

Solano County Drug Court Client Handbook

I Introduction to Drug Court

a. What is a Drug Court?

A Drug Court is a full or part-time court that has been especially designed and staffed to supervise you, the nonviolent drug offender. It is a court-monitored program of drug treatment and rehabilitation services. Based on an innovative program that was first developed in Miami, Florida in 1989, the Drug Court Concept has received widespread attention as an effective treatment strategy, and there are now more than 1000 such programs in operation throughout the United States.

Drug Courts are built upon unique relationships between elements of the criminal justice system, such as the District Attorney, Public Defender and probation officers, and drug treatment community, one which builds a treatment program around the authority and personal involvement of the Drug Court Judge. Drug Courts offer you a clear choice: *participation in treatment instead of incarceration.*

In exchange for successful completion of the treatment program, the Court may eventually early terminate your probation, reduce a felony to a misdemeanor charge or dismiss the charge(s) pursuant to 1203.4 PC (if applicable).

b. The Drug Court Mission

The mission of the Drug Court is to create an environment that reduces crime and promotes the offender's recovery through a coordinated response of the Drug Court Judge and other Team members. Rather than focusing on punishment, the Drug Court Judge and other team members take on the role of trying to keep you engaged in treatment, and using the powers of that Court to monitor and enforce your compliance.

c. The Drug Court Team Concept

To accomplish these goals requires a team approach, in which judges, prosecutors, defense counsels, probation officers and treatment providers all work together in a non-adversarial court, with the purpose of breaking your cycle of drug abuse and criminal behavior, and returning you to sobriety and a normal community/family life. While the Drug Court Judge has ultimate authority in deciding Drug Court actions, the Judge strongly relies on the Drug Court Team to advise and offer options on your case.

d. The Solano County Drug Court

The Solano County Drug Court, held its first session in Fairfield on March 14, 1997 with the Honorable Ramona J. Garrett, Judge, presiding. The Drug Court Program went on hiatus in July 2005 and resumed on December 7, 2007. Currently, Drug Court operates in **Fairfield Department 14, the Honorable Garry Ichikawa**, Judge, presiding, on alternate Fridays from 8:30 a.m. until 9:30 a.m..

II Entry into the Drug Court

a. Eligibility Requirements

In general, you must have been eligible for, and participated in PC 1210 (Prop 36) drug treatment, and have failed that program by being terminated from it due to excessive violations. You may not be on active parole. You **may not** be currently taking prescribed narcotic medications (e.g., codeine, hydrocodone, Valium) except under the direct supervision of a physician.

b. Formal Assessment

Once you are found to be technically eligible for Drug Court, you will receive an appointment with a Case Manager, who will interview you and assess your social, family, criminal, employment, education and substance abuse histories, as well as your overall attitude toward entry into a treatment program. The Case Manager then completes a formal assessment report, and presents it to the Drug Court Team before you are considered by the Court for entry.

c. The Drug Court Waiver and Contract

If you enter the Drug Court, you will be required to sign a waiver that will be reviewed completely by you and your attorney prior to signing. Some of the things in the waiver which you allow, during Drug Court, are the search and seizure of your person and property, drug and alcohol urine testing, participation in individual and group counseling, and the graduated system of rewards and sanctions used by the Drug Court as well as accepting

any conditions the Judge feels are appropriate for your recovery. Any statements you make about your offense(s) in Adult Drug Court or in the process of recovery from addiction, to Probation, care providers, or in open court, shall not be the basis for a new criminal charge.

d. Welcome to Drug Court!

Once you have signed all the required papers, you will be welcomed into the program by the judge, and given your first appointments with your probation officer and treatment program. You will have taken a major step toward your recovery from drug abuse!

III Drug Court Client Responsibilities

a. Probation Department Reporting

The Solano County Probation Department plays a major role in the Drug Court program. Upon entry into Drug Court, you will be assigned a probation officer, who will supervise you for about the first six months of your program. This means that the officer will closely monitor all aspects of your case, and physically see you during regularly scheduled appointments. The officer assesses your progress, and reports regularly to the Drug Court Judge and Team on your performance. It is very important that you develop a good relationship with your probation officer.

b. Attendance at a Treatment Provider Program

Upon Drug Court entry, you will be assigned to a treatment provider as close as possible to your place of residence. You will be required to meet all scheduled appointments for these sessions, as deemed necessary by your provider.

c. Attendance at Narcotics Anonymous (NA) Meetings

In addition to attending a formal treatment program, you will be required to attend at least three NA meetings per week while in the Drug Court program. This type of interaction with others who are in recovery has been proven to be highly effective in keeping clients on target toward their own recovery. You may seek out any NA group in our local area, but we strongly recommend that you attend the group that is closest to your

residence. You may, if you choose, substitute Alcoholics Anonymous (AA) groups for NA group attendance, provided you go at least three times per week. The Drug Court Team will provide you with NA/AA sign off sheets to verify your attendance to the Judge, and a listing of the many NA/AA groups which are active in Solano County.

