Administrative Order 2010-_____

Order for the establishment of a drug treatment court

This administrative order is issued in accordance with MCL 600.1060 *et seq*. The purpose of this order is to establish a drug treatment court in the Berrien County Trial Court (BCTC) upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the 10 Key Components of Drug Treatment Courts promulgated by the National Association of Drug Court Professionals, as required by MCL 600.1060(c), Attachment A.

1. The BCTC has entered into a Memorandum of Understanding with the Berrien County Prosecuting Attorney, a representative of the criminal defense bar, a representative of community treatment providers and other key parties, pursuant to MCL 600.1062. The Memorandum of Understanding describes the role of each party. The Memorandum of Understanding is Attachment B.

2. The BCTC has established eligibility criteria consistent with MCL 600.1064 and 600.1068.

3. In compliance with MCL 600.1064(3), admission is contingent upon performance of a complete preadmission screening and substance abuse assessment.

4. All participants shall sign a voluntary written consent to participate in the program, pursuant to MCL 600.1068(1)d.

5. The BCTC shall maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations, to assure confidentiality of drug treatment court records.

6. The BCTC has established, as part of its program requirements, procedures to assure compliance with MCL 600.1072 and 600.1074.

7. Pursuant to MCL 600.1078, the BCTC shall provide SCAO with the minimum standard data established by SCAO for each individual applicant and participant of the drug treatment court program.

8. The BCTC shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data, as determined by SCAO, while receiving grant money from SCAO.

9. The BCTC acknowledges that case disposition information regarding drug treatment court participants is unavailable from the Department of State driving record and criminal history record, and failure to use the DCCMIS will result in the absence of a complete record of drug treatment court participants in Michigan courts.

10. The BCTC acknowledges that it has made application to complete the federal Drug Court Planning Initiative (DCPI) training sponsored by the Bureau of Justice Assistance (BJA), in compliance with MCL 600.1062(3).

Dated July 9, 2010

Alfred M. Butzbaugh
Chief Judge

Attachment A

Ten Key Components
National Association of Drug Court Professionals

1. Integration of alcohol and other drug treatment services with justice systems case processing.

2. Use of a non-adversarial approach by prosecution and defense that promotes public safety while protecting any participant's due process rights.

3. Identification of eligible participants early with prompt placement in the program.

4. Access to a continuum of alcohol, drug and other related treatment and rehabilitation services.

5. Monitoring of participants effectively by frequent alcohol and drug testing to ensure abstinence from drugs or alcohol.

6. Use of a coordinated strategy with a regime of graduated sanctions and rewards to govern the courts responses to participants' compliance.

7. Ongoing close judicial interaction with each participant and supervision of progress for each participant.

8. Monitoring and evaluation of the achievement of program goals and program effectiveness.

9. Continued interdisciplinary education in order to promote effective drug court planning, implementations and operations.

10. The forging of partnerships among other drug courts, public agencies and community-based organizations to generate local support.

MEMORANDUM OF UNDERSTANDING
BERRIEN COUNTY TRIAL COURT
BERRIEN COUNTY DRUG TREATMENT COURT

The following enter into the memorandum of understanding to document the roles and responsibilities in the planning and operation of the Berrien County Drug Treatment Court:

Berrien County Trial Court
Berrien County Prosecutor
Berrien County Sheriff
Berrien County Health Department
Michigan Department of Corrections—Berrien County
Berrien County Trial Court Misdemeanor Probation
Defense Counsel Representative.

1. Each of the parties agrees

   A. To work cooperatively to implement the Drug Treatment Court to:

      - improve public safety by more effective treatment, monitoring and sentencing of defendants with substance abuse history in the criminal justice system
      - reduce the number of defendants with substance abuse history incarcerated in the Berrien County jail
      - enhance the quality of life of defendants with a substance abuse history
      - coordinate the delivery of substance abuse services with the Court's response to criminal defendants with substance abuse history.

   B. With the goal of establishing the Drug Treatment Court in order for participants to reduce their criminal behavior and improve the quality of their lives. The parties acknowledge that, for the Drug Treatment Court docket to be successful, there must be cooperation with a network of system providers to facilitate and achieve the mission, challenge and vision of the Drug Treatment Court, using the criteria set forth in MCL 600.1060 *et seq.*

   C. With the mission of the Drug Treatment Court to successfully provide services and monitoring to defendants with a substance abuse history, and to reduce the burdens on the criminal justice system, including the jail.

