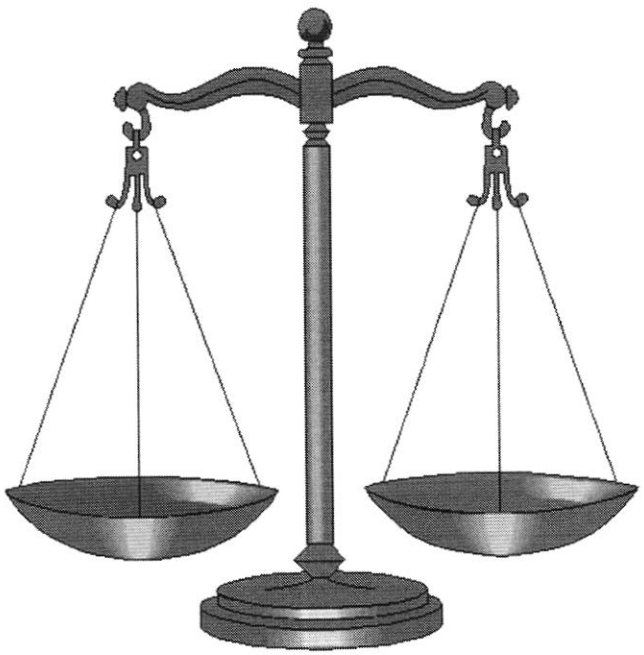
Participant UA #_____

FIFTH JUDICIAL DISTRICT

Felony 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. A copy of the 5th Judicial District Policy and Procedure Manual can be obtained from the Drug Court Coordinator's Office.

Updated: May 1, 2017

DRUG COURT CONTACT INFORMATION

Office Location:

260 4th Ave N. Suite B • Twin Falls, ID • 83301

Office Hours:

Monday-Friday from 8:00 AM – 5:00 PM (by appointment)

Phone Numbers:

Drug Court Coordinator Desk: 208-736-4122
Drug Court Administrative Assistant: 208-735-4361
Drug Court Fax: 208-735-4360

The 5th Judicial District is a Post-Sentence Drug Court. If accepted, successful completion of the Drug Court Program will be a special term and condition of your probation. When Participants complete Drug Court they remain on supervision with the Idaho Department of Corrections (IDOC) to complete their felony probation. You will be required to check in with Felony Probation and the Drug Court Coordinator (as requested). You must get approval from Probation and Parole and also the Coordinator's Office as it relates to your terms and conditions of your probation and the Drug Court Program. **IDOC has also agreed to not charge Cost of Supervision fees.** However, any past due balances must be paid as ordered by your Probation Officer.

The Application Process There are 3 ways you can enter into Drug Court, which include:

1. The defendant entered a plea of guilty and the prosecutor/defense attorney has determined that the defendant may qualify for a withheld judgment and has made a recommendation for Drug Court.
2. The defendant was sentenced and placed on probation with the application to Drug Court as a term and condition of probation.
3. The defendant has completed a retained jurisdiction program or has violated his/her probation and it has been determined that the defendant remains appropriate for community supervision and has been ordered to apply for Drug Court as a term and condition of probation.

After you have been recommended to Drug Court, you will be required to comply with the following procedures in order to apply for Drug Court. Making application to the Drug Court Program **DOES NOT** guarantee acceptance into the program. This process may take up to 4 weeks. If you are found ineligible for Drug Court you will be referred back to your original Judge.

Drug Court Attendance

Drug Court sessions are held weekly. As a Drug Court Participant you will be required to appear in Drug Court on a regular basis. If you do not appear to Drug Court on the date and time schedule, a warrant may be issued for your arrest. Drug Court attendance is determined by phase unless otherwise specified.

- Drug Court sessions are held as follows:
  Jerome – every Tuesday at 4:00 PM in the Jerome County Courthouse Annex
  Twin Falls – every Wednesday at 4:00 PM in the Twin Falls Courthouse
  Mini-Cassia – every Thursday at 4:00 PM in the Cassia County Courthouse
  Blaine – every Thursday at 4:00 PM in the Blaine County Courthouse

- Court attendance by Phase
  Pending: Every week
  Phase 1: Every week
  Phase 2: Once every 2 weeks
  Phase 3: Once every 3 weeks
  Phase 4: Once every 3 weeks

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 cell phones, pagers, and other electronic devices. Communication with inmates is not allowed at any time.

Dress Code: No shorts, tank tops, or excessively soiled, damaged, or ill-fitting clothing will be allowed in the courtroom. Clothing bearing drug or alcohol related themes or promoting or advertising alcohol or drug use is considered inappropriate. Sunglasses and hats are not to be worn inside the courtroom. No gang colors, dress or symbols are allowed.

