

Northern Hills Drug Court & 4th Circuit DUI Court Participant Handbook

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**SHOW UP.
BE HONEST.
TRY.**

Mission Statement

The mission of the Northern Hills Drug Court & the 4th Circuit DUI Court is to break the cycle of addiction, foster healthy families and lifestyles, promote long-term recovery, reduce drug and alcohol related crimes, enhance public safety and efficiently use public funds.

Introduction to Treatment Courts

Drug Court and DUI Court programs are alternatives to going to prison in South Dakota. Each program gives a person with a moderate to severe substance use diagnosis the chance to enter long-term drug or alcohol treatment under the close supervision of trained professionals. The programs are designed to be a minimum of 14 months in duration, but the actual length of the program is usually longer and determined by the needs and progress of the individual participant.

The Drug Court and DUI Court programs work with each participant to reach many life-changing goals by the time he or she finishes the program. Some of these goals include:

- Freedom from all mind-altering substances;
- Successful completion of treatment programs;
- A safe and stable place to live;
- A healthy work environment or enrollment in school;
- A crime-free lifestyle;
- Ability to manage money and pay bills; and
- A stable social network made up of positive people, places and things to do.

Is the Drug Court or DUI Court program right for you? This handbook will tell you everything you need to know about each program. Each program is voluntary. If you qualify, then you may apply to Drug Court or DUI Court.

Are you eligible to apply to a Treatment Court Program?

You qualify for Drug Court or DUI Court if you:

1. Have been arrested and charged with a felony or you have a pending petition for felony probation revocation;
2. Are NOT on parole;
3. Score as high-risk and high-need when assessed for the program by the Problem-Solving Court CSO;
4. Have an updated drug and alcohol evaluation and a diagnosis of moderate to severe substance use disorder;
5. Live in an area within the 4th Judicial Circuit (you might be required to move) and your address is approved during this application process;
6. Are 18 years or older;
7. Are NOT required to register as a sex offender.

If you qualify, then you may apply to the program that is right for you.

How do you apply to a Treatment Court Program?

Drug Court or DUI Court program application steps:

1. The State's Attorney completes the Entrance Criteria Checklist by the date of your Circuit Court arraignment or sooner.
2. You must complete the application and provide it to the DUI/Drug Court Program Coordinator. Apply as soon as you've been arrested or violate probation; submit your application on or before the date of your circuit court arraignment.
3. You must schedule and complete a Level of Service Inventory - Revised (LSI-R) and an Impaired Driving Assessment (IDA) - for DUI Court, with a Court Services Officer (CSO).
4. You must schedule and complete a drug and alcohol evaluation and sign a release of information to the Drug/DUI Court.
5. The appropriate Treatment Team will discuss your application.
6. If the Treatment Court Judge approves your application, then Drug Court or DUI Court becomes a sentencing option for you in Circuit Court.

****Every reasonable effort will be made by the Drug Court or DUI Court Team to ensure that the time between arrest and entry into the program is less than 50 days. ****

Non-Discriminatory Practices: If an applicant meets the legal and clinical eligibility criteria for the treatment court program, then the applicant may not be denied admission based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status or any disability.

Status Hearings

Throughout the program, you will be required to attend status hearings in court before the Judge. Before the court session, a team of professionals will share information concerning your case to decide what will best support your continued sobriety. The Team includes a judge, lawyers, court service officers, treatment professionals, the program coordinator, and law enforcement. At each of your hearings, the Judge will ask you questions about your life and your progress in the program. Some of these questions may include; whether you have attended all treatment and counseling sessions; have passed your drug or alcohol tests; regularly attended work or school; and what changes you are making in your life. If you do well, the Judge could give you an incentive. If you violate any of the rules of the program, the Judge may sanction you.

You must attend all court hearings. There is a dress code. You must dress professionally by wearing clothes that are not too revealing or inappropriate for court. You will remain in court the entire session, while all the other people in the program talk to the Judge. When you are in court, you are encouraged to support fellow participants by clapping. The court sessions are open to the public and your family or people supporting you are welcome to attend court with you.

