

2016

Pennington County Drug Court Program Manual



Pennington County Drug Court

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Mission Statement

The mission of the Pennington County Drug Court Program is to increase community safety, break the cycle of addiction, and foster healthy families by holding offenders accountable through a judicially-monitored court program to promote long-term recovery.

Program Goals

1. Increase public safety by integrating treatment and mental health services within the criminal justice system
2. Engage participants in treatment and recovery
3. Enhance social functioning of participants
4. Connect participants with positive support networks within the community
5. Ensure behavioral and financial accountability of participants
6. Reduce recidivism rates of non-violent chemically dependent offenders

Introduction

What is Drug Court

According to the South Dakota Public Safety Improvement Act (SB 70) a Drug Court is defined as a judicially supervised alternative to incarceration and includes drug, driving under the influence, and other specialty court dockets aimed at increasing public safety, increasing offender accountability, and decreasing recidivism from chemically dependent offenders. Drug Courts are managed by a non-adversarial and multidisciplinary team including judges, prosecutors, defense attorneys, probation, treatment providers, and law enforcement.

Program Outline

The Pennington County Drug Court is a post-adjudication treatment court for offenders who are substantially affected by drug and/or alcohol addiction. Drug Court is a voluntary program, and is abstinence-based and intensive in nature. Drug Court includes regular appearances before the Drug Court judge, frequent and random drug and alcohol testing, addiction counseling in individual and group settings, mental health counseling in individual and group settings, a system of behavior modification based on incentives and sanctions, assessment for participation in complementary treatment and social services, participation in community support groups and pro-social activities, employment or education programs, and intense community supervision by the Drug Court team. The Pennington County Drug Court requires participants to participate in community support groups and to be employed.

The Pennington County Drug Court is a 5-phase intervention program. Drug Court is sobriety-based with specific goals and activities required in each phase. Once phase requirements are met, transition to the next phase will occur with approval from the Drug Court team. The program length differs for each participant, but is no less than 14 months.

10 Key Components of a Drug Court

The U.S. Department of Justice Programs published *The Ten Key Components*. The components are based upon over twenty years of evaluation, research, and lessons learned from Drug Courts across the country. Further information can be found on www.ujis.sd.gov

Defining Drug Courts The Ten Key Components

Key Component #1: Drug Courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the Drug Court program.

Key Component #4: Drug Courts provide access to a continuum of alcohol and other drug related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6: A coordinated strategy governs Drug Court responses to participants' compliance.

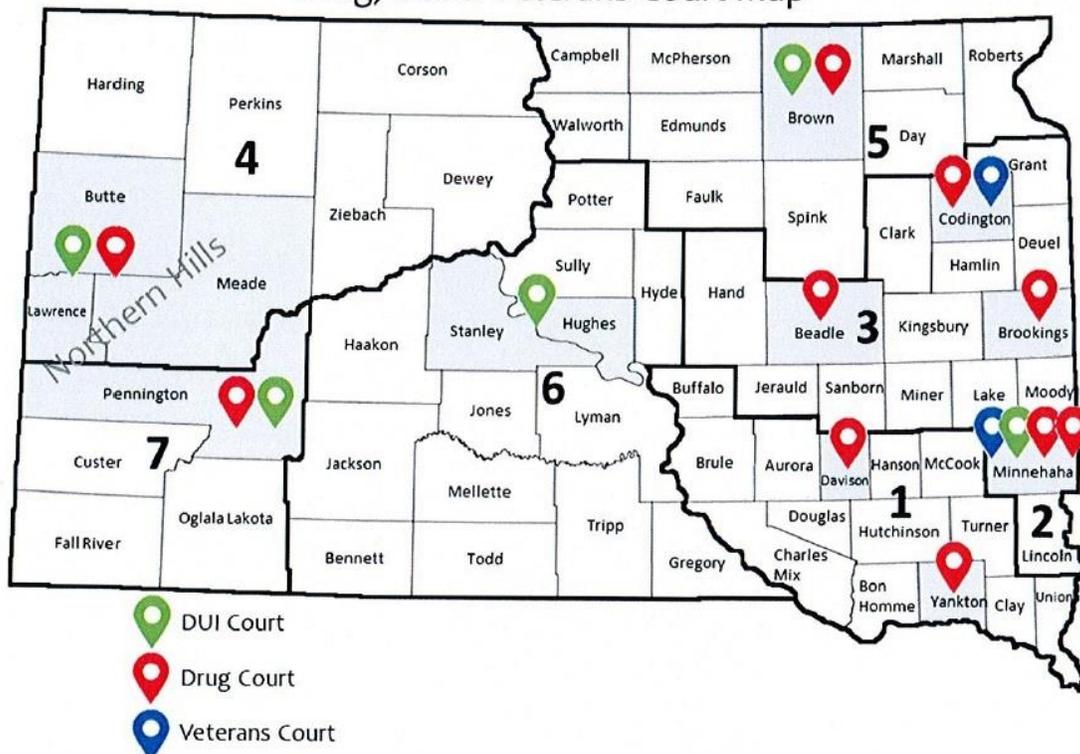
Key Component #7: Ongoing judicial interaction with each Drug Court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key component #9: Continuing interdisciplinary education promotes effective Drug Court planning, implementation, and operations.

Key Component #10: Forging partnerships among Drug Courts, public agencies, and community-based organizations generates local support and enhances Drug Court effectiveness.

South Dakota Unified Judicial System
Drug, DUI & Veterans Court Map



Drug Court Team Members

The Drug Court Team is an essential component of the Drug Court. Each member of the Drug Court Team is responsible to attend and participate in weekly Court sessions and team meetings while maintaining confidentiality. Pennington County Drug Court team consist of members from the Unified Judicial System Seventh Judicial Circuit, the Pennington County State's Attorney's Office, the Attorney General's Office, Defense Attorney Randal Connelly, ROADS Outpatient Treatment, Scovel Psychological, the Pennington County Sheriff's Office, and the Rapid City Police Department.

Drug Court team members are encouraged to attend any and all Drug Court specific training as offered by the National Association of Drug Court Professionals (NADCP), training coordinated through State of South Dakota Drug Court Liaison, and/or any training or webinar opportunities specific to Drug, DUI, or other specialty track courts. At minimum, all members of the Drug Court team will be required to complete a 10-hour training curriculum offered through the National Drug Court Institute (NDCI), found at <http://www.ndci.org/training>. Completion of the course must be documented before new team members are allowed to sit at the Drug Court table and participate in the Drug Court team process.

Roles and Responsibilities of Drug Court Team Members

Drug Court Judge – Honorable Matt Brown

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Preside over courtroom proceedings
- Maintain a non-adversarial role during Drug Court proceedings
- Explain legal rights, options, and Drug Court program requirements to participants
- Ensure participant compliance with Drug Court program rules
- Review supervision and treatment progress and address it directly with participants in Court
- Acts as the ultimate arbiter of factual controversies
- Impose appropriate incentives and sanctions
- Consider the recommendation of the Drug Court team
- Supervise Drug Court administration
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between Unified Judicial System and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

Drug Court Coordinator – Ashlee Cook

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality

- Maintain a non-adversarial role during Drug Court proceedings
- Oversee the activity of the Team
- Act as contact point for the Drug Court
- Coordinate Drug Court schedules and team meetings
- Process billing and provide office administrative functions
- Compile data for evaluation project
- Maintain participant records
- Maintain a log of incentives and sanctions
- Manage applications and distribute Team information
- Maintain and update program and participant manuals
- Identify community partners, including employers and housing options
- Serve as liaison between the community and the Drug Court team
- Work in conjunction with State Drug Court Liaison to stay current on Drug Court research
- Serve as liaison between Unified Judicial System and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

Prosecuting Attorneys – Koln Fink (State’s Attorney’s Office) / Laura Shattuck (Attorney General’s Office)

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings
- Review potential participants for eligibility
- Make referrals to Drug Court
- Negotiate and complete plea agreements on behalf of the State
- Ensure compliance with all laws
- Ensure public safety
- Recommend appropriate sanctions and incentives
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between the prosecutor’s office and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

Defense Attorney – Randal Connelly

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team

- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings
- Meet with participants prior to sentencing to review legal waiver, explain waiver and rights, and obtain participant signature on the waiver
- Advocate for fair process
- Recommend appropriate sanctions and incentives
- Educate colleagues on Drug Court effectiveness and procedures
- Serve as liaison between the community and the Drug Court team
- Serve as a liaison between the Defense Bar and the Drug Court team
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

Addiction Treatment Representative – Danielle Colichesi (ROADS Outpatient Treatment)

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings
- Ensure necessary signing of information releases to facilitate open communication with Drug Court team
- Establish rapport with participants
- Conduct assessment on new referrals
- Provide group and individual sessions for participants
- Use evidence-based methodology
- Test participants for drugs and alcohol
- Update the Drug Court team on participant progress in a timely manner
- Coordinate and advocate for pro-social activities
- Make appropriate referrals to support agencies
- Recommend appropriate sanctions and incentives
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between addiction treatment providers and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

Mental Health Representative – Holly Edwards (Scovel Psychological)

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality

- Maintain a non-adversarial role during Drug Court proceedings
- Ensure necessary signing of information releases to facilitate open communication with Drug Court team
- Establish rapport with participants
- Conduct Mental Health Initial Evaluations on new referrals
- Provide group and individual therapy for participants
- Use evidence-based methodology
- Update the Drug Court team on participant progress in a timely manner
- Coordinate and advocate for pro-social activities
- Make appropriate referrals to support agencies
- Recommend appropriate sanctions and incentives
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between mental health treatment providers and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

Court Service Officer – Nicole Drew / Rob Hall

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings
- Provide case management and community supervision of participants
- Complete home/school/employment field visits of participants
- Monitor and encourage participant compliance with Drug Court program
- Provide ongoing support for participants
- Ensure participant accountability
- Make appropriate referrals to support agencies
- Test participants for drugs and alcohol
- Update the Drug Court team on participant progress in a timely manner
- Recommend appropriate sanctions and incentives
- Ensure public safety
- Coordinate with law enforcement agencies
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between Unified Judicial System and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education

- Be a positive role model for participants and community

Law Enforcement Representatives – Mark Hughes (PCSO) / Scott Sitts (RCPD)

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings
- Assist Court Services Officers with home/school/employment field visits and checks of participants
- Test participants for drugs and alcohol
- Report any and all violations
- Ensure public safety
- Recommend appropriate sanctions and incentives
- Obtain criminal history and law enforcement contacts of participants
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between law enforcement agencies and the Drug Court Team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

Eligibility Standards

Target Population

The target population of the Pennington County Drug Court includes adult non-violent felony offenders who are substantially impacted by substance dependency or abuse.

Eligibility Criteria

All offenders will be screened for substance abuse problems, residency, and offense status for the Pennington County Drug Court program when they make their first appearance in court after being charged with a felony offense. The offender's race, gender, religious affiliation, creed color, sexual orientation and national origin will not be considered when determining his or her eligibility. Potential participants are not excluded from participation in the Drug Court program solely because of the existence of a co-occurring disorder or other medical condition.

