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Presiding Judge

Joel D. Medd
District Judge

Lawrence E. Jahnke
District Judge

Debbie G. Kleven
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Karen K. Braaten
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RECEIVED BY
Chief Justice
Supreme Court

MAY 19 2011

STATE OF
NORTH DAKOTA

RE: Petition for Approval of Adult Drug Court

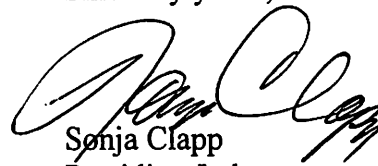
Dear Chief VandeWalle:

Enclosed please find the Petition for Approval of the Northeast Central Judicial District Court Drug Program. Attached to the petition are the drug court program manual and the participant handbook.

The adult drug court program has been an excellent judicial resource in our jurisdiction to work with offenders who are appropriate for the program and in need of treatment. We have numerous graduates who are now sober, drug free and productive members of our community. It is very gratifying to assist these people with understanding their addictions and observe the positive changes in their lives.

I would like to thank you for the opportunity to have an adult drug court in our community and ask that you consider approving our petition.

Sincerely yours,



Sonja Clapp
Presiding Judge

Xc: Honorable Joel D. Medd
Honorable Lawrence Jahnke
Honorable Debbie Kleven
Honorable Karen Braaten
Christin Thelen, Parole and Probation
Nancy Yon, Assistant State's Attorney
Angela Jones, Northeast Human Service Center
Kerry Rosenquist, Attorney at Law

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Petition for Approval of the Northeast Central Judicial District Court Drug Program.

This petition is a request that the North Dakota Supreme Court approve the Northeast Central Judicial District Drug Court Program, as a drug court program, so that completion of the drug court program may be used as a sentencing alternative for persons convicted of third and fourth (or subsequent) Driving While Under the Influence (DUI) offenses, as provided in Section 39-08-01 of the North Dakota Century Code.

NDCC § 39-08-01 permits those persons convicted of third or fourth or subsequent DUI offenses to complete their mandatory minimum terms of imprisonment by serving at least ten(10) days in jail, and then successfully completing a drug court program approved by the North Dakota Supreme Court.

Third and fourth DUI offenses are Class A misdemeanors, each carrying a maximum penalty of one year in jail, a fine of \$2,000.00, or both. Before the Legislature enacted the drug court option, those persons convicted of a third DUI offense within five years were required to serve a minimum of sixty (60) days in jail. Those persons convicted of a fourth or subsequent DUI offense within seven years were required to serve a minimum of one hundred and eighty days (180) days in jail. The drug court option (NDCC § 39-08-01(4)(e)) allows the sentencing judge to suspend all but ten (10) days of these mandatory minimum sentences if a defendant is in need of alcohol/substance abuse treatment. With the drug court option, the defendant is placed under the supervision of the North Dakota Department of Corrections and Rehabilitation and is required to complete a court-approved drug court program. NDCC § 38-08-01 provides:

For purposes of this subsection, unless the context otherwise requires, “drug court program” means a district court-supervised treatment program approved by the supreme court which combines judicial supervision with alcohol and drug testing and chemical addiction treatment in a licensed treatment program. The supreme court may adopt rules, including rules of procedure, for drug courts and the drug court program.

The Northeast Central Judicial District has operated an adult drug court program in Grand Forks County since August 18, 2008, and is now requesting the North Dakota Supreme Court to approve this program. The drug court program is a collaborative effort involving the judges of the district court and representatives from the North Dakota Department of Corrections and Rehabilitation, the Grand Forks County State’s Attorney’s Office, the local defense bar, and the Northeast Human Service Center.

Mission statement of the Northeast Central Judicial District Drug Court.

The mission of the Northeast Central Judicial District Drug Court is to enhance community safety through an alternative sentencing program for chemically dependent offenders.

The program seeks to reduce recidivism by holding offenders responsible for their behavior, stopping the abuse of alcohol and drugs, and introducing the individual to a variety of support services. We seek to rehabilitate offenders through the use of law enforcement, treatment, and judicial resources.

A drug court program manual and participant handbook have been developed, and copies of the same are included with this petition. The program manual is refined on a continuing basis.

At the present time, 12 persons are participating in the Northeast Central Judicial District Drug Court Program, and new participants are being added on a regular basis. Participants are selected with input from law enforcement officers, prosecutors, and treatment personnel. When an application is made, it is considered by the drug court team, consisting of a judge, the treatment coordinator, the State's Attorney's Office, a representative from the local defense bar, and the North Dakota Department of Corrections and Rehabilitation Drug Court Coordinator.

If a person is accepted into the drug court program, that person enters a plea of guilty and is sentenced by the court. The person receives either a deferred or suspended sentence, and is placed on supervised probation. One of the conditions of probation is that the person successfully completes the drug court program.

The drug court program allows individuals on supervised probation to be admitted into the program as an intermediate measure of probation. Non-violent offenders who have prior misdemeanor and felony drug offenses are also given consideration for admission into drug court if their current offense is a Class A Misdemeanor or greater and there is a supporting history of substance abuse.

