



COUNTY OF NEVADA DRUG TREATMENT COURT PROGRAM MANUAL¹



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MISSION STATEMENT

Nevada County Adult Drug Treatment Court is committed to public safety by utilizing intensive judicial and clinical intervention and supervision to help people change their criminal behavior and substance use into socially and legally acceptable behavior.

The mission of the Nevada County Drug Treatment Court is to help people engaged in the criminal justice system to break the cycle of crime and addiction by providing an environment where they are supported, given access to resources, learn pro-social thinking and behaviors, and can be stabilized to live a healthy, productive, crime free life.

Goals

- Reduce recidivism
- Prevent re-incarceration
- Support participants to make positive behavior change

Objectives

- Engage clients and keep them motivated to change
- Provide role modeling, stability, and support
- Provide individualized treatment services and other resources to meet their unique needs and address basic quality of life issues (such as medical and emotional care)
- Address and eliminate criminal thinking
- Help clients reenter and adapt to a changed society as needed (since incarceration)
- Provide job readiness skills and connections to employment opportunities
- Assist clients in finding stable, drug-free housing

DEFINING DRUG TREATMENT COURTS

For several decades, drug use has shaped the criminal justice system. Drug and drug related offenses are the most common crime in nearly every community. Drug offenders move through the criminal justice system in a predictable pattern: arrest, prosecution, conviction, incarceration, release. In a few days, weeks, or months, the same person may be picked up on a new charge and the process begins again.

The traditional adversarial system of justice, designed to resolve legal disputes, is oftentimes ineffective at addressing alcohol or other drug abuse. Moreover, many features of the court system actually contribute to alcohol or other drug abuse instead of curbing it. Traditional defense counsel functions and court procedures often reinforce the offender's denial of a substance abuse problem. The offender may not be assessed for alcohol or other drug use until months after arrest, if at all. Further, the criminal justice system is often an unwitting enabler of continuing drug use because few immediate consequences for continued alcohol or other drug use are imposed. When referrals are made, they can occur months after the offense and there is little or no inducement to complete a treatment program. Many programs are designed to address addiction before the addict commits other non-drug offenses.

The mission of Drug Treatment Courts is to support and encourage positive behavior change in individuals that are engaged in substance abuse and related criminal activities resulting in reduced criminal recidivism. Drug Treatment Courts offer a compelling choice for individuals whose criminal justice involvement stems from their drug use; specifically, participation in treatment, the provision of structure and the connection to services to assist them in gaining a healthy lifestyle. In exchange for successful completion of the Drug Treatment Court program, the court will stay any term of imprisonment imposed as long as the participant graduates from the program and completes any period of probation after graduation.

Drug Treatment Courts create an environment with clear and certain rules. The rules are definite and most importantly, compliance is an attainable goal. The rules are based on the participant's performance and are measurable. For example, the participant either appears in court or does not, attends treatment sessions or does not, and drug tests will reveal drug use or abstinence. The participant's performance is immediately and directly communicated to the judge, who rewards progress or penalizes noncompliance. A Drug Treatment Court works to establish an environment that the participant can understand—a system in which clear choices are presented and individuals are encouraged to take control of their own recovery.

Drug Treatment Courts promote recovery through a coordinated response to participant behavior. A coordinated response requires a team approach, including cooperation and collaboration of the judges, prosecutors, defense counsel, probation authorities, other corrections personnel, law enforcement, evaluators, an array of local service providers, and the greater community. The combined energies of these individuals and organizations can assist and encourage defendants to accept help that could change their lives.

The criminal justice system has the unique ability to influence a person shortly after a significant triggering event such as an arrest, and thus persuade or compel that person to enter

and remain in treatment. Indeed, research indicates that a person compelled to enter treatment by the criminal justice system is likely to do as well as, or better than, one who volunteers. Further, research and statistics collected since Drug Treatment Courts began show these programs have an impact on both drug use and recidivism, breaking the cycle of addiction and the crime that often accompanies it.

To facilitate an individual's progress in treatment, the prosecutor and defense counsel must shed their traditional adversarial relationship when in the courtroom and work collaboratively as a team. Although defense attorneys still have a mandate to protect the best interest of their client and prosecutors still have a mandate to protect public safety, these two mandates are not mutually exclusive. Disagreement and healthy discussion until a resolution is reached in staffing is encouraged. Once a defendant is accepted into the Drug Treatment Court program, the team's focus is on the participant's recovery and law-abiding behavior.

The responsibility of the prosecuting attorney is to protect the public's safety by ensuring that each candidate is appropriate for the program and complies with all Drug Treatment Court requirements. The responsibility of the defense counsel is to protect the participant's due process rights while encouraging full participation. Both the prosecuting attorney and defense counsel play important roles in the court's coordinated strategy for responding to participant behavior, both positive and negative.

Prosecutors and defense counsel participate in the design of screening, eligibility, and case processing policies and procedures to guarantee that due process rights and public safety needs are served. The defense counsel advises the defendant as to the nature and purpose of the Drug Treatment Court, the rules governing participation, the consequences of abiding or failing to abide by the rules, and how participating or not participating in the Drug Treatment Court will affect his or her interests. Defense counsel will also explain all of the rights that the defendant will temporarily or permanently relinquish. Counsel gives advice on alternative courses of action, including legal and treatment alternatives available outside the Drug Treatment Court program, and discusses with the defendant the long term benefits of sobriety and a drug-free life. Defense counsel explains that because criminal prosecution for admitting to alcohol or other drug use in open court will not be invoked, the defendant is encouraged to be truthful with the judge and with treatment staff, and informs the participant that he or she will be expected to speak directly to the judge, not through an attorney. The prosecuting attorney agrees that a positive drug test or open court admission of drug possession or use will not result in the filing of additional drug charges based on that admission. The Drug Treatment Court team makes decisions regarding the participant's continued enrollment in the program based on performance in treatment and compliance with program requirements rather than on legal aspects of the case, barring additional criminal behavior.

