

SEVENTH JUDICIAL CIRCUIT DRUG COURT PARTICIPANT HANDBOOK

Calhoun and Cleburne Counties



Edited September 2014

MISSION STATEMENT

The mission of the Seventh Judicial Circuit Early Intervention Substance Abuse Court Program is to blend the resources and power of our criminal justice system with the treatment resources of our community, to better protect and preserve the lives and property interests of the citizens of Calhoun and Cleburne Counties, conserve the scarce resources of our criminal justice system and salvage the lives of those individuals and families coming into contact with the criminal justice system as a result of the debilitating and addicting effects of substance abuse.

Why do we need a Drug Court?

The Seventh Judicial Circuit Drug Court will help to impact repeat offenders with drug problems to reduce crime and protect the community and to alleviate the burden on the judicial system.

INTRODUCTION

The 7th Judicial Circuit Drug Court Program has been developed to help you achieve total abstinence from illicit and illegal drug use. The program is designed to promote self-sufficiency and return you to the community as a productive member. Remember, this program is voluntary and the choice to participate is yours. However, the Judge, District Attorney's office and the remaining Drug Court staff will be there to help and assist you when needed. The program involves working directly with the Court, treatment and supervision team who are all dedicated to your recovery for the next 18 months and the years of sobriety that follow.

It is important for you to understand that this is a long-term commitment. You will be involved in Alcoholics Anonymous and Narcotics Anonymous meetings. You must also attend Court hearings on a regular basis for progress reports and updates. Also, there will be office visits scheduled by the Drug Court staff. These meetings are all **mandatory**. Additionally, periodically, you may be visited at your place of employment or residence.

ADULT DRUG COURT

The Seventh Judicial Circuit Drug Court has adopted the Ten Key Components promulgated by the National Association of Drug Court Professionals (NADCP, 1997) as the court model:

Key Component #1: Drug Courts integrate alcohol and other drug treatment services with justice system 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, drug and other 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 participant's 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.

PROGRAM DESCRIPTION

The 7th Judicial Circuit Drug Court Program is an alternative to traditional criminal prosecution. It is a voluntary program in which the defendant enters a plea of guilty upon their acceptance in the program. This plea is set aside upon successful completion of the Drug Court program. Court supervised treatment offers an alternative to those individuals whose behaviors stem from drug use.

Each applicant that has existing psychiatric conditions due to excessive drug use will be evaluated by the drug court team and staff to determine eligibility on a case-by-case basis.

The following are factors that will be considered in determining a defendant's eligibility:

1. All applicants must be 18 years of age or older.
2. Employment status of defendant, ability to work, or disability determination.
3. Admission that offense was committed as a result of drug dependency.
4. Verbalization of a desire to seek treatment for that drug dependency.
5. Transportation.
6. Valid driver's license or ability to obtain a valid license.
7. High School Diploma, GED, Higher education or educational assessment.
8. Living situation.
9. Prior arrest history.
10. Prior treatment history.

The Drug Court is comprised of a comprehensive substance abuse program as well as intensive court monitored supervision. The duration of the program is a minimum of 18 months, depending on the participant's progress. Participants who successfully complete the Drug Court program make significant progress in terms of employment, education and living a stable, drug-free lifestyle.

You will be required to appear frequently in court to report your progress to the Drug Court Judge. Progress reports will be completed on a weekly basis and regular urinalysis testing will be done with the results given to the Judge. The Drug Court Judge will encourage you if you are doing well and impose sanction should your performance be unsatisfactory. If you do not appear in Court as required, a warrant will be issued for your arrest.

Successful completion of this program will result in graduation and the dismissal of your case. Termination or expulsion from the program due to excessive violations of the rules and requirements will result in you being sentenced according to the charge on which you plead guilty and possible imprisonment.

GOALS AND OBJECTIVES

The goals and objectives of the Drug Court Program are to promote public safety by reducing recidivism in non-violent substance abusing offenders in the Seventh Judicial Circuit by:

1. Mandating that each participant receive the appropriate substance abuse treatment. Each candidate will be screened and evaluated promptly.
2. Each participant's case will be managed by the Drug Court Judge, Drug Court Staff and the Drug Court Treatment Provider.

PHASES OF DRUG COURT

PHASE ONE (1): At least six (6) months in length.

