

SOBRIETY COURT POLICIES AND PROCEDURES

MISSION STATEMENT

It is the mission of the Sobriety Court of the 51st District Court to reduce the incidence of drunk driving by promoting recovery of offenders charged with drinking and driving offenses. Through a coordinated response to offenders dependent on alcohol and other drugs, dependency and abuse is reduced, and the incidence of subsequent offenses is reduced.

GOALS AND OBJECTIVES

Reduction of drug and alcohol consumption. Intensified treatment, supervision, monitoring and support of participants will result in decreased drug and alcohol consumption.

Reduce the incidence of repeat drinking and driving offenses. Decreased drug and alcohol consumption will reduce the incidence of repeat drunk driving offenses.

Reduce the number of cases being scheduled for trial, and the length of time between the date of offense and the date of sentencing. The streamlining of court procedures and increased access to treatment will reduce the number of cases being set for trial, as well as reducing the time between the date of offense and sentencing and initiation of the treatment plan.

Reduce incarceration in local jails. Entry into the program will be an alternative to incarceration. Increased success of recovery will reduce the number of persons committed to jail for violation of probation.

TARGET POPULATION AND ELIGIBILITY CRITERIA

All defendants charged with drinking and driving offenses will be screened for eligibility based upon the following criteria:

- Criminal history that does not include conviction of a felony violent crime.
- Current charge of Operating While Visibly Impaired, Operating Under the Influence of Alcohol or Narcotics first and second offense, Unlawful Bodily Alcohol Level first and second offense, Minor with Unlawful Bodily Alcohol Level, Child Endangerment.
- Resident of Oakland County (Waterford lies in the geographic center of Oakland County; this restriction would in effect limit participation to those living within approximately 25 miles of the court.)
- Determination of placement in Phase 1, 2 or 4 will be made at time of conviction and screening.

ENTRY INTO PROGRAM

Entry into Sobriety Court is post-adjudication.

- At the time of arrest, all persons charged with a drinking and driving offense as set forth above, who are being released on interim bond, will be advised by the arresting officer to appear for arraignment on the next closest Thursday morning. Persons brought to the court for arraignment while in custody will return for pretrial on the Thursday closest to their arrest and arraignment. Defendants will also be advised to have their attorney present if they intend to retain an attorney or that court appointed counsel will be provided if they are unable to hire an attorney.
- At the time of arraignment/pretrial, a state and local prosecuting attorney will be present along with an appointed defense attorney.
- The defense attorney will meet with each person and will advise them on the legal aspects of their case, and the appropriateness of pleading guilty and entering the program. Preliminary information will be obtained to determine eligibility. If the defendant has appeared with retained counsel, the appointed attorney will advise retained counsel of the availability of the program, and the forms and waivers necessary for entry into the program so that retained counsel may proceed with discussions with the prosecutor.
- The defense attorney and the prosecutor will then meet to discuss any incentives to participation which the prosecutor may wish to offer.
- Defense counsel will then meet again with the defendant, advise them of any prosecutorial incentives, and if the participant desires to seek entry into the program, will fully advise the defendant of his rights, and the potential consequences of entry into the program. All necessary waivers will be explained by the Defense attorney, and signatures obtained.
- After all necessary documents are signed, the defendant will proceed with the arraignment/pretrial.
- After entering a plea, Defendants report immediately to the probation department for screening and assessment.
- Sentencing is scheduled for the following Thursday.

SCREENING AND ASSESSMENT

Immediately after the entry of a plea, Defendants report to the probation department for an in-depth psycho/ social assessment administered by an ARMS certified probation officer. The assessment will include the following:

- Administration of the NEEDS Survey, developed by ADE, Inc.
- Personal/social background information, such as family of origin, cultural background, exposure to abuse or violence, etc.
- Assessment of physical and emotional health.
- Extent of cognitive or other impairments.
- Employment history and capability.
- Educational history and current status.
- Criminal history, adult and juvenile.
- Administration of a baseline breath and urine screen to aid in determining drugs of

choice.