Potential candidates meeting the following criteria will be considered for admission to the Pennington County Drug Court program:

1. Felony offender over the age of eighteen
2. Facing felony level drug or alcohol related offense
3. Screened legally eligible to participate in the Drug Court program
 - No present conviction for the distribution of a controlled substance or marijuana
 - Not required to register as a sex offender

- No violent offense conviction as defined by SDCL § 22-1-2(9)
4. High Risk / High Need
 - Diagnosed with a Substance Use Disorder
 - At substantial risk for reoffending or failing to complete a less intensive disposition, such as standard probation
 5. Not under the current supervision of the Department of Corrections (on parole)
 6. Willing to participate in the Drug Court program and to comply with all requirements on a voluntary basis
 7. Willing to maintain residency restrictions as directed to ensure intensive supervision

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.

Intake/Referral Process

1. The Drug Court Prosecutor completes a legal screen of the applicant for Drug Court.
2. The applicant completes the Drug Court application.
3. The applicant and their defense attorney meet with the Drug Court Defense Attorney to complete the Waivers and Agreements.
4. The applicant completes an updated Treatment Needs Assessment.
5. The applicant enters a guilty plea.
6. The applicant a Court Services Officer (CSO) to complete a Presentence Investigation (PSI) and Level of Service Inventory-Revised (LSI-R) risk/needs assessment.
7. The Drug Court CSO provides the discovery and assessments to the Drug Court Team for review.
8. The Drug Court team votes to accept or deny the pending application.
9. If accepted into Drug Court, the applicant is sentenced to probation with Drug Court. The same sentencing judge is utilized in all cases.
10. If not accepted into Drug Court, the applicant is returned to traditional process and sentencing.

*Every reasonable effort will be made by the Drug Court team to ensure that the time between arrest and entry into the Drug Court program does not exceed 50 days.

Drug Court Proceedings

Drug Court Team Meetings

The Drug Court team meets every week prior to the Drug Court session. Members of the Drug Court team are present during Drug Court team meetings, but team meetings are not open to the public. The Drug Court team discusses participant progress regarding supervision and treatment during team meetings. The Drug Court team provides input on sanctions, incentives, or other program-related responsibilities imposed on participants, with the Drug Court Judge having final say regarding all Drug Court decisions.

Drug Court Sessions

Drug Court is held on a weekly basis. Members of the Drug Court team are present during Drug Court sessions. Drug Court sessions are open for family members and other members of a participant's support network to attend. 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. The Drug Court Judge discusses with each participant their progress in the Drug Court program. Incentives and sanctions will be given as appropriate.

Participants' attendance at Drug Court sessions is determined by their current phase within the Drug Court program. Failure to appear in Drug Court may result in a bench warrant being issued for a participant's arrest. Participants are expected to maintain appropriate behavior at all times during Drug Court sessions and while in the Courthouse. Participants speak for themselves during Drug Court sessions, and participants are encouraged to discuss with the Drug Court Judge matters that may impact their efforts to maintain sobriety.

Participant Rights

By agreeing to participate in the Pennington County Drug Court program, participants have waived their right to traditional Court proceedings (disputing search/seizure/traffic stop, preliminary hearing, trial by jury or court, etc.).

It is important to protect the privacy interest of everyone involved in Drug Courts. Each participant is required to sign release of information forms for the Drug Court team and service providers to discuss health, medical, mental health, criminal, employment and educational records. Since this information is confidential, the information cannot and will not be shared with anyone outside of the Drug 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.

Drug Court Files

Drug Court files are separate and distinct from Circuit Court Files. All Drug Court files are confidential and not open to the public. All files shall be under the sole control of the Drug Court Judge and the Drug Court team. Neither the Clerk of Court's Office nor prosecutor, not on the Drug Court team, will have access to the Drug Court files.

Drug Court Treatment

The Pennington County Drug Court uses multiple treatment resources to provide substance abuse services to its participants. Participants are referred to the appropriate addiction treatment program through the use of a Treatment Needs Assessment. Aftercare and relapse prevention are a part of all treatment programs. Participant attendance at treatment is a requirement of Drug Court. The addiction treatment counselor provides regular progress reports to the Drug Court team.

Participants in the Drug Court program are screened for “co-occurring disorders” (addiction and mental health issues that are active together). Many times, mental health conditions have gone unnoticed, undiagnosed, and/or untreated in the past. Participants may be referred to a mental health treatment counselor if the addiction treatment counselor believes this is necessary. The mental health treatment counselor also provides regular progress reports to the Drug Court team.

Treatment providers are clinically trained, licensed and certified. Treatment providers have experience working with criminal justice populations, and deliver evidence-based behavioral or cognitive-behavioral counseling interventions. Treatment providers are required to develop treatment case plans, maintain client records, monitor clients during treatment, and continue to provide case management as the client moves into recovery in the community.

A treatment plan is developed for each participant in the Drug Court program. Treatment plans are developed based on each individual assessment of the participant’s strengths, assets and needs. Treatment plans vary depending on the needs of the participant, but generally each treatment plan will provide ongoing group and individual counseling sessions. Treatment plans include Treatment plans may provide family sessions as needed. Treatment plans are reviewed regularly, and they are revised or modified as necessary.

During the first phases, Drug Court participants receive services designed to address responsivity needs of treatment (housing, mental health, cravings, withdrawal, anhedonia). In the interim phases, Drug Court participants receive services designed to resolve criminogenic needs (criminal thinking patterns, delinquent peer interactions, family conflict). In the latter phases, Drug Court participants receive services designed to maintain treatment gains (vocational/education counseling).

Support Groups

Participants are required to attend recovery support groups such as AA (Alcoholics Anonymous), NA (Narcotics Anonymous), Smart Recovery, or other groups and meetings that can be verified by a designated person who can confirm attendance. These recovery support groups help participants develop a level of trust to learn and create social bonds with other recovering addicts. Treatment providers and Court Services Officers provide participants with information regarding the times and locations of self-help support groups and direct participants to special interest and recovery events in the community. Participants are directed to attend a minimum of two (2) recovery support meetings per week throughout their participation in the Drug Court program.

Drug Court Supervision

Pennington County Drug Court participants are intensely supervised and monitored by Court Services and the Pennington County Drug Court team. Participants are required to maintain regular contact and meet with their Court Services Officers on a regular basis. Supervision meetings occur during scheduled office visits, home visits, employment visits, during Drug Court, and by telephone. Supervision meetings may be random, and they may occur during the day, evening, or night. Alcohol and/or drug testing can occur during these meetings. Collateral contacts may include, but are not limited to, a participant's significant others, family members, employers, physicians, counselors, etc. The frequency of supervision meetings can be decreased or increased, depending on a participant's progress in the program. Court Services Officers provide regular progress reports to the Drug Court team.

Support Services

Recovery from addiction includes developing self-sufficiency and becoming a productive and responsible member of the community. Participants will be referred to numerous state and local agencies to receive assistance for food, clothing, housing, vocational training, employment assistance, budgeting, mental health counseling, or any other service deemed appropriate and/or necessary. Many participants work hand-in-hand with the Department of Social Services, the Department of Labor, local housing authorities, and other community and non-profit agencies.

Drug and Alcohol Testing

A critical component of successful Drug Court participation involves frequent and random drug. All participants of the Pennington County Drug Court are informed about drug testing policies and procedures, and participants sign a Drug/Alcohol Testing Contract upon intake into the Drug Court program. Participants must report for drug and alcohol testing as directed by their Court Services Officers. Immunoassay drug/alcohol testing is used for quick qualitative results. All drug and alcohol tests are observed. Any detectable level of drugs or alcohol will be considered as a positive test. If a participant admits that their urine sample will be positive for drugs or alcohol, a conformation test is not necessary. If a participant denies using drugs or alcohol and the immunoassay drug/alcohol test results positive, the sample will be submitted to a laboratory for confirmation and the participant is responsible for payment for the confirmation test. Upon a positive test, the participant will ordinarily be taken into custody. This is done to protect public safety. If a participant fails to report or fails to produce a urine or breath sample as directed, the participant shall expect an immediate sanction. Tampering, altering, or refusing a drug or alcohol test is grounds for termination from the Drug Court program.

Drug testing also includes random Preliminary Breath Tests (PBTs) of participants. Secure Continuous Remote Alcohol Monitoring (SCRAM) may be ordered on a case-by-case basis. Drug testing also includes frequent contact with the South Dakota Prescription Drug Monitoring Program to ensure participants are not abusing prescription medications.

On occasion, treatment providers may conduct drug and/or alcohol tests for the purpose of therapeutic adjustments. Results will be shared with the Drug Court team.

Participant Rules & Regulations

Participants must know and abide by the following documents:

- Pennington County Drug Court “Treatment Court Program Basic Understanding, Waivers and Agreements” (completed by the participant and their defense attorney with the Drug Court Defense Attorney prior to acceptance into Drug Court)
- “Pennington County Drug Court Supervision Conditions” (reviewed and signed by the participant and their Court Services Officer after sentencing)
- “Judgement Suspending Execution of Sentence” (reviewed by the participant and their Court Services Officer after sentencing)
- Pennington County Drug Court Participant Handbook

The Pennington County Drug Court team also demands the following expectations from all participants. Failure to abide by these expectations may result in a sanction.

- **Compliance** – Participants must comply with all requirements of the Drug Court program. Participants must also comply with all reasonable requests from their Court Services Officers, treatment providers, and Drug Court team throughout the course of their involvement in the Drug Court program.
- **Telephone Communication** – Participants must be available to be contacted by their Court Services Officers and/or treatment providers at all times throughout the course of the Drug Court program.
- **Office Visits** – Participants must attend and be on time for all appointments with their Court Services Officers, as directed.
- **Field Visits** – Random field visits may be conducted day or night, without prior notice by your Court Services Officer or other Drug Court team members. Drug and alcohol tests may be requested of you during these visits.
- **Collateral Contacts** – Collateral contacts include, but are not limited to: significant others, family members, employers, physicians, counselors, etc.
- **Living Arrangements** – Participants must disclose their living arrangements and cohabitants to the Drug Court team. House guests and visitors are subject to the approval of the participant’s Court Services Officers. The Drug Court team shall approve any proposed change of residency and any cohabitants.
- **Associational Limits** – Participants are subject to any and all associational limits as determined by Court Services Officers, treatment providers, and the Drug Court team. Participants shall not associate with non-law-abiding individuals, violence-prone individuals, or anyone actively using drugs or alcohol.
- **Employment** – Participants must report any changes in their work schedule or employment status immediately. Employment will be verified on an ongoing basis. If participants are not employed or attending approved vocation/education programs, they must be involved in an approved job seeking/training plan.
- **Search and Seizure** – Participants are required to provide frequent and random searches of blood, breath, or urine and of person, possessions, vehicle, or residence for controlled

substances, alcohol, or any paraphernalia as a condition of their participation in the Drug Court program.