The drug court program takes at least one (1) year to complete and consists of three phases, each of which requires at least four months to complete. A detailed list of the requirements for completing the various phases of the program is set forth in the participant handbook.

During Phase I, participants: (a) attend drug court each week; (b) are under supervision by a probation officer; (c) must provide weekly, randomly-administered alcohol/drug tests; (d) are involved in a licensed chemical dependency treatment program and attend two AA or NA meetings each week or an equivalent support group; (e) must meet certain financial obligations; and, (f) are required to maintain approved 40 hour per week employment or alternatively community service, or be involved in some form of educational training.

During Phase II, participants: (a) attend drug court once every two weeks; (b) provide a minimum of one drug/alcohol test each week; (c) continue with supervised probation and treatment; and, (d) are required to remain employed and comply with other requirements in order to keep them sober and productive in the community.

During Phase III, participants: (a) attend drug court once every three weeks; (b) provide one or two drug/alcohol tests during this phase; and, (c) are required to maintain sobriety and productive lifestyles. Extended periods of sobriety are required to complete each phase of the drug court program.

During their involvement with the drug court program, participants are rewarded for their successes (e.g., finding a job, maintaining sobriety, succeeding in treatment, etc.) and suffer consequences for their failures (e.g., community service, increased testing, adjustments to their treatment program, or short jail sentences for relapsing or violating conditions of probation).

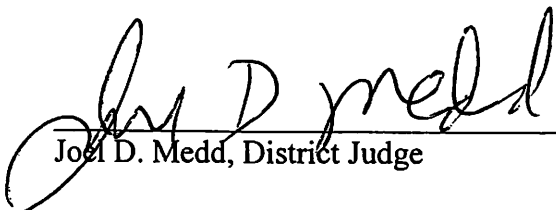
When a participant completes the drug court program, a graduation ceremony will be held for that participant. If a participant is terminated from the program, that participant will be returned to the district court for appropriate sentencing on the underlying charge.

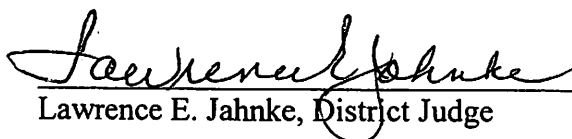
At this time, we believe additional rules or procedures may be necessary. We request the North Dakota Supreme Court to approve the Northeast Central Judicial District Drug Court Program for the purposes of N.D.C.C. § 39-08-01, retroactive to August 18, 2008.

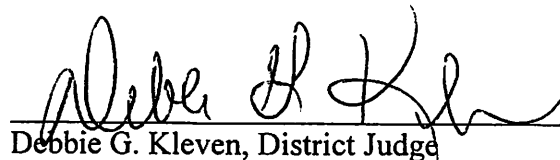
Dated at Grand Forks, North Dakota this 5th day of May, 2011.

Signed:


Sonja Clapp, Presiding Judge


Joel D. Medd, District Judge


Lawrence E. Jahnke, District Judge


Debbie G. Kleven, District Judge


Karen K. Braaten, District Judge.

The NorthEast Central Judicial District Drug Court was developed through the cooperation and support of the following agencies and individuals:

North Dakota Supreme Court
Northeast Central Judicial District
Grand Forks County States Attorneys Office
North Dakota Department of Corrections and Rehabilitation
Northeast Human Service Center

We also want to acknowledge the East Central Judicial District Drug Court from whom we borrowed their ideas regarding format of the policy manual and participant handbook.

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NORTHEAST CENTRAL JUDICIAL DISTRICT DRUG COURT

North Dakota's courts have become increasingly clogged with drug-related cases. Jails and prisons are full of drug offenders. Incarceration alone is not effective enough to disrupt the cycle of drug use and the related criminal activity. Many offenders never receive treatment, continue to abuse substances and continue to commit crimes in order to pay for their addictions. In an effort to reduce recidivism and provide help to drug offenders a drug court diversion program was found in Miami, Florida, the summer of 1989.

In January 2008, the Northeast Central Judicial District Drug Court Team met for the first time.

MISSION STATEMENT NORTHEAST CENTRAL JUDICIAL DISTRICT

THE MISSION OF THE NORTHEAST CENTRAL JUDICIAL DISTRICT DRUG COURT IS TO ENHANCE COMMUNITY SAFETY THROUGH AN ALTERNATIVE SENTENCING PROGRAM FOR CHEMICALLY DEPENDENT OFFENDERS.

THE PROGRAM SEEKS TO REDUCE RECIDIVISM BY HOLDING OFFENDERS RESPONSIBLE FOR THEIR BEHAVIOR, STOPPING THE ABUSE OF ALCOHOL AND DRUGS AND INTRODUCING AN INDIVIDUAL TO A VARIETY OF SUPPORT SERVICES. WE SEEK TO REHABILITATE OFFENDERS THROUGH THE USE OF LAW ENFORCEMENT, TREATMENT, AND JUDICIAL RESOURCES.