Drug Treatment Court is a comprehensive therapeutic experience, only part of which takes place in a designated treatment setting. The treatment and criminal justice professionals are members of the therapeutic team. The judge is the leader of the Drug Treatment Court team; the team links participants to substance abuse treatment and to the criminal justice system. Judicial accountability maintained throughout treatment, increases the likelihood that a participant will remain in treatment and improves the chances for sobriety and law-abiding behavior. Ongoing

judicial accountability also communicates to participants, often for the first time, that someone in authority cares about them and is closely watching what they do.

The Drug Treatment Court is a partnership among agencies and organizations—public, private, and community-based—dedicated to a coordinated and cooperative approach to the substance abuse offender.

DRUG TREATMENT COURT GROUP STRUCTURE

The Drug Treatment Court is a multi-layer structure with ultimate oversight of team duties, powers, and responsibility under the authority of the Drug Treatment Court Judge. The Drug Treatment Court consists of four groups; policy group, treatment team, treatment providers, and a fiscal group.

Policy Group:

Drug Treatment Court Judge, Director Behavioral Health, Director of Collaborative Court Programs, Supervising Probation Officer, District Attorney, Public Defender.

- Quarterly meetings

Function: To provide policy direction, update the community about program progress and seek to enhance services.

Treatment Team (Drug Treatment Court Mondays):

Drug Treatment Court Judge, Public Defender Designee, District Attorney Designee, Probation Officers, Drug Treatment Court therapist, and the Director of Collaborative Court Programs.

- Attend all Drug Treatment Court Sessions and Treatment Team meetings.

Function: To operate Drug Treatment Court treatment team and provide treatment, incentive and sanction directive/coordination.

Treatment Providers:

- Provide the probation officers bi-weekly updates on participants. Providers will attend the pre Drug Treatment Court/staffing meetings on Drug Treatment Court days when their clients are discussed. Providers are encouraged to attend Drug Treatment Court to support participants.

Function: To provide treatment updates, recommendations, or referrals to Drug Treatment Court and to carry out prescribed participant treatment plan. Provide Drug Treatment Court feedback and recommendation at the advisory/business meetings.

Fiscal Team:

Drug Treatment Court Judge, Court Executive Officer or designee, Behavioral Health Administrative Officer, Chief Probation Officer Designee, District Attorney Designee, Public Defender Designee, Probation Officers, and the Director of Collaborative Court Programs.

- Attend fiscal meetings as needed.

Function: To discharge fiscal services in an efficient, cost effective, supportive fashion and define fiscal boundaries. To keep Treatment Team and treatment providers aware of funds available for services to enable intelligent, resource allocation decisions to be made.

PROGRAM DESCRIPTION

The Program

The Nevada County Adult Drug Treatment Court was established in 1998 to address the substance abuse and associated lifestyle of participants by providing a structured program designed to hold participants accountable and help them gain control over the addiction or abuse, and assure that they develop responsible living skills. The Drug Treatment Court program is a court-supervised, voluntary, comprehensive treatment program for those who are willing to plead guilty to a felony for which a term of imprisonment is imposed and suspended. Each participant must commit to a program length of 12 to 24 months, with post program completion probation supervision of 12 to 24 months. This is an opportunity to change the participant's life.

This voluntary program includes regular court appearances before a Drug Treatment Court Judge, drug testing, individual and group counseling in either an outpatient or residential setting, and regular attendance at community-based, peer, self-help, support ("Self-Help") groups (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.). Custody time in jail may be imposed if the judge thinks it will help the defendant get back on the right track and become compliant in the program. Program progress will determine future participant case disposition. This program is not simple and there are many responsibilities and expectations.

After the participant's arrest and first court appearance, he/she may be referred to Drug Treatment Court. Each potential participant must first complete and submit an "Application for Admission into Nevada County Adult Drug Treatment Court" (appendix A). Applicants may be required to submit to assessment of his/her medical condition and/or psychological condition. Completed psychological evaluations are property of the Adult Drug Treatment Court; participants will not be permitted a copy. If accepted, one is given the choice between continuing with normal criminal proceedings or participating in Drug Treatment Court.

Defense counsel will discuss with the participant the details about his/her options and discuss the Drug Treatment Court Program with the potential participant. Again, the Drug Treatment Court is a program for persons who have a drug problem. If an individual is interested in participating in the Drug Treatment Court Program, he/she must meet certain guidelines in order to be considered for the program, and the court must accept him/her into the program. Individuals are eligible if they:

- Reside in Nevada County.
- Are willing to plead guilty to a felony charge or violation of felony probation for which a term of imprisonment will be imposed and execution suspended.
- Do not have any current or prior felony convictions for which the judge does not have discretion to grant probation.
- Are willing to commit to a program length of at least 12 to 24 months, sometimes with post-program completion probation supervision of approximately 12 to 24 months.
- Do not have any other unresolved felony criminal charges in other jurisdictions.
- Are not currently subject to Penal Code §290 registration.
- Do not have a history of excessive violence.
- Are willing to submit to a psychological assessment to determine if he/she has a personality disorder or other disorder for which the team concludes would make the individual not fit for the program.

If the participant is not accepted, he/she will continue in regular criminal court.

If the court accepts a participant into the Drug Treatment Court Program, the Public Defender will represent the participant throughout the time he/she is participating in Drug Treatment Court.

If one does not graduate successfully, the suspended sentence will be imposed.

Upon successful completion of Drug Court, the Public Defender (or designee) may petition the Court for a reduction of current charges or outright dismissal pursuant to Penal Code §1203.4 as follows: If a participant has no violations resulting in custodial sanctions during the course of their ADC probation, they may petition for relief immediately. If a person has had violations during their ADC probation resulting solely in flash incarcerations, they may petition for relief 1 year after successful graduation from ADC. If a person has had any adjudicated probation violations during the course of their ADC probation, they may petition for relief 2 years after successful graduation from ADC.