Children: If children are brought to court, they must remain with an adult and follow courtroom etiquette. If you are placed into custody, you must have someone available to take care of your child.

DRUG TESTING

You will be drug tested throughout the entire Drug Court process on a random basis. **DRUG COURT TESTING CAN AND WILL OCCUR 7 DAYS A WEEK, INCLUDING HOLIDAYS.**

- You will begin testing as instructed by the Drug Court Coordinator or Drug Court Judge
- You will call the testing line daily after 5:30 AM
- Drug Testing will be announced by Phase, Number or Letter. If your phase, UA number or letter is announced you MUST test that day. If you are unsure if you have to test, immediately report to your testing facility to ask
- You must provide a Photo ID every time you test
- All tests are viewed, NO EXCEPTIONS
- Provide a copy of any prescription medication(s) to the Drug Court Coordinator
- If you are testing with Court Compliance, or on another court order, you must continue testing until you are released from those obligations by the court
- Drug Court only considers the tests by their provider
- Participants in Phase ***Pending*** will be required to pay for their testing in advance
- The Coordinator may allow a client to test at a different time due to employment. *This is on an individual basis and must first be approved by the Coordinator*

JEROME COUNTY – Testing number **208-736-4111** listen to the complete message

MONDAY – FRIDAY 8:00 A.M. – 10:30 A.M. Jerome Misdemeanor Probation 233 West Main St. Jerome, ID 83338	**WEEKENDS/HOLIDAYS 6:30 AM – 9:45 AM ONLY** TARC Testing Center 630 Addison Ave. w. Twin Falls, ID 83301

MINI -CASSIA COUNTY – Testing number **208-736-4111** listen to the complete message

MONDAY - FRIDAY 6:00 A.M. - 9:30 A.M.
WEEKENDS AND HOLIDAYS 7:30 A.M. TO 8:30 A.M. NO EVENING TESTING ON WEEKENDS/HOLIDAYS
Cassia County Misdemeanor Probation
1500 Overland Ave. #1
Burley, ID 83318

TWIN FALLS COUNTY – Testing number **208-736-4111** listen to the complete message

MONDAY – FRIDAY 6:30 A.M. - 9:45 A.M.
WEEKENDS AND HOLIDAYS 6:30 A.M. – 9:45 A.M. NO EVENING TESTING ON WEEKENDS/HOLIDAYS
TARC Testing Center
630 Addison Ave. w.
Twin Falls, ID 83301

YOU WILL BE REQUIRED TO FILL OUT AN INCIDENT IF THERE IS AN ISSUE WITH YOUR DRUG TEST(S).

INCIDENT REPORTS

You must immediately report any incidents to the Drug Court Coordinator and your Probation Officer. Incident reports must be filled out within 24 Hours. Such incidents include but are not limited to:

- Missed drug test / Failure to Produce drug test
- Relapse, drug/alcohol use
- Contact with law enforcement must be reported within 24 hours
- Missed appointment (Probation, Treatment, Drug Court, Voc. Rehab, work, etc).

MEDICATIONS AND PRESCRIPTIONS

As a general rule, Drug Court participants are expected to be drug free, including the use of prescription medication. When seeking medical assistance you are required to notify medical professions of your participation in a recovery program and ***always ask for a non-narcotic medication***.

You must provide a copy of any prescription(s) to the Drug Court Coordinator as well as the drug testing facility. If your medical professional feels that ONLY a narcotic pain reliever is appropriate, you are required to obtain a written note from your provider indicating such. **While in Drug Court, you must use ONE doctor or one dentist and ONE pharmacy**. Using medication that has not been prescribed to you will not be tolerated. Giving your medications to others will not be tolerated.

Pre-Approved Over-The-Counter Medications

PAIN	COLD/FLU	ALLERGIES
Tylenol	Dimetapp Non-Alcohol	Benadryl
Bayer Aspirin	Alka-Seltzer Cold	Claritin
Excedrin	Thera-flu	**ANTACIDS**
Aleve	DayQuil (Not NyQuil)	Tums (Not Zantac)

DO NOT USE LIST

You are responsible for everything you consume or ingest into your body.