- **Chemicals and Substances** – Participants shall not possess or consume any mood-altering chemicals or illegal substances. “Possess” means to have on their person, in their home, or in their vehicle. This includes alcohol and any substance containing alcohol.
- **Prescription Medications** – Participants must disclose all medications to their Court Services Officers, treatment providers, and the Drug Court team. Misuse of prescription medication is **prohibited**. Participants must provide proof from their doctor of their documented medical condition and their prescription medications. Participants must disclose their addiction or dependence to their doctor(s) and must seek **non-narcotic alternatives with medical providers and treatment**. Participants must sign any releases of information forms for Court Services Officers, treatment providers, and the Drug Court team to obtain copies of medical records.
- **Over-The-Counter Medications** – Participants may not take any medications, including cough, cold, and any other over-the-counter medications without prior approval from Court Services Officers and treatment providers. Misuse of over-the-counter medication is **prohibited**, and it is the participant’s responsibility to discuss using over-the-counter medications with their Court Services Officers prior to using them.
- **Drug & Alcohol Testing** – Participants must be present and prompt upon receiving directives in regards to drug and alcohol screening times and locations. Testing may be unannounced and at times inconvenient. Failure to report, failure to produce a urine/breath sample, or producing a dilute or altered sample will be considered a positive test resulting in swift and immediate sanction. It is the participant’s responsibility to ensure that the medication they are taking will not create a “false-positive” drug test. Any medication not approved will not be an excuse for a “false-positive” drug test. Participants are not to use or consume any food or beverages that contain poppy seeds while participating in the Drug Court program.
- **Treatment** – Participants must fully participate in addiction and mental health treatment as recommended by their treatment providers and as directed by the Drug Court team.
- **Court Attendance** – Participants must attend and be on time for all Drug Court sessions and appointments as directed. Participants are required to maintain appropriate behavior at all times during Drug Court sessions and while in the Courthouse.
- **Court Attire** – Participants must dress appropriately for Court.
- **Ability to Plan** – Participants are required to maintain a daily planner throughout the course of their involvement in the Drug Court program.
- **Financial Documentation** – Participants are required to submit copies of all financial records to their Court Services Officers and/or the Drug Court team. All pay stubs, student loan disbursements, disability income, or other financial documents are mandated. Tax forms, child support obligations, and other payment verification may be requested.
- **Financial Planning** – Participants are held accountable financially. Financial planning will include, but not be limited to, consistent payments toward treatment costs, restitution, and other court-ordered financial obligations. Participants shall not spend more than \$300.00 on any single-item purchase without prior consultation with their Court Services Officers.

- **Self-help Support Groups** – Participants are required to attend a minimum of 2 recovery support groups per week and to provide verification of such attendance to the Drug Court team.
- **Community Involvement** – Participants must be engaged within their community. The Drug Court team will continually assess participants’ community involvement, particularly in the latter phases of the program.
- **Lawful Behavior** – Participants are expected to remain law abiding in all respects and to obey all state, federal, and local ordinances. Participants must report any contacts with law enforcement, whether or not they receive a ticket or are arrested. This also applies if participants are with other people who are stopped.

Incentives, Sanctions, and Therapeutic Adjustments

The Drug Court model is based on the principle of behavior modification, rewarding positive behavior and sanctioning criminal behavior or administrative program violations. Certainty and immediacy of Drug Court team responses to behavior are the two most important factors in the successful administration of incentives and sanctions. Participants receive consequences without regard to their gender, race, ethnicity, nationality, socioeconomic status, or sexual orientation. Sanctions shall be provided without expressing anger or ridicule. Participants are not shamed or subjected to foul or abusive language.

Incentives

While 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, and the Drug Court places as much emphasis on incentivizing productive behavior as on reducing crime and substance abuse. 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. As participants progress through the program, incentives for achievements may decrease.

Incentives can include but are not limited to the following.

- Progression in the Drug Court program
- Fishbowl drawing
- Applause
- Acknowledgement from the Drug Court Judge
- Group incentives
- Paid minutes for cell phone
- Payment for GED testing
- School supplies
- Bus passes
- Reimbursement for medical expenses
- Reimbursement for vehicle repairs
- Decreased supervision
- Decreased court attendance
- Gift cards to local businesses
- Medal to mark milestones
- Opportunity to tell story to the Court
- Commencement

Sanctions

While participating in the Drug Court program, the participant will be given sanctions for any violations. A violation is a behavior or action that conflicts with the program rules, policies or recommendations. 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 objective of sanctions is to encourage the participant to continue to work towards recovery and treatment goals. By enforcing sanctions, participants learn that there are swift consequences for noncompliance.

The Drug Court team will individualize sanctions as deemed appropriate. The seriousness of the violation determines the severity of the sanction imposed. The severity of the sanction imposed increases for more serious violations, as violations accumulate, and as participants advance through the Drug Court program.

Jail sanctions shall be imposed judiciously and sparingly unless a participant poses an immediate risk to public safety. Jail sanctions are imposed after less severe consequences have been ineffective at deterring infractions.

Sanctions can include but are not limited to the following:

- Increased court appearances or increased reporting to Court Services;
- Additional drug testing;
- Incarceration;
- Delay in phase progression;
- Phase demotion;
- Written assignments for court;
- Verbal reprimand;
- Additional community service hours;
- House arrest;
- Imposition of electronic monitoring;
- Residential placement;
- Daily written schedule;
- Stricter curfew;
- In-court apology;
- Honesty journal;
- Loss of driving privileges;
- Termination from the program;

Therapeutic Adjustments

Therapeutic adjustments are treatment-oriented consequences for substance use early in the Drug Court program. If participants are otherwise compliant with their treatment and supervision requirements but they are still struggling to achieve sobriety, therapeutic adjustments will be made. Therapeutic adjustments impact the intensity and types of addiction and/or mental health treatment services provided. Modifications in treatment services are based on the recommendations of treatment providers.

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

- Increased self-help meetings
- Increased drug/alcohol testing
- Completion of treatment workbooks
- Journaling
- Motivational Interviewing exercises
- Evaluation for possible medication
- Increased court appearances
- Increased treatment intensity
- Additional assessments or evaluations
- Modification of individualized treatment plan
- Residential treatment

Phases of Drug Court

The Pennington County Drug Court program is a 5-phased, highly structured program. The Drug Court program lasts a minimum of 14 months, but the length of time in the program varies depending on each participant's individual progress.

Each phase consists of specific requirements of the Drug Court participant. Examples of each phase are explained in detail below. Participants are required to submit a satisfactorily written request to the Drug Court team in order to advance to the next phase or graduation. The Drug Court team reviews the participant's status in the Drug Court program and makes a recommendation for phase movement or graduation based on the participant's performance.

Participants are required to complete a program assessment at intake, after six months in the program, and at completion of program. Before graduating from the program, participants must complete a program Exit Survey.

Phase 1 –

- Minimum of 60 days
- Weekly court attendance
- **Minimum** of 30 days house arrest, commencing at sentencing
- Abide by a 9:00 P.M. curfew restriction, after house arrest
- Timely submission to all frequent and random drug/alcohol testing
- Attend all supervision meetings as instructed and fulfill all supervision requirements
- Attend all treatment sessions as instructed and complete directed work within a treatment plan
- Attend a minimum of 2 recovery support group meetings per week
- Identify positive supports to help during the course of the Drug Court program
- Disengage from high-risk people, places, and situations
- Develop actions necessary to maintain abstinence from drugs and alcohol
- Obtain and maintain a daily planner
- Seek a stable living environment
- Seek full-time employment, attend school, or complete community service
- Complete a financial review and begin following a budget
- Follow all other Drug Court directives
- 14 continuous days of clean time
- Satisfactory completion of an Application for Phase Movement to Phase 2

Phase 2 –

- Minimum of 90 days
- Weekly court attendance
- Abide by a 10:00 P.M. curfew restriction
- Timely submission to all frequent and random drug/alcohol testing

- Attend all supervision meetings as instructed and fulfill all supervision requirements
- Attend all treatment sessions as instructed, complete directed work within a treatment plan, and continually progress toward treatment goals
- Attend a minimum of 2 recovery support group meetings per week
- Utilize positive supports to help during the course of the Drug Court program
- Disengage from high-risk people, places, and situations
- Continue to develop actions necessary to maintain abstinence from drugs and alcohol
- Maintain a daily planner
- Maintain a stable living environment
- Maintain full-time employment, attend school, or complete community service
- Follow a budget
- Follow all other Drug Court directives
- 30 continuous days of clean time
- Satisfactory completion of an Application for Phase Movement to Phase 3

Phase 3 –

- Minimum of 90 days
- Bi-weekly court attendance
- Abide by a 11:00 P.M. curfew restriction
- Timely submission to all frequent and random drug/alcohol testing
- Attend all supervision meetings as instructed and fulfill all supervision requirements
- Attend all treatment sessions as instructed, complete directed work within a treatment plan, and continually progress toward treatment goals
- Attend a minimum of 2 recovery support group meetings per week
- Obtain and maintain a sponsor/accountability mentor
- Begin working a recovery support program
- Establish a sober support network and become involved in pro-social activities
- Utilize positive supports to help during the course of the Drug Court program
- Disengage from high-risk people, places, and situations
- Follow actions necessary to maintain abstinence from drugs and alcohol
- Maintain a daily planner
- Maintain a stable living environment
- Maintain full-time employment, attend school, or complete community service
- Follow a budget
- Follow all other Drug Court directives
- 30 continuous days of clean time
- Satisfactory completion of an Application for Phase Movement to Phase 4

Phase 4 –

- Minimum of 90 days
- Monthly court attendance
- Abide by a 12:00 A.M. curfew restriction
- Timely submission to all frequent and random drug/alcohol testing
- Attend all supervision meetings as instructed and fulfill all supervision requirements
- Attend all treatment sessions as instructed, complete directed work within a treatment plan, and continually progress toward treatment goals
- Attend a minimum of 2 recovery support group meetings per week
- Maintain a sponsor/accountability mentor
- Continue working a recovery support program
- Continue developing a sober network and participating in pro-social activities
- Utilize positive supports to help during the course of the Drug Court program
- Disengage from high-risk people, places, and situations
- Follow actions necessary to maintain abstinence from drugs and alcohol
- Maintain a daily planner
- Maintain a stable living environment
- Maintain full-time employment, attend school, or complete community service
- Follow a budget
- Begin a 40-hour community service project
- Follow all other Drug Court directives
- 60 continuous days of clean time
- Satisfactory completion of an Application for Phase Movement to Phase 5

Phase 5 –

- Minimum of 90 days
- Monthly court attendance
- Abide by a curfew restriction, as determined by the Drug Court team
- Timely submission to all frequent and random drug/alcohol testing
- Attend all supervision meetings as instructed and fulfill all supervision requirements
- Attend all treatment sessions as instructed, complete directed work within a treatment plan, continually progress toward treatment goals, and develop a continuing care plan
- Attend a minimum of 2 recovery support group meetings per week
- Maintain a sponsor/accountability mentor
- Complete satisfactory progress working a recovery support program
- Continue developing a sober network and participating in pro-social activities
- Utilize positive supports to help during the course of the Drug Court program
- Disengage from high-risk people, places, and situations

- Follow actions necessary to maintain abstinence from drugs and alcohol
- Maintain a daily planner
- Maintain a stable living environment
- Maintain full-time employment, attend school, or complete community service
- Follow a budget
- Complete a 40-hour community service project
- Follow all other Drug Court directives
- 90 continuous days of clean time
- Satisfactory completion of a Graduation Life Plan

*Participants may not drive a motor vehicle unless lawfully licensed and insured. If a participant has a suspended or revoked driver's license, they must have a legally obtained and Judge approved work permit with the approval of the Drug Court team.