ROLES AND RESPONSIBILITIES OF TEAM MEMBERS

Drug Treatment Courts transform the roles of both criminal justice practitioners and substance abuse treatment providers. The judge is the central figure in a team effort that focuses on sobriety and accountability as the primary goals. Because the judge and other team members take on the role of working to keep participants engaged in treatment, providers can effectively focus on developing a therapeutic relationship with the participant. In turn, treatment providers keep the court informed of each participant's progress so that appropriate incentives and sanctions can be provided.

Drug Treatment Courts require judges to step beyond their traditionally independent and objective arbiter roles and allows for early and frequent judicial intervention to encourage appropriate behavior and to discourage and penalize inappropriate behavior.

The Drug Treatment Court “Team” includes core members from local criminal justice agencies: a **Judge**, representatives from the **District Attorney**, from the **Public Defender**, and from **Probation, Behavioral Health** and **local law enforcement**.

All team members work together to hold the participant accountable, promote a sense of a unified team presence, protect internal and external program integrity, protect due process and the best interest of the client and protect public safety. The objective of the Team's participation in the referral and review process is to advocate for application of evidence-based practices for the purpose of reducing re-arrest and re-incarceration and increasing community integration.

The **Judge** balances public safety and due process concerns, and represents the court's substantial supervisory control over offenders. The Judge also:

- Understands the nature of addiction.
- Is willing to engage in the team process.
- Administers sanctions and incentives based on the team’s recommendations.
- Keeps the offender involved in treatment.
- Is the ultimate decision maker.
- Attends staffings and court hearings.

The **Drug Treatment Court Coordinator** provides administrative, logistical support to the Drug Treatment Court and the Team. The coordinator facilitates program development and sustainability; maintains program compliance with legislative and funder requirements; facilitates education of and training for Team members; educates partners and community members about the program; ensures communication between agencies involved with the program; serves as a resource for community agencies, referring parties, and team members regarding program processes, policies, and procedures; works with stakeholders to ensure community involvement and resource-sharing; monitors data and evaluation processes; and suggests program improvement strategies. The coordinator attends court sessions and staffing meetings as needed.

The **District Attorney** represents the People in order to protect public safety. In the event that a participant commits a new offense, the DA's office has the authority to charge the participant. The DA has the authority to veto a prospective new case based on a victim's (or the public's)

safety concerns. The DA, in conjunction with Probation and Parole, is responsible for ensuring that the team has information about the prior criminal histories of offenders, participates in staffing (team) meetings, and attends Drug Treatment court hearings. The DA is responsible for ensuring due process is followed within the Court and works closely with the Public Defender to facilitate the swift resolution of violations of parole and probation, or conduct legal proceedings in a non-adversarial manner whenever possible. The District Attorney attends staffing meetings and court sessions.

The **Public Defender** preserves the legal rights of the client, advocates for fair and equal treatment of the client, participates in team meetings and attends non-adversarial court proceedings and protects due process. The Public Defender is available to represent and advise participants to facilitate resolution of legal issues and may serve as counsel for a participant potentially subject to sanctions, for non-compliance with his or her customized treatment, supervision and incentive plan, or counsel for new offenses. The Public Defender will maintain regular contact with the participant, and will therefore assist the Court in distinguishing between willful failure and treatment failure. Additionally, the Public Defender's experience with local, community-based treatment/ education/ rehabilitation programs, combined with the Public Defender's access to current, relevant information about the participant's personal circumstances, will enhance the Drug Treatment Court Team's ability to design individual plans that maximize successful outcomes. The Public Defender attends staffing meetings and court sessions.

The **Treatment Providers**

- Ensure that placement in treatment is determined by the individual needs of the offender and that treatment is individualized.
- Use normed and validated risk and needs assessment instruments.
- Utilize manualized, evidence-based treatment interventions, and demonstrate fidelity to the model.
- Provide multiple treatment interventions capable of addressing the domains of behavior, affect, cognitive, medical, social/family, and spirituality.
- Administer drug and alcohol testing and report the testing results within 12 hours to the Team for timely response.
- Communicate treatment compliance and progress of the participants to the team.
- Will work with the probation officers for frequent reassessments to assist with emerging issues in treatment and to measure success in treatment.
- Provide the team with immediate (12 hours) notice of both excused, and unexcused absences from treatment.
- Provide the Team with weekly status updates (24 hours in advance of Court) regarding current progress of the participant specifically as it relates to homework and what is being worked on (within the necessity limits).

The treatment provider representative attends staffing meetings and court sessions.

The **Law Enforcement Officer** will act as a liaison between the program and their respective department and be responsible for dissemination of information to officers that come in contact

with Drug Court participants to assure reasonable and appropriate measures are used when checking the participants for compliance. Additionally, they may be responsible for assisting with monitoring sanctions and compliance of participants via unannounced house visits and curfew checks.

The **Probation Officer** works with clients to remove barriers to recovery. The Probation Officer is knowledgeable regarding community resources and works with the participants to access housing, basic needs (food and clothing), transportation (bus passes are available), medical and dental care, psychiatric care and medication. The Probation Officer has an understanding of the variety of insurance and health maintenance options available and assists participants in accessing those benefits. When the participants' life issues are dealt with up front, they are able to concentrate more fully on recovery. The probation officers also:

- Ensure participants are evaluated using a timely and competent process with standardized and validated assessment instruments.
- Are responsible for knowing the details of each case and most recent updates since the last written report.
- Attend staffing meetings and court sessions.

The **Probation Officer** provides community-based supervision, actively monitoring court participants outside of the Drug Treatment Court setting, including home and job visits. All participant contact is documented and visits logged to help encourage positive participant behavior. Intermediate incentives and sanctions are used by Supervision officers to address desired and undesired behavior. The Probation Officer attends staffing meetings and court sessions.