- DO NOT CONSUME ALCOHOL
- DO NOT CONSUME CONTROLLED SUBSTANCES (Illegal/Prescription)
- DO NOT CONSUME SYNTHETIC DRUGS
- DO NOT CONSUME POPPY SEEDS IN ANY FORM (muffins, bagels, etc.)
- DO NOT CONSUME EXCESSIVE FLUIDS
- DO NOT CONSUME CLEANSING / DETOXIFIYING SOLUTION
- DO NOT CONSUME BAKING SODA OR BLEACH
- DO NOT CUT YOUR HAIR SHORTER THAN 2 INCHES
- DO NOT WEAR HAIR EXTENSIONS
- DO NOT COLOR, DYE, BLEACH OR USE ANY OTHER CHEMICALS IN YOUR HAIR
- DO NOT CONSUME ANY CREATINE SUPPLEMENTS
- DO NOT USE ANY "NATURAL" OR HERBAL REMEDIES
- DO NOT CONSUME ANY ENERGY DRINKS INCLUDING RED BULL or 5 Hour Energy
- DO NOT CONSUME RANITIDINE (ZANTAC)
- DO NOT USE OR POSSESS VAPE PENS OR E-CIGARRETES
- DO NOT USE ANY OVER-THE-COUNTER DIET AIDS

ASSESSMENTS FOR PARTICIPANTS

1. LSI-R ASSESSMENT BY PROBATION AND PAROLE

All applicants must have, or complete an LSI Assessment. If an LSI Assessment has not been previously completed you will be given an LSI Questionnaire, and you must fill it out completely. You are responsible for contacting Felony Probation and Parole in order to schedule a LSI Interview. Please be truthful and courteous during the interview.

Jerome Drug Court
Probation and Parole
Julie Taylor
731 Shoup Ave. W.
Twin Falls, ID 83301
208-736-3080 Ext. 12

Twin Falls Drug Court
Probation and Parole
Jeremy Ajeti
731 Shoup Ave. W.
Twin Falls, ID 83301
208-736-3080 Ext. 25

Mini-Cassia Drug Court
Probation and Parole
Jayone Fitzhugh
1354 Albion Ave.
Burley, ID 83318
208-878-2530 Ext. 108

2. *GAIN-I Assessment (GAIN-I) And Treatment Provider*

All applicants must have, or complete a GAIN I - Substance Abuse Assessment. You are responsible to call and set up the interview. Please be truthful and courteous during the interview.

5th Judicial District Evaluator	Jerome Drug Court	Twin Falls Drug Court	Mini Cassia Drug Court
Valley Community Counseling	Walker Center	TARC	Preferred Child & Family Services
215 W. Yakima Suite 4	762 Falls Ave.	630 Addison Ave. W.	2271 Overland Rd. #5
Jerome, ID 83338	Twin Falls, ID 83301	Twin Falls, ID 83301	Burley, ID 83318
208-736-0695	208-734-2400	208-736-5048	208-678-9114

3. *Mental Health Screening*

Drug Court applicants may be required to complete a Mental Health Assessment with Adult Mental Health. If so, you are responsible to call and set up the interview. Be sure to tell them that you need a Mental Health Assessment for Drug Court. Please be truthful and courteous during the interview.

Jerome / Twin Falls Drug Court
H&W Adult Mental Health
Amanda Ealy
823 Harrison St.
Twin Falls, ID 83301
208-736-2177

Mini-Cassia
H&W Adult Mental Health
Ryan Torngren
2241 Overland Suite #3
Burley, ID 83318
208-677-5390

TREATMENT SEE YOUR ASSIGNED PROVIDER

Upon your acceptance into Drug Court, you will be assigned a treatment provider. You are responsible to:

- Follow the designated treatment plan and comply with all treatment guidelines.
- Be on time for all treatment classes and appointments. If you are late, you will not be allowed to participate.
- **If you are sick, you must SHOW UP AT TREATMENT in order to be excused**. Your treatment provider WILL NOT excuse you over the phone for any reason.
- If for any reason you miss treatment, are late for treatment, are disruptive in treatment, are asked to leave treatment you will be required out complete an incident report.
- You must actively participate in treatment by having your assignments completed, provide feedback and show progress through treatment in order to advance through the Drug Court Program.

DRUG COURT PHASES

There are 5 phases you will complete during your time in Drug Court. The following information outlines the different expectations of each phase. It is recommended you speak to your coordinator to discuss any additional terms or rules. The number of weeks in a phase is a guide and phase advancement is dependent on your progress in treatment and in the drug court program.

Pending (1-4 weeks) The focus of the phase Pending is to identify the applicants eligibility for Drug Court; identify criminal risk factors; identify protective factors; obtain a diagnosis, identify level of care, conduct treatment planning; identify applicant attributes and their situations relevant to their level of supervision and treatment decisions, as well as to measure the applicants ability/willingness to comply with the drug court program requirements. Minimum requirements include but are not limited to:

- Report for required assessments (LSI-R, GAIN-I, Mental Health, Pre-Sentence Investigation
- Weekly attendance in Drug Court
- Random UA testing at your own expense
- Attend community support meetings (2-5 per week)
- Report into the Coordinator's Office (as needed)
- Compliance with Travel Restrictions
- Compliance with Daily Curfew

