

James Valley Drug Court Participant Handbook



James Valley Drug Court

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*Thank you to the following Courts for their
contributions to this publication:*

Brown County Sobriety Court (2012)

Hughes/Stanley County DUI Court (2009)

Northern Hills Drug Court (2007)

Sioux Falls Drug Court (2010)

Yankton County Drug Court (2013)

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Mission Statement

The mission of the James Valley Drug 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 Court

Drug Courts 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, offender accountability and decreasing recidivism. Drug Courts are a collaborative community effort.

Program Outline

Drug 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 Court Team. Drug Court requires participants to participate in community support groups and to be employed. The program length is determined by each Team but is no less than 18 months.

Screening and Eligibility

Screening and eligibility for James Valley Drug Court is structured as follows:

1. Post-adjudication sentencing alternative;
2. Provide services only for felony offenders over the age of eighteen;
3. Only accept candidates that are willing to participate in the drug court program on a voluntary basis as demonstrated by completion of a signed application
4. Exclude any person seeking to enter drug court based on a present conviction for the distribution of a controlled substance or marijuana;
5. Exclude any person currently required to register as a sex offender;
6. Exclude any candidate that has a violent offense conviction as defined by SDCL § 22-1-2(9);
7. Target offenders that have less than seven lifetime convictions for driving under the influence unless otherwise determined appropriate by the local drug court team;
8. Target offenders for admission who have been assessed for eligibility using a validated risk-needs assessment tool and a validated clinical assessment tool, who are addicted to illicit drugs or alcohol and are at substantial risk for reoffending or failing to complete a less intensive disposition, such as standard probation or pretrial supervision;
9. Require that offenders pass a legal screening for entry into the drug court program conducted by the prosecutor with jurisdiction over the offense;
10. Not exclude candidates from participation solely because of the existence of a co-occurring disorder or other medical condition;
11. Make all reasonable efforts to ensure that the time between arrest and entry into the drug court program is less than 30 days;
12. Reside in a location which allows for intensive supervision in that locality.

South Dakota Codified Law 22-1-2 (9)

"Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to commit any of the following crimes: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual contact as defined in § 22-22-7, felony child abuse as defined in § 26-10-1, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device.

Participant's Rights

You understand that by agreeing to participate in the Drug 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 Court requires acceptance of this responsibility.

Participant Goals

Although the Drug 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 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 Court Proceedings

The Drug Court is a specialized, separate court, operating on a weekly basis and dedicated to the assessment, and supervision of participants. The Drug Court Team will meet prior to court. Drug Court is open to family members or other members of a participant's support network to attend. Children may attend court when appropriate. Individuals present in the courtroom, other than the participants, may observe but not participate in proceedings. Individuals wishing to provide input to the Drug Court Team are encouraged to do so in writing. Law enforcement or a

Drug Court Team member will be available to take PBT's and other drug tests before Drug Court begins.

Prior to Court, the Drug Court Team will discuss the successful progress or any violation of the participants. During the Drug Court session, the Drug Court Judge will discuss the case with the participants. Rewards and sanctions will be given as appropriate.

Court Appearance Rules

Rules are needed to foster a supportive working environment so everyone involved can achieve their goals. The Drug Court Judge will review any infraction of the rules and may impose sanctions.

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 flip-flops, jogging suits, T-shirts with offensive statements, revealing tops or bottoms, etc. A good rule of thumb is to dress for the occasion. 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
2. You may not have beepers or cellular phones powered on while in the courtroom, or in individual or group sessions.

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

Phases of Drug Court

James Valley Drug Court program generally consists of three (3) phases. Examples of each phase are explained in detail below. Each participant is required to submit a written request to the Drug Court Team in order to advance to the next phase or graduate. Program length may vary but is no less than 18 months. The Drug Court participant will be required to complete program assessment at **intake, completion of Phase 2, and completion of Program**. Before graduating from the Program, the participant must complete a **Program Exit Survey**.