DRUG TREATMENT COURT PRACTICES

Intake / Assessment Procedure

The Drug Treatment Court has worked with the local court over many years to establish a system for referring individuals to the program. Currently, most cases are identified and referred by the defense bar. If the district attorney concludes that the participant is legally eligible, s/he is assessed for risk and need while still incarcerated by the probation officer. If the prospective participant is assessed as high-risk/high-need their application and assessment results go to the team for consideration at staffing.

Staffings & Hearings

The Drug Treatment Court Judge, Treatment Counselors/Treatment Representative, Probation Compliance Officer, Drug Treatment Court Coordinator, District Attorney, Defense Attorney, and County Behavioral Health Representative regularly participate in staffing. The weekly court session is held immediately following the staffing. All team members attend the court session.

Court hearings involve peer support and learning. All participants are there to encourage each other in their change process and to maximize the reinforcement that occurs for positive behaviors and to observe the consequences that occur for non-compliance. (In some cases if participants are doing well, they can be called early and leave after their hearing as an incentive).

Drug Testing

Participants will be tested throughout the entire Drug Treatment Court Program. This may occur at the direction/order of the court, treatment provider, Drug Treatment Court team member, or Probation Officer. Depending on the individual treatment plan, participants will be required to test at least twice weekly, and as they progress through the program, testing may be required on a random, less frequent basis. All missed tests count as positive tests. Failure to test is considered the same as a positive test unless the participant has been excused by the Court, or has a valid excuse. The Drug Treatment Court Team will have access to all drug test results including any failures to test. The judge may order participants to have a drug test at any time. A falsified test is grounds for immediate termination from the program and imposition of sentence. The goal of the Drug Treatment Court Program is to help participants stay clean and sober.

Fees

The participant agrees to pay any program, probation, or restitution fees ordered by the court. It is expected that participants will make an effort to pay all fees and fines. The court may make provisions for a participant to make payments of the fees on an installment basis or to perform community service at the hourly rate the court authorizes to pay the fines. No one graduates until all fees and fines are paid.

The participant agrees to pay the Drug Treatment Court participation fee as indicated on the contract prior to graduation and that the fee cannot be fulfilled by community service.

Incentives

Incentives are responses to positive progress in the program. The type of incentive will vary depending on the behavior that needs to be recognized and are determined by the team.

Incentives include (but are not limited to):

- ◆ Fishbowl drawing
- ◆ Verbal recognition and praise from the Judge
- ◆ Team Medallions for sobriety benchmarks
- ◆ Early call in court
- ◆ Ability to leave court early
- ◆ Gift cards for local restaurants and shops
- ◆ Recovery materials (key chains, books, mugs, etc.)
- ◆ Bus passes or gas cards
- ◆ Phase movement acceleration
- ◆ Reduced fines or fees

Sanctions

Failure to comply with Drug Treatment Court program rules, basic program requirements, policies and any other order from the Drug Treatment Court Judge or Probation Officer(s) could result in a sanction.

Sanctions could consist of writing assignments to encourage learning (particularly ideas for how the participants will behave differently in the future), incarceration in the county jail, community service, electronic monitoring (GPS), termination from the program, increased drug testing or any orders from the Drug Treatment Court judge.

The type or severity of a sanction will be determined by the Drug Treatment Court Team. Any noncompliance which could or does result in a sanction will cause a review of the participant's treatment plan with the Drug Treatment Court Team.

All sanctions can be modified at the discretion of the judge.

Time served for any jail sanction will not receive good time credits pursuant to PC§4019 if the number of jail days exceed 120 days, but will receive day-for-day credit².

Graduation

Those factors necessary for completion of the program are as follows:

1. Complete all requirements of all Drug Court phases as described in the Program Phases section (including, without limitation, treatment, vocational training or employment, stable housing);
2. Complete application for graduation demonstrating completion of the requirements for all phases and obtain a Probation Officer recommendation for graduation;
3. Prepare a graduation essay;
4. Maintain complete abstinence from drug use during Phase 6 of the Program;
5. 20 hours of community service at a non-profit approved by Probation;

² This rule does not apply to credits accrued during any final period of custody served while pending adjudication and sentencing in connection with the final formal probation violation prior to termination from ADC.

6. Make all payments required for Drug Treatment Court participation.
7. Home Environment: demonstrate to the team that the participant has made every effort to ensure his/her home environment is one that is not likely to promote relapse.

If a participant has completed treatment pursuant to his/her contract, but other requirements are not fulfilled, until all factors are met, the client will continue his/her involvement and obligations in Drug Treatment Court as determined by the Drug Treatment Court Team and Judge.

Termination Criteria

Warrants and/or new arrests may result in being terminated from Drug Treatment Court. Other violations which could result in termination include consistently missing drug tests and other required appointments, falsifying drug tests, not cooperating in treatment programs, disrupting the treatment program, or disrupting the treatment of others, and any violence or threats of violence directed at treatment staff or other defendants in treatment. All decisions regarding acceptance into and termination from Drug Treatment Court will be made after a review by the Treatment Team and will include the participant's input. The final decision will be made by the judge.

Treatment Plans

The Drug Treatment Court Treatment Plan is divided into phases. These phases will help participants set goals, select ways to meet those goals, and select target dates to achieve those goals. The Drug Treatment Court Phases are separate from the treatment phases and may or may not be aligned at any given time.

Outpatient/Residential/Jail Treatment

Substance abuse treatment depends on assessed individual need and what will work for that participant. A treatment plan will be developed by the Drug Treatment Court Treatment Team. The important thing is that the Drug Treatment Court Team will always work with participants to find the best treatment that will meet individual needs at different times along the path to graduation.

Self-help meetings

Attendance will be required at Self-Help meetings (such as Narcotics and/or Alcoholics Anonymous) as well as other individualized special issue oriented meetings. Attendance at these meetings is particularly important during the recovery process. They help familiarize the participant with additional resources and develop a level of trust in learning to better relate to family and friends, and to form bonds with others in recovery. Similar meetings are available for families to better understand the participant, and what he/she is trying to do and how they can help the individual while in treatment. Participants are encouraged to have their family involved in meetings and to come to court with them.

