

STATE OF MICHIGAN
86th Judicial District Court
ANTRIM - GRAND TRAVERSE - LEE LANAU COUNTIES

Drug Court Handbook





• INTRODUCTION •

Welcome to the 86th District Court Drug Court covering Grand Traverse, Antrim, and Leelanau Counties. This is an intensive program that uses a team approach for a serious drug problem. The program provides a continuum of treatment as well as incentives and sanctions for non-violent felony and misdemeanor offenders. Treatment, case review and management, drug testing, and sessions in front of the Judge are required in the program. A felon will receive a minimum of 30 days in jail at the beginning of this program, while a misdemeanant must serve 5 days. If applicable, license sanctions are imposed by the court at the time of sentencing.

As a person whose problems stem from substance abuse, this program is specifically designed for you. As you enter this voluntary, intensely supervised treatment program, you will need to be motivated to work toward changing your lifestyle and becoming free from drugs and alcohol. This program is accessible regardless of race, religion, sex, ethnic origin, sexual orientation, marital status, age, or physical and/or mental disability. If you do not believe you need treatment or do not want to participate in treatment, you do not belong in this program.

You are expected to follow all the guidelines in this handbook.

• COURTROOM BEHAVIOR •

The courtroom is a place that requires a personal demonstration of respect and courtesy to the judge, court staff, participants and guests in attendance. The judges virtual courtroom is a courtroom and it is expected that you will treat it as such.

You must abide by the following rules:

- + DO arrive to review hearings on time.
- + DO **turn off** all cell phones, pagers and other electronic devices.
- + DO address the Judge with the utmost respect.



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- + DO bring your homework or any other paperwork as ordered by the Judge or Probation Officer.
 - DO NOT have conversations with co-participants or guests while court is in session. Pay attention!
 - DO NOT talk when the Judge is speaking.
 - DO NOT swear or use profane language in the courtroom.
 - DO NOT bring food or beverages into the courtroom.
 - DO NOT sleep in the courtroom.
 - DO NOT wear clothing with obscene or inappropriate language, pictures or references to drugs/alcohol.
 - DO NOT wear risqué clothing (i.e. revealing shirts, blouses, excessively short shorts), tank tops or unbuttoned shirts.
 - DO NOT wear hats, bandannas or sunglasses.

• MEDICAL COMPLIANCE •

Before you enter into Drug Court, you will need to tell the Probation Officer about any medications you are taking. This includes both prescription and over the counter medications. In order to participate in Drug Court, you cannot take any medication that is not approved first by the Probation Officer. Use of narcotics, as well as any medication that is potentially addictive, can be abused, or will trigger a positive drug test result may not be approved.

You agree to the following:

- I understand that I must have permission from the Drug Court Probation Officer before consuming any medications.
- I will keep the Probation Officer fully advised of all medications I am taking even if they are “over the counter”.
- I will not consume any herbal products, vitamins, over-the-counter substances or diet products without prior approval from the Probation Officer.



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- I will not consume any product that may contain poppy seeds or alcohol.
 - I will not possess or consume the controlled substance marijuana or any product made from marijuana or any marijuana derived compound under any circumstances.
 - I understand that I will not be allowed to use medical marijuana at any point while I am a participant of Drug Court.
 - When seeking medical or dental treatment that results in, or may result in, receiving a prescription for medication, I will advise my doctor, dentist or medical personnel of my addiction and the need to take only non-narcotic medication.
 - I understand that if I fail to get permission from the Probation Officer before consuming any medication, I will be sanctioned by the Court.
 - Drug courts allow the use of medication-assisted treatment (MAT) when appropriate, based on a case-specific determination and handle MAT very similarly to other kinds of treatment.
 - Only physicians with expertise in addiction psychiatry or addiction medicine may determine the type, dosage, and duration of medication-assisted treatments.

If you receive emergency treatment and through the course of this treatment are administered an unapproved medication, you must provide proof and report the medication immediately to your Probation Officer.

IT IS YOUR RESPONSIBILITY TO INFORM ANY HEALTH CARE PROVIDER YOU SEE THAT YOU ARE A DRUG COURT PARTICIPANT AND ARE NOT ALLOWED TO BE PRESCRIBED OR CONSUME ANY NARCOTIC MEDICATION UNLESS ABSOLUTELY MEDICALLY NECESSARY.