PHASES, TERMINATION CRITERIA AND GRADUATION CRITERIA

At the time of sentencing, the Sobriety Court participant will be assessed fines and costs, and directed to serve the appropriate number of days in jail, with the option of serving that time in the Community Service Program. Several years ago, the 51st District Court established a supervised work program which meets on Tuesdays, Thursdays and Saturdays for five hours at a time. Work performed includes maintenance of parks and roadways, planting and maintenance of a large garden which provides fresh vegetables to local food banks and needy senior citizens. The Community Service Program will be used by participants of the Sobriety Court in lieu of assessed jail time.

Based upon the Needs Survey and the psycho/social assessment, the defendant will be assigned an individualized treatment plan falling within the following parameters. Initial placement can be made into either Phase 1, 2 or 4 as set forth below:

PHASE ONE

- Attend didactic programs and treatment sessions (intensive outpatient or inpatient) as established in treatment plan approved by Court.
- Submit to daily PBT's for 45 to 90 days.
- Urine screens as directed based upon baseline screen and drug of choice.
- Meet with Probation Officer biweekly.
- AA/NA meetings 2-7 times per week
- Have an established AA/NA sponsor by the end of the 90-day period.
- Follow through with other referrals for specialized treatment or intervention programs.
- Attend Sobriety Court Sessions on a biweekly basis.
- Establish a payment plan for fines and costs.

This Stage is intended to last three to four months, depending on the individualized treatment plan. Ninety consecutive days of sobriety must be demonstrated to move to Stage Two. The Judge, treatment provider and core team members will make the decision when to move the defendant to Stage Two.

PHASE TWO

- Step down to the next level of treatment, i.e., Intensive Outpatient, Outpatient or aftercare treatment, upon recommendation by the treatment provider and Sobriety Court Team.
- PBT's and urine screens reduced to random schedules.
- Meet with Probation officer once per month.
- Attend AA/NA meetings as directed
- Introduce AA/NA sponsor to Drug Court
- Begin completing other terms of probation such as community service, Victim's Impact Panel, parenting classes or referrals for other specialized treatment or intervention programs.
- Attend one Sobriety Court session per month.
- If unemployed or employed part-time, begin to seek full time employment.

OR

- Enroll in school (high school, GED, trade school or college) on a full time basis.
- Remain current on payment plan for fines and costs.

This Stage is intended to last three to six months, depending on the individualized treatment plan. Treatment must be completed before graduation to Stage Three with exception of people who will engage in life-long counseling. Community Service must be completed with exception of those persons serving 30 days or more, in which instance a minimum of 20 days must be completed. Graduation to Stage Three will occur by Sobriety Court Team agreement.

PHASE THREE

- Submit to random breath and urine screens as directed.
- Meet with Probation officer once per month.
- Continue AA/NA attendance as directed.
- AA/NA sponsor sends reports to Sobriety Court Judge once per month.
- Provide documentation of school enrollment and/or full-time employment.
- Complete payment of fines and costs.

This Stage is designed to last approximately six to eighteen months, depending on the individualized treatment plan, defendant's compliance with terms of probation, and ability to maintain sobriety. Defendants must be engaged in full time employment or be enrolled full time in school in order to graduate. The Judge, treatment provider and core team members will ultimately make the decision when the participant will graduate. Probation officer will run a LEIN to insure the participant has not been charged with a new offense prior to graduation.

PHASE FOUR

It is anticipated that those persons who do not present with significant substance abuse problems (ASAM .05 or less) may be placed into Stage Four.

- Twelve months probation
- Didactic program
- Victims Impact Panel
- Random PBTs and/or drug screens to be determined by probation officer
- Meet with probation officer one time per month.

SANCTIONS AND INCENTIVES.

GRADUATED SANCTIONS

The Sobriety Court Program includes a plan for graduated sanctions that may be applied as an immediate consequence of program noncompliance. The Sobriety Court Judge may employ the following graduated sanctions to encourage compliance with the program:

- Increased drug testing
- Increased frequency of court appearances before the Drug Court Judge.
- Increased reporting to probation department.
- Community Service

- Day-reporting
- Placement in Community Programs, Inc.'s STOP program (a three-day intensive residential program as an alternative to incarceration).
- Return to previous stage for more intensive case management
- Incarceration
- Issuance of a Bench Warrant.
- Expulsion from program

Participants are provided with the following schedule of graduated sanctions:

INCENTIVES FOR COMPLIANCE

Because entry into the supervision of Sobriety Court is mandatory for all eligible participants, the greatest incentive for compliance is discharge from supervision. All participants are placed on probation for a period of twenty-four months. However, participants are advised that the actual length of their probation is dependant upon compliance with treatment and program requirements. The faster same are completed, the sooner a participant may be graduated to the next phase and supervision reduced or terminated.