Phase 1 (10-12 weeks) The focus of the Phase 1 is Orientation, Stabilization and Initial Engagement. During this phase participants are expected to attempt to establish initial abstinence, understand and accept they have an alcohol/drug dependence/addition issue; demonstrate initial willingness to participate in treatment activities; become compliant with the conditions of participation in drug court; establish an initial therapeutic relationship; and commit to a plan for active treatment. Minimum requirements include but are not limited to:

- Weekly attendance in Drug Court
- Attendance and participation in Substance Abuse Treatment
- Random UA testing
- Attend community support meetings (2-5 per week)
- Provide proof of employment (paystubs) as instructed
- Report into the Coordinator's Office (as needed)
- Compliance with Travel Restrictions
- Payment of fees
- Compliance with Daily Curfew
- Compliance of Search and Seizure by any Probation Officer or Law Enforcement Officer
- Obtain a sponsor within 30 days of being in Phase 1

Phase 2 (12-16 weeks) The focus of the Phase 2 is the provision of Treatment. During this phase participants are expected to demonstrate continued efforts at achieving abstinence; develop an understanding of substance abuse and offender recovery tools, including relapse prevention; develop an understanding and ability to employ the tools of cognitive restructuring of criminal/risk thinking; develop the use of a recovery support system; and assume or resume socially accepted life roles, including education or work and responsible family relations. Minimum requirements include but are not limited to:

- Bi-Weekly attendance in Drug Court
- Attendance and participation in Substance Abuse Treatment
- Random UA testing
- Attend community support meetings (2-5 per week)
- Provide proof of employment (paystubs) as instructed
- Report into the Coordinator's Office (as needed)
- Obtain Employment or Job Skill training
- Obtain GED or School Program (if needed)
- Limited Travel requiring pre-approval by Drug Court and Felony Probation
- Payment of fees
- Compliance with Daily Curfew
- Compliance of Search and Seizure by any Probation Officer or Law Enforcement Officer

Phase 3 (10-12 weeks) The focus of the Phase 3 is the provision of Transition to Community Engagement. During this phase participants are expected to demonstrate continued abstinence; demonstrate competence in using relapse prevention, recovery, and cognitive restructuring skills, in progressively more challenging situations; develop further cognitive skills such as anger management, negotiation, problem-solving and decision making, and financial and time management; connect with other community treatment or rehabilitative services matched to identified criminogenic needs; demonstrate continued us of a community-based recovery support system; and demonstrate continued effective performance of socially-accepted life roles. Minimum requirements include but are not limited to:

- Attend Drug Court once every three weeks
- Attendance and participation in Substance Abuse Treatment
- Random UA testing
- Attend community support meetings (2-5 per week)
- Provide proof of employment (paystubs) as instructed
- Report into the Coordinator's Office (as needed)
- Maintain Employment
- Maintain GED or School Program (if needed)
- Travel permitted upon pre-approval of Drug Court and Felony Probation
- Payment of fees
- Compliance with Daily Curfew
- Compliance of Search and Seizure by any Probation Officer or Law Enforcement Officer

Phase 4 (12+ weeks) The focus of the Phase 4 is Maintenance of recovery skills and supports. During this phase participants are expected to demonstrate internalized recovery skills with minimal program support; maintain abstinence, demonstrate the ability to identify relapse issues, and intervene; and contribute to and support the development of others in earlier phases of the drug court program. Minimum requirements include but are not limited to:

- Attend Drug Court once every three weeks
- Attendance and participation in Substance Abuse Treatment
- Random UA testing
- Attend community support meetings (2-5 per week)
- Provide proof of employment (paystubs) as instructed
- Report into the Coordinator's Office (as needed)
- Maintain Employment
- Maintain GED or School Program (if needed)
- Travel permitted upon pre-approval of Drug Court and Felony Probation
- Payment of fees
- Compliance with Daily Curfew
- Compliance of Search and Seizure by any Probation Officer or Law Enforcement Officer

FELONY PROBATION AND PAROLE

- Probation and Parole or any Law Enforcement agency may search your place of residence, car, or personal property at any time. **THEY DO NOT NEED A SEARCH WARRANT**.
- Participants in Drug Court are not be allowed to purchase or possess: firearms, ammunition, explosives (including fireworks), archery equipment, law enforcement or surveillance equipment, or hand cuffs/keys.
- Participants are not allowed to possess any illegal or mind altering substances or prescription drugs without a valid prescription.
- Any contact with law enforcement must be reported to the Drug Court Coordinator's Office within 24 hours.