• **ZERO TOLERANCE OF ALCOHOL OR DRUGS** •

- You may not consume or possess any illegal drugs, marijuana, or any product made from marijuana or any marijuana derived compound, or alcohol while participating in Drug Court.
- You may not be around other people who are using or possessing illegal drugs, marijuana, or any product made from marijuana or any marijuana derived compound, or alcohol, including having this behavior at your place of residence, vehicle or workplace. If such substances are found, you will be held responsible.
- You may not use medical marijuana at any point while you are a participant in Drug Court.
- You may not go to any bars, casinos, or any places that serve alcohol by the glass, including but not limited to the AMC theater, Brew Coffee Shop, Lucky's Market, and Coin Slot.
- You may not be in any establishment where illegal drugs, marijuana, or any product made from marijuana or any marijuana derived compound, or paraphernalia are used, kept or sold.
- You may not enter any "adult entertainment establishments".
- The consumption of alcohol is prohibited in the Drug Court program. It is YOUR responsibility to avoid products containing alcohol, read labels and know what is in a product before you purchase or use them.
- Once you have completed Phase 1, you may be allowed to enter an establishment, where alcohol is incidental to food service with prior approval from your Probation Officer. You may not be in an establishment that has brewery, bar or pub, spirits, distillery or vineyard in its name. You must also get prior approval to be in an establishment that serves alcohol; however, there may not be any alcoholic beverages at your table, which includes anyone with you.
- Must have permission from your Probation Officer before attending any festival or event.



• OUT OF TOWN TRAVEL OR OVERNIGHT VISITS •

- You may not stay at any location but your place of residence during Phase 1.
- After Phase I, you may have overnight and some travel if approved by the Drug Court Team. However, you must obtain permission prior to travel, and travel may not be for more than five (5) days, four (4) nights. You will be required to test during the travel time, and you may have to continue with meetings. It is up to you to determine where you can test and provide that information to your Probation Officer.

• CURFEW •

During your time in Phase I, there is a mandatory 10 p.m. curfew. You must be in your residence prior to 10 p.m. unless this conflicts with your work schedule. You will be required to provide a copy of your work schedule to your Probation Officer and you must be at your residence within one-half hour after finishing work.

• POLICE CONTACT •

You must report any contact with the police on the next business day following the occurrence. This includes all direct and indirect contact.

• COUNSELING/TREATMENT •

Drug Court Participants must have a substance abuse assessment before entering the program. The assessment will be completed by Munson Behavioral Health or Catholic Human Services.

The Court will be communicating with your counselor on a regular basis to discuss your progress, attendance, and participation. The Drug Court team reserves the right to alter your treatment based on your needs.

Participants must fully participate in treatment and all other programs to which you are referred with no unexcused absences. If counseling falls on a holiday and your group is rescheduled, you must attend (it



is not optional). Your work schedule will have to be scheduled around counseling, and counseling does not count as a 12 step meeting (unless approved by probation).

You agree to obey all the rules of counseling and pay all fees. You agree to attend all meetings, be on time, and participate.

• COST OF THE PROGRAM •

A payment plan can be established with the Court until all fines, costs and restitution are paid in full.

If your offense is a misdemeanor, you will have two years to pay all fines and costs.

If your offense is a felony delayed case, there will be some upfront costs that must be paid within the first year (costs, restitution and court appointed attorney fees, if applicable).

Once the delayed sentence has been reduced, the remaining costs will be added to your case and you will have the remaining time in the program to make payment in full. These additional costs may include, Fines, Blood Draw Fee, Crime Victim Fee, Judicial Fee, etc.

• CONFIDENTIALITY •

You will agree to sign a consent form waiving confidentiality of any medical treatment or social service records. If you withdraw your consent, you will be terminated from the program.

The purpose of, and need for, a consent form release is to inform the court and all others named, of eligibility, acceptability, treatment attendance/compliance and prognosis in substance abuse treatment. Such records are protected under the Federal regulations governing Confidentiality of Alcohol and Drug Patient Records, 42 C.F.R. Part 2 and any information identifying you as a patient in a substance abuse program cannot be disclosed without written consent, except in limited circumstances as provided for in these regulations. Recipients of this information may disclose it only in connection with their official duties.