PROGRAM GOALS

- 1. REDUCE RECIDIVISM.**
- 2. REDUCE USE OF ALCOHOL AND DRUGS.**
- 3. PROVIDE INCREASED OPPORTUNITIES FOR INVOLVEMENT IN COMPREHENSIVE TREATMENT AND MAINTENANCE PROGRAMS.**

4. PROVIDE ACCESS TO COORDINATED LOCAL AND STATE SERVICES

5. IMPROVE THE OVERALL SOCIAL FUNCTIONING OF OFFENDERS IN AREAS SUCH AS EMPLOYMENT, HEALTHY FAMILY RELATIONSHIPS AND COMMUNITY ACTIVITIES

6. REDUCE COSTS TO THE CRIMINAL JUSTICE SYSTEM

Quality Control: In the interest of maintaining quality control of the East Central Judicial District Drug Court a semi-annual team meeting will be held. At the meeting review of the mission statement and goals shall be conducted and re-evaluated using the most recent statistical information. The court shall at all times have an individual on the team that is trained in program evaluation.

KEY COMPONENTS OF DRUG COURTS

1. Drug courts integrate alcohol and other drug treatment services with justice system case planning.
2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of the program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court.

PROGRAM OUTLINE

The Northeast Central Judicial District Drug Court is a court-supervised treatment-oriented program and targets non-violent participants whose major problems stem from substance abuse. The Drug Court is a voluntary program, which includes regular court appearances before the Drug Court Judge. Treatment, which includes drug testing, individual and group counseling, and regular attendance at 12-step meetings (Alcoholics Anonymous and Narcotics Anonymous) or other approved community support groups. The probation and the treatment team may also assist with obtaining education and skills assessments and will provide referrals for vocational training, education and/or job placement services. The program length, determined by the participant's progress, will be no less than 1 year. Successful completion and "graduation" from the Drug Court Program may result in having the original charges dismissed or probation terminated early.

ENTRANCE REQUIREMENTS

All participants must voluntarily make application to the drug court, provide a drug screen, and undergo an eligibility and chemical addiction assessment. All candidates must enter the program within 35 days of their initial appearance.

ENTRY CRITERIA:

DRUG COURT:

1. Must have multiple prior Misdemeanor or Felony drug offenses and the current offense must be a Class A Misdemeanor or greater or;
2. This is the first felony and there is a supporting history of substance abuse,
3. Candidates cannot have any prior or current offense that is defined as violent (See definitions of violent offenses under **Violent Offender Prohibition**, pages: 9 & 10 (Note that if current offense is combined with an assaultive charge the prosecutor may pursue the drug court path given that the assault may be dismissed or reduced to a lesser non-violent offense),
4. Candidates must demonstrate a willingness to accept responsibility for their addiction and criminal conduct,

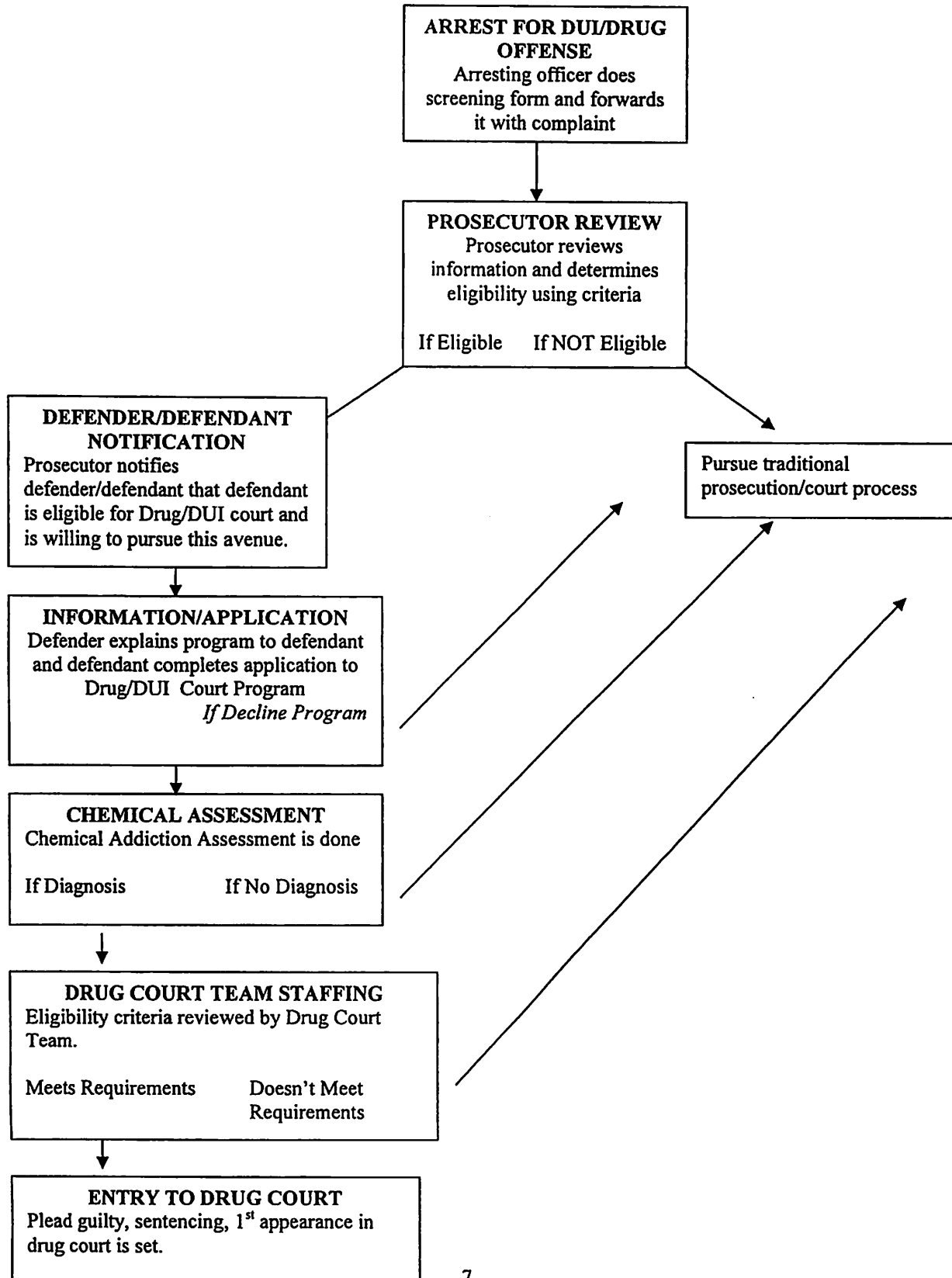
5. Candidate must receive a chemical addiction evaluation and have a chemical addiction diagnosis,
6. Candidates who had previously been in any drug court program are NOT eligible.
7. Candidates are *maybe eligible* if the current offense or criminal history includes drug delivery, intent to deliver or manufacturing.