Prescription Drug Policy

Should an emergency medical situation arise that requires narcotic medication, a participant

must apply for a modification of his/her treatment plan. Per the Drug Treatment Court contract, participants agree to tell dentists, doctors and emergency room staff that they are part of the Drug Treatment Court program and would like non-narcotic medications. Should a chronic medical situation that requires narcotic medication intervention arise, a participant will have to terminate his/her involvement with Drug Treatment Court. Failure to inform the Probation Officer(s) or designee, or UA tester of prescription drugs being taken prior to testing is treated the same as a failure to test.

DRUG TREATMENT COURT PROGRAM RULES

As a Drug Treatment Court participant, one will be required to abide by the following rules:

- **Reside at All Times in Nevada County**

Participants must live in Nevada County at all times while participating in the Drug Treatment Court.

- **Attend All Ordered Treatment Sessions**

This includes outpatient, residential, individual and group counseling, educational sessions, drug testing, and Self-Help meetings which may include but not be limited to Alcoholics Anonymous/Narcotics Anonymous meetings.

- **Be On Time to Status Hearings, Treatment Sessions & All Required Meetings**

If a participant is late or demonstrates a pattern of being late, he/she may not be allowed to attend and will be considered non-compliant with the treatment plan.

- **Speak with the Probation Officer(s) or designee as ordered.**

Participants will have regularly scheduled meetings with the probation officer. The probation officer may also ask the participant to come in at other times. Tardiness may be considered non-compliant.

- **Do Not Make Threats Towards Other Participants or Staff or Behave in a Violent Manner or Disrupt Treatment**

Violent or inappropriate behavior will not be tolerated and will be reported to the court. This may result in immediate termination from Drug Treatment Court.

- **Do Not Bring Drugs, Alcohol or Weapons into any Treatment Program, Meetings, Appointment or Event**

- **Dress Appropriately for Court and Treatment Sessions**

The participant will be expected to wear appropriate clothing both to court and when attending treatment meetings or appointments. Clothing bearing gang, drug, or alcohol related language or symbols is considered inappropriate. Sunglasses and hats are not worn inside the courtroom or in treatment sessions. Appropriate clothing includes a shirt or blouse, pants, dress, or skirt of reasonable length. Shorts are not to be worn in the courtroom. Shoes should be worn at all times.

- **No food/drink in the courtroom and cell phone sound should be turned off.**

Cell phone sounds should be turned off in the court room and phone conversations and texting should not occur in the courtroom except for in emergencies. Pagers, hand held videogames and radios are not allowed in the courtroom or in the group rooms. They will be confiscated by the bailiff or security officers.

- **Do not associate with anyone who has not been clean and sober for less than 6 months outside of a therapeutic setting and do not engage in any new romantic relationships.**

All associations must be approved by your probation officer until otherwise directed. Do not become involved in any new romantic relationships prior to discussion and permission from the Drug Court team.

- **No new piercings and no new tattoos.**
New piercings and tattoos are not allowed until a client is financially independent, and all restitution, fines, fees, penalties, assessments and Drug Court program fees are paid in the Drug Court case(s) as well as any other cases for the participant.

PROGRAM PHASES

Participants are required to complete six phases in order to complete the Drug Treatment Court Program:

Phase 1 (Projected 30-60 Days)³ (Acute Stabilization)

- Comply with treatment requirements (treatment plan)
- Comply with probation supervision requirements
- Attend scheduled court status hearings
- Develop a case plan with probation officer
- Weekly office visits with probation officer
- Weekly residential visits with probation officer
- Report as directed for Random Drug Testing
- 30 days successful Electronic Monitoring **if not in residential treatment**
- Comply with Curfew, 6 p.m.

In order to advance to the next phase:

- Regular attendance at treatment, office visits and being honest
- Probation Officer recommendation for phase advancement
- Initiate or obtain medical assessment (documentation of annual physical/ODS regmt, MAT needs)

Phase 2 (Projected 2 Months) (Clinical Stabilization)

- All requirements of Phase I
- Begin to focus on Self-Help Groups (e.g., Twelve-Step Program or a secular equivalent of the same)⁴
- Maintain housing (residential, recovery or personal)

³ All phase timeframes are projections only. Each participant will remain in a phase or advance to a new phase based on an evaluation of their individualized needs and progress.

⁴ Participants must participate in a community-based, peer, self-help, support group. That group can be an approved secular, support group.

- Curfew 7 p.m.

In order to advance to the next phase:

- Be in compliance with treatment (complete IOT, secure recovery mentor, complete Step 1 of Twelve-Step Program or secular equivalent of the same)
- Be in compliance with probation supervision (reporting, testing, residential visits)
- Probation Officer recommendation for phase advancement.

Phase 3 (Projected 4 Months)
(Pro-Social Habilitation)

- All requirements of previous Phases
- Engage in service commitment with Self-Help support group
- Establish sober network (recovery mentor, etc.)
- Establish pro-social activity (Project Heart, athletics, etc.)
- Build and learn to protect relapse prevention plan
- Curfew 8 p.m.
- Participant will be evaluated to determine frequency of court appearances
- Based on Needs Assessment: Job training, parenting, family support, vocational training, education

In order to advance to the next phase:

- Be in compliance with treatment
- Be in compliance with probation supervision
- Prosocial activity implemented
- Sober support network started
- Complete Steps 2 & 3 of Twelve-Step Program or secular equivalent of the same with recovery mentor
- Present relapse prevention plan to Court
- Probation Officer recommendation for phase advancement

Phase 4 (Projected 6 Months)
(Adaptive Habilitation)

- All requirements of previous Phases
- Complete Courage to Change Drug Court Journal (certificate of completion)
- Complete any additional CBT, by assessed need
- Begin to explore employment (obtain and/or engage in services with local work development program)
- Maintain sober network
- Maintain pro-social activity
- Curfew 9 p.m.

