Program

Fourth 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	
"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."			
_____		_____	
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 Fourth Circuit DUI 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 that it is unlawful to violate this confidentiality requirement unless I voluntarily consent to permit its disclosure.

Therefore, I, _____, consent to allow the release of employment, medical, psychiatric, treatment, educational, mental health, or other documents and records which are deemed necessary for DUI Court purposes. 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 a Participant's eligibility for DUI Court and treatment and supervision needs;
- Attendance at scheduled appointments;
- Alcohol and drug test results, including efforts to defraud or invalidate alcohol or drug 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 DUI 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 DUI Court Program: the DUI Court judge, the DUI Court team members, the employees engaged in the DUI Court operations and administration, court services officers in the Drug Court Program, treatment providers utilized by me during the DUI Court Program, the DUI Court defense attorney, and/or other referring or treating agencies involved in the direct delivery of services through the Fourth Circuit DUI 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 DUI Court Program; and, to assess and comment on my progress in accordance with the DUI 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 DUI 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 DUI 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 DUI Court team.

I further understand that as an essential component of the DUI 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 DUI 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 DUI Court for the case named above such as the discontinuation of all court-ordered supervision or probation upon my successful completion of the DUI Court requirements, or upon sentencing for violating the terms of my DUI Court involvement.

_____ Date _____
DUI Court Participant

_____ Date _____
Witness



DUI Court Publicity Consent Form

I hereby consent to and authorize the use, publication and reproduction of all media by the DUI 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 DUI 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 DUI Courts. I hereby release the DUI 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 _____

Event: _____

Address _____

City, State, Zip _____

Phone _____

Date _____

Signature _____

**FOURTH CIRCUIT DUI COURT
TREATMENT PROGRAM BASIC UNDERSTANDING,
WAIVERS AND AGREEMENTS**

Defendant's Name: _____

Address: _____

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

I UNDERSTAND THAT:

Before I can be accepted into the DUI 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 DUI Court Treatment Program enumerated below:

1. **LEGAL WAIVER:** I do hereby release and forever discharge the complaining witnesses, victim(s), the DUI Court Judge, the State's Attorney's Office, the Defense Attorney on the DUI Court Team, the Court Service Officer(s), the DUI 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 DUI 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 DUI Court Program. (____)
2. **RELEASE OF INFORMATION:** I agree to complete a diagnostic evaluation for the development of my DUI 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 DUI Court Team. The Team and Court may consider any such information in deciding whether I remain in the DUI Court Treatment Program. (____)
3. **STATUS OF PROGRAM:** I have no legal right to participate in the DUI 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 sixteen (16) months. It may take up to three (3) years, depending on my needs, abilities, and motivation to achieve nine (9) months of sobriety and meet Program objectives. Upon successful completion of DUI Court, I may be ordered to complete the remainder of their probation period on standard probation. (____)
5. **GENERAL REQUIREMENTS:** I must attend all DUI Court sessions well-groomed and professionally dressed. I must also 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 DUI 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. **TERMINATION:** I can quit the Program at any time but I must meet with the Judge and discuss my reasons for this decision and he/she may delay my withdrawal from the Program for up to one (1) week to make sure my decision is firm. If I quit the Program or am involuntarily terminated, I understand that I will be subject to sanctions by my sentencing judge. (____)
8. **FEES:** I will have to pay for some components of the Program, such as:
 - A. Alcohol and 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. (____)

9. **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 if I violate my curfew, have unauthorized visitors, or violate my weekly schedule. I will have to complete the sanctions to continue in the Program. The sanctions could include community service, a return to jail, or anything deemed appropriate by the Judge. Additionally, as a condition of my participation in the DUI Court Program, I do not have a right to an Evidentiary Hearing to contest the imposition of sanctions nor do I have the right to appeal the decision of the DUI Court Judge. The Judge may also terminate me from the Program. (____)
10. **COMMISSION OF A CRIMINAL OFFENSE:** If I commit an additional criminal offense, excluding minor traffic offenses, I may be expelled from the Program. (____)
11. **NO CREDIT FOR JAIL SANCTION:** If I do not complete the Program, I may not get credit for any time that I served for DUI Court jail sanctions. (____)
12. **COURT PROCEEDINGS:** The DUI Court proceedings will be informal and performed in open Court. However, I am required to be well groomed and dressed in professional attire for all Court appearances. Clothing bearing drug or alcohol related themes, or promoting alcohol or drug use is not allowed. Violent or belligerent behavior will not be tolerated. (____)
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 will comply with all other rules of the Intensive Supervision Program. I am aware that my Court Service Officer(s) (CSO) and/or law enforcement will be conducting random home visits as a part of my participation in the Program. (____)