d. Submission to Urine Testing/ Home Searches

You also must submit to urine testing, while observed by a Probation Department technician or treatment program staff. Such tests are critical to monitor your compliance and to assess the possibility of drug use relapses, which can occur when in recovery. During the first phase of your Drug Court program, you will be required to submit to **three drug tests per week**. The frequency of testing may later decrease, based on your progress in the program. You may also be randomly drug tested.

Additionally, while in the Drug Court program, you will be subject to search at any time or place by a police or probation officer, with or without a warrant. A certain percentage of Drug Court participants will be searched on a random basis.

e. Mandatory Court Appearances

Generally, after you enter into Drug Court, you will return to Court in two to four weeks for your first progress report. At that appearance, the Judge will review a report submitted by your Case Manager concerning your compliance in the program, and also ask to see your NA/AA meetings and drug test sheets. If all is in compliance, you will be given another progress report date for a later time, usually in two to four weeks, depending on your program phase. Keep in mind that all Drug Court appearances are **mandatory**, and failure to appear will result in the Court issuing a bench warrant for your arrest. If you are ill or have an emergency, which will keep you from attending Court, notify your attorney as soon as possible prior to your Court date.

f. Court Ordered Sanctions

Should you fail to comply with the requirements of the Drug Court, the Judge may impose a graduated series of sanctions to try and get you back on track. Some of the actions that will result in a sanction are:

1. Failure to appear in Court

2. Failure to attend treatment sessions
3. Failure to report to your probation officer
4. Failure to drug test on the date/time or frequency directed by the Court, Probation or your treatment provider.
5. Submitting a drug test which is positive for either alcohol or illegal drugs.
6. Failure to attend the required number of NA/AA meetings.
7. Forging NA/AA or drug test sheets, faking a drug test or attempting to use another person's urine (two-level sanction).

Should any of the above events occur the Court will impose a sanction. Sanctions are imposed in graduated levels, which mean that they increase in severity as the client continues to fail to comply. Some of the levels are:

Level I - Sit in the jury box in Adult Drug Court and Proposition 36 Court for one full day

Level II - Two days (48 hours) in county jail

Level III - Five days in county jail

Level IV - 10-14 days in county jail

IV Treatment Program and Program Requirements

a. Treatment Program

All Drug Court clients are assessed by the Case Manager as to the level of care best suited to their individual needs. The Adult Drug Court treatment program consists of the following:

- (1). Duration: not less than thirty-nine (39) weeks.

Phase I - Recovery

Three (3) group counseling sessions per week for thirteen (13) weeks plus individual counseling sessions as needed for special circumstances occurring in the first phase of treatment.

Phase II - Relapse Prevention

Two (2) group counseling sessions per week plus one (1) individual counseling session weekly for thirteen (13) weeks.

Phase III - Aftercare/Support

- (1). One (1) group counseling session per week for thirteen (13) weeks plus one (1) individual counseling session per month.
- (2). Initially three (3) Narcotics Anonymous and/or Alcoholics Anonymous meetings attended per week during the first six (6) months of treatment, with additional or reduced meetings as deemed appropriate.
- (3). Drug testing as deemed appropriate by the Court.
- (4). Regular and frequent court appearances, as deemed appropriate by the Court, bi-weekly initially.
- (5). Payment of court, program, and probation fees, as deemed appropriate by the Court.
- (6). Parenting classes, if deemed appropriate by the Court.
- (7). Any other terms or conditions ordered by the Court.

b. Parenting Skills Class

In addition to the above treatment requirements, all Drug Court clients who have minor children, will be required to complete a parenting skills class prior to graduation. A list of such parenting classes can be found in Section VIII of this Handbook.

c. Treatment/Counseling Expectations

While in either individual or group counseling, you will be expected to be honest, keep an open mind, become aware of your drug problem, and state that you are ready to enter and complete all treatment phases. Additionally, you will be required to be on time for meetings, be willing to discuss yourself with others, maintain confidentiality of what is discussed in group settings, and reach out for help from others. **NOTE:** *Aggressive, combative, or threatening actions or words directed toward program staff or other clients will not be tolerated at any time, and may result in immediate termination from the program.*

V Drug Court Progress, Graduation and Termination

a. Program Phases

The Drug Court program is divided into phases, each of which has certain requirements for progression. At the successful conclusion of each phase, your progress will be recognized by the Drug Court Judge, and you will receive a phase completion certificate.