- Participant will be evaluated to determine frequency of court appearances

In order to advance to the next phase:

- Be in compliance with treatment
- Be in compliance with probation supervision
- Maintain prosocial activity
- Maintain sober support network
- Probation Officer recommendation for phase advancement
- Complete Outpatient treatment and enter recovery services per discharge plan
- Complete any additional CBT, by assessed need
- Complete Courage to Change Drug Court Journal (certificate of completion)

Phase 5 (Projected 5 Months)
(Continuing Care)

- All requirements of previous Phases
- Obtain/maintain employment
- Secure stable independent housing
- Attend monthly court hearings

In order to advance to phase 6:

- Attend Financial Peace Program or engage in budget planning
- Pay the \$650 Adult Drug Court program fee
- Probation Officer recommendation for phase advancement

Phase 6 (Projected 4-5 Months)

- All requirements of previous phases
- Attend drug court monthly
- Participate in after-care program
- Participation in Drug Court Alumni program

In order to graduate:

- Complete application for graduation demonstrating completion of the above-described requirements for all phases and obtain a Probation Officer recommendation for graduation. This must be submitted 30 days in advance of the requested graduation date.
- Graduation essay.

-Complete abstinence from drug use is required during this phase. Failure in this regard could lead to sanctions, up to and including termination from ADC Court and imposition of the previously stayed sentence.

-Complete 20 hours of community service at a non-profit approved by Probation.

-Demonstrate to the team that the participant has made every effort to ensure his/her home environment is one that is not likely to promote relapse.

Upon successful completion of Drug Court, the Public Defender (or designee) may petition the Court for a reduction of current charges or outright dismissal pursuant to Penal Code §1203.4 as follows: If a participant has no violations resulting in custodial sanctions during the course of their ADC probation, they may petition for relief immediately. If a person has had violations during their ADC probation resulting solely in flash incarcerations, they may petition for relief 1 year after successful graduation from ADC. If a person has had any adjudicated probation violations during the course of their ADC probation, they may petition for relief 2 years after successful graduation from ADC.

APPENDIX A: APPLICATION FOR ADMISSION

<p>Original filed with Court, Copy for:</p> <p>_____ District Attorney</p> <p>_____ Public Defender</p> <p>_____ Probation Dept.</p>	<p>FOR COURT USE ONLY:</p>
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People v. _____

Case Number(s): _____

APPLICATION FOR ADMISSION INTO NEVADA COUNTY ADULT DRUG TREATMENT COURT

I, _____, hereby apply for admission into the Nevada County Adult Drug Treatment Court Program. I make this application voluntarily. I have discussed this application and the express waivers set forth herein with my attorney. My attorney has fully explained to me the terms of this application and all waivers set forth in this application.

1. No Promise of Admission: I understand and agree that by accepting this application, the court is not promising to me that I will be admitted into Adult Drug Treatment Court. The Adult Drug Treatment Court team is only agreeing to accept my application and to consider my potential for admission into Adult Drug Treatment Court.

_____ Initials of Applicant

2. Medical/Psychological Evaluations: I understand and agree that my application may require that I subject myself to testing for and assessment of my medical and/or psychological condition. I agree to submit myself to all such testing. I agree the psychological report will become property of the Adult Drug Treatment Court, of which, I will not be permitted a copy. I further agree that the results of all such testing may be distributed to and analyzed by all members of the Adult Drug Treatment Court Team, which include a Superior Court Judge, the District Attorney, the Public Defender, the Probation Officer, the Collaborative Courts Program Director, and representatives of treatment providers, including Granite Wellness Centers and Common Goals. I expressly waive any claim of confidentiality with respect to the treatment court team and any medical and/or psychological assessments performed on me as a part of the consideration of my application for admission into the Adult Drug Treatment Court.

_____ Initials of Applicant

3. Ex Parte Interviews: I further understand and agree that, as a part of my consideration for admission, I will meet with, and be interviewed by, members of the Drug Treatment Court Team. I understand and agree that there will be no recording of any of these interviews, and that some of these interviews may take place without the presence of my criminal defense attorney. I hereby waive any claim that any such interviews by any member of the Drug Treatment Court Team violate any of my rights under the Constitutions of the United States and the State of California, including all amendments thereto.

_____ Initials of Applicant

4. No Record of Drug Treatment Court Team Meetings: I understand and agree that meetings of the Drug Treatment Court team to discuss my potential admission into Drug Treatment Court are conducted informally and that no record is kept of the matters discussed in such meetings nor of the persons present during such meetings. I hereby waive any claim that any such meetings of the Drug Treatment Court Team, and the absence of any record of the contents of or participants in any such Drug Treatment Court Team Meeting, violate any of my rights under the Constitutions of the United States and the State of California, including all amendments thereto.

_____ Initials of Applicant

5. No Statement or any information procured therefrom, made by the Defendant to any member of the Adult Drug Treatment Court team, or in preparation of a report, that is made during the course of any investigation conducted by the Adult Drug Treatment Court team or treatment providers to determine eligibility, shall be admissible in any action or proceeding brought subsequent to the application process.

_____ Initials of Applicant

6. Public Defender: I understand and agree that if I am admitted into Adult Drug Treatment Court that upon completion of my sentencing, my current counsel will be relieved and the Public Defender, or the Public Defender’s designee, will be appointed to represent me.

_____ Initials of Applicant

7. Sentencing Judge: I understand and agree that, in the event that I am denied admission into Adult Drug Treatment Court for any reason, the Superior Court Judge who administers Adult Drug Treatment Court may be the eventual sentencing judge in my case(s). I further understand and agree that such a sentencing judge will have gained information about me as a natural and expected result of the processing of my application for admission by the Drug Treatment Court Team. I expressly agree that such a sentencing judge may and can use any such information learned about me during the processing of my application for admission in any eventual sentencing decision by that judge, regardless of whether I am admitted or denied admission into Adult Drug Treatment Court. Alternatively, I may elect to be sentenced by another judge without the requirement of filing a motion pursuant to Penal Code §170.6 or 170.1.