*In Appendix I, there are checklists for each phase. All items on the list must be checked off for advancement to the next phase.

Graduation

Upon successful completion of all 5 phases of the Drug Court program, meeting graduation requirements, and upon recommendation of the Drug Court team, the participant will graduate from Pennington County Drug Court. The specific date of the graduation ceremony will be decided by the Drug Court team and may not immediately occur upon completion of graduation requirements. Participants are expected to continue to follow all Drug Court requirements until they have participated in the graduation ceremony.

Graduation from the Drug Court is recognized as a very important event. A participant's loved ones and friends will be invited to join the participant at a special ceremony as the Drug Court Team congratulates him/her for successfully completing all Phases of the Drug Court program and for achieving his/her goal to establish a chemical-free life. After graduation, the participant will remain under supervision of Court Services throughout the balance of his/her probationary sentence.

Graduation Requirements

- Successful completion of Phase 5
- Satisfactory completion of a Graduation Life Plan
- Satisfactory progress to pay all court fees on all current file(s)
- Satisfactory progress to pay all treatment costs
- Current on 24/7 Program payments
- 90 continuous days of clean time
- Meeting continuum of care requirements
- Acceptable full-time employment or school attendance

*Disability or other hindrances to full-time employment will be addressed and considered by the Drug Court Team as needed

- Acceptable housing
- Participation in the Drug Court graduation ceremony

*In Appendix I, there is a checklist for graduation. All items on the list must be checked off to be considered for graduation.

Termination

Continued participation in the Drug Court program depends on compliance with **all** Drug Court program rules and regulations. Termination is evaluated on an individual basis, and termination is considered as a last resort. Any termination proceeding should be conducted in regularly scheduled Court sessions. A decision to terminate participation will be made by the Drug 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 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
- Possession of a weapon
- 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 Drug Court program. When a motion for termination is made, the Court Services Officers will provide the participant with written notification of the motion. Following such notification, the participant will be appointed an attorney to represent him/her throughout the termination proceedings. The participant will have the opportunity to admit or deny the allegations against them and to address the Drug Court team concerning the motion for termination at the next regularly scheduled Court session. If a denial is entered, an evidentiary hearing will be scheduled. After the Court session the Drug Court team will provides input on the motion for termination, with the Drug Court Judge having final say regarding all Drug Court decisions. In the event of termination, the Drug Court Judge shall advise the participant of

his/her rights concerning potential probation revocation. The participant will then be referred back to his/her original sentencing judge for sentencing modification. 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 may request removal from the Drug Court program. The participant is advised to meet with his/her defense attorney before making this request. Any person who has been deemed an absconder from Court Services supervision while in the Drug Court program will be considered to have voluntarily removed themselves.

Fees

Court Related Fees

Participants are required to keep up with their payments for court related fees, with a minimum monthly payment of \$50 paid to the Clerk of Courts. Court related fees can include but are not limited to the following:

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

Program Related Fees

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

- UAs
- 24/7 Program
- SCRAM
- Interlock
- Treatment
- Court fines

Evaluation

The Pennington County Drug Court team will continually evaluate the process and outcomes of the program. This information will be monitored by administrators within the Seventh Judicial Circuit in collaboration with the State Court Administrator's Office to improve the Drug Court and, in turn, make it more successful.



Pennington County Drug Court

Pennington County Courthouse · 315 St Joseph Street
PO Box 230 · Rapid City, SD 57709
Phone: 605.394.2595 · Fax: 605.394.3373

APPLICATION INSTRUCTIONS

Once a Drug Court offer has been extended by the Drug Court Prosecutor:

1. The applicant reads through the Participant Manual with their defense attorney.
2. The applicant fills out and submits the following “Application to Pennington County Drug Court Program” and “Records Release Authorization” forms to the Pennington County Drug Court, in the Court Services Office of the Pennington County Courthouse.
3. The applicant meets with their defense attorney and the Drug Court Defense Attorney to complete the “Pennington County Drug Court Treatment Program Basic Understanding, Waivers and Agreements.”
4. The applicant completes an updated Treatment Needs Assessment and provides a copy of the assessment to the Drug Court Court Services Officers (CSOs).
5. The applicant enters a guilty plea.
6. The applicant meets with the Drug Court CSOs to complete a Presentence Investigation (PSI) and a Level of Service Inventory-Revised (LSI-R) risk/needs assessment.
7. The Drug Court CSOs provide the discovery and evaluation to the Drug Court team for review.
8. The Drug Court Team votes to accept or deny the pending application.
9. If accepted into the Drug Court program, the applicant is sentenced to probation with Drug Court. The same sentencing judge is utilized in all cases.

If sentenced to probation with Drug Court, the following forms must be completed:

- Consent for Disclosure of Confidential Substance Abuse Treatment Information
 - Participant Contract
 - Drug/Alcohol Testing Contract
 - Medication Policy
 - Consent for Disclosure of South Dakota Prescription Drug Monitoring Program Information
 - Publicity Consent
 - Participant Manual Receipt and Acknowledgement
10. If not accepted into the Drug Court program, the applicant is returned to the traditional legal process.

*Your attorney will receive written notification of acceptance or denial into the program.



Unified Judicial System
 Application to the
 Pennington County Drug Court program
 Seventh Judicial Circuit

| | | |
|---|---|---|
| Date of Application | Disability accommodations needed? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please state request: | Interpreter needed? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state language: |
| Name | | Alias |
| Race | Sex | Date of Birth |
| Current Address (Street) | | Phone Number: |
| | | Alternate Phone Number |
| City | State | Zip |
| How Long at this Address: | | Other States Lived in: |
| Armed Forces Veteran? <input type="checkbox"/> Yes <input type="checkbox"/> No | | Branch: Discharge: |
| Children? <input type="checkbox"/> Yes <input type="checkbox"/> No | Pay Child Support? <input type="checkbox"/> Yes <input type="checkbox"/> No | Number of Dependents: |
| Reliable Transportation? <input type="checkbox"/> Yes <input type="checkbox"/> No | Valid Photo ID? <input type="checkbox"/> Yes <input type="checkbox"/> No | Photo ID Number: |
| Valid Driver's License? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Driver's License Number: | | |
| 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 | | | Diploma? <input type="checkbox"/> Yes <input type="checkbox"/> No | | GED? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Skill or Trade | | | Certification or Degree? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Gang Membership? <input type="checkbox"/> Yes <input type="checkbox"/> No | | Gang Nickname: | | | |
| Gang Affiliation: | | | | | |
| 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 DUI/Drug court before? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | Date: | |
| If yes, name of court | | | | | |
| Have you ever been sentenced to the Penitentiary? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | Date: | |
| | | | | | |
| Defense Attorney Name | | | Telephone Number | | |
| <p>"The defendant consents to the disclosure of Drug 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 Court Program."</p> | | | | | |
| _____ | | _____ | | _____ | |
| Defense Attorney Signature | | Date | | Applicant Signature | |
| | | | | Date | |



Pennington County Drug Court

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AUTHORIZATION FOR USE AND DISCLOSURE OF PROTECTED INFORMATION

Patient Name: _____ Date of Birth: _____

I authorize _____ to disclose protected health information about me and exchange information between agencies:

| PENNINGTON COUNTY DRUG COURT TEAM MEMBERS: | |
|---|--|
| Matt Brown, Drug Court Judge | Nicole Drew, Court Services Officer |
| Heidi Linngren, Alternate Drug Court Judge | Rob Hall, Court Services Officer |
| Ashlee Cook, Treatment Court Coordinator | Danielle Colichieski, Addiction Treatment Representative |
| Koln Fink, Prosecuting Attorney | Holly Edwards, Mental Health Treatment Representative |
| Laura Shattuck, Prosecuting Attorney | Mark Hughes, Pennington County Sheriff's Office |
| Randal Connelly, Defense Attorney | Scott Sitts, Rapid City Police Department |

The following information is to be released:

_____ **Medical:** History and physical exams, medical evaluations, operative and pathology reports, lab results, consultation reports, emergency department reports, hospital outpatient/clinic notes, medications, discharge summaries

_____ **Alcohol and Drug Abuse:** Results of substance abuse evaluation/Treatment Needs Assessment, pertinent medical and/or psychological information, drug test results, other diagnostic test results, social and/or chemical use history/assessment, discharge summary reports

_____ **Psychological/Psychiatric:** Mental health history/assessment/consultations, test interpretations, medications, discharge summary reports

This information will be used by the Pennington County Drug Court program to conduct an evaluation; and/or to develop, implement, and monitor compliance with a supervision plan.

I understand that once this information has been released to the recipient, there is a potential that this information might be disclosed to a third party and is no longer protected by HIPPA rules.

I understand I have the right to inspect and receive a copy of my treatment records that may be disclosed to others.

Treatment may not be conditioned on my agreement to sign this authorization. I may revoke this authorization at any time by notifying, in writing the above listed facility.

A photocopy or fax of this authorization shall be considered valid as if it were an original.

Signature: _____ Date: _____

Witness: _____ Date: _____

This authorization form complies with the regulations set forth in 42 CFR 2.31, and is subject to revocation at any time except to the extent that action has been taken in reliance on it. In the absence of prior revocation, this consent will expire one year from today. Section 2.39, Subd. D, shall apply when this form is received by a treatment program.



Pennington County Drug Court

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Phone: 605.394.2595 · Fax: 605.394.3373

AUTHORIZATION FOR USE AND DISCLOSURE OF PROTECTED INFORMATION

Client Name: _____ Date of Birth: _____

Other Agency: _____ to/from:

PENNINGTON COUNTY DRUG COURT TEAM MEMBERS:

| | |
|--|--|
| Matt Brown, Drug Court Judge | Nicole Drew, Court Services Officer |
| Heidi Linngrén, Alternate Drug Court Judge | Rob Hall, Court Services Officer |
| Ashlee Cook, Treatment Court Coordinator | Danielle Colichieski, Addiction Treatment Representative |
| Koln Fink, Prosecuting Attorney | Holly Edwards, Mental Health Treatment Representative |
| Laura Shattuck, Prosecuting Attorney | Mark Hughes, Pennington County Sheriff's Office |
| Randal Connelly, Defense Attorney | Scott Sitts, Rapid City Police Department |

I hereby authorize the Pennington County Drug Court program to release to and receive from the above-named person or agency information for use by the Pennington County Drug Court in making a determination of my case. The specific information now requested relates to:

_____ Employment Records; Dates of employment: _____

(Summary of work record, relationship to co-workers and management, reason for termination, and eligibility for rehire)

_____ Military records; Branch: _____ Dates: _____

_____ Police records including: _____

_____ Scholastic records and school adjustment (including counseling): Graduated? _____ Grades completed: _____

Dates attended: _____

_____ Social information (include personal adjustment)

_____ Other: _____

This information will be used by the Pennington County Drug Court program to conduct an evaluation and/or decide on a supervision plan.

I understand that once this information has been released to the recipient, there is a potential that this information might be disclosed to a third party and is no longer protected by HIPPA rules.

I understand I have the right to inspect and receive a copy of my treatment records that may be disclosed to others.