DUI COURT:

1. Entry criteria for the Drug Court component sections 4 through 7 also apply to the DUI Court.
2. Including the current offense, the candidate must have 3 or more DUIs and the current offense must be a Class A Misdemeanor or Class C Felony.
3. The current or prior DUI offenses cannot have included injury to someone other than the candidate.

ENTRANCE PROTOCOL

Throughout the entry process, the prosecutor is the conduit to entrance to the program.



AGREEMENT TO PARTICIPATION

The Agreement To Participation (Refer to Appendix A---) outlines the basic rules of the program and sanctions that may be imposed by a Drug Court Judge for failure to abide by the conditions of Drug Court. Each participant must sign the form prior to admission. The Agreement of Participation is in addition to the conditions of probation ordered by the court on Appendix A of the Judgment of Conviction.

ALCOHOL TESTS AND DRUG SCREENS

Alcohol and Drug Screening is a major component of the Drug/DUI Court program to determine drug abuse patterns and to monitor participant's progress. Drug and alcohol tests are conducted on a frequent and random basis.

Upon evaluation a full drug screen (marijuana, methamphetamine, cocaine, and opiates) shall be conducted by the evaluation facility. This will be done to establish a program entry baseline. If the test is positive for marijuana, the test will be sealed and probation will be notified. Probation will forward the test for confirmation and get a reading level. If the test is positive for the other three drugs, a case-by-case decision will be made as to send for reading levels due to the fact that these drugs typically metabolize within 96 hours.

If the first marijuana test is positive, the following marijuana tests (if positive) will be sent for reading levels until a field test indicates negative. Reading levels should continue to drop over time until the THC is fully eliminated from the system. Increase in levels indicates new usage.

Positive drug and alcohol tests will result in sanctions up to termination from the program.

Failure or refusal to provide a urine sample or breath test will count as a positive test.

ASSESSMENT

All candidates for Drug Court must undergo assessment to establish drug dependency and history of drug use. Treatment staff may do a full assessment

including family, work, social, mental, physical assessment. Further tests may be administered to better formulate a treatment program for the candidate.

All assessments will be conducted in an expedited manner once the referral from the court or prosecutor has been made. A written report shall be sent to the court and/or prosecutor within 3 working days of the assessment.

TREATMENT

The treatment team following an overall assessment of problems and needs will develop an initial treatment plan. The plan will act as a guide for the initial treatment phase. The plan will be maintained by the treatment provider and will be updated as the individual progresses through the program.

Counseling: Substance abuse counseling can comprise individual, group, and family formats. As part of the treatment plan, all participants must participate in all recommended counseling. They are designed to develop self-awareness, realize self-worth, and develop the strength to practice self-discipline. The sessions will include problem identification and alternative solutions.

Attendance at counseling sessions is mandatory and will be reported to the judge as part of the progress report. Prior permission must be obtained to be excused from a counseling session.

Twelve-Step Meetings: Attendance is required at 12-step meetings such as Narcotics and/or Alcoholics Anonymous at least 2 times per week or as decided by the Drug Court team. Proof of attendance will be reported to the treatment counselor.

Sponsor: An individual must obtain a self-help sponsor. A sponsor in a 12-step group must have at least one year of sobriety who can assist the participant on a personal level with sobriety, personal problems, working the steps, etc.

