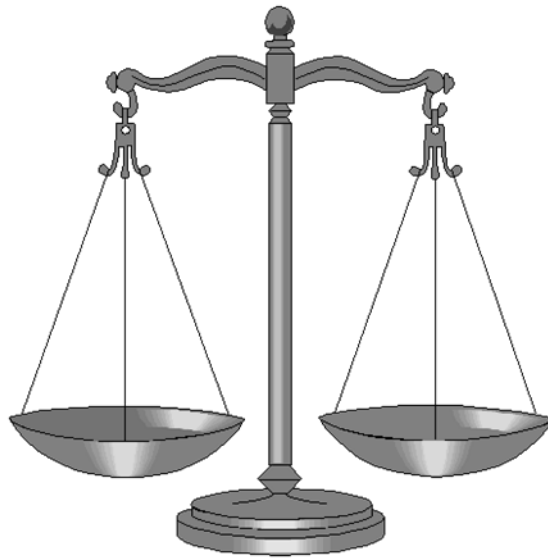


Blaine County Drug Court Handbook



This handbook is designed to introduce you to Drug Court and to assist you in complying with the contract you signed upon entrance to Drug Court.

Effective Date July 1, 2022

Introduction

The Blaine County Drug Court is a post-sentence treatment court. If you are accepted, successful completion of the Drug Court program will be a special term and condition of your probation. Additionally, compliance with all terms of probation will be a condition of Drug Court participation. You, the participant, will be required to check-in with both Idaho Department of Correction (IDOC) and the Drug Court Coordinator. Upon completion of the Drug Court program, you will remain on supervision with IDOC until you successfully complete probation or parole.

How to apply

- Step 1: The defendant must enter a guilty plea, admit to a probation or parole violation, agree to apply in lieu of a probation or parole violation, have been found guilty or to have violated probation or parole. In the event a prospective applicant has unsuccessfully contested the charges, Drug Court will evaluate whether the applicant will be amenable to treatment and appropriate for Drug Court.
- Step 2: The Drug Court application, contract, and referral form (located on the 5th Judicial District website, <http://www.5thjudicialdistrict.com/problem-solving-court/drug-court/>) need to be e-filed (by attorney) in the defendant's case.
- Step 3: After the Court Clerk enters a register of actions into the Court's electronic filing system (Odyssey), all parties are notified of the pending Drug Court application.
- Step 4: The defendant will need to complete an LSI interview and obtain a Drug and Alcohol assessment (GAIN-I). Contact Drug Court Coordinator for more information.
- Step 5: Determination of Drug Court eligibility will be completed. If the applicant meets the eligibility criteria, a Notice of Drug Court Eligibility is filed with the sentencing court. If the applicant does NOT meet the eligibility criteria, a Drug Court Transfer Order is filed with the sentencing court.

Eligibility Requirements

Idaho Code §19-5604 provides:

(1) No person has a right to be admitted into Drug Court. The Drug Court in each county shall determine the eligibility of persons who may be admitted into Drug Court except that each candidate, prior to being admitted, must undergo: (a) a substance abuse assessment; and (b) a criminogenic risk assessment.

(2) No person shall be eligible to participate in Drug Court if any of the following apply:

(a) The person is currently charged with, has pled or has been adjudicated or found guilty of, a felony crime of violence or a felony crime in which the person used either a firearm or a deadly weapon or instrument. (b) The person is currently charged with, or has pled or been found guilty of, a felony in which the person committed, attempted to commit, conspired to commit, or intended to commit a sex offense.

(3) A Drug Court may, after consultation with the Drug Court team and with the consent of the prosecuting attorney, allow a person to participate in Drug Court who would otherwise be ineligible only because of the provisions of subsection (2)(a) of this section.

GAIN and LSI Requirements:

1. Substance abuse assessment also known as a GAIN-I assessment will need to have a recommended treatment level of Outpatient Services or higher.
2. Criminogenic risk assessment also known as a LSI will need to have a score of 18 or higher.

Courtroom Rules

Etiquette: Be polite and courteous to the Judge, court personnel and those around you. No profanity will be tolerated at any time. Turn off all electronic devices.

Dress Code: Clothing bearing violence; gang colors/symbols or language; sexual, drug, or alcohol related themes are not appropriate. Sunglasses are not to be worn in court unless medically approved. No hats are to be worn inside the courtroom. The decision of what constitutes inappropriate attire is at the discretion of the Court.