At the time of graduation from one phase to the next, participants are presented with a certificate acknowledging their efforts in remaining drug and alcohol free, and congratulating them with completion of each respective phase. Upon graduation from the entire program, participants are presented with a coffee mug inscribed with the Serenity Prayer.

The primary incentive for compliance comes from the supportive relationship established with the judge and probation officers, which comes from frequent review hearings and meetings.

DRUG AND ALCOHOL TESTING

As set forth in the description of the Phases above, regular urine and breath screens are used to monitor defendants' compliance with the program. Daily screening for alcohol is required in the early phases of the program in addition to urine screens based upon drugs of choice. Breath and urine screens are reduced to random but regular in the later phases, but may be increased at any time.

Breath screens are available free of charge from 8:30 a.m. to 4:45 p.m. Monday through Fridays (holidays excepted) in the probation department of the 51st District Court. Breath screens are also available free of charge during specific evening hours when the Court is open for classes, and at the Community Service Program location on Tuesdays, Thursdays and Saturdays (holidays and bad weather days excepted, and at the Waterford Police Department on Saturdays and Sundays from 2:00 to 4:00 p.m. A monthly calendar of dates and times for free breath screens is available in the probation department.

TERMINATION CRITERIA

Given the philosophy and goals of Sobriety Court, termination from the program will only result when it is clear that the objectives of the program cannot be met. Relapse, particularly in the first year of sobriety is not unexpected. The list of graduated sanctions set forth above shows the programs response to relapse. If repeated relapses indicate rehabilitation will not be successful, public safety calls for termination from the program and the maximum term of incarceration will be imposed.

Termination will also occur if the subsequent commission of crime results in incarceration making treatment and compliance with program requirements impossible.

TREATMENT PROTOCOL

TREATMENT PROVIDERS

A partnership has been formed between the 51st District Court and the Oakland County Office of Substance Abuse Services (OSAS), coordinating Agency for Oakland County. OSAS maintains contracts with a large number of treatment providers, approximately ten of whom are the primary providers for Sobriety Court for the purpose of outpatient, intensive outpatient and residential treatment. This array of providers allows defendants access to a continuum of care, with treatment plans tailored to the individual defendant's needs, as well as taking into consideration geographic proximity to a provider.

Many participants in the Sobriety Court Program will have insurance and/or the ability to pay for necessary treatment. OSAS has funds available to pay for indigent care, however, the authorized treatment is often insufficient. Sobriety Court funds are being used to augment the services that will be paid for by OSAS, as well as assisting clients who are self-pays or with insurance co-pays.

The screening and assessment performed on each defendant results in a proposed level of care. Referrals are made to treatment providers at the time of sentencing. Defendants are advised that they must make contact to schedule their intake appointment within 24 hours of their sentencing. Treatment plans may be revised at any time based upon the recommendation of the treatment provider in consultation with the probation officer and judge.

Treatment provider begin sending regular reports coinciding with the review hearing schedule of the defendant. Enhanced technology allows these reports to be submitted via the internet for incorporation into the defendants computer based case management file.

The continuum of care available to participants of Sobriety Court includes: Medical detoxification, residential treatment, intensive outpatient, outpatient and didactics. Aftercare programs are a part of residential and intensive outpatient treatment programs.

Ancillary programs are available to Sobriety Court participants and may be mandated as part of a treatment plan. These programs include: anger management, parenting education, cognitive restructuring or basic life skills training.

Auricular acupuncture using the National Association of Detoxification Acupuncture five point protocol is available to participants as an adjunct to treatment.