Treatment may not be conditioned on my agreement to sign this authorization. I may revoke this authorization at any time by notifying, in writing the above listed facility.

A photocopy or fax of this authorization shall be considered valid as if it were an original.

Signature: _____ Date: _____

Witness: _____ Date: _____

This authorization form complies with the regulations set forth in 42 CFR 2.31, and is subject to revocation at any time except to the extent that action has been taken in reliance on it. In the absence of prior revocation, this consent will expire one year from today. Section 2.39, Subd. D, shall apply when this form is received by a treatment program.



Pennington County Drug Court

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CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

PENNINGTON COUNTY DRUG COURT TEAM MEMBERS:

| | |
|--|--|
| Matt Brown, Drug Court Judge | Nicole Drew, Court Services Officer |
| Heidi Linngren, Alternate Drug Court Judge | Rob Hall, Court Services Officer |
| Ashlee Cook, Treatment Court Coordinator | Danielle Colichieski, Addiction Treatment Representative |
| Koln Fink, Prosecuting Attorney | Holly Edwards, Mental Health Treatment Representative |
| Laura Shattuck, Prosecuting Attorney | Mark Hughes, Pennington County Sheriff's Office |
| Randal Connelly, Defense Attorney | Scott Sitts, Rapid City Police Department |

I, _____, (DOB: ___/___/___), hereby consent to communication between the Pennington County Drug Court including the Drug Court Judges, the Pennington County State's Attorney's Office, the Attorney General's Office, Randal Connelly Attorney At Law (or my privately hired attorney: _____), Pennington County Court Services, ROADS Outpatient Treatment, Scovel Psychological, the Pennington County Sheriff's Office, and the Rapid City Police Department.

The purpose for this disclosure is to assist the Drug Court in evaluating and determining my prognosis, compliance and progress in accordance with Drug Court criteria. The information is needed to provide continuity of care through interagency communication and referral; and to assist in the case management of my progress. Information will be gathered from the above agencies and shared between representatives of these agencies.

The extent of the information to be disclosed is the recommendation of my chemical use assessment, my attendance record at treatment sessions, drug testing results, my level of cooperation with the treatment program, completion of program and assessment information required for local, state, and national research. Disclosure of this confidential information may be made only as necessary for and pertinent to hearings and/or reports to the Drug Court team and concerning my specific Drug Court file.

ANY DISCLOSURE MADE IS BOUND BY PART 2 OF TITLE 42 OF THE CODE OF FEDERAL REGULATIONS, WHICH GOVERNS THE CONFIDENTIALITY OF SUBSTANCE ABUSE CLIENT RECORDS. RECIPIENTS OF THIS INFORMATION MAY NOT RE-DISCLOSE IT WITHOUT SPECIFIC WRITTEN CONSENT OF THE CLIENT.

Any information obtained through this release is for the exclusive use of my immediate Drug Court team. All documents generated by this release shall be kept apart from my court file.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective end to my involvement with the Drug Court for the above-referenced case, such as the discontinuation of court proceedings upon the successful completion of the Drug Court requirements or upon termination from the program for violating the terms of my Drug Court involvement.

Signature: _____ Date: _____

Witness: _____ Date: _____

This authorization form complies with the regulations set forth in 42 CFR 2.31, and is subject to revocation at any time except to the extent that action has been taken in reliance on it. In the absence of prior revocation, this consent will expire one year from today. Section 2.39, Subd. D, shall apply when this form is received by a treatment program.



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TREATMENT COURT PROGRAM BASIC UNDERSTANDING, WAIVERS AND AGREEMENTS

Defendant's Name: _____

Address: _____

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

In Case of Emergency, Contact: _____

Address: _____

Phone Number(s): _____

I UNDERSTAND THAT:

Before I can be accepted into the Drug Court Treatment Program, I must give up certain statutory and/or constitutional rights. I hereby voluntarily agree and consent to give up the following statutory and/or constitutional rights upon my acceptance into the Drug Court Treatment Program enumerated below:

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

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

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

4. PROGRAM LENGTH: The length of the Program varies client by client, with the minimum time to complete all levels of programming being twelve (12) months. It may take up to two (2) years, depending on the client's needs, abilities, and motivation to achieve six (6) months of sobriety and meet Program objectives. Under no circumstances will a participant be allowed to exceed three (3) years in the Program. (____)

5. GENERAL REQUIREMENTS: I must attend all Drug 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 treatment fees and/or fees for participation in the program, fines, my Court Appointed Attorneys Fees, and any other related costs. I must make suitable progress towards controlling my addiction and the Program will set individual requirements that I must meet. (____)

6. INDIVIDUALIZED TREATMENT PLANS: The Clinician I am assigned to will set my individual treatment plan requirements, which will then be reviewed by the Drug Court Team. The final decisions regarding my progress, compliance with Program requirements, and continued participation are in the Judge's sole discretion. I have no right to appeal the Court's decision. (____)

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. Drug Testing
- B. Ankle Bracelet Monitoring System
- C. Treatment/Counseling

Money I pay into the Program is non-refundable. If I quit, am terminated from the Program, or is 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, additional drug treatment, or anything deemed appropriate by the Judge. Additionally, as a condition of my participation in the Drug Court Program, I do not have a right to an Evidentiary Hearing to contest the imposition of sanctions nor do I have the right to appeal the decision of the Drug 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 Drug Court sanctions. (____)

12. COURT PROCEEDINGS: The Drug Court proceedings will be informal and performed in open Court. However, participants are required to be well groomed and dressed in professional attire for all Court appearances. (____)

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. ATTORNEY: I understand that I will not have an attorney to represent me while in the Drug Court Program. I also understand that Drug Court is a non-adversarial forum and, therefore, treatment and accountability is the primary concern. (____)

15. DISCUSSIONS IN MY ABSENCE: I understand and acknowledge that the members of the Drug Court Team, including the Defense Attorney and the Prosecuting Attorney, will be talking to the Drug Court Judge about me, my progress in the program, and any problems that I might be having. The Team may also discuss with the Judge, at various times, sanctions or rewards, which I may receive because of my participation in the program. I also understand and acknowledge that I will not be present for these discussions with the Judge. It has been explained to me these discussions with the Judge without me being present are necessary in order for me to receive the maximum benefit from the program. I understand this and waive my presence at these meetings and discussions with the Drug Court Judge. (____)

16. WAIVER OF PRIVACY: Program officials may require me to provide very personal information. This may include, but will not be limited to: my criminal record, financial and tax information, child support records, education and work history, family history, and medical and psychiatric information. While Program officials will try to avoid unnecessary embarrassment to me, I understand and agree that these things may be discussed in open Drug Court session, in treatment sessions, or in other settings related to participation in the Program. I agree to sign specific releases promptly to allow the gathering of this information. (____)

17. DUTY TO NOTIFY: I must obtain permission from my Court Service Officer(s) (CSO) prior to making any change in my residence or mailing address, any change, or disconnection of my phone number, or any change in my employment. I must also notify my Court Service Officer(s) (CSO) immediately after any law enforcement contact. (____)

18. 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. (____)

19. TRUTHFUL DISCLOSURE: Acceptance in the program is based partly on my criminal history. I have truthfully, disclosed any previous arrests and convictions. (____)

20. NO ALCOHOL OR CONTROLLED SUBSTANCES: I understand that I cannot drink, possess, or otherwise ingest alcohol, nor may I associate with those who do, while I am a participant in the Drug Court Program. I also understand that I cannot use or possess marijuana, K2, or like substances, synthetic marijuana, scheduled controlled substances, over-the-counter drugs except as authorized herein, or any mind-altering substances, nor associate with those who do, while I am a participant in the Drug Court Program. (____)

21. MEDICATIONS: I understand that I will be required to provide frequent and random searches of my blood, breath or urine, person possessions, vehicle or residence for controlled substances, alcohol, or any paraphernalia as a condition of my participation in the Drug Court Program. I agree that I will not take any medications, including cough, cold, and any other over-the-counter medications without **prior** approval from my treatment provider and my Court Service Officer(s) (CSO). I also agree to provide a complete list of my medications to my treatment provider and my Court Service Officer(s) (CSO). I also will not use or consume any food or beverage that contains poppy seeds while I am in the Drug Court Program. (____)

22. SEXUAL HARASSMENT POLICY: It is the policy of the Pennington County Drug Court Program that 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. Any participant who sexually harasses another participant or service provider will be subject to a disciplinary review and could face severe consequences, including termination from the Program. (____)

23. FRATERNIZATION: It is also the policy of the Pennington County Drug Court Program that Program participants are not to engage in any sexual relationships with other Program participants. This type of fraternization is not conducive to a healthy treatment environment, and will not be tolerated by the Drug Court Program. (____)

24. NO FINANCIAL DEALING: Participants in Drug Court are prohibited from having any financial dealings with each other while in the Program, except with the permission of the Drug Court Judge. The term "financial dealings" shall include, but not be limited to, lending or borrowing money or property, purchasing or selling real and personal property or working for each other, or exchange of gifts. A violation will result in sanctions for all involved participants. (____)

25. WAIVER OF RIGHT TO REMAIN SILENT: I give up my right to remain silent. I agree to fully and **HONESTLY** participate in all Drug Court meetings. (____)

26. PHOTOGRAPH: I agree to have my photograph taken for Drug Court files. (____)

27. ALCOHOL/DRUG TREATMENT AND COUNSELING: I will attend alcohol/drug treatment and participate in group, family, and/or individual counseling. (____)

28. HOUSING: I understand that stable housing is necessary for my recovery and must be approved by the Drug Court Team. I agree to comply with their recommendations and restrictions. (____)

29. EMPLOYMENT/EDUCATION/JOB TRAINING: I agree to maintain approved employment and/or attend any education or job training programs to which I am referred. (____)

30. GAMBLING: I will not gamble nor enter any gambling establishments where the primary source of revenue is gaming funds without the permission of my supervising officer. (____)

31. CURFEW: I agree to abide by a curfew as determine by the Drug Court Team. The curfew will have a beginning time when I am to be home and an ending time when I may leave. During my curfew, I may be on my property, as long as I am able to hear and get to the telephone. (____)

32. FREE, VOLUNTARY, KNOWING AGREEMENT: My participation in the Program requires that I waive very important rights. I have fully discussed my rights with the Defense Attorney on the Drug Court Team before agreeing to enter into the Program. I am satisfied that I understand how the Program will affect my rights. At the time of executing this document, my thinking is clear and I am not under the influence of any substance. The decision to waive my rights and enter the Program is mine alone and made of my own free will. I expressly agree to accept and abide by all the terms and conditions of the Drug Court Treatment Program as established by the Court and the Treatment Provider. (____)

33. NO REVOCATION OF ASSIGNMENT: I hereby consent to this case being assigned to the Drug Court Judge for all purposes, including sanctions. (____)

SIGNATURE OF DEFENDANT

DATE

*I have reviewed this with the Defendant and believe he/she understands it fully and completely.
He/She voluntarily agrees to participate in the Drug Court Program.*

SIGNATURE OF DEFENSE ATTORNEY

DATE



Pennington County Drug Court

Pennington County Courthouse · 315 St Joseph Street
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Phone: 605.394.2595 · Fax: 605.394.3373