Court via Zoom (if allowed or required): Electronic device must have a full charge on the battery. Wi-Fi connection must be stable. Do not move the electronic device around. The participant must be in an upright position and fully clothed not wearing a hat. Background noise is to be minimal. Do not eat, drink, or talk to others while in Court via Zoom. Participants must pay attention while attending Court and must not switch to a different screen while on Zoom. When attending Court via Zoom Courtroom Etiquette and Dress Code listed above still apply.

Information related to the participant's case and compliance, including information that might otherwise be confidential, will be discussed in open court.

Drug Court Attendance

Drug Court sessions are held four times a month at the Courthouse or electronically via Zoom. The participant will be required to appear in Drug Court on a regular basis. If the participant does not appear in Drug Court on the date and time scheduled, a warrant may be issued for their arrest and the participant may be sanctioned. Drug Court attendance is determined by phases but the Judge may require additional attendance.

Court starts at 4:00 pm on the first four Thursdays of the month (unless the Thursday falls on a legal holiday).

Phase 1: Every Week

Phase 2: Every Week

Phase 3: 2nd and 4th Thursday every month

Phase 4: 2nd Thursday of every month

Phase 5: 2nd Thursday of every month

Drug Testing

Drug Court participants are tested at random (this may occur 7 days a week to include holidays). Testing may include blood, breath, urine, saliva, or hair. Participants will be expected to call the UA line on a daily basis and listen for the last five numbers of their social security number. Calling in daily is an obligation and is tracked.

All UA testing done at KH Counseling will be paid for by the Drug Court program unless otherwise required by the Court or the Drug Court Coordinator (*e.g.*, if an extra drug test is ordered, as a sanction and/or a dilute or positive test will be paid for by the participant). If a participant is approved to travel, they are expected to locate a UA testing facility in the area they are traveling to. The participant will need to pay for the UA test out of their own pocket and will not be reimbursed.

For every dilute or positive drug test, the participant will be expected to fill-out an incident form. The Judge will decide if a sanction is needed and what an appropriate sanction would be.

KH Counseling & Health Center
409 North Main Street
Hailey, Idaho 83333

Contact Information:

Phone line call-in hours:

6:00 am – 11:59 am

Phone Number: 208-928-2000

(Listen to the complete message.)

Phone line ID#: Last 5 numbers of social security number

Online check: www.mycallin.com

Testing Times:

Monday thru Friday

08:00 am – 3:30 pm

(Closed for lunch from 1:00 pm – 2:00 pm, except on

Saturday, Sunday, and Holidays testing time is from 08:00 am to 09:00 am.

*Check with the office for any temporary schedule changes.

Treatment

Upon acceptance into the Drug Court program, a participant will be assigned a treatment provider. The participant is responsible for:

- Signing a Release of Information, which allows the treatment provider to obtain information from a participant's health care providers.
- Following their individualized treatment plan and complying with all treatment guidelines.
- Participants will be required to provide the treatment provider with a list of their current medications. The treatment provider may communicate with the participant's medical doctor regarding a particular medication the participant is taking.
- Participants have to be on time for all treatment classes and appointments.
- If the participant is late, the participant may not be allowed to participate in the class.
- If the participant is sick, the participant must provide a doctor's note if they have been sick longer than five days.
- If for any reason the participant misses treatment or is late to treatment, the participant will be required to fill-out an incident form and turn it into the Drug Court Coordinator.
- If you know you are going to miss treatment, you must have prior approval by Drug Court team.

KH Counseling & Health Center

409 N Main Street, Hailey Idaho 83333
208-928-7507

Group Class and Individual Counseling Times:

To be determined by treatment provider.

Medications and Prescriptions

Generally, Drug Court participants are expected to be drug free, including the use of prescription medication. When seeking medical assistance, the participant is required to notify medical professionals of their participation in a recovery program and always ask for a non-narcotic medication.

Participants must provide a copy of any prescription(s) to the Drug Court Coordinator. If the participant's medical provider feels that only a narcotic pain reliever is appropriate, the participant is required to obtain a written note from their provider indicating such. The Drug Court team will consider whether the medication is appropriate for use during Drug Court participation. In the event a medication is not approved for use while in Drug Court after a physician has determined it to be medically necessary, the Drug Court Judge may allow the participant the opportunity to choose to remain in Drug Court without the medication or to withdraw from the Drug Court to seek alternative care and treatment without sanction from Drug Court.