ASSOCIATIONS

- You are not allowed to associate with anyone who is using alcohol, illegal drugs, and/or associate with anyone involved in illegal activity
- You are not allowed associate with anyone who has a prior/current Felony conviction without permission/approval from Drug Court and Probation and Parole
- You must know the first and last name of anyone you choose to associate with
- *DRUG COURT IS NOT A DATING SERVICE.* No intimate, sexual relationships with group members
- Associations may be restricted at the courts discretion

HOUSING

- Participants are required to maintain safe and sober housing as approved by Probation & Parole and Drug Court.
- Any changes in housing must first be approved by your Probation Officer as well as by Drug Court
- Drug Court participants cannot have firearms, ammunition, alcohol, drugs or surveillance equipment in their residence.
- Drug Court must be aware of all individuals residing at your residence at all times
- Probation and Parole and law enforcement may search your residence at any time without a search warrant

EMPLOYMENT REQUIREMENTS

The Judge may require you to obtain and maintain full-time employment throughout your involvement in the drug court program. It is your responsibility to inform your employer of your participation in the Drug Court Program and make necessary arrangements for court appearances, treatment, urinalysis testing, recovery support meetings, appointments, etc.

- If appropriate, participants may be required to maintain verifiable full-time employment. If enrolled in school, a part-time job may be required at the courts discretion
- If your employment changes, you must notify the Drug Court Coordinator within 24 hours.
- A lawful occupation should include payment by check, deductions for federal and state taxes, and deductions for social security taxes. It will not be acceptable to receive cash payments for employment
- For employment assistance, please contact any temporary job agency in your area as well as the following:

Jerome/Twin Falls Drug Court
Idaho Dept. of Labor
420 Falls Ave.
Twin Falls, ID 83301
208-735-2500

Mini-Cassia Drug Court
Idaho Dept. of Labor
127 W. 5th Street N.
Burley, ID 83318
208-678-5518

Voc. Rehab (Kent Ireton)
731 Shoup Ave. W.
Twin Falls, ID 83301
208-736-3080 ext. 35

Voc. Rehab (Lyle Bloxham)
1600 Park Ave.
Burley, ID 83318
208-678-3838

EDUCATION REQUIREMENTS

Participants with less than a High School Diploma or GED will be expected to obtain a HSE diploma or GED prior to graduation from Drug Court, unless waived by the Drug Court Judge. Participants may also be encouraged to continue developing their vocational skills as needed, in the areas of:

- Job search skills
- Life skills seminars
- Interview and career counseling
- Training/Job placement
- For assistance in preparation for the GED and/or obtaining the GED please contact the College of Southern Idaho, G.E.D. Program in Twin Falls at 208-732-6534 or in Burley at 208-678-1400

Travel

All travel must be approved by your Probation Officer and the Drug Court Coordinator. A travel permit must be filled out PRIOR to departure NO EXCEPTIONS.

- Phase 1: No travel permitted outside of the county where you reside (unless approved by drug court)
- Phase 2: Travel is permitted only within the 5th Judicial District
- Phase 3: Travel outside the 5th Judicial District is permitted, with travel permit
- Phase 4: Travel outside the 5th Judicial District is permitted, with travel permit

Note: Except in emergency situations, travel must not interfere with treatment or Drug Court.

CURFEW

Each phase in Drug Court has a curfew that must be followed. Your PO also has the authority to change your curfew. Not following curfew will result in a sanction. You must be at your place of residence at the designated times. The only exceptions to curfew are: treatment, 12-step meetings, work, school or an activity that has been pre-approved by the Probation & Parole. Contact your Probation Officer and Coordinator for any questions.

Pending:	7:00 PM – 6:00 AM
Phase 1:	7:00 PM – 6:00 AM
Phase 2:	9:00 PM – 6:00 AM
Phase 3:	11:00 PM – 6:00 AM
Phase 4:	11:00 PM – 6:00 AM

COMMUNITY SUPPORT MEETINGS

Involvement in 12-step or other approved support groups is vital to your recovery. Attendance in these groups in mandatory and will be documented. These fellowships will help you understand how others with similar problems are able to recover from their addictions. If you have objections to attending faith based support groups you will be required to participate in a court approved alternative.

- You are required to attend minimum of **(2)** recovery support meetings per week
- If you are not working full time you must attend **(5)** recovery support meetings per week
- You are required to submit proof of recovery support meeting attendance to court
- **Failure to attend community support meetings may result in a sanction**
- You must obtain a sponsor within 4 weeks of acceptance into the Drug Court Program; your sponsor must be the same gender as you, and have at least **2 years** of sobriety. Family members or friends may not serve as your sponsor