Attend Drug Court sessions weekly at the appointed time, unless instructed otherwise.

Attend at least one (1) Drug Education class weekly and two (2) AA/NA meetings weekly.

Complete one hundred (100) hours of community service.

Pay all Drug Court fees in the month in which they are due.

All of the above requirements must be met by the end of the six (6) month period before you can be promoted into Phase Two of the Drug Court Program. If these requirements are not met, you may be terminated from the program at that time.

PHASE TWO (2): At least six (6) months in length.

Attend Drug Court sessions on the First and Third week of each month at the appointed time, unless instructed otherwise.

Attend at least one (1) Drug Education class weekly and two (2) AA/NA meetings weekly.

Must be employed full-time or enrolled as a full-time student.

If not employed or enrolled as a student on a full-time basis, participant is to perform community service on a full-time basis.

The participant must obtain their G.E.D. if they did not graduate high school or hold a diploma equivalent.

Be current on all Drug Court fees.

All of the above requirements must be met before you can proceed to Phase Three of the Drug Court Program. If these requirements are not met, you may be terminated from the program at that time.

PHASE THREE (3): At least six (6) months in length.

Attend Drug Court sessions the first week of every month at the appointed time, unless otherwise instructed.

Pay all Drug Court fees and Court costs in full.

Must have full-time employment or be enrolled as a full-time student.

Attend at least one (1) Drug Education class weekly and two (2) AA/NA meetings weekly.

IN THE EVENT YOU DO NOT COMPLETE THE PROGRAM WITHIN EIGHTEEN (18) MONTHS, YOU WILL BE ASSESSED ADDITIONAL MONTHLY COSTS ASSOCIATED WITH DRUG COURT TO INCLUDE SUCH THINGS AS DRUG COURT MONITORING AND TESTING FEES FOR EACH MONTH IN EXCESS OF EIGHTEEN (18) MONTHS UNTIL COMPLETION OF THE PROGRAM.

ANY DRUG USE OR ANY OTHER SANCTIONABLE EVENT WITHIN FOUR MONTHS OF YOUR ANTICIPATED DRUG COURT GRADUATION DATE WILL RESULT IN AN EXTENSION OF THE TIME REQUIRED TO GRADUATE FROM DRUG COURT OR POSSIBLE EXPULSION FROM THE PROGRAM. YOU WILL NOT GRADUATE FROM DRUG COURT UNLESS YOU HAVE BEEN DRUG FREE FOR A MINIMUM OF FOUR MONTHS.

IF A PARTICIPANT IS IN RESIDENTIAL TREATMENT OR LIVING IN A HALF-WAY HOUSE, PAYMENTS TO THE DRUG COURT PROGRAM MAY BE WAIVED OR SUSPENDED AT THE DISCRETION OF THE DRUG COURT JUDGE AS FOLLOWS:

1. You will be given credit toward your Drug Court fees for the first twenty-eight (28) days that you are in a drug treatment facility.
2. For every month after the first twenty-eight (28) days while you are in drug treatment, your Drug Court fees will be suspended until you complete rehab.
3. Once you have completed rehab, you will resume paying your Drug Court fees.
4. For every month that you are in rehab after the first twenty-eight (28) days, your time in the Drug Court program may be extended for that amount of time. Additionally, you will pay Drug Court fees for those additional months.
5. Should you pay all fees due within eighteen (18) month of entering the Drug Court Program, any additional time may be waived at the discretion of the Drug Court team.

DRUG COURT SANCTIONS

<u>Violation</u>	<u>1ST Offense</u>	<u>2ND Offense</u>	<u>3RD Offense</u>	<u>4th Offense</u>	<u>5th Offense</u>
Failure to attend Court on assigned day	24 hours in jail	2 days in jail	3 days in jail	4 days in jail	Dropped from program and sentenced
Failure to attend group meeting	24 hours in jail	2 days in jail	3 days in jail	4 days in jail	Dropped from program and sentenced
Falsifying or forging documentation or being dishonest to the Court	15 days in jail	30 days in jail	Dropped from program and sentenced		