TYPES OF DRUG COURT REFERRALS

Referrals to the program may come from the arresting officer, jail officials, defense attorney, and state's attorney.

VIOLENT OFFENDER PROHIBITION

Federal regulation defines "violent offender" as:

A person who either –

1. Is charged with or convicted of an offense, during the course of which offense or conduct
 - A. The person carried, possessed, or used a firearm or dangerous weapon;
 - B. There occurred the death of, or serious bodily injury to any person; or
 - C. There occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense or conduct of which or for which the person is charged or convicted; or
2. Has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm, 42 U.S.C. § 3796ii *et seq.*

The statute's definition of violent offender specifically limits prior offenses that cause a person to be categorized as a "violent offender" to felony crimes of violence. If a person has a prior misdemeanor conviction, even though threatened or actual use of force; or use, possession, or carrying a firearm or dangerous weapon occurred during the offense, the person is not a violent offender according to the statute. Therefore, the offender is eligible for the drug court program as long as his or her current offense does not fall within the violent offender definition.

SUPERVISION OF PARTICIPANTS

The North Dakota Department of Corrections-Division of Field Services will supervise participants in the program. Participants will be supervised pursuant to court ordered conditions of supervision and department policy, in addition to Drug Court program requirements. In addition to the ASI used by treatment staff for assessing services required, Field Services will conduct a LSI-R (Levels of Service Inventory-Revised) to assess risk and need.

Participants are required to have approved stable housing and employment or participate in educational/vocational training. Participants who are not in an educational or vocational activity may be required to complete community service hours to meet the 40-hour work week criteria. When coordinating with outside agencies, participants are requested to sign a Release of Confidential Information. Participants are required to fulfill obligations as delineated on their weekly calendars, including drug testing, documentation of AA/NA attendance. Progress is verified, documented, and reported to the Drug Court Judge during conferencing sessions before each Court session.

Supervision of participants consists of face-to-face meetings in the probation office, participant's home, place of employment, treatment facility, and other locations. Other contacts include collateral contacts with employers, family, and friends, telephone calls, and treatment contacts.

Participants are required to show proof of payments of child support, court fines, restitution, and any other costs ordered by the Court. Proof of payment may be in the form of a copy of a money order, cancelled check, or court receipt. Proof of employment and income may be in the form of a check stub.

The probation department will be responsible for case management and coordination. They will coordinate efforts with the treatment provider to assure all needs and areas are addressed and to avoid duplication of services.

Throughout the program, participants appear in Court on a regular basis. Drug Court staff provides notes on each participant for each court session. The Drug Court Judge reviews the participant files and participants are held accountable for successes and failures.

OUTLINE OF PROGRAM PHASES

The Drug Court program consists of three phases and can be completed in as little as 12 months.

Phase I: Minimum of 4 months

Minimum Requirements:

1. To attend one Drug Court session per week.
2. To provide a minimum of two alcohol/and or drug tests per week.
3. To report to the assigned probation officer as instructed.
4. To attend and provide documentation of two AA/NA meetings per week or other approved community support group.
5. To attend and participate in all assigned group, family, and/or individual counseling sessions.
6. To meet financial obligations: i.e. court costs, restitution, child support, etc., as decided on by the Drug Court Team.
7. To maintain Drug Court Team approved stable housing.
8. To maintain Drug Court Team approved employment, training, or education and a 40-hour work week.
9. To obtain and maintain a 12-step sponsor.
10. If offense is DUI to view a victim impact panel videotape.

11. Curfew as imposed by the drug court team.
12. To have 60 continuous days of sobriety.

Phase II: Minimum of 4 months

Minimum Requirements:

1. To attend one Drug Court session every two weeks.
2. To provide a minimum of one alcohol/and or drug test per week.
3. To report to the assigned probation officer as instructed.
4. To attend and provide documentation of two AA/NA meetings per week or other approved community support group.
5. To attend and participate in all assigned group, family, and/or individual counseling sessions.
6. To meet financial obligations: i.e. court costs, restitution, child support, etc., as decided on by the Drug Court Team.
7. To maintain Drug Court Team approved stable housing.
8. To maintain Drug Court Team approved employment, training, or education and a 40-hour work week.
9. To obtain and/or maintain a 12-step sponsor.
10. To have 120 continuous days of sobriety.

Phase III: Minimum of 4 months

Minimum Requirements:

1. To attend one Drug Court session every 3 weeks.
2. To provide two alcohol/and or drug tests per month, which reflect no use of drugs or alcohol.
3. To report to the assigned probation officer as instructed.
4. To attend and provide documentation of two AA/NA meetings per week or other approved community support group as determined by the Drug Court Team.
5. To attend and participate in all assigned group, family, and/or individual counseling sessions.
6. To meet financial obligations: i.e. court costs, restitution, child support, etc., as decided on by the Drug Court Team.
7. To maintain Drug Court Team approved stable housing.
8. To maintain Drug Court Team approved employment, training, or education and a 40-hour work week.
9. To obtain and maintain a 12-step sponsor.
10. To have 120 continuous days of sobriety.
11. To complete an exit interview and have an established plan for aftercare.