SUPERVISION PROTOCOL

Six days after the date of sentencing, all defendants meet with a probation officer for a group meeting, where all terms of probation are explained. Implementation of the individual treatment plans is reviewed and verified at this time as well. Participants are presented with pocket calendars, and instructed to list all treatment meetings, court appearances and drug testing schedules. Forgetting a scheduled meeting or test is not tolerated by the program, and will be sanctioned. Instructions are also given concerning breath and urine testing and that any substance consumed that results in a positive reading will be sanctioned.

For those persons in Phase I of Sobriety Court, participants meet one-on-one with their probation officers every two weeks. Participants in Phase II and IV meet once per month. At those meetings, breath and urine test log sheets, and AA attendance log sheets are reviewed for compliance with program requirements. Clients concerns and progress in the program are discussed.

The Sobriety Court uses the Transitions Program by Loryx Systems for case management and data collection. Probation officers begin the computer based case file by entering demographic information from the psycho/social interview. The collection of data continues with the entry of results from breath and urine screens, AA attendance, progress reports from treatment providers and results of review hearings, including incentives and sanctions.

Every week, the judges meet with the probation officers to discuss those persons that will be coming in for review hearings that week. At these meetings, participants progress in the program is reviewed, proposed incentives and sanctions are discussed. Treatment providers supply input to the meetings by means of progress reports, if additional input is required, treatment providers are contacted by phone.

For participants in Phase I, review hearings are held with the judge every two weeks. For participants in Phase II review hearings are once per month. Participant summaries are generated by the Transitions program for use at the hearings. At review hearings, participants discuss their progress with the judge, who imposes sanctions as necessary to ensure compliance with program requirements. Incentives for compliance are also given at the review hearings by way of encouraging words, certificates and upon graduation, a coffee mug inscribed with the Serenity Prayer.

ETHICS AND CONFIDENTIALITY

Sobriety Court has established guidelines for maintaining client confidentiality based upon the requirements of 42 USC §290dd-2.

- Information relating to the identity, diagnosis, prognosis, or treatment of any participant will not be disclosed to anyone other than the probation officer, judge, treatment provider and defense attorney, after appropriate consent has been obtained. Information used for

evaluation purposes will not disclose the identity of any participant.

- Due to prohibitions on the redisclosure of information regarding identity, diagnosis, prognosis or treatment, information transmitted or received by any of the parties set forth above shall be subject to the same restrictions.
- At the time a defendant decides to plead guilty, court personnel will provide the defendant with a copy of the Sobriety Court notice form and the consent for disclosure of confidential substance abuse information form. Notice of confidentiality requirements will be given to the defendants orally and in writing. The consent to disclosure form will stipulate that it is effective until the participant completes the Sobriety Court program, or is terminated from the program. The Defendant will have an opportunity to consult either his own attorney or the court appointed defense counsel prior to signing the consent form. A copy of the notice and consent forms are attached hereto as **APPENDIX A**.
- Consent to disclosure of information is irrevocable. Defendants will be advised that their consents are irrevocable but not permanent.
- Federal regulations allow the disclosure of information under the following circumstances:
 - Medical emergency where the participant's well-being may depend on the disclosure of treatment-related information to medical personnel.
 - In the event of crimes on the program premises or against program staff, information concerning the details of the incident and the participant's name and whereabouts may be revealed.
 - Information necessary for a central registry to prevent patients from enrolling in multiple clinics.
 - Outside auditors and researchers may be allowed to review information that identifies participants in order to evaluate the program. However, these persons or agencies must protect any covered information they obtain. Before removing such information from a programs premises, they must submit written plans outlining their procedures for ensuring confidentiality.
 - Information necessary to comply with Michigan's reporting requirements for suspected abuse or neglect of a child.
 - Information necessary to comply with Michigan laws concerning the collection of information relating to causes of death.
 - Information necessary to comply with a duty to protect third parties law.
- All written Sobriety Court records will be stored either in a secure room or in a locked cabinet. Sobriety Court records are not available to the public, and will be kept separately from other court records. All Sobriety Court files will be marked indicating they are confidential and may be viewed only by members of the Sobriety Court Team. Staff at the courthouse will be regularly educated about the procedures and the rationale behind them.

- Computerized records will be password protected, to allow access only to members of the Sobriety Court Team.
- Upon termination from Sobriety Court, consent to disclosure expires and all paper records will be transferred to a more restricted storage facility.