Confidentiality

You must sign a release that says the Drug Court or DUI Court Team may share information about how you are doing during the team meetings.

Participant's Rights

If you agree to enter either the Drug Court or DUI Court program, you agree to give up your right to a usual court proceeding, including questioning or disputing the legality of a search, seizure, or traffic stop; a preliminary hearing; and a trial. Your attorney can explain this in detail if you have any questions.

Complaints

At times, you may disagree with a plan or how a situation has been managed by the Treatment Court. We encourage you to speak directly with the team member(s) involved to discuss the situation. We believe that by discussing concerns directly, both parties have an opportunity to develop a stronger working relationship. Because of this, we will direct you to speak to the team member involved when you have a concern. We know that it isn't always easy to discuss issues that may involve strong emotions; If you feel uncomfortable speaking directly with the team member involved, then you can ask that a team member who is not involved in the issue attend the conversation.

If you remain dissatisfied following the discussion, you should follow the policies and procedures outlined by that team member's organization/employer to address the issue.

Defense Attorney

The Drug Court and DUI Court programs each have a defense attorney on the team. The program defense attorney serves as your attorney while you are in the Drug or DUI Court program. You always have the right to get your own attorney at any stage of the program. Even though the defense attorney is a member of the team, he/she is your attorney for all Drug or DUI Court issues. You have attorney-client privilege, which means you can share confidential information with your attorney that cannot be shared with the team unless you give permission.

The defense attorney's job is to help you understand your rights and the requirements of the Drug or DUI Court Program. The Drug or DUI Court Judge makes all final decisions, but your attorney will advocate for you to the Judge and the team. The defense attorneys will defend your legal rights, advocate for you to the court and team and share your view on things like incentives and sanctions, phase advancement, and graduation or termination. Your attorney will represent you in evidentiary hearings if you want to question the facts used to decide on

sanctions or terminations. Your attorney may also represent you if you are facing termination from Drug or DUI Court and if you are facing a Probation Violation after termination from Drug or DUI Court unless you request a different attorney.

The defense attorney will attend Drug and DUI Court sessions and can answer questions you may have before, during, or after court. You should contact your attorney before court, if possible, to talk about any issues that might come up.

Drug and Alcohol Testing

To help you stay drug and alcohol free, you will be randomly tested for drug and alcohol use in the presence of a trained professional. Sometimes this will happen every day, or even happen twice in the same day. Drug testing will be often and may be on evenings, weekends and holidays. You must show up when you are notified to test. Your name will be checked with the South Dakota Prescription Drug Monitoring Program to make sure you are not abusing prescription medications. While in the Program, you are not allowed to consume any mind-altering substance unless you have a current valid prescription from a licensed physician. A medical marijuana card is not automatically considered a valid prescription.

You may be required to participate in the 24/7 program (SCRAM, Remote Breath, PBTs), and you may be responsible for all associated costs. If you are ordered to pay a cost for testing, you must pay any amount owed in full before you will be approved to complete the program.

Phases of Treatment Court

Both programs have 5 phases. In every phase you are required to:

- Complete a written phase application and provide it to the Team for the Judge's approval to advance to the next phase.
- Show up, be honest, and try.
- Attend court sessions, counseling sessions and treatment groups, meetings with court services, drug and alcohol testing, and any other needed or required services.
- Keep a daily planner and bring it to all court sessions and appointments with a CSO and/or counselor.
- If on SCRAM or a remote breath device, the account must be paid (up-to-date).
- By the end of the Treatment Court Program, show how you've positively impacted the community.

The Judge receives input from the Team and decides when you move to the next phase. The amount of time you are in the program depends on when you reach the goals of each phase and your individual needs and goals set in your case plan and treatment plan.

Treatment Court is a program of recovery, honesty, and change.

Phase 1 – First Step: Beginning a New Life.