   D. That defendants with a substance abuse who are approved for this program must have supervision and a coordinated probation with substance abuse services; the program should provide appropriate interventions, programming, reinforcement, and monitoring.

2. Each of the parties adopts the Ten Key Components established by the National Association of Drug Court Professionals, Appendix A.

3. The role of each party is as follows.

A. The Berrien County Trial Court shall
- designate and train
  - a judge to preside over the Drug Treatment Court program and docket
  - a manager to oversee the Drug Treatment Court program
  - a case manager to screen and monitor Drug Treatment Court participants
- chair meetings
- establish and participate in a planning committee to develop policies and procedures and provide oversight and direction
- participate in training as required by the Michigan State Court Administrative Office and the United States Department of Justice, Bureau of Justice Assistance.
- promote the Drug Treatment Court in the community.

B. The Berrien County prosecuting attorney's office shall
- participate in the planning committee
- identify potential participants
- attend scheduled court sessions.

C. The Berrien County Sheriff's Department shall
- participate in the planning committee
- cooperate with the identification of in-custody defendants for participation in the program
- provide feedback on any community corrections sanctions ordered for the participants.

D. The Berrien County Health Department shall
- participate in the planning committee
- provide treatment services.

E. Defense Counsel Representative shall
- participate in the planning committee
- participate in preparing procedures to assure defendants' procedural and due process rights are followed.

F. Department of Corrections and Misdemeanor Probation shall
- participate in the planning committee
- provide supervision and treatment services.

4. The Drug Treatment Court judge shall determine whether to admit a defendant to the Drug Treatment Court, using the criteria set forth in MCL 600.1064 and MCL 600.1066.

5. Eligible offenses for the Drug Treatment Court are misdemeanors and felonies related to the abuse, illegal use, or possession of a controlled substance or alcohol. MCL 600.1068(1) (a).

Berrien County Trial Court

July 9, 2010

By _____
Alfred M. Butzbaugh, Chief Judge

Berrien County Health Department

July 9, 2010

By _____
Michael A. Mortimore

Berrien County Prosecutor

July 14, 2010

By _____
Arthur J. Cotter, Prosecutor

Berrien County Sheriff

July 14, 2010

By _____
L. Paul Bailey, Sheriff

Michigan Department of Corrections

July 16, 2010

By _____
John Schultz, Supervisor, Berrien County

Berrien County Trial Court Misdemeanor Probation

July 14, 2010

By _____
Jason Hunt, ~~Acting~~ Chief Probation Officer

Defense Counsel Representative

July 15, 2010

By _____
Brian Berger, Esq.

Appendix A

Ten Key Components
National Association of Drug Court Professionals

1. Integration of alcohol and other drug treatment services with justice systems case processing.

2. Use of a non-adversarial approach by prosecution and defense that promotes public safety while protecting any participant's due process rights.

3. Identification of eligible participants early with prompt placement in the program.

4. Access to a continuum of alcohol, drug and other related treatment and rehabilitation services.

5. Monitoring of participants effectively by frequent alcohol and drug testing to ensure abstinence from drugs or alcohol.

6. Use of a coordinated strategy with a regime of graduated sanctions and rewards to govern the courts responses to participants' compliance.

7. Ongoing close judicial interaction with each participant and supervision of progress for each participant.

8. Monitoring and evaluation of the achievement of program goals and program effectiveness.

9. Continued interdisciplinary education in order to promote effective drug court planning, implementations and operations.

10. The forging of partnerships among other drug courts, public agencies and community-based organizations to generate local support.

BERRIEN COUNTY TRIAL COURT
BERRIEN COUNTY DRUG TREATMENT COURT

DRUG TESTING MEMORANDUM OF UNDERSTANDING

The following enter into the memorandum of understanding to document the roles and responsibilities as they relate to the operations of drug testing and reporting within the Berrien County Drug Treatment Court:

Berrien County Drug Treatment Court (DTC)
KPEP
Berrien County Health Department (BCHD)

I. Each of the parties agrees:

To work cooperatively to facilitate, expedite and comply with the policies and procedures outlined for drug testing for participants in the Berrien County Drug Treatment Court.

