

2019

Brown County DUI Court Participant Handbook



Brown County DUI Court
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Table of Contents

Mission Statement.....	1
Program Goals.....	Error!
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Introduction.....	2
What is DUI Court.....	2
Program Outline.....	2
Eligibility Standards	3
Referral Process.....	3
DUI Court Proceedings.....	4
Confidentiality	4
Participant's Rights	4
Drug/Alcohol Testing	4
Phases of DUI Court	5
Phase 1.....	5
Phase 2.....	6
Phase 3.....	6
Phase 4.....	7
Maintenance Phase.....	7
Graduation	7
Graduation Requirements	7
Driver Permit Eligibility	8
Approval Process.....	8
Incentives	8
Violations and Sanctions.....	9
Termination.....	9
Process for Termination.	10
Voluntary Removal.....	10
Fees.....	10
Court Related Fees.	10
Program Related Fees.	10
Application to DUI Court Program.....	A-1

Mission Statement

The mission of Brown County DUI Court is to provide community-based rehabilitation through the use of intensive supervision, greater treatment opportunities and with community support to stop the cycle of addiction and repeat offenses, thereby creating safer communities while reducing the cost of corrections.

Program Goals

The objectives are to have the participants graduate this Program with the following characteristics:

- Be Crime-free;
- Be clean and sober and working towards recovery;
- Stabilization of mental health and active participation in mental health recovery
- Be employed;
- Handle their own financial responsibilities;
- Stable housing;
- Reduced incarceration in jail or prison for non-violent offenders;
- Repayment plan for fines and restitution developed

Introduction

What is DUI Court

In DUI Court, I will go to treatment and to counseling. In DUI court, I can change my life and make it better. If I agree to DUI Court I will get sentenced to the program. This means I will come to court each week, go to treatment, and do random drug testing. I will also go to support group meetings. DUI Court lasts 17 to 24 months.

1. Drugs or alcohol use has made your life unmanageable
2. Willing to live where the drug court team can supervise you

The information contained in this handbook is intended as a guideline for DUI Court. Such information is subject to change and may be modified by the DUI Court Team at any time.

Eligibility Standards

I can attend DUI Court if I meet the following

1. At least 18 years old
2. Facing felony charges
3. Agree to be in program
4. Not a drug dealer
5. Not a sex offender
6. Not violent
7. Drug or alcohol use has made your life hard
8. Willing to live where the drug court team can supervise you
9. Not exclude candidates from participation solely because of the existence of a co-occurring disorder or other medical condition;
10. Residency must be within 10 miles of Brown County Courthouse.

Referral Process

If I am interested in attending DUI Court I will need to speak with my Court Services Officer or my attorney. They can help me fill out the application.

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

Weekly Court Hearings

The DUI Court Team will meet weekly prior to court. During the DUI Court hearing, the DUI Court Judge will discuss the case with the participants. Incentives and sanctions will be given as appropriate.

All court proceedings are on the record. DUI Court is open to the general public, including all family members and friends***please see below on policy regarding children attending court and programming. Individuals present in the courtroom, other than the participants, may watch but may not talk during the proceedings. Anyone who would like to provide information can do so but must do so in writing to the DUI Court Team.

Policy regarding children in Drug Court

There have been ongoing issues with participants bringing small children to Court. This is a distraction not only for the participant who brings the child but to other participants and team members. Therefore, the following policy will take effect immediately:

Groups: Participants cannot bring children to groups unless the treatment provider has asked for the child to be present.

AA / NA: Check with those who lead the AA/NA Group.

Court: Children who are 8 years old and are mature enough to sit and watch the proceedings without talking or playing.

Individual Appointments: Children are allowed if it is ok with the probation officer or treatment provider.

Failure to follow the rules will result in the participant being sent home or being counted absent. This means the participant will be subject to whatever sanction the Court feels is appropriate for missing the programming required.

Meetings

Team meetings are confidential treatment meetings. These meetings are not open to the public. The team meets weekly before court to discuss what has been happening.

Court Appearances

You will have appropriate behavior during court sessions and while in the courthouse. The Judge and Team members will be shown respect. You will stay for all court proceedings unless you have been

given approval before court to leave. We want you to show your support and encourage fellow participants with clapping. Your behavior and demeanor while in the courthouse is a reflection on the entire program. Maintaining appropriate behavior is a sign of the progress you and your fellow participants are making towards recovery. This also includes dressing in an appropriate manner, i.e. no torn or ripped jeans and no shirts with inappropriate graphics. Clothing must be clean. You will not have visible undergarments. Skirts and dresses will not be shorter than your fingertips when your arms are down at your side. No beach shoes/flip flops. Cell phones will be turned off and put away during court.

Confidentiality

Each participant will sign releases from the DUI Court Team. The releases are for health, treatment, mental health, criminal, employment and educational records. This is confidential information, it cannot and will not be shared with anyone outside of the DUI Court Team. There is one exception to this rule pertaining to SDCL 26-8A-3 and 4, which requires reporting of any prior or current child neglect/ abuse. **Disclosure of any confidential information other than information about you is grounds for immediate termination.**

DUI Court Files

All DUI Court files are **confidential** and not open to the public.

Participant's Rights

If I agree to participate in drug court, I agree to waive my right to usual court proceedings, such as questioning or disputing the legality of a search, seizure, or traffic stop; a preliminary hearing; and a trial by jury or court. My attorney can explain this in detail to me, if I have any questions.

Drug and Alcohol Testing

Successful DUI Courts have frequent and random drug testing. This is to determine compliance with the rules of the Program. The frequency of the tests is subject to change. The change is based on violations and the advice of the Drug Court Team. Participants will use the testing notification system, Test Notice, as told by their Court Service Officer.

All tests are watched. Any detectable level of alcohol or controlled substance will be deemed as a positive test. If you have a positive test you could be put in jail. Sometimes, treatment providers will have tests for therapeutic adjustments. These results will be shared with the Team. Drug testing also includes frequent monitoring on the South Dakota Prescription Drug Monitoring Program.

Alcohol monitoring is required when you first start the program. The Brown County Sheriff's Office 24/7 Program will provide full rules and regulations about the programs. These rules may be different from your Drug Court rules and procedures. If there is a conflict between the 24/7 Program and the Drug Court rules, you need to ask your CSO for clarification. **You will be required to maintain an alcohol and drug-free residence throughout all phases of the program.**

Over-The-Counter Drugs and other Drug Policy

You have made the choice to a life free of drugs and alcohol addiction. It is important for you to know the connection with over-the-counter medicine and relapse.

Over-the-counter drug use (OTC) can become a grave problem for people recovering from drug and/or alcohol abuse. Improper use of over-the-counter medications can lead to relapse, health problems, and even death. A wide variety of the over-the-counter medications can be misused. From attempts to treat an illness, to self-medicate and, of course, for recreational purposes.

All over-the-counter medications have a purpose. However, when used incorrectly these drugs can create a range of possible harmful effects, including relapse. All OTC that have alcohol are not allowed. Any OTC medicine that can be used for mind altering purposes are not allowed.

The following are the most commonly abused over-the-counter medications:

- ❖ **Cold and cough medicines** — especially over-the-counter cold and cough medicines that contain large amounts of alcohol or the chemical dextromethorphan (DXM or DM)
- ❖ **Pain relievers** — over-the-counter pain relievers that contain acetaminophen and ibuprofen can be toxic when taken too frequently or in larger-than-recommended doses
- ❖ **Diet pills** — various types of over-the-counter diet medications may be abused for their stimulating effects, as well as their ability to suppress appetite.
- ❖ **Homeopathic preparations, vitamins and other supplements** – you must receive approval for these products from the Drug Court Team.

You must be aware of ingredients in OTC drugs to make sure you are properly using the medication and to prevent a possible relapse. The first and best rule is to talk to the pharmacist. A pharmacist who understands the participant's addiction can help guide people to medicines that are safe and useful. If you have to sign anything at the pharmacy counter to get a product it is something you should not be taking.

All medications you are taking whether OTC or prescribed will be discussed with your CSO. You are responsible for the substances that you use and how they alter a urine analysis.

Always ask the pharmacist and your CSO before buying and using OTC medications!

Support Services

Recovery from addiction includes growing and becoming a useful partner in the community. Participants can use the numerous state and local agencies to get aid. This can include clothing, housing, and employment assistance. It could also include vocational training which prepares people to work in a craft or a trade. It could include educational assistance to help someone get their GED or continue their education. Mental Health Services and any other type of assistance needed

Phases of DUI Court

There are five (5) phases to the Program. Advancement is subject to the decision of the DUI Court Team based on individual progress. Participants must make a written request on the form provided by the Court Service Officer for phase advancement and read the request in open court.

Promotion eligibility and phase advancement are not based on a specific number of days in a phase. However, your "days" in a phase will begin on the day you are sentenced to DUI Court.

Phase 1 Acute Stabilization

- Minimum of 60 days
- Court Weekly
- Weekly planner
- Obtain medical assessment
- Obtain mental health assessment
- Engage with treatment (CD and MH) and follow recommendations
- Comply with supervision
- Weekly office visits
- Develop case plan
- Monthly home visits
- Daily alcohol testing
- Random Drug testing
- Develop transportation plan
- Maintain employment
- Stable housing
- Curfew 10pm
- Start changing people, places and things
- May not leave Brown County without prior approval of the Team
- Must make written application for advancement to the next phase and read your request in open court

Phase 2 Advancement Criteria

- ❖ Minimum of 60 days since opting in with contract
- ❖ Minimum of 21 days continuous sober time
- ❖ Engage in treatment
- ❖ Compliance with supervision

Phase 2 Clinical Stabilization

- Minimum of 90 days in this phase
- Attendance at court twice a month
- Weekly planner
- Engage with treatment (CD and MH) and follow recommendations
- Comply with supervision
- Weekly office visits
- Monthly home visits
- Review case plan
- Random drug testing
- Daily alcohol testing
- Begin peer recovery groups*
- Following transportation plan
- Address medical
- Maintain stable housing

- Maintain employment, community service or educational classes
- Develop financial plan
- Demonstrate changing, people, places and things
- May not leave Brown County without prior approval of the Team
- Must make written application for advancement to the next phase and read your request in open court

Phase 3 Advancement Criteria

- ❖ Minimum of 90 days in Phase 2
- ❖ Minimum of 30 days continuous sober time
- ❖ Engage in treatment
- ❖ Compliance with supervision

Phase 3 Pro-Social Habilitation

- Minimum of 90 days in this phase
- Attendance at court twice a month
- Weekly Planner
- Engage with treatment (CD and MH) and follow recommendations
- Comply with supervision
- Bi-monthly office visits
- Monthly home visits
- Review case plan
- Daily alcohol testing as recommended-Work permit requires daily testing
- Random drug testing
- Maintain peer recovery groups*
- Begin criminal thinking program
- Establish recovery network
- Address medical
- Following transportation plan
- Establish pro-social activity
- Maintain employment, community service or education
- Maintain stable housing
- Address financial plan
- Demonstrate changing, people, places and things
- May not leave Brown County without prior approval of the Team
- Must make written application for advancement to the next phase and read your request in open court

Phase 4 Advancement Criteria

- ❖ Minimum of 90 days in Phase 3
- ❖ Minimum of 60 days continuous sober time
- ❖ Engage in treatment
- ❖ Compliance with supervision
- ❖ Established pro-social activities
- ❖ Established recovery network
- ❖ Maintain employment*

Phase 4 Adaptive Habilitation

- Minimum of 90 days in this phase
- Court Monthly
- Weekly planner
- Engage with treatment (CD and MH) and follow recommendations
- Comply with supervision
- Bi-monthly home visits

- Random drug testing
- Review case plan
- Random alcohol testing -Work permit requires daily testing
- Continue criminal thinking program
- Maintain peer recovery groups*
- Maintain pro-social activity
- Maintain recovery network
- Address medical
- Address transportation license reinstatement
- Maintain housing
- Maintain employment, community service or educational classes
- Begin vocational training or school
- Address financial plan
- Demonstrate changing, people, places and things
- Address ancillary services (i.e. parenting, family support)
- Must make written application for advancement to the next phase and read your request in open court

Phase 5 Advancement Criteria

- ❖ Minimum of 90 days in Phase 4
- ❖ Minimum of 75 days sober time
- ❖ Engage in treatment
- ❖ Compliance with supervision
- ❖ Established pro-social activities
- ❖ Established recovery network
- ❖ Begin or Maintain employment*
- ❖ Address ancillary services (parenting, family support)
- ❖ Address transportation license reinstatement

Phase 5 Continuing Care

- Minimum of 120 days
- Court monthly
- Engage with treatment (CD and MH) as recommended
- Comply with supervision
- Development of continuing care plan
- Monthly office visits
- Monthly home visits
- Review case plan
- Random drug testing
- Random alcohol testing-Work permit requires daily testing
- Complete criminal thinking program
- Maintain peer recovery groups*
- Maintain pro-social activity
- Address medical
- Address transportation license reinstatement
- Maintain stable housing
- Maintain employment, community service or educational classes
- Address financial plan
- Demonstrate changing, people, places and things
- Address ancillary services (i.e. parenting, family support)
- Maintain vocation training or school
- Must make written application for graduation, read your request in open court and complete an exit interview.

*if applicable

Graduation

Graduation Requirements

- Complete Phase 5
- Minimum of 90 days continuous clean time
- Engaged in treatment
- Compliance with supervision
- Maintain pro-social activities and recovery network
- Maintain employment, vocational training or school
- Address ancillary services (i.e. [parenting, family support])
- Community service project completed
- Articulate continuing care plan

Upon successful completion of all five (5) phases, upon meeting graduations requirements, and upon recommendation of the DUI Court Team, the participant will graduate from DUI Court.

Graduation from DUI Court is recognized as a very important event. Loved ones and friends will be invited to join the participant at a special ceremony as the DUI Court Team congratulates the participant for successfully completing all phases of the DUI Court Program and achieving all the goals to establish an alcohol-free life.

Driving Permit Eligibility

If you have a valid driver's license at the time of sentencing, you may be eligible for a driving permit. State law allows driving permits for a person to operate a vehicle for the purposes of employment, 24/7 sobriety testing, attendance at school, or attendance at a counseling program. State law requires that you must successfully complete a treatment program to be eligible for a driving permit and participate in the 24/7 Program. You must be compliant with all programming, be in at least Phase 2 of the program, and have at least 60 days of continuous sobriety. You will write a special request to the DUI Court team requesting a driving permit. If a driving permit is granted, you must complete all necessary forms to obtain and maintain the driving permit. Violation of the driving permit will result in a sanction up to and including termination from the DUI Court Program and is also a crime requiring a mandatory sentence to the county jail.

Approval will be granted on an individual basis. This means that the entire DUI Court Team will review and approve granting a driving permit. **Any program violation means you may lose your driving permit at the discretion of the DUI Court Team.** A driving permit may be withdrawn by the DUI Court Judge or Court Services Officer upon any driving violation or violation of the DUI Court Program rules. A driving permit may also be withdrawn as a sanction.

Incentives

An incentive is reward by the Drug Court Team that I have reached a milestone or have completed a goal towards your life in recovery.

Types of Incentives

Incentives can include but are not limited to the following.

- Progression in the Program
- Fishbowl drawing (gift cards to local businesses, etc.)
- Decrease in fines
- Applause
- Acknowledgement from the bench

- Group incentives
- Paid minutes for cell phone
- Payment for GED testing
- School supplies
- Transit tickets
- Dental care
- Decreased supervision
- Decreased court attendance
- 24/7 bucks
- Ticket to theatrical productions
- Reduced drug testing
- Coin to mark milestones
- Opportunity to tell story to the court
- Commencement

Violations and Sanctions

I may receive a sanction if I do not follow the rules of the program. Not following the program rules is a violation. The Drug Court Judge and Team will decide sanctions based on any violations.

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

Types of Sanctions

Sanctions can include but are not limited to the following:

- Increased court appearances
- Increased reporting to Court Services
- Additional drug testing
- Temporary incarceration
- Phase demotion or delay in phase promotion
- Written assignments for court
- Verbal reprimand from the bench
- Community service
- Loss of driving privileges
- House arrest
- Imposition of electronic monitoring
- Daily written schedule
- Stricter curfew
- In-court apology
- Honesty journal
- Termination

Termination

When I fail to show up, try, and be honest and not follow the rules of the program, I can be terminated or fail drug court. The decision to terminate may be made for any of the following reasons:

- Concern for public safety
- Threat to the integrity of the program
- Available treatment options have been exhausted, and the participant is no longer working towards recovery
- Violating rules of the DUI Court
- Commission of a crime
- Failure to attend DUI Court hearings
- Abandonment of treatment program
- Evidence that participant is involved with drug dealing or driving while under the influence
- Evidence that participant is involved in any threatening, abusive, or violent verbal or physical behavior towards anyone
- Tampering with drug/alcohol screening tests
- Inability to pass required drug/alcohol screening tests for any reason

- Failure to make satisfactory progress
- Any other grounds that the DUI Court Team finds sufficient for termination

Process for Termination

1. A member of the DUI Court Team makes a motion for termination.
2. The Court Services Officer will provide you with a written notification.
3. You will be given the opportunity to choose whether or not you would like to have a lawyer represent you at the termination hearing.
4. You will address the DUI Court Team concerning the possibility of termination at the next regularly scheduled Court session.
5. The DUI Court Team will discuss termination with the Judge, who shall make the final decision.
6. If you are terminated, the Court shall advise you of your rights concerning potential probation revocation and appoint you an attorney.
7. You are required to participate in a termination interview and may be subject to a probation revocation proceeding.

Voluntary Removal

I may request to be removed from the Drug Court Program within 30 days. Before I make a request, I should visit with an attorney. If I have absconded or have run off from court services supervision while in the Drug Court Program, I may be considered to have voluntarily removed myself.

Fees

Court Related Fees

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

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

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

Program Related Fees

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

- UA's
- 24/7 Program
- SCRAM/CAM
- Interlock
- Treatment
- Court fines



—PROBLEM SOLVING—
COURTS
WORK
MAKING A DIFFERENCE

Application

Application Process

1. Read through the Participant Manual with defense attorney.
 2. Fill out and submit the following application and Consent for Disclosure of Confidential Substance Abuse Treatment Information to the Problem-Solving Court Office in the _____ Court House.
 3. **Once application is received** by the Problem-Solving Court, you will be required to keep two scheduled appointments. These appointments must be completed before the Team will further consider your application.
 - ❑ The Court Services Office will call you to schedule a LSI-R (Risk/Needs Assessment)
 - ❑ _____ will call you to schedule a Treatment Needs Assessment
- *Your attorney will receive written notification of acceptance or denial into the program.
4. If you are accepted into the program, you must complete the following forms, which are included in the Participant Handbook.
 - ❑ Problem-Solving Court Publicity Consent Form
 - ❑ Problem-Solving Court Treatment Program Basic Understanding, Waivers and Agreements
 - ❑ Problem-Solving Court Participant Manual Receipt and Acknowledgement
 - ❑ South Dakota Prescription Drug Monitoring Program



Unified Judicial System

Application to _____ Court Program

_____ Judicial Circuit

Date of Application	Do you need disability accommodations? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please state request:	Will an interpreter be needed? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state language:	
Name		Alias	
Race	Sex	Date of Birth	
Current Address (Street)		Telephone Number	Cell Phone Number
City	State	Zip	Other States Lived in:
How Long at this Address?	Armed Forces Veteran? <input type="checkbox"/> Yes <input type="checkbox"/> No	Valid Driver's License? <input type="checkbox"/> Yes <input type="checkbox"/> No Driver's License Number	
Reliable Transportation? <input type="checkbox"/> Yes <input type="checkbox"/> No	State ID Number		
Do You Have Children? <input type="checkbox"/> Yes <input type="checkbox"/> No Do You Pay Child Support? <input type="checkbox"/> Yes <input type="checkbox"/> No	Number of Dependents		
Significant Other			
NAME- Last, First, Middle (include Aliases)		DOB	Criminal Court Involvement-If so what?
Other Members of Household			
NAME- Last, First, Middle (include Aliases)		DOB	Criminal Court Involvement-If so what?
Next of Kin	Relationship	Telephone Number	
Current Employer	Monthly Income	Receive Disability? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Are You an Addict? <input type="checkbox"/> Yes <input type="checkbox"/> No			

Mental Health Diagnosis? <input type="checkbox"/> Yes <input type="checkbox"/> No		Take Psychotropic Medications? <input type="checkbox"/> Yes <input type="checkbox"/> No	
List all Mental Health Diagnoses		List Medications	
Drug & Alcohol Evaluation Completed? <input type="checkbox"/> Yes <input type="checkbox"/> No		LSI-R Completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Agency Completing	Date	Score	Date
Highest Grade Completed		GED <input type="checkbox"/>	Graduation <input type="checkbox"/>
Skill or Trade		Certification or Degree? <input type="checkbox"/> Yes <input type="checkbox"/> No	
On Probation Currently? <input type="checkbox"/> Yes <input type="checkbox"/> No		Probation Officer	
Current Charges			Offense Date:
Do you have any matters pending in any other court? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of court		Charges	
Have you ever been sentenced to drug court before? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of court		Date:	
Have you ever been sentenced to the Penitentiary? <input type="checkbox"/> Yes <input type="checkbox"/> No		Date:	
Defense Attorney Name		Telephone Number	
<p>"The defendant consents to the disclosure of Drug/DUI Court application information, including a Risk/Needs Assessment and a Treatment Needs Assessment, prior to entry of a plea, for purposes of obtaining information useful for acceptance into the Drug/DUI Court Program."</p>			
_____		_____	
Defense Attorney Signature	Date	Applicant Signature	Date