- Develop a case plan with your CSO.
- Agree on the treatment plan with your counselor or treatment staff, and attend counseling sessions, treatment and support groups, and other services as stated in your treatment and case plans.
- Attend weekly court, counseling, treatment and support groups, meetings with CSO, and other services according to your treatment and case plans.
- Follow the 8:00 P.M. curfew.
- Look for or maintain a safe and stable place to live.
- Complete a medical assessment.
- Keep and use a daily planner; bring it to all court sessions.
- **If required:** follow all rules of the 24/7 Sobriety Program.
- On average, this phase could take between 30 and 60 days to complete.

To advance to Phase 2:

- The goal in Phase 1 is to have 14 or more days in a row of sobriety, meaning you are free from all mind-altering substances.
- You have a case plan with your CSO and a treatment plan. You have attended your counseling sessions, treatment and support groups and other services as stated in your treatment and case plans.
- You have completed all necessary initial screenings and assessments.
- You are addressing all emergency issues and needs.
- You have completed the orientation of the treatment court program by reading the Participant Handbook, showing you understand the program's rules and roles of the team members, and attending treatment court sessions once a week for 4 consecutive weeks.

Phase 2 – Accepting: Learning to reach out and receive help & support.

- Update and continue to follow your treatment and case plans.
- Have 30 or more days in a row of sobriety.
- Continue to attend weekly court.
- Follow the 8:00 P.M. curfew.
- Begin to address any financial, medical, and dental needs.
- Have a safe and stable place to live.
- **If required:** follow all rules of the 24/7 Sobriety Program.
- On average this phase takes approximately 90 days to complete.

To advance to Phase 3:

- You have maintained 30 days in a row of sobriety, meaning you are free from all mind-altering substances.
- You have safe, secure, and stable housing.
- You have regularly attended all required services, including court sessions, treatment sessions, CSO meetings, and drug/alcohol testing.
- You have a working relationship with at least one team member.
- You are meeting the goals in your treatment and case plans.

Phase 3 – Choices: Good choices present new opportunities.

- Update and continue to follow your treatment and case plans.
- Have 60 or more days in a row of sobriety.
- Attend court every other week.
- Follow the 9:00 P.M. curfew.
- Continue to address any financial, medical, and dental needs.
- Show how you've changed social media, people, places, and the things you do.
- Have a job, do volunteer work, or attend school (at least 20 hours per week), or as approved by the Team.
- Draft a budget and start making regular monthly payments toward court fines, costs, fees, and court-appointed attorney fees.
- Find a positive social activity/get involved in the community.
- On average, this phase takes between 90 and 120 days to complete.

To advance to Phase 4:

- You have 60 days in a row or more of sobriety, meaning you are free from all mind-altering substances.
- You have changed the negative people, places and thinking by socializing with prosocial people and having prosocial activities (for example, you are involved in peer support, community recovery support meetings, healthy recreational activities, cultural or religious events, or prevocational assistance).
- You are actively participating in treatment sessions and have completed, or you are working toward completion of, a criminal thinking counseling curriculum and show you can use the skills learned in treatment.
- You are meeting the goals in your treatment and case plans.

Phase 4 – Growth: Nothing changes IF nothing changes.

- Update and continue to follow your treatment and case plans.
- Have 90 days or more in a row of sobriety.
- Attend court monthly.
- Follow the 10:00 P.M. curfew.
- Have a job, do volunteer work, or attend school (at least 30 hours per week), or as approved by the Team.
- Continue to be involved in a positive social activity or community organization.
- Make monthly payments toward court costs, fines, restitution, attorney fees and 24/7 program.
- Complete a life skills curriculum (this may include time management, GED preparation or completion, work skills, job search and interviewing skills, personal finance, family communication and conflict resolution skills, or resume preparation)
- Identify ways to positively impact the community and discuss with CSO for approval (to be completed prior to submitting your graduation application).
- Complete a Budget & Finance Class.
- On average, this phase takes between 90 and 180 days, depending on your needs.