INCENTIVES

Incentives reward participants for positive steps toward attaining a drug and crime free lifestyle. The most powerful incentive is the dismissal of charges for the diversion participant and conditional discharge for the probationer. Other incentives may include:

- ♦ Promotion to the next phase
- ♦ Certificates
- ♦ Tokens
- ♦ Applause
- ♦ All-Star Selection (Gets to leave court early)
- ♦ Acknowledgement from the bench
- ♦ Decreased supervision
- ♦ Personal achievements of obtaining GED
- ♦ Decrease frequency of court attendance
- ♦ Early termination from probation
- ♦ Charge dismissed at graduation
- ♦ Incentives for group on a whole-coffee/donuts
- ♦ Graduation (Invite family, friends, arresting officer/agency)

When participants successfully meet all the drug court obligations, formal graduation ceremonies are conducted. This provides the opportunity for the graduates to be recognized for their accomplishments in the presence of the Drug Court staff and Judges, their peers, family and friends, police and community officials, and other distinguished guests. The graduates may be presented with a memento.

SANCTIONS

Each participant must abide by the conditions of Drug Court and failure to do so may result in the Drug Court Judge imposing sanctions including, but not limited to:

- ♦ Residential Treatment
- ♦ Halfway House Placement
- ♦ Community Service
- ♦ Increased Groups/ Adjust Treatment Plan
- ♦ Antabuse
- ♦ Home confinement
- ♦ Imprisonment in the detention center
- ♦ Termination from the program

- ♦ Curfew
- ♦ Day Reporting
- ♦ Electronic Monitoring
- ♦ Research/Report Writing
- ♦ "Day in the Box" (Sit in courtroom for a day and observe court, take notes, and provide report to judge).

The Drug Court Judge may employ a wide range of graduated sanctions as a result of program violations. When the Judge imposes sanctions, it is the responsibility of the participant to comply as ordered and the responsibility of the Drug Court staff to make arrangements as needed to verify compliance.

GRADUATION

Graduation is viewed as a significant milestone for the offender and the program. Every effort will be made to make this a ceremonious occasion. At drug court, graduation members of the team shall be present. In addition, others that may be invited are family, friends, arresting officer, representatives from agencies involved with the drug court program, etc.

TERMINATION

Regardless of the method by which a participant enters the Drug Court, termination may occur for various reasons including, but not limited to:

- ♦ Noncompliance with rules and procedures
- ♦ Arrest and/or conviction on new charges (case by case basis)
- ♦ Failures to appear as scheduled for court, jail, or treatment
- ♦ Participant voluntarily decides to petition the Court for termination

PROBATION TERMINATION

In the event, an individual is terminated from the Drug Court program; a record of the termination shall be made. The probation officer will work with the prosecutor to draft a petition to revoke probation.

PARTICIPANT HANDBOOK

Welcome to Drug Court. This program is especially designed for persons whose major problems stem from substance abuse. As you enter this voluntary, intensely supervised treatment program, you need to be motivated to work toward changing your lifestyle and becoming free of alcohol and chemical addiction. This program is accessible regardless of your race, religion, sex, ethnic origin, sexual preference, marital status, age, or physical and/or mental disability.

PROGRAM DESCRIPTION

The Drug Court is a court-managed, drug intervention treatment program, designed to provide a cost-effective alternative to traditional criminal case processing. It may be offered if you are arrested and it is determined you are a chemically dependent person. If you are eligible and choose to participate in this program, you must be willing to commit to the entire program. The program may be successfully completed within one to two years. If you complete the program, your charge may go on the record as a dismissal. At anytime during your participation, you could be terminated from the program and sentenced by a District Court Judge for noncompliance with rules and treatment plan.

RIGHTS TO DRUG COURT CANDIDATE

As a drug court candidate you understand that by agreeing to participate in the Drug Court Program prior to proceeding through the usual court proceedings such as a preliminary hearing, arraignment and trial, that you are giving up and waiving the right to have an attorney of your choosing or one appointed by the court, if you cannot afford to hire an attorney. You are giving up the right to obtain reports, witnesses' statements, or laboratory test results and review them prior to deciding to waive your rights to a preliminary hearing or trial depending on the type of case.

As a drug court candidate understand that by agreeing to participate in the Drug Court Program prior to proceeding through the usual court proceedings that you are giving up and waiving the right to question or dispute the legality of the search or seizure or traffic stop or the bringing of the criminal case against you, whichever may be applicable. You also understand that by entering a guilty plea you are giving up the right to a trial by jury or other means.

YOUR GOALS

Although the Drug Court staff will work with you on individual goals, the following are goals for every participant:

1. To learn to be alcohol and drug free;
2. To learn better life coping skills;
3. To adjust to a drug/alcohol-free lifestyle;
4. To develop a non-criminal pattern of living;
5. To enhance employment skills through vocational training and educational pursuits;
6. To attend 12-step or other approved support groups;
7. To increase social skills;
8. To enhance self esteem and self motivation;
9. To learn the warning signs of relapse and develop a relapse prevention plan;
10. To accept responsibility for financial obligations and learn budgeting skills; and
11. To develop time management skills.