• DRUG COURT TREATMENT TEAM •

The key to your success is the TEAM approach. The team consists of the Judge, Prosecutor, Defense Counsel, Probation Officer, Treatment Provider, Law Enforcement, and YOU. You are the focus; the rest of us are here to support your recovery. Each case is reviewed on a regular basis by the team, prior to the review hearings.

• REVIEW HEARINGS •

Participants are required to attend Review Hearings every two to four weeks. The Judge will review your progress with you, and will determine what incentives (rewards), sanctions or adjustments may be appropriate. You must be on time for all hearings.

You are encouraged to ask the Judge any questions and voice any concerns you may have about your treatment program. You will be given notice of your next report day and the next review hearing. It is your responsibility to keep track of these dates. You also waive the right to legal representation at review hearings pursuant to MCL 600.1068(1)(c)

• REPORT DAYS •

Participants in the Drug Court are expected to report to their Probation Officer on their assigned report day(s). You should come prepared with proof of 12-step meeting attendance and any other verification that is requested. If you have changes in your life such as roommates, employment, etc., you need to inform your Probation Officer on report day.

• EMPLOYMENT AND/OR SCHOOL •

The Judge may require you to obtain/maintain employment or enroll in a vocational/educational program. Drug Court requires that clients without a high school diploma pursue a general equivalency diploma (GED) or high school diploma.

If you lose your job while in the program, you will be given a time frame



in order to secure another job. While searching for employment, you may be required to participate in job training or community service. Those with disabilities that prevent them from working will be accommodated on a case-by-case basis.

Drug Court Staff will routinely verify employment through phone contact with your employer or copies of paycheck stubs. We strongly encourage you to notify your employer of your participation in the Drug Court program, including required court appearances and treatment.

• DRUG AND ALCOHOL TESTING •

Participants are expected to take drug screenings as ordered. Testing may change depending on your phase and performance. Drug testing must be completed in the a.m. If you miss a urine screening, it is mandatory that you call your Probation Officer immediately. If your drug screening is dilute, that is considered a positive test, so limit your intake of liquids prior to the test as directed by the drug testing facility. Any attempt to falsify a urine test or adulterate a urine test is grounds for termination from the program.

PBTs will be taken as directed by the Judge. These may also change depending upon your phase and performance. If you miss a PBT, you must call your Probation Officer immediately. A late test is considered a missed PBT.

YOU MAY BE TESTED BY THE PROBATION OFFICER, TREATMENT PROVIDER OR POLICE OFFICER AT ANY TIME AND YOU MUST COMPLY.

If you think you may test positive, contact your Probation Officer BEFORE you test.

• 12 STEP MEETINGS •

You agree to attend 12-step groups as ordered by the court. Any attempt to forge or falsify any 12-step meetings on the verification form may result in termination from Drug Court. The 12-step meeting week begins



on Sunday and ends on Saturday. If you attend more than one meeting per day, only one meeting will count towards your weekly count.

• HOME VISITS •

You are waiving your rights to privacy and will allow the Probation Officer and/or any Police Officer the right to make random home visits. You understand that this may include a search of your person and your home and that a search of your home may be requested of others that live at your residence.

You understand that if you do not answer your door, after the time of your curfew, a violation will occur.

• SAFETY PLAN •

After being sentenced into Drug Court the Judge will instruct you to complete a “safety plan.” The safety plan is a written document you will carry with you at all times. Your plan will include a list of people you can trust and count on if you need help. Your sponsor is usually on this list along with other people you know who will be committed to supporting your sobriety. You will use your plan when you find yourself in a situation where you question whether or not you will be able to stay sober. Your safety plan will change and grow as you progress through Drug Court.

• DISCHARGE •

You may be terminated from this program for a variety of reasons including:

- Exhibiting violent behavior or threats of violent behavior towards self or others
- Displaying inappropriate, disruptive or non-compliant behavior
- Refusal to satisfactorily participate in program requirements
- Charged with another criminal offense (case-by-case basis)



- Convicted of a felony for an offense that occurred after being admitted to the drug treatment court.
- Failure to show for review hearing or report days
- Violation of program rules
- Dilute, missed or positive urine screenings/PBT's
- Lack of engagement in a recovery program
- Absconding
- Petition for voluntary termination

• RESIDENCE •

You must be a resident of Grand Traverse, Antrim, or Leelanau Counties. If you change your physical address or phone number, you must notify probation immediately. You may not leave the three county area without obtaining permission from the court.