FINANCIAL OBLIGATIONS

- Drug Court Fees are paid directly to your county court clerk. **SAVE YOUR RECEIPTS** and provide a copy to the Drug Court Coordinator
- The $1,500.00 Drug Court fee covers up to 18 months in the drug court program
- Drug Court fees are assessed at a monthly rate of $125.00 per month up to 12 months
- Additional fees may be applied after 18 months at a cost of $125.00 per month
- **No refunds will be given**
- Drug Court fees pay for one (1) drug test on your scheduled testing days, during your scheduled testing times
- You will be charged for any subsequent tests such as an insufficient sample, failure to produce, failure to appear for testing, saliva testing and lab confirmations
- You will be charged for any additional lab confirmation testing (including $35.00 shipping and handling fees)
- All Drug Court fees must be paid **PRIOR** to graduation from Drug Court. You may contact the Drug Court Coordinator's office regarding your outstanding drug court balance
- Upon entrance you will sign a payment plan. If you are unable to pay your drug court fees you must inform the coordinators office before your payment date
- You may have restitution fees related to your felony case. You must make regular payments as ordered by the court or by your probation officer

INCENTIVES AND SANCTIONS

INCENTIVES- GIVEN TO REWARD GOOD BEHAVIOR:

- Based on behavior and advancement while participating in the Drug Court Program
- Each month one (1) participant will be selected as the "Pick of the Month" and will be acknowledged in court with a signed certificate from the Drug Court Judge. The drug court team may also include additional incentives tailored for the participant.
- Each participant selected as the "Pick of the Month" " (deeming they are in good standing) may be eligible to be selected as the "Pick of the Quarter" where they will be granted one (1) week credit towards early phase advancement, a daily planner and a credit of $125.00 off their drug court fees

  1st Quarter: January 1 to March 30
  2nd Quarter: April 1 to June 30
  3rd Quarter: July 1 to September 30
  4th Quarter: October 1 to December 31

PARTICIPANT MEASURES OF SUCCESS:

- Attend all treatment sessions and participate in group
- Attend all UAs and remain sober from all mind or mood altering substances
- Obtain and maintain employment
- Make regular payments towards court ordered financial obligations
- Active participation in community support meetings and utilize support from their sponsor
- Participants identify what/when/where/how they utilize treatment tools in their daily life
- Participants are required to remain sanction free during this time frame

SANCTIONS-GIVEN TO DETER BAD BEHAVIOR:

- All sanctions are individually based
- The Drug Court Team takes into account all aspects of a situation before deciding upon sanctions
- Sanctions can range from report writing, community service, increased court appearances, jail time and termination from the Drug Court Program
- All sanctions must be fully completed by your next court date, unless otherwise specified
- Participants sanctioned with Community Service **MUST** obtain approval by the Drug Court Coordinator prior to starting the community service. A Workman's Compensation fee (.60 cents per hour) is due to the clerk in that county prior starting community service

TERMINATION FROM DRUG COURT

You are eligible to voluntarily terminate your status from Drug Court at any time. However you must understand that you may incur your original suspended sentence. You may also be terminated from Drug Court for the following acts which includes, but is not limited to:

- Continued drug and alcohol use
- Dishonesty
- Non-compliance
- Failure to engage and/or progress in the program
- Receiving new criminal charges
- Bench warrants from other counties/jurisdictions
- Violence and/or threats of any kind towards drug court participants or staff
- Inappropriate sexual behavior/harassment towards participants or staff
- Absconding/avoiding supervision

If terminated from the Drug Court Program, all accrued fees will be submitted to the court and collected as restitution.

GRADUATION FROM DRUG COURT

Once you have completed the following criteria, you will be eligible for graduation:

- Complete a minimum 12 months in Drug Court
- Successfully complete all phase requirements of Drug Court
- Compliance with all Drug Court requirements
- Complete treatment and relapse prevention plan
- Pay financial obligations in full
- Be steadily employed or enrolled in school full-time
- Have obtained a GED, HSE, or High School Diploma
- Have been sober for a minimum of 6 months
- Regular attendance in community support meetings and have a permanent sponsor
- Once participants complete the drug court program they will return back to Probation and Parole to complete their Probation
- Participants who have not completed paying all their court fines, fees and restitution may remain on probation until those costs are paid in full

FIFTH JUDICIAL DISTRICT DRUG COURT CONTRACT AND GUILTY PLEA ADVISORY FORM

(Effective May 1, 2017)

I, _____, as a condition to my acceptance into Drug Court hereby agree to accept and abide by the following terms and conditions for Drug Court and **hereby acknowledge that any waiver of my constitutional or statutory rights is voluntary, knowing, and intelligent and was reviewed and discussed with my attorney.** I further understand that before I can be formally accepted into Drug Court that I must have: (1) entered a plea of guilty to a qualifying felony offense; (2) a qualifying LSI score; (3) a qualifying Substance Abuse Assessment, I therefore agree as follows:

1. **LAWS AND COOPERATION.** I shall respect and obey all laws and shall comply with any lawful request of Drug Court or any law enforcement officer or agent of the Department of Probation & Parole. I will notify the Drug Court Coordinator and my Probation Officer of any law enforcement contact within 24 hours. _____