DRUG COURT TEAM MEMBER DIRECTORY

Honorable Matthew M. Brown
Drug Court Judge
(605) 394-2571

Honorable Heidi L. Linngren
Alternate Drug Court Judge
(605) 394-2571

Ms. Laura Shattuck
Prosecutor / Assistant Attorney General
(605) 394-2258

Mr. Koln Fink
Prosecutor / Deputy State's Attorney
(605) 394-2191

Randal E. Connelly
Defense Attorney
(605) 342-7330

Ms. Ashlee Cook
Treatment Court Coordinator
(605) 394-2595

Ms. Danielle Colicheskij, LAC
ROADS Outpatient Treatment
(605) 348-8026

Ms. Holly Edwards, MS, LPC-MH, QMHP
Scovel Psychological
(605) 721-8822

Ms. Nicole Drew
Court Services Officer
(605) 394-2595

Mr. Rob Hall
Court Services Officer
(605) 394-2595

Sergeant Mark Hughes
Pennington County Sheriff's Office
(605) 394-6113

Lieutenant Scott Sitts
Rapid City Police Department
(605) 394-4133



Pennington County Drug Court

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CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE TREATMENT INFORMATION

I, _____, having agreed to enroll and participate in the Adult Drug Court Program, hereby acknowledge that treatment information normally is confidential under Federal Law. I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of substance abuse patient (or client) records and that it is unlawful to violate this confidentiality requirement unless I voluntarily consent to permit its disclosure. Therefore, I, _____, consent to allow on-going communications about my diagnosis, prognosis and compliance status among the following parties or agencies involved in the Drug Court Program: the Drug Court Judge, the Drug Court Team members, the employees engaged in the Drug Court operations and administration, Court Services Officers in the Drug Court Program, treatment providers utilized by me during the Drug Court Program, the Drug Court Defense Attorney, and/or other referring or treating agencies involved in the direct delivery of services through the Adult Drug Court Program.

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

I agree to permit disclosure of this confidential information only as necessary for, and pertinent to, hearings, and/or reports concerning the status of my participation and compliance with the conditions of my probation as defined by the Drug Court. I understand that information about my medical status, mental health and/or drug Court participation (including the results of urinalysis or other drug screening tools,) and other material information will be discussed and shared among members of the Drug Court Team.

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

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

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

DRUG COURT PARTICIPANT

DATE

WITNESS

DATE



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PARTICIPANT CONTRACT

I have agreed to participate in the Pennington County Drug Court and agree to the following conditions:

_____ **Compliance** – I will comply with all requirements of the Drug Court program. I will also comply with all reasonable requests from my Court Services Officers, treatment providers, and the Drug Court team throughout the course of my involvement in the Drug Court program.

_____ **Telephone Communication** – I will be available to be contacted by my Court Services Officers and/or treatment providers at all times throughout the course of my involvement in the Drug Court program.

_____ **Office Visits** – I will attend and be on time for all appointments with my Court Services Officers as directed.

_____ **Field Visits** – I understand that random field visits may be conducted day or night, without prior notice by my Court Services Officers or other Drug Court team members. I understand that drug and alcohol tests may be requested of me during these visits.

_____ **Collateral Contacts** – I understand that collateral contacts include, but are not limited to: significant others, family members, employers, physicians, counselors, etc.

_____ **Living Arrangements** – I will tell my Court Services Officers and the Drug Court team of where I am living and who I am living with. I understand that all house guests and visitors must be approved by my Court Services Officers. I will report any change of residence and receive approval from your Court Services Officers or the Drug Court team **prior** to moving.

_____ **Employment** – I will report any changes to my work schedule or employment status immediately. I understand that employment will be verified on an ongoing basis. If I am not employed or attending approved vocation/education programs, I will be involved in an approved job seeking/training plan.

_____ **Associational Limits** – I will not associate with non-law-abiding individuals, violence-prone individuals, or anyone actively using drugs or alcohol. I understand that I am subject to any and all friendship/associate limits as determined by my Court Services Officers, treatment providers, and the Drug Court team.

_____ **Search and Seizure** – I will provide frequent and random searches of blood, breath, or urine and of person, possessions, vehicles, or residence for controlled substances, alcohol, or any paraphernalia as a condition of my participation in the Drug Court program.

_____ **Chemicals and Substances** – I will not possess or consume any mood-altering chemicals or illegal substances. "Possess" means to have on my person, in my home, or in my vehicle(s). This includes alcohol and any substance containing alcohol.

_____ **Prescription Medications** – I will provide a complete list of all my prescription medications to my Court Services Officers, treatment providers, and the Drug Court team. Misuse of prescription medication is **prohibited**.

_____ I will provide proof from my doctor of my documented medical condition and my prescription medications.

_____ I will disclose my addiction or dependence to my doctor(s) and I will seek non-narcotic medication alternatives with my doctor(s) and treatment providers.

_____ I will sign any releases of information forms for my Court Services Officers, treatment providers, and the Drug Court team to get copies of my medical records.

_____ **Over-The-Counter Medications** – I will not use any over-the counter medications without prior verification and approval from my Court Services Officers. Misuse of over-the-counter medications is **prohibited**, and it is my responsibility to discuss using over-the-counter medications with my Court Services Officer **prior** to using them.

_____ **Drug & Alcohol Testing** – I agree to random drug and alcohol testing as directed by my Court Services Officers or other team members. I will show up and be on time after being directed to complete drug and/or alcohol testing.

_____ I understand that drug and/or alcohol testing may be unannounced and at times inconvenient.

_____ I understand that failing to show up, failing to be on time, failing to produce a urine/breath sample, or producing a diluted or altered sample will be considered a positive test resulting in swift and immediate sanction.

_____ It is my responsibility to ensure that the medication I am taking will not create a “false-positive” drug test.
Any medication not approved will not be an excuse for a “false-positive” drug test.

_____ I understand that I am not to consume any food or beverages that contain poppy seeds while participating in the Drug Court program.

_____ **Treatment** – I will fully participate in addiction and mental health treatment as recommended by your treatment providers and as directed by the Drug Court team.

_____ **Court Attendance** – I will attend and be on time for all Drug Court sessions and appointments as directed. I will maintain appropriate behavior at all times during Drug Court sessions and while in the Courthouse (see “Courtroom Rules” in the Pennington County Drug Court Participant Handbook).

_____ **Court Attire** – I will dress appropriately for Drug Court (see “Courtroom Rules” in the Pennington County Drug Court Participant Handbook).

_____ **Ability to Plan** – I will maintain a daily planner throughout the course of my involvement in the Drug Court program.

_____ **Financial Documentation** – I will submit copies of all of my financial records to my Court Services Officers and/or the Drug Court team. All pay stubs, student loan disbursements, disability income, or other financial documents are required. I understand that tax forms, child support obligations, and other payment verification may also be requested.

_____ **Financial Planning** – I understand that I will be held accountable financially. I will make consistent payments toward treatment costs, restitution, and other court-ordered financial obligations. I will not spend more than \$300 on any single-item purchase without prior approval from my Court Services Officers.

_____ **Self-Help Support Groups** – I attend a minimum of 2 approved self-help support groups per week. I will provide verification of such attendance to the Drug Court team.

_____ **Community Involvement** – I will become engaged within my community. I understand that the Drug Court team will continually assess my community involvement, particularly in the latter phases of the Drug Court program.

_____ **Lawful Behavior** – I will remain law abiding in all respects and I will obey all state, federal, and local ordinances. I will report any contacts with law enforcement, where or not I receive a ticket or am arrested. I will also report any contacts with law

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DRUG/ALCOHOL TESTING CONTRACT

_____ I understand that I will be tested for the presence of alcohol and other drugs in my system on a random basis according to procedures established by the Drug Court team and/or my treatment provider. I understand that if I deny use of substances but test positive I can have the sample tested at a State-approved lab, at my own expense.

_____ I understand that I will be given a location and time to report for my test and that I must have a working phone on which I can be contacted at any time.

_____ I understand that it is my responsibility to report to the assigned location at the time given for my test.

_____ I understand that if I am late for my test, or if I miss my test, it may be considered as a positive test for alcohol or other drugs and I may be sanctioned.

_____ I understand that if I fail to produce a sample or if the sample provided is not of sufficient quality, it may be considered as a positive test for alcohol or other drugs and I may be sanctioned.

_____ I have been informed that the ingestion of excessive amounts of fluids can result in a diluted urine sample, and I understand that my urine sample will be tested to ensure the sample is not diluted.

_____ I understand that if I produce a diluted urine sample, it may be considered as a positive test for alcohol or other drugs and I may be sanctioned.

_____ I have been informed that the use of poppy seeds, herbal supplements, and cleansing/masking products can interfere with or mask urine testing.

_____ I understand that if I produce a masked urine sample, it may be considered as a positive test for alcohol or other drugs and I may be sanctioned.

_____ I understand that I cannot use any over-the-counter medication without the prior approval of my Court Services Officer.

_____ I understand that the use of any over-the-counter medication, without approval of my Court Services Officer, may be considered as a positive test for alcohol or other drugs and I may be sanctioned.

_____ I understand that if I go to a physician it is my responsibility to inform them that I am in Drug Court. I need to provide my Court Services Officer with a note from the physician indicating that they are aware of my participation in Drug Court.

_____ I understand that failure to inform the physician of my Drug Court status, and failing to provide my Court Services Officer with the physician's note acknowledging my status in Drug Court, may result in a sanction.

_____ I understand that substitution or altering my specimen, or trying to in any way modify my body fluids or other specimens for the purpose of changing the drug testing results, will be considered as a positive test for alcohol or other drugs. Any modification, dilution, or substitution will result in a sanction, and may be grounds for immediate termination from Drug Court.

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MEDICATION POLICY

Reminders:

- You must obtain pre-approval from your Court Services Officers before taking **any** prescription medications, over-the-counter medications, or herbal remedies.
- **Positive drug screens will be considered sanctionable with potential termination from the Drug Court program as an end result.**

The following are safe and reliable over-the-counter medications, if taken as indicated on the label:

| Pain Relief / Analgesics | Laxatives | Allergy | Cough/Cold |
|---------------------------|-----------|------------------------------|-----------------|
| Acetaminophen (Tylenol) | Metamucil | Allegra | Mucinex |
| Aleve | Miralax | Clarinet | Tessalon Perles |
| Aspirin | Colace | Claratin, Alavert | Flonase |
| Excedrin | Dialose | Zyrtec | Nasacort |
| Ibuprofen (Advil, Motrin) | Ducusate | <i>*all non-decongestant</i> | Nasonex |
| Midol and Midol IB | | | Saline Sprays |
| Naprosyn (Naproxen) | | | |
| Pamprin | | | |

The following are categories of drugs considered safe and reliable:

| | | |
|---------------------|-------------------------|----------------------|
| Antacids | Ashtma Medications | Sore Throat Products |
| Gas Relief | Dermatological Products | Sunscreens |
| Antibiotics | Eye Products | Topical Creams |
| Antidepressants | Ear Products | Vaginal Products |
| Antifungal Products | Fever Blister Products | Urinary Products |
| Hemorrhoid Products | Toothache Products | |

DO NOT TAKE:

- Sleep aids/hypnotics such as Ambien or Lunesta
- Narcotic pain relievers
- Barbiturates
- Benzodiazepines or other anxiolytics such as Ativan, Valium (Diazepam), Clonazepam, or Lorazepam
- Over-the-counter caffeine preparations or diet pills
- Medications containing Codeine and/or alcohol (liquid cough or cold medications, mouthwash, etc.)
- Tranquilizers

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CONSENT FOR DISCLOSURE OF SOUTH DAKOTA PRESCRIPTION DRUG MONITORING PROGRAM INFORMATION

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

Therefore, I, _____, give consent to the Pennington County (Seventh Circuit) Drug Court Court Services Officers and team to obtain my Prescription Drug Monitoring Program data from the South Dakota Pharmacy Board for the purpose of assisting the Drug Court with my case, specifically for supervision and treatment. All information obtained through the PDMP program will be kept confidential between the Drug Court team. I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Drug Court for the case named above such as the discontinuation of all court-ordered supervision or probation upon my successful completion of the Drug Court requirements, or upon sentencing for violating the terms of my Drug Court involvement.