b. Regular Progress Reports

One of the main features of a Drug Court is how closely you are monitored by the Drug Court Judge and Team. This will require that you return to court frequently for progress reports. You will return to court two weeks after entry for your initial progress report. If you have complied with everything the program requires, you will normally be required to return to court every two weeks until you complete Phase I. You will return to court every four weeks during Phase II and every six weeks during Phase III.

c. Relapses, Failures to Comply and New Offenses

While regrettable, the Drug Court Team recognizes that relapses may be a part of a person's coming to grips with his or her drug abuse. If you do relapse into drug use after entry, you will not be terminated from Drug Court, but may be sanctioned by the judge or reassessed into a higher level of care. The idea is to get you back on the track to sobriety as quickly as possible.

Failure to comply with treatment requirements, attendance at NA/AA meetings, or other orders of the Court will result in your being sanctioned by the Court. Sanctions can include admonishments by the Judge, sitting in court through extra sessions, or serving actual days in the county jail.

Should you commit a new criminal offense while in Drug Court, the Drug Court Judge and Team will evaluate that offense, and decide whether it makes you ineligible for further Drug Court participation. Most new criminal offenses will cause you to be terminated from Drug Court.

d. Termination from Drug Court

If you are terminated from the Drug Court, your case will be sent back to the sentencing Court for judgment and sentence.

e. Graduation from Drug Court

If you successfully complete all phases of treatment, including a minimum of six months negative drug tests, complete all parenting or community service, as ordered, pay all fines and co-payments, and complete a minimum of 18 months supervision, you will be eligible for graduation from Adult Drug Court. This will involve a formal ceremony in court, where you will be presented with a graduation certificate. You will be eligible to apply for early termination of probation, eventual reduction of your charge to a misdemeanor, and/or dismissal pursuant to 1203.4 PC, if applicable.

VI Drug Court Frequently Asked Questions (FAQs)

NOTE: The following questions are among the most frequently asked by Drug Court candidates and clients.

“What do I do when work, child care, or transportation problems interfere with my Drug Court obligations?”

Remember: if you are successful in Drug Court, you will avoid going to prison/jail. To succeed in Drug Court means putting your treatment obligations first. Failure to organize your life to fulfill Drug Court obligations could result in a jail sanction, which is something all Drug Court participants wish to avoid. Sometimes, this might mean that you have to inform your employer that you are not available for overtime or out of town work. If your employer is the type of person who would be supportive of your recovery from drug addiction, you might consider telling him or her about your Drug Court obligations, so that together you can design your work schedule to fit around Drug Court.

In regard to your transportation and/or child care needs. It might be helpful to enlist support and assistance of clean and sober family members and friends. As you get more involved in your treatment and with peer support groups, such as NA or AA, you will develop a new support network which will help you successfully fulfill your Drug Court obligations. Remember also to always discuss your problem as they arise with your probation officer and/or attorney.

“What do I do if a family or medical emergency arises?”

Unfortunately, unexpected situations arise at some point in everyone’s life. If this occurs while you are participating in Drug Court, contact your probation officer and/or your attorney immediately so that a plan can be made to help you get through this period without experiencing a relapse into drug use.

“Can I get Court permission to leave the state temporarily?”

Under the Drug Court terms and conditions, you cannot leave the State of California without first obtaining Court permission. Depending upon what stage you are at in your treatment, the Court may grant you leave (temporary or permanent). Contact your attorney and probation officer before finalizing any plans which might violate your Drug Court terms.

“Am I in violation of Drug Court for taking prescriptions or over-the counter medication?”

In general, it is best to try to avoid taking nonessential medications during your participation in Drug Court for two reasons:

- (1) Some prescribed medications can be just as addictive as street drugs.
- (2) Many medications can affect or alter your drug testing results.

If you are under the care of a physician, who has prescribed medications for your bona fide medical needs, and for a limited time, be sure to bring your prescription to Court and inform your case manager and probation officer. In certain instances, the Drug Court Judge may ask you to obtain a note from your physician explaining the reason for this prescription, and an estimation of how long you will be taking it. Furthermore, it is strongly recommended that you inform your physician of your Drug Court participation. Recovery from drug abuse is a health issue that your physician should be aware of.

You should also be informed that many over-the-counter medications (such as certain cold/flu and asthma medications) can affect the result of a urine test. It is your responsibility to inform your probation officer and the person drug testing you, each time you test, of any over-the-counter medications you have been taking. **NEVER ingest a medication which was prescribed for someone else!** It is a felony for another person to furnish you with a controlled substance, or for you to be in possession of a controlled substance which is not prescribed for you. It is always best to see your physician prior to any self-medicating.