2. **TRANSPORTATION.** I understand that it is my responsibility to provide transportation for myself to attend treatment; court appearances and any other requirements of drug court. Further I will not operate a motor vehicle without a valid license, registration, insurance (and interlock device if applicable). _____

3. **RESIDENCE.** I will reside in a location approved by Drug Court. Any change of my residence must first be approved in writing by the Drug Court Coordinator and I will notify the Drug Court Coordinator of any involuntary move from my residence within 24 hours of that move. _____

4. **ASSOCIATIONS.** I will not associate with anyone who is committing a law violation; who is on probation or parole; or who is a convicted felon. I will also not associate with any group or individual (including but not limited to drug and/or alcohol users and gang affiliations) as ordered by Drug Court or the Drug Court Coordinator. _____

5. **ATTENDANCE.** I shall report in person on the dates and times specified for all court dates; treatment groups; community support meetings; drug or alcohol testing; and any other dates and times specified by Drug Court team or the Drug Court Coordinator. I will not leave or attempt to leave the state or my assigned district in an effort to abscond or flee supervision. I will be available for supervision as instructed by Drug Court and will not actively avoid supervision. _____

6. **TRAVEL.** I shall not leave this State or the Fifth Judicial District without first obtaining written permission from the Drug Court Coordinator. _____

7. **EMPLOYMENT/EDUCATION.** I shall seek and maintain gainful, verifiable, full-time employment (if applicable), be enrolled as a fulltime student or participating in such programs as approved by Drug Court. A GED must be obtained, if the participant is not a high school graduate, before Drug Court Graduation unless an exemption is granted by the Drug Court Team. A change of employment or education shall not occur without prior written permission of the Drug Court Coordinator. _____

8. **SEARCH AND SEIZURE.** I agree and consent to the search and/or seizure of my person, automobile, residence, real property, and any other property, at any time, and at any place, by any law enforcement officer, peace officer, or probation officer and hereby knowingly, intelligently and voluntarily waive my rights under the Fourth Amendment and the Idaho constitution concerning searches. _____

9. **WEAPONS/CONTRABAND.** I shall not purchase, carry, own or have in my possession or control any firearm, ammunition, explosives, archery equipment, or weapons of any type. I will not reside at any location where firearms are present. I will not possess or control any law enforcement or surveillance equipment, including but not limited to, scanners, video surveillance or handcuffs/keys. _____

10. **CONTROLLED SUBSTANCES/ALCOHOL.** I shall not purchase, possess, or consume any ethyl alcohol, illegal drugs, designer synthetic drugs, prescription drugs without a valid prescription, drug paraphernalia or mood altering chemicals or substances. I shall provide to the Drug Court Coordinator any drug prescriptions prescribed by a licensed physician and shall only take such medications as prescribed. I agree to inform my treating physician that I am dependent or addicted to narcotics and /or illegal drugs and/or alcohol and will request that my physician prescribe to me non-narcotic medications if medically reasonable. _____

11. **TESTING.** I agree to attend and participate in all required drug and /or alcohol testing as directed by the Drug Court Staff. I understand that if my test sample is insufficient or diluted that my test sample may be deemed a positive test. If the results of the test indicate an adulterant has been used to interfere with the results, that test will be deemed to have been positive. _____

12. **DRUG COURT FEES.** I shall pay any and all Drug Court Fees as directed by the Drug Court Judge or Coordinator. I understand that Graduation from Drug Court is conditioned on the payment of all Drug Court fees, costs and restitution and any other fines, fees and costs. In the event of my termination from Drug Court I understand that any fees or costs owing to Drug Court can be awarded as restitution at the time of my sentencing. _____

13. **DRUG COURT TERMINATION.** I agree and understand that should the Drug Court Staff determine that grounds exist for my termination from Drug Court that any proceedings for termination from Drug Court and sentencing proceedings, if any, will be conducted by the Drug Court Judge and that I have a right to a hearing on whether I should be terminated from Drug Court. Unless I waive my right to a hearing, the State would have the burden to prove the grounds for termination by a preponderance of the evidence; that I have a right to confront and cross examine those who would testify against me; that I have the right against self-incrimination; that I have the right to put on a defense and to call witnesses on my behalf; and that I have a right to counsel. I understand that if I am terminated from drug court that my probation would be revoked and that any probation disposition or sentencing proceeding at my option would be conducted by the drug court judge or my original judge. _____

14. **UNDERSTANDING OF THE DRUG COURT PROGRAM.** I have fully reviewed with my attorney and the Drug Court Coordinator the terms, conditions and requirements for Drug Court and I have a full and complete understanding of such terms, conditions and requirements for my participation and completion of Drug Court. I further understand that I could be expelled from Drug Court if I breach any express term or condition of this contract or if in the opinion of the Drug Court staff I am not satisfactorily progressing through the drug court program and treatment phases or if I am not doing what is expected of me. _____