• INCENTIVES AND SANCTIONS •

You will be rewarded for having done well in the program with various incentives, including but not limited to phase advancements, books, permission to travel (not in Phase 1), and/or reduction in meetings with the court and/or Probation Officer.

During the Drug Court Review Hearings, the court may impose immediate sanctions for noncompliance with conditions of the program, including but not limited to community service work, increased testing, writing assignments, and/or a change in treatment. You are waiving the requirement of the filing of an order to Show Cause or Bench Warrant, before imposing such sanction. If jail time is a possible sanction, you do have the right to a hearing and representation by an attorney.

• COMMENCEMENT •

You are eligible for commencement when each of the following conditions have been met:



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- Completion of a one-year delayed status and then another 24 months probation after the sentence has been reduced (felony cases)
 - Completion of 24 months in the program (misdemeanor cases)
 - Demonstrated sobriety and have remained sanction free for at least 90 consecutive days prior to the end of probation
 - Completion of all program requirements and the team has determined you suitable for commencement
 - Length of phases II and III can be reduced at court's discretion in conjunction with input from Drug Court Team.

* Any and all conditions may be adjusted by the Court, as necessary.

• DRUG COURT OFFENDER ELIGIBILITY CRITERIA •

1. Male and female adult offenders residing in Grand Traverse, Antrim, or Leelanau Counties, who commit their offense in one of the three counties.
2. Offenders with a diagnosis of Moderate to Severe Substance Use Disorder.
3. Offenders who show no pattern for violent behavior.
4. Offenders who did not possess a dangerous weapon at the time of arrest for the offense for which admission to the Drug Court Program is sought.
5. Offenders who show sufficient emotional stability, and mental and intellectual capacity to be capable of participation in the program.
6. Offenders charged with an offense related to the offender's substance abuse disorder.
7. Other non-violent offenses may be considered on a case-by-case basis by the Prosecutor and/or Judge depending upon the facts and circumstances of the offense and offender and the extent of the substance abuse diagnosis.



• DRUG COURT INELIGIBILITY CRITERIA •

1. Anyone convicted of a violent felony offense.
2. Refusal to cooperate with screening and assessment procedures, or unwillingness to participate in required programming or abide by program rules.
3. Person whose mental health or medical issues would prevent them from being able to actively participate in and complete the program.
4. Anyone convicted of delivery of controlled substances, possession with intent to deliver controlled substances, or possession of controlled substance in excess of what is generally associated with personal use.

PROGRAM DESCRIPTION

Drug Court is a voluntary, intensive treatment program for non-violent offenders that have a moderate to severe diagnosis of substance use disorder. The program uses a team approach to supervision. The judge, Probation Officer, and treatment provider(s) will regularly communicate regarding your progress. Drug Court targets individuals charged with misdemeanor and felony drug and drug-related offenses.

Drug Court uses a combination of positive and negative reinforcements to change behavior. You will be involved in the program for approximately 24-36 months. There are three phases throughout the program. Upon entry into the Drug Court program you will be assigned a treatment program, including twelve step groups, drug and alcohol testing, counseling, regular sessions with your Probation Officer and review hearings before the judge.

Entry into Drug Court requires that the defendant admits guilt before a Judge by pleading guilty. With a felony conviction, the defendant must successfully complete the first year of the Drug Court Program under a delay of sentence. After successful completion of a one year delay, the felony will be reduced to a misdemeanor upon a guilty plea to the misdemeanor offense. The defendant will then complete up to



an additional two years in the program to successfully graduate. With misdemeanor cases, the plea will be accepted up front and the person will complete up to a two year program successfully in order to graduate. All one year misdemeanors will likely result in a conviction of Use of Controlled Substance which carries up to one year in jail and the court is required to suspend the defendant's driver's license for up to one year with the first 30-60 days requiring no driving at all, and possible restrictions thereafter.