To advance to Phase 5:

- You have maintained 90 days or more in a row of sobriety, meaning you are free from all mind-altering substances.
- Attend and actively participate in treatment.
- Engaged in an adaptive role (school, work, or household management).
- Be involved in a positive social activity/involved in the community.
- You are meeting the goals in your treatment and case plans, and you're actively addressing any needed life skills.

Phase 5 – Connecting: Adapting to your new world and the community.

- Update and continue to follow your treatment and case plans.
- Attend court monthly.
- Follow the 11:00 P.M. curfew.
- Regularly attend continuing-care services or have a well-articulated and workable symptom-recurrence prevention plan.
- Have a job, do volunteer work, or attend school (at least 30 hours per week), or as approved by the Team.
- Continue to be involved in a positive social activity or community organization.
- Demonstrate how you will positively impact the community and be prepared to report on it; discuss what you have been doing, or what you will do, with your CSO for approval.
- Complete a Victim Impact Panel, and a Life-Skills or Parenting Class.
- On average, this phase takes 90 days or longer to complete.

Completion of Treatment Court / Commencement

To successfully complete the program, you must have:

- Demonstrated the ability to sustain abstinence by achieving a minimum of 90 days in a row of abstinence, meaning you are free from all mind-altering substances.
- Zero missed and zero failed drug/alcohol tests for the 90 days before commencement.
- Regularly attended continuing-care services or have developed a well-articulated and workable symptom-recurrence prevention plan.
- Completed all recommended treatment for the treatment court program at least one week prior to the scheduled commencement ceremony.
- Paid all treatment court program loans in full at least one month prior to graduation.
- If on SCRAM or remote breath device, account must be paid up to date.
- Made regular monthly payments on court fines, fees, costs and court-appointed attorney fees.
- A job, be in school, or in an approved adaptive role.
- Safe and stable housing.
- A positive social activity and/or be involved in the recovery community.
- Submitted proof of attending a Budget and Finance class, Victim Impact Panel, and a life-skills or parenting class.
- Completed at least 90 days in Phase 5 by the time of the commencement ceremony date.
- Demonstrated how you've positively impacted the community and reported on it.

- An approved request by the Treatment Court Judge to apply for program completion.
- Turned in your commencement application and participated in a readiness interview, (if an interview is required) with the Drug Court or DUI Court Team; and
- Completed the Exit Survey and have an Exit Interview with the Coordinator.
- Received approval to complete the program by the Drug or DUI Court Judge.¹

The Drug and DUI Court Programs have commencement ceremonies for participants who successfully complete the program. This event represents an important milestone for participants as they continue the rest of their lives in long-term recovery. During the ceremony, each participant will give a speech and will be congratulated by the Team for successfully finishing the Program. Members of the public, loved ones, and friends are invited to attend.

If I'm in the DUI Court Program, when can I drive?

You are not allowed to drive until you get a restricted driving permit. To get a permit you must:

1. Have a minimum of 30 days in DUI Court program.
2. Have a minimum of 30 days of sobriety and pass all drug/alcohol testing.
3. Complete a court-approved addiction treatment program.
4. Complete a written request to the Team and attach the treatment completion certificate.
5. Have an SR-22 and proof of insurance.
6. Have DUI Team approval.
7. Have Circuit Judge approval; and
8. Participate in the 24/7 Sobriety Program as soon as you receive a permit to drive.

Incentives

You will earn incentives (rewards) when you show positive behavior or change. The following are examples of behaviors that may result in earning an incentive:

- Attending required Court appearances;
- Attending required treatment appointments;
- Maintaining daily and productive contact with your CSO;
- Reaching individual treatment objectives;
- Abstaining from alcohol and drugs, as evidenced by negative test results;
- Engaging in vocational or educational activities;
- Securing stable housing;
- Advancing to the next program phase; and
- Accomplishing any other goal or milestone identified by the team.

Types of Incentives

Incentives can include (but are not limited to):

¹ Approval to complete the program is at the sole discretion of the judge after receiving input from the team. The length of the program is determined by the needs of each person, and participants are expected to dedicate no less than 14 months to treatment and intensive probation.