Phase 1

- Minimum of 90 days (3 months)
- Court Ordered Jail Time
- Weekly court attendance
- Seek/Obtain full-time employment, attend education or completed 30 hours weekly Community Service as determined by the Court Services Officer
- Attend three (3) community support group meetings weekly
- Abide by 10 pm curfew
- Obtain and maintain a weekly/daily planner
- Complete financial review for Financial Responsibility Plan
- Follow treatment plan as directed
- Minimum of 3 random UAs a week
- Participate in the 24/7 program (if applicable)
- Find a Sponsor
- 60 days of continuous sobriety
- Written request to move to next phase

Phase 2

- Minimum of 180 days (6 months)
- Bi-weekly court attendance
- Attend three (3) community support group meetings weekly
- Seek/Obtain full-time employment, attend education or complete 30 hours weekly Community Service as determined by Court Services Officer
- Abide by 11 pm curfew
- Maintain planner
- Follow Financial Responsibility Plan
- Follow treatment plan as directed
- 3 random UAs a week
- Participate in the 24/7 program (if applicable)
- Maintain contact with Sponsor
- 90 days of continuous sobriety
- Written request to move to next phase

Phase 3

- Minimum of 270 days (9 months)
- Monthly court appearances
- Attend one (1) community support group meeting weekly
- Continue full-time employment or education
- Abide by 12 am curfew
- Maintain planner
- Continue to follow Financial Responsibility Plan, review plan
- Follow treatment plan as directed
- Minimum of 2 random UAs a week
- Participate in the 24/7 program (if applicable)

- Maintain contact with sponsor
- 180 days of continuous sobriety
- Written request to move to the next phase

Graduation

Graduation requirements

- Complete Phase 3
- Paid all fees on current file
- 180 Days continuous Sobriety
- Employed
- Acceptable Housing
- In program for 18 months

Upon successful completion of all three (3) phases, meeting graduations requirements, and upon recommendation of the Drug Court Team, the participant will graduate from Drug Court.

Graduation for the Drug 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 Court Team congratulates you for successfully completing all Three (3) Phase of the Drug Court Program and achieving your goal to establish a chemical-free life.

Incentives

While individuals are participating in the Drug Court Program, the participant may be given incentives to reinforce positive behaviors. An incentive, or reward, is an acknowledgement by the Drug Court Team that the participant has reached a milestone, accomplished a specific goal or otherwise exhibited positive behavior or change. It is important to acknowledge achievements and progress in some tangible way. When participants consistently and positively participate in the Drug Court Program, they may receive incentives for maintaining sobriety and abiding by the conditions of the Drug Court Program.

Types of Incentives

Incentives can include but is not limited to the following.

- Gas cards
- Gift cards to local restaurants/stores (pizza, ice cream, spa/salon)
- Priority in scheduling/ Order of court appearance
- Tattoo removal
- Fine forgiveness (if Drug Court issues a “drug court fine”)
- Coffee with a Drug Court team member
- Daycare certificate
- Progression in the program
- Decrease in fines
- Applause
- Acknowledgement from the Court
- Paid minutes for cell phone
- Payment for GED testing
- School supplies
- Transit tickets
- Dental care
- Decreased supervision
- Decreased court attendance
- 24/7 bucks
- Ticket to productions
- Reduced drug testing
- Coin to mark milestones
- Telling your story to the Court
- Commencement

Violations and Sanctions

Violations and Sanctions are the opposite of incentives. However, they are just as important. It is critical that the Drug Court Team responds quickly and with certainty to all behaviors. By enforcing sanctions, participants will be learning that

there are swift consequences for noncompliance. The objective of sanctions is to encourage the participant to continue to work towards recovery and treatment goals.

What is a violation?

A violation is a behavior or action that conflicts with the program rules, policies or recommendations. This could be missing a meeting or appointment, or failure to call in, dishonesty or any other behavior deemed detrimental to the participants or the Drug Court.

What is a sanction?

A sanction is a response to an infraction. The seriousness of the infraction determines the severity of the sanction imposed. Not only are more severe sanctions imposed for more serious infractions, but also as infractions accumulate the sanctions become more severe.

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

Types of Sanctions

Sanctions can include but are not limited to the following:

- Day reporting
- Round table with the Drug Court Team
- Adopt a ditch/park
- Separate seating at court appearance
- Increased court appearances
- Addition drug testing
- Temporary incarceration
- Phase demotion or delay in phase promotion
- Written assignments to be read to court
- Verbal reprimand from the bench
- Community Service
- House arrest
- Electronic monitoring
- Residential placement
- Daily written schedule
- Curfew
- In court apology
- Honesty journal
- Termination

Termination

Termination is evaluated on an individual basis. Any termination proceeding should be conducted on the record in regularly scheduled Court sessions. The decision to terminate a participant will be made by the Drug Court Team, with the final authority left to the Drug Court Judge. Termination 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

Any member of the Drug Court Team can make a motion for termination of a participant from the program. When a motion for termination is made, the Court Services Officer will provide written notification of the motion to the participant. Following such notification, the participant will address the Drug Court Team concerning the possibility of termination at the next regularly scheduled Court session. After the Court session, the Drug Court Team will vote on termination. If there is a consensus for termination by the Drug Court team, then the Participant will be terminated from the program. In the event of termination, the Court shall advise the Participant of their rights concerning potential probation revocation and shall appoint the Participant an attorney. Upon termination the participant is required to participate in a termination interview and may be subject to a probation revocation proceeding.