While in Drug Court, the participant is only allowed to have one primary doctor, dentist and pharmacy. Using medication that is not prescribed to a participant will not be tolerated and the participant may be sanctioned for such action or removed from the program. Giving medications to others will not be tolerated and the participant may be sanctioned or removed from the program.

Each time the participant visits a medical professional, they are required to notify the medical professional of their participation in a recovery program by using the form provided by Drug Court.

The following over-the-counter medications may be used, provided they are not in excess of the recommended dosage:

Approved Over-The-Counter Medications

Pain

Tylenol

Acetaminophen

Aspirin

Excedrin

Aleve

Ibuprofen

Motrin

Cold/Flu

Dimetapp Non-Alcohol

Allergies

Allegra

Benadryl

Claritin

Zyrtec

Antacids

Tums (Not Zantac)

Do Not Use

- Alcohol or any products containing alcohol (*e.g.*, mouthwash, kombucha)
- Poppy seeds in any form (muffins, bagels, any bread with seeds, etc.)
- Excessive fluids or anything that could dilute a test
- Creatine supplements
- Supplements such as Spice, K2, Haze, Salvia, Kratom or similar products
- Any flushing agents
- Nyquil or other cold tablets containing alcohol or Dextromethorphan
- Over-the-counter diet aids
- No fermented teas

The participant is responsible for everything they consume or ingest into their body. Food and drinks like poppy seeds, energy drinks and teas can cause false positive and/or a diluted sample. If this situation occurs, the participant will be expected to fill-out an incident form. The participant risks being sanctioned regardless of the cause and they will have to pay for the UA test and confirmation fee.

Incident Form

If the participant has an incident while in the Drug Court program, it needs to be reported immediately to the Drug Court Coordinator and to their Probation Officer. An incident form must be filled out within 24 hours. These can be picked up at the Courthouse lobby (behind the bailiff's station), picked up at KH Counseling, or emailed to the participant. Incidents can include but are not limited to the following:

- Missed drug test
- Dilute drug test
- Positive drug test
- Contact with law enforcement
- Missed work and/or treatment
- Employment discipline such as terminate, demotion, suspension, etc.
- Any missed drug court appointment

All incident forms are to be either dropped off at the courthouse and put on the Drug Court Coordinator's desk and/or emailed to the Drug Court Coordinator at danielle.ramondetta@tfco.org.

Drug Court Phases

There are five phases in the Drug Court program. Participants will be expected to complete the requirements of each phase before moving to the next. The following information outlines the different expectations of each phase. The number of weeks in a phase is just a guide, moving to the next phase is dependent on the participant's progress with treatment and in all areas of the program including their financial obligations. The frequency and type of substance abuse treatment will be at the discretion of the treatment provider. The treatment provider will use the GAIN-I assessment to determine how many hours they need to attend treatment a week. The Judge may require additional treatment for the participant throughout the program.

Phase 1 (minimum of 30 days) – Orientation and Engagement

Requirements

- Complete Orientation with Drug Court, Probation and Treatment
- Show “engagement” by willingness to participate and comply with program
- Community Program meetings: 2 per week
- Random UA's
- Attend and engage in treatment as determined by the GAIN-I assessment at the direction of the treatment provider and/or Court
- Individual Counseling as recommended
- Weekly Drug Court appearance
- Compliance with terms and conditions of probation or parole

To Advance to Phase 2

- Be honest
- 14 consecutive days of sobriety and in good standing with the Court
- Attend appointments
- Be gainfully employed and/or enrolled in school unless otherwise specified by Court
- Be current with Drug Court fees
- Have a sponsor or temporary sponsor or mentor
- Progressing at Court's discretion
- Phase up letter

Completing Phase 1 means you have shown personal motivation for recovery from drug and/or alcohol abuse.

Phase 2 (24+ weeks) – Intensive Treatment

Requirements

- Community Program meetings: 2 per week
- Random UA's
- Attend and engage in treatment as determined by the GAIN-I assessment at the direction of the treatment provider and/or Court
- Individual counseling as recommended
- Weekly Drug Court attendance
- Be gainfully employed and/or enrolled in school unless otherwise specified by Court
- Compliance with conditions of probation or parole
- Compliance with sentencing requirements

To Advance to Phase 3

- Be honest
- 60 consecutive days of sobriety
- Attend appointments
- Address financial issues
- Submit a budget
- Address any medical issues
- Begin attending GED classes if necessary
- Be current on Drug Court fees
- Have a sponsor or mentor
- Progressing at Court's discretion
- Phase up letter

Completing Phase 2 shows that your hard work has opened the door to a new and better life.