_____ Initials of Applicant

Dated: _____

Signature of Applicant: _____

Print Name of Applicant: _____

I, _____, am the attorney for the applicant. I have explained the terms and conditions and waivers in this application with my client. I have answered all of my client's questions regarding the terms, conditions and waivers in this application.

My client has agreed to the following negotiated offer, as discussed with the District Attorney:

List of negotiated terms:

Dated: _____

Signature of Attorney

APPLICANT CONTACT INFORMATION

The Applicant is:

_____ In-Custody

_____ Out of custody, and his/her contact information is as follows:

Address

Phone

The application should have a negotiated offer at time of submittal by attorney at time of submittal.

APPENDIX B: PARTICIPANT AGREEMENT

NEVADA COUNTY SUPERIOR COURT ADULT FELONY DRUG TREATMENT COURT

PARTICIPANT AGREEMENT

People vs. _____ Case Number: _____

I, _____, have been accepted as a participant in the Nevada County Drug Treatment Court Program as a term of my probation. I agree and understand that I am subject to and must abide by all the terms and conditions of my probation while in this program. Even if that probation has been suspended during my participation in this program. I agree to successfully complete the Drug Treatment Court Program to satisfy a term of probation. So that I may participate in the program, I agree to the following:

1. I agree to complete the diagnostic evaluation required by the Court for participants in the Nevada County Drug Treatment Court Program.
2. I agree to cooperate with the Nevada County Drug Treatment Court, the program staff, and the treatment provider(s).
3. I agree to sign any and all releases necessary for the Drug Treatment Court Team members and treatment providers to assess my suitability for treatment, to monitor my progress in the Drug Treatment Court Program, and/or necessary to further the treatment aims. I further agree to sign any releases that will allow the Drug Treatment Court to review diagnostic and treatment information which would otherwise be confidential under Federal or State law.
4. I realize that the program staff, based on my needs, may revise my treatment plan.
5. I agree to follow all program and provider rules, regulations, contracts and the Orders of the Court. I agree to make recovery my priority. I understand that the Probation Department will be advised of my status. I realize that any new arrest while I am participating in Drug Treatment Court will jeopardize my inclusion in this program.
6. I agree to contact my probation officer and attend probation meetings as required. I agree to attend outside, Self Help meetings and out-patient or in-patient treatment as required.
7. **I WAIVE ANY RIGHT TO CLAIM CUSTODY CREDIT AGAINST MY SENTENCE FOR ANY TIME I AM PLACED IN EITHER IN-PATIENT OR OUTPATIENT TREATMENT AS A PART OF MY PARTICIPATION IN DRUG TREATMENT COURT.**

8. I understand that the primary purpose of this program is treatment and that any statements made by me while participating in this program shall not be used against me in any subsequent related adversarial proceeding. These include statements made to Drug Treatment Court Program staff during the pre-screening phase, statements made in open Court during the Nevada County Drug Treatment Court proceedings, and/or statements made to any treatment provider during the treatment phase of the program. However, spontaneous statements made by me in open Court, which refer to unrelated felonious criminal activity and which are not related to my participation in the Drug Treatment Court Program, may be admissible in other criminal proceedings and such admissibility shall be determined in an evidentiary hearing, according to the rules of evidence. Additionally, any and all statements made by me to Probation Officers and/or peace officers are not protected and can be used against me in securing probable cause to search or arrest and can be used against me in Court.
9. I understand that urinalysis test results obtained through the Drug Treatment Court treatment program will be used only to assist the Court and treatment providers in evaluating my progress, and may be used by the Drug Treatment Court to determine whether I am progressing satisfactorily, whether the treatment plan needs modification, whether to impose sanctions or rewards within the program, and whether I should be terminated or graduated from Drug Treatment Court. I understand that under no circumstances will such urinalysis results be used as evidence of a new crime, evidence to support any unrelated violation of probation or parole, or in any other manner not consistent with the goals of the Nevada County Drug Treatment Court.
10. I agree to participate in the Nevada County Drug Treatment Court Program for a period of no less than two years. I agree to engage in any education, treatment or rehabilitation program ordered by the Court. I agree to abide by the additional terms as indicated by the Court, program staff, and/or treatment staff and I agree to complete the treatment program to the satisfaction of the Court.
11. I understand that failure to successfully complete the Drug Treatment Court Program is a violation of my probation. In the event I am removed from the program, I understand that I can be made to serve any unexpired term previously imposed or suspended by the Court and/or can be charged with a violation of my probation.
12. My participation in the program can be terminated if:
 - a. I violate any of my terms of probation;
 - b. I do not make progress toward satisfactorily completing the Nevada County Drug Treatment Court Program;
 - c. I commit a violent misdemeanor or any felony;
 - d. I commit an assault, or threaten or attempt to intimidate any treatment provider, counselor, probation officer, or other participant in the program.
 - e. I fail to pay fees or perform service as ordered by the Court.
 - f. I falsify a drug test.