PARTICIPANT RESPONSIBILITIES

During your time in Drug Court you will progress through three different phases. Each phase has specific requirements you must comply with in order to progress to the new phase and ultimately to commencement. Phase requirements are tailored to each participant's addiction and recovery needs, but in general are as follows:

	Phase I	Phase II	Phase III
Urine Screens	Random 2x/week	Random 2x/week	Random 4x/month
Alcohol Testing	2-4x/day	Daily a.m.	Daily or random
Home Checks	Random 24/7	Random	Random
Review Hearings	2 times per month	Monthly	Monthly
Report to Probation Officer	2 times per week	Once a week	Twice a month
Curfew	Daily 10:00 p.m.	N/A	N/A
12 Step Meetings	90/90 followed by 4 per week	At least 4 per week	At least 3 per week
Safety Plan	Develop safety plan	Review & update safety plan	Review & update safety plan
Sponsor	On or before 90 days	Maintain	Maintain
Employment and/or Education	Seek or maintain employment, higher education or community service work	Continue employment, education or community service work	Continue employment, education or community service work
GED (if applicable)		Continue GED classes	Continue GED
Community Service	Up to 40 hours per week if unemployed	Up to 40 hours per week if unemployed	Up to 40 hours per week if unemployed
Healthy Living Plan	N/A	Develop a plan	Implement the Healthy Living Plan
Treatment	Enroll in counseling and attend with no unexcused absences	Continue with counseling with no unexcused absences	Reconnect with counselor for a check-up
Minimum # of days in each phase	Minimum 365 days for felony delayed cases; 6 months for misdemeanor cases; 30 day sanction free to move to phase II	Minimum 365 days for felony delayed cases; Minimum 6 months for misdemeanor cases; 30 days sanction free to move to phase III	Minimum 365 days for felony cases; minimum 6 months for misdemeanor cases; 90 days sanction free to graduate
Payments	Must begin to make regular payments on fines & costs	Continue with payment schedule; A minimum of half of fines & costs must be paid to move to Phase III	Fines & costs must be paid in full

These requirements are described in more detail on the following pages



Phase 1

- Random Urine Screens – 2 times per week
- PBT's – maximum twice daily
- Discretionary testing at any time
- Contact with Probation Officer maximum two (2) times per week.
- Attendance at Drug Court Review Hearings two times per month.
- Attendance at (90) 12-step meetings within 90 days (one per day) followed by a minimum of four (4) times per week with verification.
- Obtain a 12-step sponsor with verification of actively working a 12-step program within 90 days.
- Develop a Safety Plan.
- Meet with treatment provider and enroll in counseling as ordered by the court, with verification and no unexcused absences.
- Random home visits.
- Begin to make regular payments toward fines and costs. If the case is a felony delay of sentence, all portions of the initial costs must be paid within the first year.
- Felons must have a minimum of 365 days in this phase and at least 30 days sanction free to move into Phase 2. Misdemeanants must complete at least six (6) months in this phase and at least 30 days sanction free to move into Phase 2.



Phase 2

- PBT's – maximum daily
- Random Urine Screenings, Minimum 2 times per week
- Discretionary testing at any time
- Contact with Probation Officer one (1) per week.
- A minimum of once monthly attendance at Drug Court Review Hearings.
- Attendance at a minimum of (4) four 12-step meetings per week with verification.
- Maintain weekly in-person contact with sponsor with verification, and continue to work a recovery program.
- Random Home Visits
- Continued compliance with payment schedule. A minimum of half of the fines and costs must be paid prior to moving into Phase 3.
- Develop Healthy Living Plan
- Review and update Safety Plan
- Felons must have a minimum of 365 days in this phase and at least 30 days sanction free to move into Phase 3. Misdemeanants must complete a minimum of six (6) months in this phase and at least 30 days sanction free to move into Phase 3.



Phase 3

- PBT's - daily & random
- Random Urine Screens, minimum 4 times per month
- Discretionary testing at any time.
- Contact with Probation Officer at a minimum of twice per month.
- A minimum of monthly attendance at Drug Court Review Hearings.
- Fines and costs must be paid in full.
- Continued participation in 12-step meetings, a minimum of three (3) times per week with verification and continue to work the steps with your sponsor.
- Written narrative describing your lifestyle changes and how you will sustain a sober lifestyle.
- Implement Healthy Living Plan
- Review and update Safety Plan
- Felons must complete a minimum of 365 days in Phase 3 and at least 90 days sanction free to graduate. Misdemeanants must complete a minimum six (6) months in Phase 3 and at least 90 days sanction free to graduate.



I HAVE DISCUSSED THIS CONTRACT WITH MY ATTORNEY AND ACKNOWLEDGE THAT I UNDERSTAND THE CONDITIONS OF THIS CONTRACT, AND FREELY AND VOLUNTARILY AGREE TO THE TERMS WITHIN

Signature of Participant

Date

Witness Signature

Date