DRUG COURT SANCTIONS FOR DEMERITS

1. AT THE END OF ANY MONTH IF YOU OWE \$300 OR LESS YOU WILL RECEIVE ONE (1) DEMERIT.
2. AT THE END OF ANY MONTH IF YOU OWE ABOVE \$300 YOU WILL RECEIVE TWO (2) DEMERITS.
3. FOR EVERY AA/NA MEETING THAT YOU MISS YOU WILL RECEIVE ONE (1) DEMERIT.
4. ONCE YOU HAVE RECEIVED A TOTAL OF FIVE (5) DEMERITS YOU WILL SPEND FORTY-EIGHT (48) HOURS IN THE CALHOUN COUNTY JAIL.
5. ONCE YOU HAVE RECEIVED A TOTAL OF TEN (10) DEMERITS YOU WILL SPEND FIVE (5) DAYS IN THE CALHOUN COUNTY JAIL.
6. ONCE YOU HAVE RECEIVED A TOTAL OF FIFTEEN (15) DEMERITS YOU WILL BE TERMINATED FROM THE PROGRAM AND SENTENCED ACCORDINGLY.
7. ALL DEMERITS ARE CUMULATIVE.

MORE SPECIFIC PUNISHMENTS

Participants in the Drug Court Program are to remain drug and alcohol free. Additionally, you agree to have no contact or association with any illegal drug sales, use or individuals who engage in these activities. Participants must call the Color Code line every Monday- Friday at 7:00 A.M. and report for testing during the given times. **You should not consume any non-prescription medicine without first asking or determining if it is on the approved list of over-the-counter medications. Also, all prescribed medications shall be approved by the Drug Court team before taking the medication. It is your responsibility to read product labels and to know what is contained in the products you consume. WHEN IN DOUBT, DON'T USE OR CONSUME!** If a participant tests positive for an illegal or prohibited substance, the following sanctions will be imposed:

1. ON THE FIRST POSITIVE DRUG SCREEN, YOU WILL SPEND 48 HOURS IN THE CALHOUN COUNTY JAIL.
2. ON THE SECOND POSITIVE DRUG SCREEN, YOU WILL SPEND FIVE (5) NIGHTS IN THE CALHOUN COUNTY JAIL.
3. ON THE THIRD POSITIVE DRUG SCREEN, YOU WILL BE OFFERED THE OPPORTUNITY TO ENTER A RESIDENTIAL DRUG TREATMENT PROGRAM APPROVED BY THE DRUG COURT TEAM, IF YOU HAVE NOT PREVIOUSLY COMPLETED SUCH A PROGRAM.
4. ON THE FOURTH POSITIVE DRUG SCREEN, YOU WILL BE TERMINATED FROM THE DRUG COURT AND SENTENCED.
5. ANY ATTEMPT TO ALTER OR FLUSH A URINE SAMPLE OR SUBSTITUTION OF URINE BY FRAUD OR MISREPRESENTATION OR POSSESSION OF A DEVICE USED TO FALSIFY A DRUG SCREEN WILL RESULT IN IMMEDIATE TERMINATION FROM DRUG COURT AND YOU WILL BE SENTENCED. IF YOU FAIL TO SHOW UP FOR YOUR COLOR CODE DRUG TEST IT WILL BE CONSIDERED A POSITIVE SCREEN.

If you fail to comply with the Drug Court program, the Drug Court Judge may, at his discretion, order one or more of the following:

1. Participants may be required to remain in a phase or be dropped to a lower phase of the program.
2. Added community service work hours.
3. Participant may be placed in jail for a length of time to be determined by the Drug Court Judge.
4. Termination from the program.

YOU WILL BE SANCTIONED FOR VIOLATIONS OF ANY RULES AND REQUIREMENTS. EACH CASE MAY BE TREATED INDIVIDUALLY AND THE SANCTIONS RECEIVED MAY BE MORE OR LESS SEVERE THAN SANCTIONS GIVEN TO OTHER PARTICIPANTS WHO VIOLATE THE SAME OR SIMILAR RULES.