Phase 3 (24+ weeks) – Transition/Community Engagement

Requirements

- Community Program meetings: 2 per week
- Random UA's
- Attend and engage in treatment as determined by the GAIN-I assessment at the direction of the treatment provider and/or Court
- Individual counseling as recommended
- Be gainfully employed and/or enrolled in school unless otherwise specified by Court
- Attend Drug Court the 2nd and 4th Thursdays of the month
- Compliance with conditions of probation or parole
- Compliance with sentencing requirements

To Advance to Phase 4

- Be honest
- 90 consecutive days of sobriety and in good standing with the Court
- Attend appointments
- Understand and show socially accepted life role(s)
- Address financial issues
- Submit a budget
- Continued medical care if needed
- Actively working on GED if necessary
- Be current with Drug Court fees
- The Drug Court may place additional requirements to assist in the development of practical life skills
- Have stable/independent housing approved by Drug Court team
- Progressing at Court's discretion
- Phase up letter

Completing Phase 3 means you have shown that you are living your recovery program. You have brought people into your life that applaud and support your new lifestyle

Phase 4 (16+ weeks) – Maintenance

Requirements

- Community Program meetings: 2 per week
- Random UA's
- Attend and engage in treatment as determined by the GAIN-I assessment at the direction of the treatment provider and/or Court
- Individual counseling as recommended
- Be gainfully employed and/or enrolled in school unless otherwise specified by the Court
- Complete payment of Drug Court fees
- Attend Drug Court the 2nd Thursday of the month
- Compliance with conditions of probation or parole
- Compliance with sentencing requirements

To Advance to Phase 5

- Be honest
- 180 consecutive days of sobriety
- Attend appointments
- Complete treatment requirements
- Maintain prosocial activities
- Be current on Drug Court fees
- Actively working on GED if necessary
- Have stable/independent housing approved by Drug Court
- Submit budget
- Progressing at Court's discretion

Completion of Phase 4 means you have shown independent success and can contribute to others in earlier phases of the program.

Phase 5 (8+ weeks) – Maintenance

Requirements

- Be honest
- 180 consecutive days of sobriety
- Attend appointments
- Community Program meetings: 2 or more per week
- Random UA's
- Be gainfully employed and/or enrolled in school unless otherwise specified by the Court
- Compliance with conditions of probation or parole
- Compliance with sentencing requirements
- Take GED test if necessary
- Complete any and all additional requirements placed upon you by Drug Court (classes that assist in the development of practical life skills)
- Attend Drug Court the 2nd Thursday of the month

To Graduate

- Submit budget
- Contact Coordinator and complete an exit LSI and Exit Survey
- Graduation letter

Completion of Phase 5 shows you are ready to live life substance free and be a productive member of society.

Drug Court Team Members

Judge: The Judge shall serve as the leader of the Drug Court team, and shall maintain an active role in the Drug Court processes, including Drug Court staffing, conducting regular status hearings, imposing behavioral rewards, incentives and sanctions, and seeking development of consensus-based problem solving and planning. All decisions administered by the Judge as the team leader are final.

Drug Court Coordinator: The Drug Court Coordinator reviews the handbook with the participant and answers any questions the participant may have. Each participant is given a copy of the Drug Court handbook at this time. The Coordinator will provide clear written guidelines identifying possible sanctions and incentives and explain how those sanctions and incentives will be utilized. The Coordinator will also review drug testing procedures and expectations, fees and costs of the program, and explain graduation criteria for the program.

Probation and Parole: Probation officers play a significant role in the Drug Court program. Probation officers will coordinate home visits as well as other community supervision activities. They will have regular communication with the participant as determined by the Drug Court team. A participant's supervision will be individualized to meet his or her needs as determined by the Drug Court team and Idaho Department of Correction.

Prosecutor: The Prosecutor advocates for public safety, victim interests and accountability to the obligations in the program. The Prosecutor may help to resolve pending legal cases that impact participant's legal status or eligibility for Drug Court.

Defense Counsel: The Defense Attorney ensures participants' constitutional rights are protected and advocates for participants' legal interests. Having Defense counsel present on the Drug Court team improves outcomes of the participants significantly.

Treatment Provider: The treatment provider will provide substance abuse treatment to chemically dependent/addicted individuals accepted into the program. A treatment provider will prepare an individualized treatment plan for each participant entering into the program and advise of the participants' compliance and noncompliance. As a part of a participant's treatment plan, a participant may be required to attend group treatment and individual therapy sessions. Information about the treatment provider used by the Drug Court, including name, address, telephone number and services provided in the Handbook.