“What are my rights if and when the Drug Court tells me that one of my urine test came back “dirty” (that is, positive for a controlled substance)?”

Honesty is the best policy, especially when it comes to speaking with the Drug Court Judge about the results of your urine tests. For many people it is embarrassing, uncomfortable, and just plain hard to admit failure in one’s goal to become clean and sober, especially in a courtroom in front of one’s peers. But remember, you won’t be the first, and you won’t be the last person to relapse in the Drug Court. More importantly, there are negative consequences (namely jail) for participants who are dishonest in Drug Court, when asked by the Drug Court Judge: “have you used any drugs since I last saw you?”

Urine testing in Drug Court has two levels of accuracy. Initially your urine sample is “presumptively” tested. Presumptive test results, though usually accurate, can result in false positives, and are generally not accurate enough to be admissible in a regular court proceeding. Certain medications, for example, can “fool” the presumptive test and result in a false positive. The second level of testing is known as “conclusive” testing. In a conclusive test, the urine is submitted to the extremely accurate (and much more costly), gas chromatography/mass spectrometer (GC/MS) procedure at a state certified laboratory. The GC/MS test breaks your urine into its individual elements which then can be analyzed. Legal substances, such as those found in cold medications, for example, can be screened out in a GC/MS test, and therefore the degree of inaccuracy is practically nil. The GC/MS test is generally admissible in a court of law. To save yourself from a harsher sanction and increased jail time, it is always best to tell the truth, no matter how hard or embarrassing it may be to do so.

“Can the Drug Court help me get my driver’s license back?”

Having a valid driver’s license is, for most people, a key to obtaining or maintaining employment. Obtaining or maintaining employment is a requirement for Drug Court participants. If your license has been suspended or revoked by the Department of Motor Vehicles, and you need to drive to work or to complete your Drug Court obligations, it is very important that you act immediately to clear your license status. It is highly recommended that you discuss your driving record with your attorney, and ask your attorney to request a copy of your Department of Motor Vehicles record.

“What happens if I get a traffic ticket while I am in Drug Court?”

You may obtain information on your local traffic cases from the clerical staff of the Solano County Traffic Court:

Fairfield: 2nd Floor of the Hall of Justice

Vallejo: 1st Floor of the Courthouse, Room 106.

If these cases have not gone to collections, you may ask the Traffic Clerk or your attorney to schedule them with your Drug Court case. If the case has gone to collections, you may either write the Solano County Traffic Commissioner yourself to request relief, or you can ask your attorney to do so on your behalf.

For traffic matters outside of Solano County, you will need to make arrangements on your own to appear at these other traffic courts. It would be a good idea to bring to your out-of –county traffic hearing proof of your active participation in the Solano County Drug Court. Showing this proof may result in awarding special relief against any fines and fees you owe.

“What happens if I miss a drug test?”

A missed drug test is considered to be a positive or “dirty” drug test. Why? Many people choose not to drug test when they are scheduled because they have used controlled substances and thus fear a positive test. It is best to submit to all court-ordered drug tests, and deal with the consequences when you next go to court. (While positive drug tests are never encouraged, you should inform your case manager and probation officer when you know you will be testing “dirty” so that together, you can work on ways to deal with your current relapse and devise strategies for relapse prevention in the future.)

If you arrive late for drug testing or were unable to test for any reason, contact your case manager and probation officer immediately. Bring any documentation which shows why you missed your drug test to your next probation appointment and/or your next Court appearance.

“What do I do if I feel that my Drug Court-ordered treatment program isn’t helping me with my recovery from drug addiction?”

Your Drug Court treatment program is supposed to be the one which helps YOU. Your individual treatment needs, however, cannot always be predetermined at the time you enter Drug Court. Talk to your treatment provider, your probation officer, your case manager and /or your attorney about any problems you are experiencing with your individualized treatment, *as the problem arises*. If a change in program or a move to a residential treatment program is desired, you should also discuss this with your probation officer, case manager and your attorney.

VII Drug Court Team Members Who Can Answer Your Questions:

a. Drug Court District Attorney

Patty Strickland, (707) 784-6800

b. Drug Court Public Defender

Cate Beekman, (707) 784-6700

c. Drug Court Case Manager

Justine Fout, (707) 784-8881

d. Drug Court Probation Officers

SDPO Beth Wells, (707) 784-7540

DPO Ayesha Wilder, (707) 784-7653

VIII Handbook Attachments

a. The Drug Court Waivers/Authorizations

b. Listing of Solano County NA & AA Groups

c. NA/AA Attendance Record Sheet

d. Drug Testing Verification Sheet

e. List of Local Parenting Class Sites

f. Listing of Drug Court Regional Care Providers