- B. I will submit to searches of my blood, breath or urine, person, possessions, vehicle or residence for controlled substances, alcohol, or any paraphernalia at the request of law enforcement with reasonable suspicion. (____)
- C. 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. **ALCOHOL AND DRUG TESTING:** I will not use or possess any urine adulterant products. Possession or use of any such products will be deemed a violation of this agreement. I understand that results of my tests shall be admissible as evidence in the DUI Court. (____)
15. **ATTORNEY:** I understand that I will not have an attorney to represent me while in the DUI Court Program. I also understand that DUI Court is a non-adversarial forum and, therefore, treatment and accountability is the primary concern. I also understand that the attorney who represented me in the criminal case does not represent me in DUI Court, and the defense attorney who participates in the DUI Court is not acting as my attorney (even if the same attorney who represented me is also the defense attorney who participates in DUI Court). If the attorney who represents me in the criminal case is the same attorney who participates in the DUI 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 DUI Court Program). (____)
16. **DISCUSSIONS IN MY ABSENCE.** I understand and acknowledge that the members of the DUI Court Team, including the Defense Attorney and the Prosecuting Attorney, will be talking to the DUI 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 DUI Court Judge. (____)
17. **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. While Program officials will try to avoid unnecessary embarrassment to me, I understand and agree that these things may be discussed in open DUI 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. (____)
18. **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. (____)

19. REARRESTS: 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. (____)
20. TRUTHFUL DISCLOSURE: Acceptance in the Program is based partly on my criminal history. I have truthfully, disclosed any previous arrests and convictions. (____)
21. 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 DUI 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 DUI Court Program. (____)
22. 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 DUI 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 DUI Court Program. (____)
23. MEDICAL NEEDS: I, unless authorized by the DUI 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 DUI Court Team or my CSO, including emergent needs. (____)
24. ALCOHOL/DRUG TREATMENT AND COUNSELING: I will attend alcohol/drug treatment and participate in group, family, and/or individual counseling. (____)
25. HOUSING: I understand that stable housing is necessary for my recovery and must be approved by the DUI Court Team. I agree to comply with their recommendations and restrictions. (____)
26. EMPLOYMENT/EDUCATION/JOB TRAINING: I agree to maintain approved employment and/or attend any education or job training programs to which I am referred. I will maintain at least a 30-hour work-week. The 30-hour work-week does not include treatment unless it is day treatment. The 30-hour week only includes work, school, or community service hours unless it is otherwise approved by the DUI Court. (____)
27. 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. (____)
28. INCARCERATION: I understand that I may be incarcerated as a sanction for violations of the participant agreement and I agree to comply with the incarceration. (____)

29. CURFEW: I agree to abide by a curfew as determined by the DUI 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. (____)
30. SEXUAL HARASSMENT POLICY: All participants are entitled to an atmosphere that is free from any sexual harassment. Sexual harassment is any unwanted comments, gestures, writings, physical contact, and innuendo that are sexual in nature. If I sexually harass another participant or service provider, I will be subject to a disciplinary review and could face severe consequences, including termination from the Program. (____)
31. FRATERNIZATION: I acknowledge and understand that engaging in any sexual relationships with other Program participants is not conducive to a healthy treatment environment, and will likely impede my progress and may result in delaying my completion of the DUI Court Program. (____)
32. NO FINANCIAL DEALING: I am prohibited from having any financial dealings with other DUI Court participants while in the Program, except with the permission of the DUI Court Judge. The term “financial dealings” shall include, but not be limited to, lending or borrowing money or property, purchasing or selling real or personal property, or working for each other, or exchange of gifts. A violation will result in sanctions for all involved participants. (____)
33. WAIVER OF RIGHT TO REMAIN SILENT: I give up my right to remain silent. I agree to fully and *HONESTLY* participate in all DUI Court meetings. (____)
34. PHOTOGRAPH: I agree to have my photograph taken for DUI Court files. (____)
35. 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 DUI 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 DUI Court Treatment Program as established by the Court and the Treatment Provider. (____)
36. NO REVOCATION OF ASSIGNMENT: I hereby consent to this case being assigned to the DUI Court Judge for all purposes, including sanctions. (____)
37. The defendant consents to the disclosure of 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 DUI Court Program. (____)

SIGNATURE OF DEFENDANT

DATE

DUI Court Participant Agreement of Residency

I, _____, understand that a requirement of the 4th Circuit DUI Court is that I reside within a 30-mile radius of the Lawrence County Courthouse in Deadwood throughout the entirety of the program. I further understand that if I am not currently residing within that radius, I have only seven (7) days from date of sentencing or release from incarceration (if I am sentenced to jail or the state penitentiary) to move somewhere within that radius.

I further understand that should I fail to move inside the radius within the required time period or should I move outside of the required radius while participating in the Program, it would be considered a violation of the conditions of the program and could result in termination from the Program.

Participant's Printed Name: _____

Participant's Signature: _____

Date: _____



DUI Court Participant Manual Receipt and Acknowledgement

I, _____, acknowledge receipt of the 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: _____

Court Services Officer/Coordinator Signature: _____

Appendix F