DRUG COURT ENTRANCE PROCEDURES

1. To be eligible, Participants must be a first time offender (no previous felony convictions) charged with a qualifying offense. The following are qualifying offenses:
 - a. Unlawful Possession/Receipt of a Controlled Substance
 - b. Forgery, Second Degree
 - c. Possession of a Forged Instrument, Second Degree
 - d. Theft of Property, Second Degree
 - e. Receiving Stolen Property, Second Degree
 - f. Possession/Fraudulent Use of a Credit Card
 - g. Burglary Third Degree
 - h. Possession of Marihuana, First Degree
 - i. Robbery, Third Degree
 - j. Inchoate crimes of the above offenses
2. Because the intent of the Drug Court Program is to address the needs of participants as quickly as possible and to alleviate the burden on the criminal justice system, application for Drug Court shall be shortly after the candidate's preliminary hearing or before. Only in rare circumstances will a candidate be accepted after indictment by a grand jury.
3. An interested candidate shall first contact Wayne Hester for an assessment so that it may determine if that individual is suitable for participation in the Drug Court program.
4. After undergoing the assessment and being found to be a qualifying candidate, the candidate's attorney shall complete the necessary paperwork for the candidate to enter a plea before indictment and the Drug Court Plea Agreement. The completed paperwork shall be turned in to the Drug Court Judge at the first orientation meeting the candidate attends so that the candidate may be screened by the Drug Court team for entry.
5. The District Attorney's Office maintains the right to prohibit any candidate from entering the Drug Court program.
6. The candidate shall attend the next scheduled Drug Court session to learn if they have been approved for entry. If approved, they will be scheduled for a date to plead into Drug Court.

7. Defendant must be negative for all drugs and alcohol before his/her plea can be entered.
8. Defendant must have his/her initial Drug Court fee of \$150.00 paid prior to the entering of the plea placing the participant into Drug Court.

DRUG COURT GRADUATION

In order for you to graduate from the Seventh Judicial Circuit Drug Court Program, you must complete all requirements that have been outlined in this handbook. If you relapse or fail to follow the directives or instructions of the Drug Court Judge or Drug Court Staff, you will be sanctioned.

If at the end of eighteen (18) months, the Drug Court Team (Judge, Prosecutor, Defense Attorney, Coordinator and Treatment Provider) is not satisfied that you have made satisfactory progress during your enrollment in the Drug Court Program or feel that additional time and/or treatment is necessary, your time in the program may be extended.

If you satisfactorily complete the Drug Court program, you will be recognized as a graduate of the program and your conviction will be set aside. Should you fail to complete the program, you will be dismissed and sentenced to prison.

NOTICE TO DRUG COURT APPLICANT

1. You Must remain drug and alcohol free while in the program.
2. You Must comply with all of the directives of the Drug Court Judge, Drug Court Staff and the treatment providers.
3. You Must attend and be on time for all counseling sessions and all Drug Court hearings and reviews.
4. You Must be employed or enrolled as a full-time student.
5. You Must submit to random searches and urinalysis or other forms of drug/alcohol screens.
6. You Must not change residences without approval of the Court.
7. You Must perform 100 hours of Court approved community service in the first six (6) months of the program.
8. You must pay all Drug Court fees on a monthly basis, including the first month's payment of \$150.00 prior to the entry of the plea placing you in Drug Court.
9. You Must pay all Drug Court fees on time.
10. You Must obtain a Driver's License, if possible, during your time in Drug Court.
11. You Must obtain a GED or high school equivalency certificate.
12. You Must obey all local, state and federal laws.
13. You Must have no contact or association with any illegal drug sales, drug usage or any individual involved in drug activity of any kind.
14. You Must not possess or have any connection with firearms.
15. You Must have paid in full all court ordered monies at least one (1) month prior to graduating.
16. You Must notify a member of the Drug Court team immediately of any contact with law enforcement while in the program.

17. You Must comply with all other Court orders and requirements of the Court, the Drug Court Coordinator, Case Manager and the Treatment Provider not specifically set forth in these rules and requirements.

YOU WILL BE RESPONSIBLE FOR KEEPING THE DRUG COURT INFORMED AT ALL TIMES OF YOUR ADDRESS, EMPLOYMENT AND CONTACT NUMBERS. IF ANY MEMBER OF THE DRUG COURT TEAM IS UNABLE TO CONTACT YOU BECAUSE OF INACCURATE OR OUTDATED CONTACT INFORMATION, YOU MAY BE SANCTIONED BY THE COURT.

CONTACT NUMBERS FOR DRUG COURT PERSONNEL:

Judge Brian Howell	(256) 231-1821
Kristi Dodd, Coordinator	(256) 231-0477
Misty Clayton, Admin Assistant	(256) 241-2082