- Promoting to the next phase
- Gift cards
- Decreased supervision
- Permission to leave court early
- Medals/Certificates for Phase Ups
- Financial assistance with the 24/7 Sobriety Program
- Money for needed living expenses
- Payment towards a needed class
- Financial assistance with vehicle repairs
- Applause in court
- Praise from the Treatment Court Judge and the Team
- Paid minutes for cell phone
- Payment for GED testing
- School supplies
- Financial assistance with medical/dental expenses

Service Adjustments

Service adjustments are treatment-oriented or other service-related responses for substance use in both the Drug Court and DUI Court programs. You must follow all treatment recommendations.

Types of Service Adjustments

Service adjustments can include (but are not limited to):

- Increased supervision
- Increased drug/alcohol testing
- Assessment of need for medication
- Increased court appearances
- Referral to a Peer Support group
- Modification of case or treatment plan
- Treatment adjustments
- Motivational interview exercises
- Learning assignments
- Journaling
- Daily detailed activity scheduling
- Assessment of need for any other services

Violations and Sanctions

You will be sanctioned if you violate any Drug or DUI Court rules, policies, or orders. You can expect that the more serious the violation, the more severe the sanction. Sanctions are given to hold you accountable for your actions, encourage you to meet your treatment goals and to support you on your journey towards recovery.

If you get behind on payments for SCRAM, remote breath, or 24/7 testing, you will lose your work permit until your account is paid in full.

Any violations of the Drug or DUI Court Program rules, policies, or court orders will result in the immediate imposition of sanctions by your CSO or the Court. You have the right to a hearing and the defense attorney will assist you.

The following are common infractions that may result in a sanction:

- Failure to show up, be honest or try.
- Failure to attend Court appearances and/or treatment appointments.
- Failure to follow treatment court rules and rules of probation.
- Failure to keep scheduled appointments with the CSO/Probation Officer, Coordinator, or any other team member.
- Non-compliance with other requirements of the treatment plan.
- Non-compliance with random alcohol and drug screens or testing positive for alcohol or drugs.
- Failure to improve concerning behaviors.
- Failure to meet employment or vocational goals.
- Failure to keep other appointments as scheduled.

Types of Sanctions

Sanctions can include (but are not limited to):

- Increased reporting to CSO or Treatment
- Additional drug testing
- Temporary jail
- Delay in phase promotion
- Apology letters
- Day reporting
- Court observation
- Written assignments
- Verbal warning
- Community service hours
- House arrest
- Increased court appearances
- Electronic monitoring
- Stricter curfew
- Loss of program sobriety time
- Loss of driving privileges
- Discharge from the program



Unsuccessful Discharge from the Treatment Court Program

To continue in the Drug Court or DUI Court program, you must **Show up, Be Honest, and Try**. If you chose not to do these things, or if you do not follow the rules of the program, you will be sanctioned. At any point, if you do not follow the rules, you can be unsuccessfully discharged. Any member of the Team can start the discharge process by asking for a termination/discharge hearing. The Judge decides after listening to everyone on the team if a

termination hearing should be held. If a termination hearing is held, the Judge then makes the final decision whether to unsuccessfully discharge or keep you in the program. If you are discharged, you will appear before your circuit court sentencing judge after the prosecutor files a request to revoke your suspended sentence. You will likely be held in custody until your first appearance in circuit court.

Reasons for termination/unsuccessful discharge can include (but are not limited to):

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

Process for Termination Hearing

1. A member of the Team makes a recommendation to terminate.
2. The Court Services Officer will provide you with written notice explaining why you are facing termination. You have the right to have a termination hearing and the defense attorney will assist you with the hearing.
3. You will address the Court and Team about termination at your termination hearing, which is normally scheduled for the next Drug/DUI court session.
4. The Team will discuss termination with the Judge, who then makes the final decision after hearing from you and members of the Team.
5. If you are unsuccessfully discharged, the Judge will advise you of your rights concerning potential probation revocation and will appoint an attorney to help you in circuit court if you request one.