Law Enforcement Representative: Law enforcement is the eyes and ears of Drug Court on the street, observing participant behavior and interacting with participants in the community. Law enforcement may also assist with home and employment visits, and serves as liaison between the Drug Court and the police department, sheriff's office, jail and correctional system.

Guidelines

Associations: Participants are not allowed to associate with anyone who is using alcohol, illegal drugs or who has a felony conviction. Any participant in a shared living arrangement will be accountable for the common areas of the residence as well as the sleeping quarters with regards to alcohol, paraphernalia, illegal substances, weapons and prohibited substances and the persons that visit the residence. Failure to abide by the rules may result in a sanction and or termination from the Drug Court program.

Housing: All participants are required to maintain safe and sober housing as approved by Probation and the Drug Court team. Participants are not allowed to live with anyone who is using alcohol, illegal drugs or has a felony conviction, unless granted permission from the Drug Court team and Probation and Parole. Participants are not allowed to let anyone stay at their residence who does not live there all the time, unless otherwise approved in advance by Drug Court and Probation and Parole. Any change of housing must be approved by the participant's Probation Officer as well as the Drug Court team. The Drug Court team must be aware of the participant's residence all individuals residing at the participants home at all times.

Firearms and Weapons: Participants may not purchase, carry, possess, or have control of any firearms, chemical weapons, electronic weapons, explosives or other weapons.

Employment: Unless otherwise exempt, all participants will be required to achieve and maintain stable, full-time employment (32 hours a week or more). If enrolled in school, a part-time job may be required. If a participant is older than 65 years of age, disabled or receiving social security income the participant may not be required to work. If a participant is unemployed, the participant will be required to show proof of their search for employment. At the Court's discretion, the participant may be required to complete an appropriate amount of community service until full-time employment is obtained. The Court may also make a referral to the following resources if a participant is struggling to find full-time employment:

Kent Oltrogge | Workforce Consultant
Magic Valley Regional Office
Idaho Department of Labor
420 Falls Avenue | Twin Falls, ID 83301-3320
(208) 735-2500 ext. 3822
Fax: (208) 736-3007
Kent.Oltrogge@labor.idaho.gov

Louis Almanza | WIOA/TAA Case Manager
Magic Valley Regional Office
Idaho Department of Labor
420 Falls Avenue | Twin Falls, ID 83301-3320
(208) 735-2500 ext. 3018
Fax: (208) 736-3007
Louis.Almanza@labor.idaho.gov

Jeremy Dumas
Vocational Rehabilitation Specialist
Idaho Division of Vocational Rehabilitation
650 Addison Avenue West, Suite 102
Twin Falls, ID 83301
Jeremy.Dumas@vr.idaho.gov
Phone: (208) 736-2156
Fax: (833) 504-1451

Education Requirements: Drug Court participants who do not have a high school diploma or GED, shall in good faith seek a High School Equivalent or GED certificate. For assistance in preparation for the GED test and/or obtaining a GED, please contact the College of Southern Idaho office in Hailey at 208-788-2033 or contact Jeremy Dumas at Idaho Division of Vocation Rehabilitation at 208-736-2156.

Travel: Except in an emergency, all travel requests must be submitted to the Drug Court Coordinator three days prior to the requested travel dates. The Drug Court team will discuss the participant's travel request. Travel will be decided on a case-by-case basis at the Court's discretion. In the event of an emergency, participants are to contact the Drug Court Coordinator, who will relay the information to the Drug Court Judge, who will then review the request for emergency travel.

Curfew: Each phase in Drug Court has a curfew that must be followed. Participants must also follow the curfew placed upon them by their Probation Officer. Not following curfew may result in a sanction. The participant must be at their place of residence at the designated times. The only exceptions to curfew are treatment, community program meetings, work, school, or something that was pre-approved by their Probation Officer.

Community Support meetings: Participants are required to attend a minimum of two community support meetings per week. Participants are required to show proof of their attendance using the designated forms (located in the Courthouse lobby). Failure to attend community programming may result in a sanction. If a participant chooses to attend community programming via Zoom they are required to email the Drug Court Coordinator a screen shot of the meeting along with filling out the designated community program form.