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PUBLICITY CONSENT

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

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

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

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PHASE 1 CHECKLIST

- Minimum of 60 days
- Weekly court attendance
- Minimum** of 30 days house arrest, commencing at sentencing
- Abide by a 9:00 P.M. curfew restriction, after house arrest
- Timely submission to all frequent and random drug/alcohol testing
- Attend all supervision meetings as instructed and fulfill all supervision requirements
- Attend all treatment sessions as instructed and complete directed work within a treatment plan
- Attend a minimum of 2 recovery support group meetings per week
- Identify positive supports to help during the course of the Drug Court program
- Disengage from high-risk people, places, and situations
- Develop actions necessary to maintain abstinence from drugs and alcohol
- Obtain and maintain a daily planner
- Seek a stable living environment
- Seek full-time employment, attend school, or complete community service
- Complete a financial review and begin following a budget
- Follow all other Drug Court directives
- 14 continuous days of clean time
- Satisfactory completion of an Application for Phase Movement to Phase 2
- Drug Court team approval



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PHASE 2 CHECKLIST

- Minimum of 90 days
- Weekly court attendance
- Abide by a 10:00 P.M. curfew restriction
- Timely submission to all frequent and random drug/alcohol testing
- Attend all supervision meetings as instructed and fulfill all supervision requirements
- Attend all treatment sessions as instructed, complete directed work within a treatment plan, and continually progress toward treatment goals
- Attend a minimum of 2 recovery support group meetings per week
- Utilize positive supports to help during the course of the Drug Court program
- Disengage from high-risk people, places, and situations
- Continue to develop actions necessary to maintain abstinence from drugs and alcohol
- Maintain a daily planner
- Maintain a stable living environment
- Maintain full-time employment, attend school, or complete community service
- Follow a budget
- Follow all other Drug Court directives
- 30 continuous days of clean time
- Satisfactory completion of an Application for Phase Movement to Phase 3
- Drug Court team approval



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PHASE 3 CHECKLIST

- Minimum of 90 days
- Bi-weekly court attendance
- Abide by a 11:00 P.M. curfew restriction
- Timely submission to all frequent and random drug/alcohol testing
- Attend all supervision meetings as instructed and fulfill all supervision requirements
- Attend all treatment sessions as instructed, complete directed work within a treatment plan, and continually progress toward treatment goals
- Attend a minimum of 2 recovery support group meetings per week
- Obtain and maintain a sponsor/accountability mentor
- Begin working a recovery support program
- Establish a sober support network and become involved in pro-social activities
- Utilize positive supports to help during the course of the Drug Court program
- Disengage from high-risk people, places, and situations
- Follow actions necessary to maintain abstinence from drugs and alcohol
- Maintain a daily planner
- Maintain a stable living environment
- Maintain full-time employment, attend school, or complete community service
- Follow a budget
- Follow all other Drug Court directives
- 30 continuous days of clean time
- Satisfactory completion of an Application for Phase Movement to Phase 4
- Drug Court team approval



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PHASE 4 CHECKLIST

- Minimum of 90 days
- Monthly court attendance
- Abide by a 12:00 A.M. curfew restriction
- Timely submission to all frequent and random drug/alcohol testing
- Attend all supervision meetings as instructed and fulfill all supervision requirements
- Attend all treatment sessions as instructed, complete directed work within a treatment plan, and continually progress toward treatment goals
- Attend a minimum of 2 recovery support group meetings per week
- Maintain a sponsor/accountability mentor
- Continue working a recovery support program
- Continue developing a sober network and participating in pro-social activities
- Utilize positive supports to help during the course of the Drug Court program
- Disengage from high-risk people, places, and situations
- Follow actions necessary to maintain abstinence from drugs and alcohol
- Maintain a daily planner
- Maintain a stable living environment
- Maintain full-time employment, attend school, or complete community service
- Follow a budget
- Begin a 40-hour community service project
- Follow all other Drug Court directives
- 60 continuous days of clean time
- Satisfactory completion of an Application for Phase Movement to Phase 5
- Drug Court team approval



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PHASE 5 CHECKLIST

- Minimum of 90 days
- Monthly court attendance
- Abide by a curfew restriction, as determined by the Drug Court team
- Timely submission to all frequent and random drug/alcohol testing
- Attend all supervision meetings as instructed and fulfill all supervision requirements
- Attend all treatment sessions as instructed, complete directed work within a treatment plan, continually progress toward treatment goals, and develop a continuing care plan
- Attend a minimum of 2 recovery support group meetings per week
- Maintain a sponsor/accountability mentor
- Complete satisfactory progress working a recovery support program
- Continue developing a sober network and participating in pro-social activities
- Utilize positive supports to help during the course of the Drug Court program
- Disengage from high-risk people, places, and situations
- Follow actions necessary to maintain abstinence from drugs and alcohol
- Maintain a daily planner
- Maintain a stable living environment
- Maintain full-time employment, attend school, or complete community service
- Follow a budget
- Complete a 40-hour community service project
- Follow all other Drug Court directives
- 90 continuous days of clean time
- Satisfactory completion of a Graduation Life Plan
- Drug Court team approval



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GRADUATION CHECKLIST

- Successful completion of Phase 5
- Satisfactory completion of a Graduation Life Plan detailing the progress of your participation in the Drug Court
- Satisfactory progress to pay all court fees on all current file(s)
- Satisfactory progress to pay all treatment costs
- Current on 24/7 Program payments
- 90 days continuous sobriety
- Meeting continuum of care requirements
- Acceptable full-time employment or school attendance
- Disability or other hindrances to full-time employment will be addressed and considered by the Drug Court Team as needed
- Acceptable housing
- In the Drug Court Program for at least one year
- Participate in the Drug Court graduation ceremony



Pennington County Drug Court

Pennington County Courthouse · 315 St Joseph Street
PO Box 230 · Rapid City, SD 57709
Phone: 605.394.2595 · Fax: 605.394.3373

PARTICIPANT HANDBOOK RECEIPT AND ACKNOWLEDGEMENT

I, _____, acknowledge receipt of the Pennington County Drug 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 Name: _____

Address: _____

Phone: _____

DRUG COURT PARTICIPANT

DATE

WITNESS

DATE

| | | |
|------------------------|-------|-------------------------------|
| STATE OF SOUTH DAKOTA |) | IN CIRCUIT COURT |
| |) SS. | |
| COUNTY OF PENNINGTON |) | SEVENTH JUDICIAL CIRCUIT |
| |) | |
| STATE OF SOUTH DAKOTA, |) | PENNINGTON COUNTY |
| Plaintiff, |) | DRUG COURT |
| vs. |) | SUPERVISION CONDITIONS |
| , |) | |
| Defendant. |) | Case No. 51CRI16- |

In accordance with the Judgment of Conviction and Order Suspending _____ of sentence dated the day of _____, 2016, you have been placed on Drug Court Intensive Probation with the Court Services by the Honorable _____, Circuit Court Judge, in and for Pennington County, South Dakota. You will comply with all of the following terms and conditions in this order as well as any other conditions stated in the Order Suspending Sentence.

STANDARD CONDITIONS OF INTENSIVE PROBATION

1. You shall have transportation or make arrangements for transportation in order to fulfill the terms of your probation.
2. You shall have a phone or access to a phone at your place of residence and place of employment. You shall report to the drug court office daily unless otherwise directed by your Court Services Officer.
3. You shall remain in your residence from 9:00 PM to 6:00 AM unless otherwise directed by your Court Services Officer. In the event of an emergency, you shall immediately notify your Court Services Officer.
4. You shall not frequent any areas nor associate with persons as designated by your Court Services Officer. Your associate list shall be pre-approved by your Court Services Officer.
5. You shall attend an authorized AA/NA meeting at a minimum of three times per week and provide verification to the Court. Upon establishing and verifying a sponsor, attendance is reduced to a minimum of two times per week. You shall submit your AA/NA cards to the Court at every required Drug Court hearing.
6. You will not ingest or huff any chemical or medication to obtain a high/intoxication.
7. You will submit to periodic tests of your blood, breath, and urine, as directed by the Court Services Officer and pay the cost of those tests.
8. You shall not possess, consume, misuse or be present where any controlled substances are used (including drug paraphernalia) without a current prescription from a physician from whom you are receiving medical treatment. Verification of any prescribed medication must be provided to your Court Services Officer upon request.

9. You will submit your person, property, place of residence and vehicle to search and seizure upon the demand of the Court Services Officer at any time of the day or night with or without a search warrant.
10. You shall attend Drug Court every Wednesday at 3:00 p.m., unless otherwise directed by your Court Services Officer. You shall be on time and prepared to discuss your week (including but not limited to: treatment, your family, employment, AA/NA, challenges, aspirations, etc.)
11. You shall provide the Drug Court with weekly receipts, verifying payments to treatment and to the Clerk of Courts. Receipts must be at least \$25.00 per week.
12. You shall attend all treatment sessions and comply with any and all recommendations, to include any aftercare recommendations.
13. You shall obey all federal, state, and tribal laws and municipal ordinances. You shall personally contact your Court Services Officer within 24-hours, excluding weekends or legal holidays, if you are questioned, arrested, or cited by law enforcement authorities. You shall not drive a motor vehicle unless lawfully licensed and insured.
14. It is necessary for you to maintain employment or be engaged in a specific program approved by your Court Services Officer. In the event you lose your job or are terminated from a program, you shall notify your Court Services Officer immediately. You shall support your dependents to the best of your ability.
15. You will participate in work or community service for a minimum of 32 hours per week, unless otherwise approved by the Drug Court team.
16. You hereby acknowledge that you have received, reviewed, and fully understand the Northern Hills Drug Court Rules and Regulations and understand that you will be held accountable for the information contained in this document.
17. You shall abide by all reasonable requests of your Court Services Officer and the Northern Hills Drug Court Team.
18. You will not have any weapons, guns, knives, explosive or other destructive device, nor any other dangerous weapon, including mace in your home, in your car or on your person.
19. You will follow all the conditions in the Waivers and Agreements, which you agreed to before you were sentenced to participate in Drug Court.
20. Upon graduation from the Northern Hills Drug Court Program, you shall submit to three (3) UA's per week at the Court Services Department.
21. Other Conditions
 -

I have received, understand, and agree to the foregoing Drug Court conditions of probation, and I understand that the conditions can be amended during the period of the Drug Court program, I understand if I violate my conditions of the Drug Court Program, the Drug Court Judge may impose a sanction which could include

termination from the Drug Court program, and revocation of probation, returning your matter to the original sentencing judge.