COSTS RELATED TO THE PROGRAM

You may be required to pay all or partial costs for participation in Drug Court as set by the treatment provider after consideration for your financial circumstances.

COURT RELATED FINANCIAL OBLIGATIONS

Any Drug Court participant with court related financial obligations, i.e., child support, restitution, crime victims fund, public defender fees, will make court approved payments on a regular schedule and provide staff with documentation of payments. Unless the Court orders a specific amount, amounts and payment schedules are to be established by your probation officer and documented for the Judge's approval. If you cannot make payment, discuss your situation with staff before the due date of payment and, if possible, other arrangements will be made. Failure to make timely payments may result in delaying your phase advancement or completion of the program.

PARTICIPANT RULES

Rules are needed to foster a supportive working environment so everyone involved can achieve their goals. The Drug Court Judge who may impose sanctions will review any infraction of the rules.

1. Appropriate clothing is expected at all times. You must wear shirt or blouse, pants or skirt, and shoes. Sunglasses and caps will not be worn in the courtroom. Clothing bearing drug or alcohol-related themes, or promoting alcohol or drug use is not allowed.
2. You must attend all scheduled counseling sessions, educational sessions, and court sessions, unless you obtain prior approval to be excused. You must arrive on time and not leave until the meeting is over. If you are late, you may not be allowed to attend the session and may be considered absent. Arrangements must be made to make up missed groups before your next court appearance.
3. The following actions will not be tolerated:
 - Violence or threats of any kind
 - Use and/or possession of drugs and/or alcohol
 - Belligerent behavior
 - Possession of any type of weapon
 - Inappropriate sexual behavior or harassment
 - Romantic relationships among participants
 - Failure to notify staff of any arrest, court obligations or fees within 12 hours.
4. Your family, children and/or friends cannot loiter on the premises. If they are providing transportation, they should simply drop you off and pick you up at the end of the session.
5. You may not have beepers or cellular phones on in the courtroom, or in individual or group sessions.
6. The program shall comply with N.D.C.C. 50-25.1-03. which requires reporting of any prior or current child neglect/abuse. Federal law and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.
7. You are expected to maintain appropriate behavior at all times during Drug Court sessions and while in the courthouse. The judge and team members

shall be addressed with respect. Unless prior approval is given, you will remain for the entire Drug Court proceedings. There will be no talking while seated in the audience. We do encourage you to show support and encouragement to fellow participants by applause. Your behavior and demeanor while in the courthouse is a reflection on the entire program. Maintaining appropriate behavior is indicative of the progress you and your fellow participants are making toward your recovery.

8. If children are brought to the courtroom, another person shall accompany you, who will be responsible for removing the children should they become a distraction.

PROGRAM PLANS

Based on your needs, an Individualized Treatment Plan and a Case Management Plan will be developed. The plans will outline goals you must achieve before advancing to the next phase. There are three phases to the program.

Phase I: Minimum of 4 months

Minimum Requirements:

1. To attend one Drug Court session per week.
2. To provide a minimum of two alcohol/and or drug tests per week.
3. To report to your probation officer as instructed.
4. To attend and provide documentation of two AA/NA or other approved alternative meetings per week.
5. To attend and participate in all assigned group, family, and/or individual counseling sessions.
6. To meet financial obligations: i.e. court costs, restitution, child support, etc., as decided on by the Drug Court Team.
7. To maintain Drug Court Team approved stable housing.
8. To maintain Drug Court Team approved employment, training, or education and a 40-hour work week.
9. To obtain and maintain a sponsor.
10. If offense is DUI, to view a victim impact panel videotape.
11. To have 60 continuous days of sobriety.
12. To abide by a recommended curfew.

Phase II: Minimum of 4 months

Minimum Requirements:

1. To attend one Drug Court session every two weeks.

2. To provide a minimum of one alcohol/and or drug test per week.
3. To report to your probation officer as instructed.
4. To attend and provide documentation of two AA/NA or other approved alternative meetings per week.
5. To attend and participate in all assigned group, family, and/or individual counseling sessions.
6. To meet financial obligations: i.e. court costs, restitution, child support, etc., as decided on by the Drug Court Team.
7. To maintain Drug Court Team approved stable housing.
8. To maintain Drug Court Team approved employment, training, or education and a 40-hour work week.
9. To obtain and/or maintain a sponsor.
10. To have 120 continuous days of sobriety.

Phase III: Minimum of 4 months

Minimum Requirements:

1. To attend one Drug Court session every 3 weeks.
2. To provide two alcohol/and or drug tests per month, which reflect no use of drugs or alcohol.
3. To report to your probation officer as instructed.
4. To attend and provide documentation of two AA/NA or approved alternative meetings per week or as determined by the Drug Court Team.
5. To attend and participate in all assigned group, family, and/or individual counseling sessions.
6. To meet financial obligations: i.e. court costs, restitution, child support, etc., as decided on by the Drug Court Team.
7. To maintain Drug Court Team approved stable housing.
8. To maintain Drug Court Team approved employment, training, or education and a 40-hour work week.
9. To obtain and maintain a sponsor.
10. To have 120 continuous days of sobriety.
11. To complete an exit interview and have an established plan for aftercare.