15. NEW CHARGES OR LAW VIOLATIONS. I understand that if I should receive new criminal charges during my participation in Drug Court for an offense that occurred before or after my acceptance into Drug Court that such an occurrence could result in my termination from Drug Court. _____

16. FINES, COSTS & RESTITUTION. I understand that the payment that the payment of any fines, fees, costs and restitution in any other pending matter in addition to any fees or costs due and owing to Drug Court may be required to be paid as a condition to graduation from Drug Court as the Drug Court Judge may determine in his sole discretion. _____

17. TRUTHFULNESS. I shall at all times remain truthful with everyone with whom I deal, including but not limited to the Drug Court Judge, the Drug Court Coordinator, Drug Court staff and my treatment provider and I shall not cheat, tell any lie, or exaggerate or minimize my statements, conduct or actions in anyway. I understand that a key component of my recovery is honesty, responsibility and accountability for my conduct, behavior and actions. _____

18. CURFEW. I agree to comply with and obey any curfew that may be imposed by the Drug Court Staff. _____

19. CLIENT CONSENT TO EX PARTE COMMUNICATION. As a participant in the Fifth Judicial District Drug Court, I have been informed that under ordinary circumstances, an attorney for the State is not permitted to communicate with me directly about the subject of my case without the consent of my lawyer or an order from a court. IDAHO R. PROF. CONDUCT 4.2 (2004). I have also been informed that an attorney, mine or anyone else's, is not permitted to communicate with a judge without the other lawyer being present. (This is referred to as *ex parte* communication.) IDAHO R. PROF. CONDUCT 3.5 (2004). However, because of the nature of the Fifth Judicial District Drug Court and the Drug Court Team's frequent need to make decisions regarding my treatment or rehabilitation, I consent to and authorize the State's attorneys to communicate with me without my lawyer being present during my participation in The Fifth Judicial District Drug Court. I also consent to and authorize my lawyer, and any opposing lawyer, to communicate *ex parte* with the judge regarding my participation in the Fifth Judicial District Drug Court. _____

20. GRADUATION. I understand that by pleading guilty to the charged offense as a condition for the admission to Drug Court, that I will be granted a withheld judgment if I meet the statutory criteria or a judgment of conviction with a suspended sentence and that I will be placed on probation with the successful completion of drug court as a term and condition of probation. I further understand that upon my successful completion and graduation from Drug Court, I will be supervised by Probation and Parole for a period of time after graduation and that after six months of supervision by Probation and Parole that I may apply to the Court for early discharge from probation and that it solely a matter of discretion of the court to grant or deny a motion for early discharge. I further understand that if I am admitted to Drug Court on a post-sentence basis that upon my graduation from Drug Court and upon my discharge from probation that any relief from my felony conviction would be determined in accordance with the provisions of I.C. § 19-2604. _____

21. REPRESENTATION. My attorney and I recognize and accept the appointment of the Public Defender as my counsel during my participation in the Drug Court Program. In the event that I am subject to be terminated from the Drug Court program, as set forth in paragraph 13, above, that the appointment of the Public Defender shall cease and my original attorney will be reappointed by the court to handle and conduct the termination proceeding as well as sentencing or disposition upon my formal termination from Drug Court. _____

22. EVALUATION AND PROGRAM PLAN. I shall meaningfully participate in and successfully complete any treatment, counseling or other programs deemed beneficial and as directed by the drug court program. _____

23. ADDITIONAL RULES. I understand that other requirements may be imposed upon me. At all times, these additional rules will be imposed only after considering the successful supervision of the participant. All additional rules will be explained to the participant and/or provided to him/her in writing. Additional rules may include but are not limited to No Contact Orders, Community Service, Work Detail, Written Reports, Payment Agreements, Jail, etc. In the event a drug court participant is required to undergo medical procedure while in the program, the drug court participant shall inform the Drug Court Coordinator. The participant shall advise his/her treating physician that he/she should be prescribed non-narcotic drugs if medically reasonable under the circumstances. In the event of elective medical procedures, these procedures should be delayed until after completion of the drug court program if medically reasonable. The participant shall provide a physician's note to the Drug Court Coordinator as to why the medical procedure may not be delayed. In the event that the medical condition of a drug court participant does not allow the participant to participate meaningfully in treatment or the drug court program, the participant may, in the discretion of the drug court team, be removed from the drug court program. _____

I have read, or have had them read to me, the above agreement. I understand and accept these conditions of supervision. I agree to abide by and conform to them and understand that my failure to do so may result in my termination from the Drug Court Program.

_____	_____
Participant Signature	Defendant's Attorney Signature
_____	_____
Date	Date