Financial Obligations: All fees must be paid prior to graduating from the Drug Court program. Participants are required to check with the Drug Court Coordinator regarding their fees to make sure all their financial obligations for the program are met. Drug Court fees are paid to the Court their case originated in. All Drug Court fees will be assessed on the second day of each month at a rate of \$125.00 per month. Additional fees may be assessed to a participant's bill (e.g., program sanctions involving additional drug testing).

(1) Change of Venue: In the case where a change of venue has occurred, all fees, fines, court costs and restitution shall be paid in and distributed by the receiving county. *I.R.T.C. 11(a)(1) and 11(e)(1).*

(2) Transfer of Supervision: Where there has been a transfer of supervision, the originating judge or Treatment Court Judge shall order the payment of Treatment Court fees to the county of the applicable Treatment Court. All other fees, costs, fines and restitution shall be paid in the originating county, which shall then forward the amount of Treatment Court fees to the county of the applicable Treatment Court. Upon graduation or termination, the originating Court shall enter an order stopping the assessment of Treatment Court fees. *I.R.T.C. 11(a)(2) and 11(e)(2).*

Sanctions and Incentives

Sanctions: Sanctions for noncompliance need to be individualized as necessary to increase their effectiveness for each individual participant. Prior to an imposition of a sanction, the participant will be afforded the opportunity to be heard, unless the Drug Court Judge believes noncompliance must be sanctioned before an opportunity to be heard can be provided.

Sanctions (depending on the violation) will be assessed on a graduated scale from low to high, to increase their effectiveness. Examples of low-level sanctions could be a writing assignment (apology letters/essay assignments), increased community restrictions, daily activity log, journaling or a life skills assignment. Examples of a moderate level sanction could be increased supervision, phase demotion, community service or paying for a failed drug test. Examples of high-level sanctions are daily reporting, electronic surveillance, home detention, jail or termination from Drug Court.

Incentives: Incentives are positive responses to desired behaviors. Incentives are graduated on a scale of low to high. Examples of a low-level incentive could be verbal praise, recognition from the Court (written or verbal) or a small tangible reward. Examples of a moderate level incentive could be a reduction in supervision requirements or a reduction in community restrictions. Examples of high-level incentives could be unsupervised day trips, travel privileges, legal incentives, financial incentives (reduced Court fines and fees), rewards and finally a graduation ceremony.

If participants are otherwise compliant with their supervision requirements, but are not responding to the treatment interventions, a therapeutic adjustment may be put in place. Under such circumstances, the appropriate course of action may be to reassess the individual's needs (*e.g.*, a mental health evaluation and or a updated drug and alcohol assessment) and adjust their treatment plan accordingly. Adjustments to treatment plans are based on the recommendations of duly trained treatment professionals.

Termination

Participants may be terminated from Drug Court if they no longer can be managed safely in the community or if they repeatedly fail to comply with treatment or supervision requirements. Participants can be terminated from the program if they pose an immediate risk to public safety, are unwilling or unable to engage in treatment or are too impaired to benefit from the treatments available in their community. The following are examples of situations that may result in a termination from the program: dishonesty, new criminal offenses, violence and/or threats of any kind towards Drug Court participants or staff, sexual behavior and/or harassment towards participants or staff and absconding/avoiding supervision.

Normally, participants are not terminated from the program for continued substance use. If participants are otherwise compliant with their treatment and supervision conditions, the Court will continue to work with them. However, terminations are appropriate, if the participant is not amenable to the treatments that are reasonably available in their community or as a last resort after exhausting all other alternatives.

Participants have a right to legal representation and a termination hearing before being terminated. A motion for a probation violation is not required to be filed if an order of termination has already been entered in the record. As a result of termination from the Drug Court program, the sentencing court may proceed directly to disposition and the underlying sentence could be imposed. See, Idaho Rules for Treatment Court 17 and 18.

Graduation

The participant is eligible for graduation from Drug Court if the participant has met the following criteria:

- Successful completion of all phase requirements
- Successful completion of substance abuse treatment
- Fulfilled financial obligations
- Unless exempt, be steadily employed and/or enrolled in school
- Achieved 180 days of continuous abstinence from alcohol or other drugs
- Demonstrated effective use of a community-based recovery support system

Once graduation requirements have been completed, the participant will be able to graduate from the Drug Court program. Upon graduation, the participant will then only be supervised by the participant's Probation and Parole Officer until their term of probation or parole is completed.

By successfully completing Drug Court, the participant may be eligible for early termination from probation and/or the benefits set forth in Idaho Code § 19-2604.