Completion of each phase is based on your performance. The Drug Court Judge will promote you according to your individual progress with recommendations from the Drug Court staff.

INDIVIDUAL COUNSELING

One-on-one individual sessions are held according to your needs. You will attend individual counseling sessions assigned by the treatment provider. Additional sessions may be scheduled based on your progress.

GROUP COUNSELING

Group counseling is a crucial part of the recovery process. Attendance at every assigned group session is mandatory unless excused by the treatment staff. You must be on time and may be considered absent when late.

The effort you put forth in each group will determine the benefits you receive. Every participant will be expected to follow the rules and to show respect to the fellow participants and the group leaders. Failure to do so will result in sanctions as determined by the Drug Court Team. The common concern of the group is that participants provide support and help each other in recovery.

FAMILY COUNSELING

Family group sessions may be required to address questions or concerns you and your family have about the program, understanding of addiction, relapse, and other issues. Groups may also include children of participants and focus on basic parenting skills, building trust, and substance abuse prevention.

12-STEP SUPPORT GROUPS

Involvement in 12-step support groups is vital to your recovery. Attendance at these groups is mandatory and shall be documented. The fellowships will help you see how others with similar problems are recovering from their addictions. You will observe that changing to a drug-free lifestyle is a positive and exciting experience. Very few alcoholics and addicts maintain recovery without a support system.

INCARCERATION

You may be required to serve time in custody while participating in Drug Court. Jail time may be used as a sanction for various infractions of the rules, including, but not limited to, positive drug screens, missed drug screens, continuous missed groups or meetings, and inappropriate behavior. The

duration of incarceration will be at the discretion of the Drug Court Team and administered by the Drug Court Judge.

EMPLOYMENT

You will be required to obtain and maintain full-time employment throughout your involvement in the program.

Participants will be permitted to change jobs while in the program; however, staff must be notified and approve the change before it takes place.

Consideration will be given for going to school. You will still be expected to obtain part-time employment if going to school to achieve a 40-hour work week. The 40-hour work week shall consist only of job searching, actual work hours, and school hours. Other programming such as treatment, AA/NA meetings, or meeting with your probation officer are not part of the 40-hour work week expectation.

If you lose your job while in the program, you will be given a time period in order to locate appropriate employment. While searching for employment, you may be required to complete a set number of community service hours each week.

Employment will be verified frequently by the probation officer either through phone contacts with the employer or copies of pay stubs. On-site visits will also be conducted. In case of incarceration, you are responsible to notify your employer. It is your obligation to inform your employer of your participation in Drug Court and make necessary arrangements for Court appearances, groups, meetings etc.

VOCATIONAL/JOB TRAINING COMPONENT

Participants with less than a high school degree or GED and those who are unemployed or underemployed will be expected to work on developing their skills. Areas in which the staff may be able to provide you with assistance include:

- Assessment of current skills
- Aptitude and interest testing
- Development of a personal action plan
- Life skills seminars
- Adult education referrals

DRUG/ALCOHOL SCREENS

Drug and alcohol screens will be an integral part of your recovery. It is your responsibility to make sure that you understand and comply with the stated guidelines. If you do not feel that you fully understand, it is your responsibility to ask for clarification.

If you are using prescription or over-the-counter medications, you must bring them to the staff for viewing, approval and verification by the prescribing doctor. You may not use any over-the-counter medications that contain alcohol. You also may not use mouthwash. Failure to abide by the rules with proper procedure or a positive screen may result in sanctions.

DISCHARGE

The Drug Court Judge may terminate you from the program. For example, you may be terminated from the program if:

- You petition the court for termination;
- You have exhibited violent behavior or threats of violence toward self or others, or displayed inappropriate, disruptive behavior, or fail to cooperate with programming;
- You have refused to satisfactorily participate in program requirements;
- You have violated program rules;
- You are arrested, with or without conviction; or
- You abscond from the program.

GRADUATION

Graduation comes at successful completion of the program. In addition to meeting program requirements, you should be able to show how the Drug Court has positively influenced your life. Before graduation, you must complete an exit interview. Graduates will be honored and receive certificates at a special graduation ceremony. At the ceremony, you may invite friends, family, and others you would like to have there. Graduation is the culmination of the program but marks the beginning of new opportunities and a new lifestyle for yourself and those around you.

PROGRAM EVALUATION

During the course of the Drug/DUI Court Program information will be gathered on all participants that will be used to analyze the program and make changes to enhance the program. All information that is confidential and is protected by 42 C.F.R. will remain confidential. In the interest of evaluating the program, you will be asked to participate in follow-up surveys. Participation in the follow-up surveys is voluntary.

NOTES AND PHONE NUMBERS

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IMPORTANT PHONE NUMBERS

Sponsor's: _____

Treatment Provider: _____

Probation Officer: Work:_____ Home:_____

Other: _____

MEETINGS-DAYS-TIMES-DATES

TREATMENT: _____

DRUG COURT: _____

AA/NA: _____

OTHER: _____