13. I understand that an assessment fee and a participation fee are mandatory for participants in Drug Treatment Court. The fees are set at \$650.
14. I agree to seek and maintain employment, employment counseling, a GED, and/or other education as a part of my treatment program as required by the Court, program staff or treatment provider.
15. I agree to cooperate with and follow the instructions of the court, program staff, and treatment provider.
16. I agree to report as directed, and to timely make all Court appearances as ordered by the Court, program staff treatment provider or Probation officer.
17. I agree to keep the Court, program staff and treatment provider informed of my current address at all times, and report any changes of address within one (1) day. I understand I also must comply with any additional probation conditions involving changing addresses (including, if appropriate, securing permission from and/or notifying the Court or my Probation Officer of any anticipated change of address.)
18. I agree to submit to witnessed urine tests as ordered by the Court, program staff or the treatment provider.
19. I agree that I will not use or possess any alcohol, marijuana, or illegal drug, and whenever possible request that prescription medications be non-narcotic. I will deliver a copy of my prescription issued to me to my Probation Officer within 48 hours of issuance of that prescription. I will not use or possess any controlled substance without a prescription from a licensed physician.
20. I agree that if I violate this agreement, the Court can impose sanctions within the Drug Treatment Court Program rather than terminate my involvement in the Drug Treatment Court. The court may impose such sanctions without conducting a hearing, because I waive a hearing on any alleged violation. Without limitations I agree that the Judge can:
 - a. Modify my treatment program to more intensive counseling or a residential program;
 - b. Order me into medical detoxification;
 - c. Put me back in jail immediately for up to 10 days at a time; I understand that I would not receive any good time credit pursuant to Penal Code §4019 on any time served as a result;
 - d. Issue a bench warrant for my arrest.

In addition, if I violate this agreement, the Court may elect to terminate me from this program without a hearing and then impose the suspended execution sentence on my underlying charge(s).

21. I agree to a Fourth Amendment waiver and that I am subject to search of my person, vehicle, residence, property, personal effects, and anything under my custody or control at any time with or without warrant, and with or without reasonable cause, when requested by a probation officer or law enforcement officer. In addition to the Fourth Amendment waiver conditions

listed above, I provide specific consent within the meaning of Penal Code §1546 et seq. to whatever government entity is seeking information protected by the California Electronic Communication Protection Act ("ECPA"). This consent includes consent to seize and examine call logs, text and voicemail messages, photographs, emails, and social media account contents contained on any device or cloud or internet connected storage owned, operated, or controlled by me, including but not limited to cell phones, computers, computer hard drives, laptops, gaming consoles, mobile devices, tablets, storage media devices, thumb drives, micro SD cards, external hard drives, or any other electronic storage devices, by whatever government entity is seeking the information. I also agree to disclose any and all passwords, passcodes, password patterns, fingerprints, or other information required to gain access into any of the aforementioned devices or social media accounts during the time I am a participant in the drug treatment court program. I also agree to volunteer and disclose to any law enforcement officer who contacts me that I have a Fourth Amendment and ECPA waiver.

- 22. I understand that if I am removed from the program and sentenced, I am not entitled to any good time credit pursuant to Penal Code §4019 for sanctions imposed in jail (unless those sanctions are less than 120 days, or unless those sanctions are associated with my final probation violation prior to termination from the program). I understand that if I have any questions concerning sentencing I should discuss this with my attorney (or the Court if I am not represented by an attorney) before starting the program.
- 23. I understand that I must successfully complete the treatment program and comply with the conditions of this contract set forth above to graduate from the program. I also understand that I may remain on formal probation for at least one year after graduation from Drug Treatment Court.
- 24. I understand that I have the right to an attorney during all court proceedings, and should consult an attorney prior to signing this agreement. If I am unable to afford an attorney, I understand that the court will appoint an attorney for me.
- 25. I understand that if in have any questions concerning drug treatment court, I should discuss the matter with an attorney. If I am unable to afford an attorney, I understand the court will appoint an attorney for me.

I DECLARE THAT THE STATEMENTS WRITTEN ABOVE HAVE BEEN READ BY ME OR TO ME, AND THAT I UNDERSTAND AND AGREE TO EACH OF THE ABOVE STATEMENTS AND CONDITIONS.

Date

Defendant

I, _____ have reviewed the document with the defendant.
Counsel for Defendant

Date

Counsel for Defendant

APPENDIX C: NEVADA COUNTY FELONY DRUG TREATMENT COURT INFORMATION SHEET

Drug Treatment Court is a voluntary program for persons who are otherwise committed to a term of imprisonment and whose crimes are related to serious drug addiction and who want help. An individual may be eligible if he/she:

- Resides in Nevada County.
- Does not have an ongoing condition that requires narcotic drug maintenance.
- Is willing to plead guilty to a felony charge or violation of felony probation for which a term of imprisonment will be imposed and execution suspended.
- Does not have any current or prior felony convictions for which the Judge does not have discretion to grant probation.
- Is willing to commit to a program length of 12 to 24 months with post program completion probation supervision of potentially 12 to 24 months.
- Does not have any other unresolved felony criminal charges in other jurisdictions.
- Is not currently subject to Penal Code § 290 registration.
- Does not have a history of excessive violence.
- Is willing to submit to a psychological assessment to determine if he/she has a personality disorder or other disorder for which the team may conclude would make him/her not able to comply with the program.
- Is not convicted of a felony involving transportation or possession of large quantities of drugs or precursors as determined by the team.

The program may involve initial inpatient treatment depending on the individual assessment. The program includes out-patient treatment, self-help meetings, and witnessed drug testing. The participant will be required to return to court every other week. The counseling will decrease as recovery is gained. The required level of participation will be dependent on individual progress in the program.

Drug Treatment Court has a non-refundable participation fee as indicated in the contract. All fees are payable as directed by the court.

The participant will be required to plead guilty to a felony or admit a violation of felony probation for which a term of imprisonment will be imposed. The execution of the sentence will be suspended by the court pending successful completion of Drug Treatment Court. After graduation each individual may continue on probation and not be sentenced to prison, but any subsequent violation of probation could result in the original sentence being imposed. Successful graduation will include, among other things:

- Successful completion of all required treatment modalities.
- Attendance at all scheduled court hearings unless excused.
- Clean drug tests.
- Payment of all financial obligations.

Poor performance in this program will result in court responses including jail, more self-help groups, community service, more intensive treatment, extension of program, or, depending on the violation or numbers of violations, termination from the program. If terminated, the suspended prison sentence will be imposed.