ORDERED that pursuant to SDCL 23A-27-47, the Court Services Department may release information to any mental health program or counselor, chemical dependency program or counselor, or to any agency to who client has been referred, to include the Northern Hills Fourth and Seventh Judicial Circuit Drug Court Team members, Compass Point (formally Northern Hills Alcohol and Drug), Behavior Management Systems, Rebound, the Cornerstone Rescue Mission, Job Service, as necessary to ensure compliance with probation and court-ordered conditions.

Dated this _____ day of _____, 2016.

BY THE COURT:

ATTEST:

CIRCUIT COURT JUDGE

Ranae Truman
CLERK OF COURTS

BY: _____
DEPUTY

I have read these conditions carefully, have had them fully explained, and have received a copy of them. I have had the opportunity to ask questions about these conditions. I understand them fully and agree to abide by them. I also understand if I violate these conditions I have violated my probation and may be brought before the Court for revocation and imposition of sentence.

Defendant

Date

Court Services Officer

Date



Pennington County Drug Court

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MEMORANDUM OF UNDERSTANDING

The Pennington County Drug Court, including:

Drug Court Judge: Honorable Matt Brown (Unified Judicial System, Seventh Judicial Circuit);

Drug Court Coordinator: Ashlee Cook (Unified Judicial System, Seventh Judicial Circuit);

Prosecuting Attorney: Koln Fink (Pennington County State's Attorney's Office);

Prosecuting Attorney: Laura Shattuck (Attorney General's Office);

Defense Attorney: Randal Connelly (Attorney At Law);

Addiction Treatment Representative: Danielle Colichieski (ROADS Outpatient Treatment);

Mental Health Treatment Representative: Holly Edwards (Scovel Psychological);

Court Services Officer: Nicole Drew (Unified Judicial System, Seventh Judicial Circuit);

Court Services Officer: Rob Hall (Unified Judicial System, Seventh Judicial Circuit);

Law Enforcement Representative: Mark Hughes (Pennington County Sheriff's Office);

Law Enforcement Representative: Scott Sitts (Rapid City Police Department);

Hereby agree in principle concerning the anticipated roles, responsibilities, and expectations of the positions listed above.

In an effort to support a comprehensive program of services to meet the needs of qualified participants we, the team members, commit to the following:

DRUG COURT JUDGE:

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Preside over courtroom proceedings
- Maintain a non-adversarial role during Drug Court proceedings
- Explain legal rights, options, and Drug Court program requirements to participants

- Ensure participant compliance with Drug Court program rules
- Review supervision and treatment progress and address it directly with participants in Court
- Acts as the ultimate arbiter of factual controversies
- Impose appropriate incentives and sanctions
- Consider the recommendation of the Drug Court team
- Supervise Drug Court administration
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between Unified Judicial System and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

DRUG COURT COORDINATOR:

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings
- Oversee the activity of the Team
- Act as contact point for the Drug Court
- Coordinate Drug Court schedules and team meetings
- Process billing and provide office administrative functions
- Compile data for evaluation project
- Maintain participant records
- Maintain a log of incentives and sanctions
- Manage applications and distribute Team information
- Maintain and update program and participant manuals
- Identify community partners, including employers and housing options
- Serve as liaison between the community and the Drug Court team
- Work in conjunction with State Drug Court Liaison to stay current on Drug Court research
- Serve as liaison between Unified Judicial System and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

PROSECUTING ATTORNEYS:

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings

- Review potential participants for eligibility
- Make referrals to Drug Court
- Negotiate and complete plea agreements on behalf of the State
- Ensure compliance with all laws
- Ensure public safety
- Recommend appropriate sanctions and incentives
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between the prosecutor's office and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

DEFENSE ATTORNEY:

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings
- Meet with participants prior to sentencing to review legal waiver, explain waiver and rights, and obtain participant signature on the waiver
- Advocate for fair process
- Recommend appropriate sanctions and incentives
- Educate colleagues on Drug Court effectiveness and procedures
- Serve as liaison between the community and the Drug Court team
- Serve as a liaison between the Defense Bar and the Drug Court team
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

ADDICTION TREATMENT REPRESENTATIVE:

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings
- Ensure necessary signing of information releases to facilitate open communication with Drug Court team
- Establish rapport with participants
- Conduct assessment on new referrals
- Provide group and individual sessions for participants
- Use evidence-based methodology
- Test participants for drugs and alcohol

- Update the Drug Court team on participant progress in a timely manner
- Coordinate and advocate for pro-social activities
- Make appropriate referrals to support agencies
- Recommend appropriate sanctions and incentives
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between addiction treatment providers and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

MENTAL HEALTH TREATMENT REPRESENTATIVE:

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings
- Ensure necessary signing of information releases to facilitate open communication with Drug Court team
- Establish rapport with participants
- Conduct Mental Health Initial Evaluations on new referrals
- Provide group and individual therapy for participants
- Use evidence-based methodology
- Update the Drug Court team on participant progress in a timely manner
- Coordinate and advocate for pro-social activities
- Make appropriate referrals to support agencies
- Recommend appropriate sanctions and incentives
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between mental health treatment providers and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

COURT SERVICES OFFICERS:

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings
- Provide case management and community supervision of participants
- Complete home/school/employment field visits of participants
- Monitor and encourage participant compliance with Drug Court program

- Provide ongoing support for participants
- Ensure participant accountability
- Make appropriate referrals to support agencies
- Test participants for drugs and alcohol
- Update the Drug Court team on participant progress in a timely manner
- Recommend appropriate sanctions and incentives
- Ensure public safety
- Coordinate with law enforcement agencies
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between Unified Judicial System and the Drug Court team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

LAW ENFORCEMENT REPRESENTATIVES:

- Attend and actively participate in weekly Drug Court meetings and Court sessions
- Work effectively with the Drug Court team
- Maintain confidentiality
- Maintain a non-adversarial role during Drug Court proceedings
- Assist Court Services Officers with home/school/employment field visits and checks of participants
- Test participants for drugs and alcohol
- Report any and all violations
- Ensure public safety
- Recommend appropriate sanctions and incentives
- Obtain criminal history and law enforcement contacts of participants
- Serve as liaison between the community and the Drug Court team
- Serve as liaison between law enforcement agencies and the Drug Court Team
- Educate colleagues on Drug Court effectiveness and procedures
- Participate in ongoing Drug Court training and education
- Be a positive role model for participants and community

In addition, each team member will be responsible for **dissemination of information** to their respective agency with regard to confidentiality laws that apply specifically to Drug Court participants. The following information will be shared within the Team to monitor the progress of participants:

- Assessment results pertaining to a participant's eligibility for Drug Court and treatment and supervision needs;
- Attendance at scheduled appointments;
- Drug and alcohol test results, including efforts to defraud or invalidate drug or alcohol tests;
- Attainment of treatment plan goals, such as completion of a required counseling regimen;

- Evidence of symptom resolution, such as reductions in drug cravings or withdrawal symptoms;
- Evidence of treatment-related attitudinal improvements, such as increased insight or motivation for change;
- Attainment of Drug Court phase requirements, such as obtaining and maintaining employment or enrolling in an educational program;
- Compliance with electronic monitoring, home curfews, travel limitations, and geographic or association restrictions;
- Adherence to legally prescribed and authorized medically assisted treatments;
- Procurement of unauthorized prescriptions for addictive or intoxicating medications;
- Commission of or arrests for new offenses; and
- Menacing, threatening, or disruptive behavior with staff members, fellow participants or other persons.

In creating this partnership and uniting in a single goal of addressing an underlying problem affecting our community, we are pledged to enhance communication between the Courts, law enforcement, and treatment programs. Through this linkage of services, we expect wider participation and greater effectiveness in addressing drug offenders involved in the criminal justice system.

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| Drug Court Judge | Signature | Date |
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| Drug Court Coordinator | Signature | Date |
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| Prosecuting Attorney | Signature | Date |
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| Prosecuting Attorney | Signature | Date |
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| Defense Attorney | Signature | Date |
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| Addiction Treatment Representative | Signature | Date |
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| Mental Health Treatment Representative | Signature | Date |
|--|-----------|------|

Court Services Officer

Signature

Date

Court Services Officer

Signature

Date

Law Enforcement Representative

Signature

Date

Law Enforcement Representative

Signature

Date



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CONFIDENTIALITY AGREEMENT FOR VISITORS

This Agreement is made by and between the Pennington County Drug Court and

_____, an observer of the Pennington County Drug
(Name)

Court team meeting on _____.
(Date)

I understand that while I observe the Drug Court team meeting, I may have access to private and confidential data of the participants of the Drug Court program who have agreed to allow me to observe their cases being discussed; and

I understand that the private and confidential data of the adult participants may only be used and disclosed as authorized by law; and

I understand that I must comply with federal and state privacy laws which restrict access to private and confidential information collected, created, received, maintained or disseminated by the Drug Court program.

NOW THEREFORE, I hereby acknowledge and agree that I will comply with the Drug Court policy, including the attached Guidelines, and relevant federal and state privacy laws, rules and regulations in my treatment of the private and confidential data of the adult participants and any other private and confidential data I may learn while I am observing the Pennington County Drug Court team meeting.

I further acknowledge and agree that a willful violation of or a failure to comply with relevant federal and state privacy laws, rules and regulations regarding the use and disclosure of the private and confidential information I learn while observing the Pennington County Drug Court team meetings could result in civil liability and suspension or termination from observing the Drug Court team meetings.

I have read and understand this Confidentiality Agreement and agree to comply with all of its terms.

Dated this _____ day of _____, 20_____

OBSERVER

DATE

WITNESS

DATE



Pennington County Drug Court

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GUIDELINES FOR VISITORS

1. Visitors shall only discuss details about a client's case during Pennington County Drug Court team meetings. Visitors should not discuss or disclose to others, including friends or family, any information that is learned during any of their observations of the Pennington County Drug Court team.
2. Visitors shall not discuss private and confidential data about offenders where others can overhear the conversation, such as in hallways, on elevators, in restaurants, at social events, etc.
3. Visitors shall not reveal or identify information about the participants, including their names, addresses, and social security numbers. Photographs are not allowed unless pre-approved.
4. Visitors shall not discuss the details of a case outside the team meeting or the courtroom or in public areas, even if the offender's name is not used. For example, it is possible that by describing a detail or a fact, the listener may be able to identify the individual being discussed.
5. Visitors shall not provide or disclose data learned from participant's records to other agencies, or individuals, without the permission of the Drug Court Coordinator and the participant. Visitors should be aware that federal and state law requires a release of information to be signed by the subject of the data before private and confidential data may be disclosed to others or as specifically authorized by law.
6. Visitors shall continue to maintain the privacy and confidentiality of a participant's data even in the event that a case has been made public through the media.