Voluntary removal

A participant can request for removal from the Drug Court Program; however, they are advised to meet with their defense attorney before making this request.

Fees

Court Related Fees

Participants are required to keep up with their payments for court related fines and fees. Court related fines and fees can include but are not limited to the following:

- Child support
- Restitution
- Crime Victim Fund
- Court appointed Attorney
- Court fines

The court normally assigns the amount for all court related fees. If the court does not assign you a payment plan than the participant will set one up with the Court Service Officer.

Program Related Fees

Participants 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 is not limited to the following:

- UA's
- 24/7 program
- SCRAM
- Interlock
- Drug and Alcohol Treatment
- Mental Health Treatment (amount based on insurance/income)



Unified Judicial System

Application to the Drug Court Program
First 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 Number <input type="checkbox"/> Yes <input type="checkbox"/> No Reliable Transportation <input type="checkbox"/> Yes <input type="checkbox"/> No	
Co-Habitant		Relationship	
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	
Next of Kin	Relationship		Telephone Number
Current Employer	Monthly Income	Receive Disability <input type="checkbox"/> Yes <input type="checkbox"/> No	
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"/>			
On Probation Currently <input type="checkbox"/> Yes <input type="checkbox"/> No		Probation Officer	
Current Charges			Offense Date:
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:	
Do you have any matters pending in any other court? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of court		Charges	
Defense Attorney Name		Telephone Number	
_____		_____	
Defense Attorney Signature	Date	Applicant Signature	Date

Adult Drug Court Program

Unified Judicial System

First Judicial Circuit

Records Release Authorization (Drug Court Involvement)

I, _____ authorize

(Name of Client)

- The First Circuit Drug Court Team (to include the Judge, defense attorney, prosecutor, probation officers, treatment representatives, law enforcement, and other Drug Court Team member)

AND

- Dakota Counseling Institute, 910 W Havens Mitchell, SD 57301 and Stepping Stones, 901 S Miller Mitchell, SD 57301

(Name and address of treatment program)

To communicate and to disclose to one another the following information: results of substance abuse evaluation/Treatment Needs Assessment (TNA), pertinent medical and/or psychological information, drug test results, or other diagnostic test results, and

Extent and nature of any addition information

The purpose or need for the disclosure is to **monitor my compliance with conditions of the Drug Court.** I understand that this **consent cannot be revoked**, but will remain in effect until there has been a formal and effective **termination of my involvement with the Drug Court Program.**

Signature of Client

Date

Signature of Witness

Date

This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR-Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR-Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

Adult Drug Court Program

Unified Judicial System

First Judicial Circuit

Records Release Authorization (Referral for Treatment)

I, _____ hereby give permission to

(Name of Client)

Dakota Counseling Institute, 910 W Havens Mitchell, SD 57301 and Stepping Stones, 901 S Miller Mitchell, SD 57301

To release from my files the following information: results of substance abuse evaluation, involvement and requirements of the Drug Court Program, pertinent medical and/or psychological information, drug/alcohol screen/test results, other diagnostic test results, and

Extent and nature of any additional information:

This information is to **be released to any substance abuse treatment/service provider within a 200-mile radius**. The purpose or need for the disclosure is for referral to substance abuse services in compliance with the conditions of the Drug Court mandate. I understand that this **consent cannot be revoked**, but will remain in effect until there has been a formal and effective **termination of** my involvement with the **Drug court Program**

Signature of Client

Date

Signature of Witness

Date

This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR-Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR-Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

Adult Drug Court Program

Unified Judicial System

First Judicial Circuit

Records Release Authorization (Personal/Reciprocal)

I, _____ hereby give permission to
(Name of Client)

Dakota Counseling Institute, 910 W Havens Mitchell, SD 57301 and Stepping Stones, 901 S Miller Mitchell, SD 57301

To release from my files the following information:

(Extent and nature of any additional information :)

This information is to **be released to: (Person/program/organization receiving consent for disclosure)**

The **purpose** or need for the disclosure is: (reason for the disclosure)

This **consent is subject to revocation** at any time except to the extent that action has been taken in reliance thereon, and will otherwise expire on/at: (Date/Event/Condition/or N/A)

Signature of Client

Date

Signature of Witness

Date

This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR-Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR-Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient