

2019

# Drug Court Participant Handbook

Brown County Drug Court  
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**SHOW UP**

**TRY**

**BE HONEST**

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## **Mission Statement**

The mission of Brown County Drug Court is to provide community-based rehabilitation using 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 program goals are to have the participants graduate with the following:

- Be crime-free;
- Be clean, sober, and working recovery;
- Have stabilized mental health and active participation in mental health recovery
- Have a job;
- Able to manage their financial responsibilities;
- Have a place to live;
- Reduced incarceration in jail or prison for non-violent offenders;
- Repayment plan for fines and restitution developed

## **Introduction**

### **What is Drug Court**

Drug court participants are court ordered to go to treatment and to counseling. By being in drug court, I have the chance to change my life and make it better. Drug Courts are a joint community effort. If I attend Drug Court I have the chance to stay in the community and will get long-term treatment instead of going to prison.

### **Program Outline**

If I agree to drug court, I would be sentenced to the program. During the time I am in drug court, I would have to go to court each week, go to treatment, and do random drug testing. I would also go to support group meetings. The Program length is based on my progress and can range from fifteen to twenty-four (15-24) months.

## **Eligibility Standards**

I can be offered Drug Court if I meet the following:

1. I am at least 18 years old
2. I am facing felony charges
3. I agree to be in the program
4. I am willing to live within the drug court service area
5. Drugs or alcohol have made my life unmanageable
6. I am not on parole

7. I am not a drug dealer, sex offender, or violent offender

## Referral Process

1. States Attorney completes legal screen for Drug Court
2. You complete Drug Court application and meet with your defense attorney
3. You complete a drug and alcohol assessment and LSI-R risk/needs assessment
4. Defense attorney provides discovery and evaluation to Drug Court Team
5. Team discusses and either approves or denies your application
6. If accepted, Drug Court becomes sentencing option
7. You are sentenced to probation with Drug Court as a condition

\*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 is less than 50 days.

## Weekly Court Hearings

The Drug Court Team will meet weekly before court. During the hearing, the Drug Court Judge will talk about the case with the participants. Incentives and sanctions will be given to each person depending on how their week went.

All court proceedings will be on the record. Drug Court is open to the public. This includes family members and friends. \*\*\*Please see below on the policy about children attending court and programming. Individuals present in the courtroom, other than the participants, may watch but may not talk during proceedings. Individuals can give information to the Drug Court Team but need to do so in writing.

### \*\*\*Policy regarding children in Drug Court\*\*\*

There has been a problem with participants bringing small children to Drug or DUI Court. This causes a distraction not only for the participant who brings the child as well as the other participants and team members. Therefore, the following policy will take effect immediately:

**Groups:** Participants will not to bring children to groups unless a treatment provider has asked for the child to be there.

**AA / NA:** Ask AA / NA Group

**Court:** A child must be at least 8 years old and will sit quietly and watch court without causing any distractions.

**Individual Appointments:** Children can go with the ok of the probation officer or treatment provider.

**IF the rules listed above are not followed the participant will be sent home or counted absent from the appointment. The participant will be sanctioned for the missed programming.**

## Meetings

The Drug Court Team will talk about participant progress in treatment and community supervision. The meetings happen on a weekly basis before court. Team meetings are confidential treatment meetings. The Team meetings not open to the public.

## Court Appearances

You will maintain proper behavior during court sessions and while in the courthouse. The Judge and Team members will be talked to and treated with respect. You will stay in court for all of Drug Court. If you need to leave early you will need to ask and get the ok to leave before court starts that day. You can show your support to other participants by clapping. Your behavior and manner while in the courthouse is a reflection on the entire program. Having appropriate behavior is a sign of the growth you and your fellow participants are making towards recovery. This also includes dressing appropriately, i.e. no torn or ripped jeans. No shirts with inappropriate graphics will be allowed. Clothing must be clean. There will be no undergarments such as bras or underwear showing. Skirts and dresses will be no shorter than your fingertips when your arms are at your side. There will be no beach shoes/flip flops. Cell phones will be turned off and put away during court proceedings

## Confidentiality

You will sign releases from the Drug Court Team and service providers. This will give the Team permission to talk about my treatment while in the program. This information will not be shared with anyone outside the 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. **Talking about any information shared during court is grounds for immediate termination.**

## Participant's Rights

By attending the Drug Court program, you are waiving your right to usual court proceedings. Such as questioning or disputing the legality of a search, seizure, or traffic stop; a preliminary hearing; and a trial by jury or court. Admission into the Drug Court requires acceptance of responsibility. Understand that admission, participation, and possible termination from the Drug Court program are the sole choice of the Drug Court Judge, under guidance from the Drug Court Team.

## Drug and Alcohol Testing

Successful Drug Court has 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!**

## Phases of Drug Court

There are five (5) phases to the Program. Moving up a phase is subject to the decision of the Drug Court Team based on your 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 Drug Court.

### Phase 1—Acute Stabilization

- At least 60 days
- Go to court weekly
- Write in your planner weekly
- Engage with treatment (CD and MH) and follow recommendations
- Comply with supervision
- Develop case plan
- Weekly office visits
- Monthly home visits
- Daily alcohol testing
- Random drug testing
- Address housing
- Obtain medical assessment
- Start changing people, places and things
- Curfew 10pm
- 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**

- ❖ At least 60 days in Phase 1
- ❖ At least 21 days continuous clean time
- ❖ Engage in treatment
- ❖ Compliance with supervision

### Phase 2—Clinical Stabilization

- At least 90 days
- Attend court twice per month
- Write in weekly planner
- Engage with treatment (CD and MH) and follow recommendations
- Comply with supervision



- Review case plan
- Weekly office visits
- Monthly home visits
- Daily alcohol testing
- Random drug testing
- Maintain housing
- Maintain employment, community service or education
- Address financial issues
- Address medical issues
- 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**

- ❖ At least 90 days in Phase 2
- ❖ At least 30 days continuous clean time
- ❖ Engage in treatment
- ❖ Compliance with supervision

### **Phase 3—Pro-Social Habilitation**

- At least 90 days
- Attend court twice per month
- Write in weekly planner
- Engage with treatment (CD and MH) and follow recommendations
- Comply with supervision
- Review case plan
- Bi-monthly office visits
- Monthly home visits
- Daily alcohol testing as recommended
- Random drug testing
- Address life skills
- Begin criminal thinking program
- Establish recovery network
- Establish pro-social activity
- Address medical issues
- Maintain housing
- Maintain employment, community service or education
- Addressing financial issues
- 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**

- ❖ At least 90 days in Phase 3
- ❖ At least 60 days continuous clean time
- ❖ Engage in treatment
- ❖ Compliance with supervision
- ❖ Establish pro-social activities
- ❖ Establish recovery network
- ❖ Maintain peer recovery groups\*
- ❖ Begin Criminal thinking program

#### **Phase 4—Adaptive Habilitation**

- At least 90 days
- Attend Court monthly
- Write In weekly planner
- Engage with treatment (CD and MH) and follow recommendations
- Comply with supervision
- Review case plan
- Bi-monthly office visits
- Monthly home visits
- Random drug testing
- Continue criminal thinking program
- Maintain peer recovery groups\*
- Maintain pro-social activity
- Maintain housing
- Maintain employment
- Addressing financial issues
- Maintain recovery network
- Address medical issues
- Address ancillary services (i.e. parenting, family support)
- 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 5 Advancement Criteria**

- ❖ At least 90 days in Phase 4
- ❖ At least 75 days continuous clean time
- ❖ Engage in treatment
- ❖ Compliance with supervision

#### **Phase 5—Continuing Care**

- At least 120 days
- Attend Court monthly
- Engage with treatment (CD and MH) as recommended

- Comply with supervision
- Review case plan
- Monthly office visits
- Monthly home visits
- Random drug testing
- Complete criminal thinking program
- Develop continuing care plan
- Maintain peer recovery groups\*
- Maintain recovery network
- Maintain pro-social activity
- Maintain housing
- Addressing financial issues
- Address medical issues
- Maintain employment, vocational training, or school
- Address ancillary services (i.e. parenting, family support)
- Demonstrate changing people, places and things
- Community Service Project
- Must make written application for commencement and read your request in open court

\*if applicable

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## Commencement

### Commencement Requirements

- Complete Phase 5
- At least 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 Drug Court Team, the participant will graduate from Drug Court.

Graduation from 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 the participant for successfully completing all phases of the Drug Court Program and achieving all the goals to establish a chemical-free life.

## 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
- Bus passes
- Reimburse medical expenses
- Reimburse vehicle repairs
- Decreased supervision
- Decreased court attendance
- Supervised day trips
- Ticket to theatrical productions
- Reduced drug testing
- Medal 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.

## 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
- Delay in phase promotion
- Temporary phase demotion
- Written assignments for court
- Verbal reprimand
- Additional community services hours
- House arrest
- Imposition of electronic monitoring
- Daily written schedule
- Stricter curfew
- In-court apology
- Honesty journal
- Loss of driving privileges
- Termination

## Therapeutic Adjustments

A therapeutic adjustment is a change in my treatment plan.

### Types of Therapeutic Adjustments

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

- Increased self-help meetings
- Increased drug/alcohol testing
- Journaling
- Motivational interview exercises
- Evaluation of possible medication
- Increased court appearances
- Increased treatment intensity
- Additional assessments or evaluations
- Residential treatment

## 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.

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

## Voluntary Removal

You may request removal from the Drug Court Program within 30 days of being sentenced to the program; however, you are advised to meet with your defense attorney before making this

request. If you have been deemed an absconder from court services supervision while in the Drug Court Program, you will be considered to have voluntarily removed yourself.

## 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

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## Drug Court Application



### Application Process

1. Read through the Participant Manual with defense attorney.
  2. Fill out and submit the following application and Consent for Disclosure of Confidential Substance Abuse Treatment Information to the Drug Court Office in the \_\_\_\_\_ Court House.
  3. **Once application is received** by the Drug 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 Manual.
    - Drug Court Publicity Consent Form
    - Drug Court Treatment Program Basic Understanding, Waivers and Agreements
    - Drug Court Participant Manual Receipt and Acknowledgement



Unified Judicial System

Application to Brown County Drug Court Program

5th 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:
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Name	Alias
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Race	Sex	Date of Birth
------	-----	---------------

Current Address (Street)	Telephone Number	Cell Phone Number
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City	State	Zip	Other States Lived in:
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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
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Reliable Transportation? <input type="checkbox"/> Yes <input type="checkbox"/> No	State ID Number
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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
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**Significant Other**

NAME- Last, First, Middle (include Aliases)	DOB	Criminal Court Involvement-If so what?

**Other Members of Household**

NAME- Last, First, Middle (include Aliases)	DOB	Criminal Court Involvement-If so what?

Next of Kin	Relationship	Telephone Number

Current Employer	Monthly Income	Receive Disability? <input type="checkbox"/> Yes <input type="checkbox"/> No

Are You an Addict? <input type="checkbox"/> Yes <input type="checkbox"/> No	Primary Drug of Choice

Primary Care Provider/Physician

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