Voluntary Removal

You can ask to be taken out of the Drug Court or DUI Court Program. If you remain outside of Court Services' supervision for more than 30 days while in the Drug or DUI Court Program, you may be considered as having voluntarily removed yourself from the program. You will face a probation violation and your case will be sent to circuit court for further court proceedings. You will likely be held in custody until your first appearance in circuit court.

Fees

Court Related Fees

You are required to stay current with your payments for court related fees while in the program. This includes past and present fees that you have from any court. You can set up a payment plan with the Clerk of Court in any county where you owe fines and/or court costs, and you can set up a payment plan with the County Auditor in any county you owe court-appointed attorney fees.

The court related fees can include (but are not limited to):

- Fines and court costs
- Child support
- Restitution
- Crime Victim Fund
- Court-appointed attorney fees

If you want to promote through each phase and complete the program, you must prove that you are making payments. The Judge will ask you about payments in court.

Program Related Fees

You might have to pay for testing, monitoring, and treatment while in the program. Failure to make timely payments could result in delayed completion of the program.

The program fees can include (but are not limited to):

- Lab costs associated with UAs
- 24/7 Sobriety Program (PBTs, SCRAM, Remote Breath)
- DUI Court Program; failure to make up-to-date payments will result in loss of work permit
- Interlock
- Treatment
- Drug patches
- Reimbursement of program loans

*My recovery must come first
So that everything I love in life,
Does not come last*

Meet the Drug Court Team

Judge Foral

Teresa Thybo - Program Coordinator

Ken Chleborad - Prosecutor

Karen Paige-Hunt - Defense Attorney

Geody VanDewater - Chief of Police

Stacy Hunt and Alicia Cline - CSO

Lea Essink - Addiction Treatment Provider (Compass Point)

Colleen Casavan - Mental Health Treatment Provider (Behavior Management Systems)

Meet the DUI Court Team

Judge Foral

Teresa Thybo - Program Coordinator

Bruce Outka - Prosecutor

Kimberly Kinney - Defense Attorney

Marc Levisé, Stacy Hunt, Alicia Cline - CSO

Lea Essink - Addiction Treatment Provider (Compass Point)

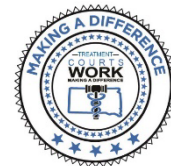
Colleen Casavan - Mental Health Treatment Provider (Behavior Management Systems)

James Olson, Jason March, Allan Guinard, Cassie Hale - Law Enforcement

Treatment Court Session Addresses:

Northern Hills Drug Court: Meade County Court House
1425 Sherman St (Courtroom #2)
Sturgis SD 57785

4th Circuit DUI Court: Lawrence County Court House
78 Sherman St (1st Floor Courtroom)
Deadwood SD 57732



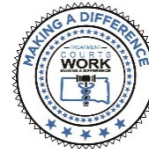
Participant Handbook Receipt and Acknowledgment

I have been given a copy of the *Participant Handbook*. I will read and follow the rules of the program.

Participant Name Printed: _____

Participant Signature: _____

Date: _____



Transportation Plan

Participant Name _____

Date _____

My driver license was suspended/revoked on _____ for the charge of

_____.

I am eligible to apply for my license on _____.

Program:	Start Date:	End Date:
<input type="checkbox"/> 24/7 Program:		
<input type="checkbox"/> SCRAM:		
<input type="checkbox"/> Intoxalock:		
<input type="checkbox"/> Other:		

While in Treatment Court, and before I am eligible to have a work permit, I will meet my program obligations by making an alternative transportation plan:

I will be eligible for a work permit once meeting the following program requirements:

1. _____
2. _____
3. _____

Date work permit was issued: _____

Driving status at program inception: ☐ Suspended ☐ Revoked ☐ Other

Driving status at program completion: ☐ License Back ☐ Still No License

Participant Signature _____

Date _____

Reviewer Signature _____

Date _____