II. The role of each party is as follows:

A. The Drug Treatment Court (DTC) shall:

1. purchase and supply KPEP with a sufficient quantity of split specimen test cups and pre-determined substance test strips for use on all DTC participants.
2. on a weekly basis prepare and submit to KPEP and the BCHD a list of active and inactive participants in the DTC. This list will be prepared and submitted by the DTC Case Manager and will include the participants' names, dates of birth, program phase numbers, and any substances to be tested for, if other than those tested by the split specimen test cup and test strip(s).
3. Ensure a Consent for Disclosure of Confidential Information form for each participant is faxed to KPEP and the BCHD to allow the exchange of information regarding testing and results.
4. provide a telephone number to be designated as the Testing Hotline for DTC participants. This Hotline will play a new recorded message each day that indicates the specific colors assigned to participants for daily testing designation. The DTC will supply KPEP with a yearly calendar indicating the specific colors that are to test daily. KPEP will record the testing message daily per Section XIV of this MOU. Instructions on the proper procedure of calling in to record the daily message will be provided by the DTC.

B. KPEP shall:

1. perform all drug tests for the DTC participants as outlined in subsequent sections of this memorandum of understanding.

2. charge each participant a fee of $5.00 per drug test and retain that fee. The defendant is to bring exact change only or the test will not be performed.
3. ensure all testing facility staff who will conduct DTC testing will be properly trained on DTC testing policies and procedures.
4. ensure all testing facility staff, who will conduct DTC testing, will be fully trained on the proper collection, handling, and disposal of specimens. This is to include, but not limited to the specimen type to be collected, the volume, the procedure, the collection materials, reading of results, storage and handling instructions.
5. ensure all testing facility staff, who will conduct DTC testing, will be trained in the proper chain-of-custody procedures and documentation and will follow the appropriate protocol for the transport of specimens.
6. ensure a Consent for Disclosure of Confidential Information is on file for the participant to allow the exchange of information regarding testing and results.
7. designate KPEP staff to record the daily Testing Hotline message indicating those colors to be tested for the day. The recording will be made no earlier than 5:30 AM daily. Participant call in time is 6:00 AM until 8:00 AM. The daily recorded message will automatically change each day at 8:01 AM to a standard greeting referring the participant to call back the next day between the hours of 6:00 AM and 8:00 AM. The DTC will supply KPEP with a yearly calendar indicating the specific colors that are to be tested each day. The calendar and instructions will be kept in a secure locked location in the administrative offices of KPEP.
8. refer all participant questions regarding the testing colors of the current day, previous day or future days to the DTC Case Manager. Should participants call KPEP directly, KPEP staff are not allowed to give out any information on the daily testing colors, they must refer the participant to either the Testing Hotline or to contact the Case Manager.
9. fax to the DTC Case Manager the daily log indicating those participants who appeared for testing and the results of the testing on that day. The fax will be sent daily by 8:30 AM containing the previous day's tests.
10. collect and return with an invoice the Free Test Coupons to the DTC Administrator on a monthly basis. The DTC will remit payment to KPEP based on each $5.00 per coupon returned.
11. have available at all times during the determined testing hours, both a male and female staff member to test participants. The observing staff member will always be the same sex as the participant testing.

C. The Berrien County Health Department (BCHD) shall:

1. be provided a copy of each DTC participant's Consent for Disclosure of Confidential Information approving the exchange of information amongst parties listed on the form, including KPEP, The Drug Treatment Court Team and the BCHD.
2. perform all confirmation drug tests for the DTC as outlined in subsequent sections of this memorandum of understanding.
3. ensure all testing facility staff who will conduct DTC testing will be properly trained on DTC testing policies and procedures.

4. ensure all testing facility staff, who will conduct DTC testing, will be fully trained on the proper collection, handling, and disposal of specimens. This is to include, but not limited to the specimen type to be collected, the volume, the procedure, the collection materials, reading of results, storage and handling instructions.
5. ensure all testing facility staff, who will conduct DTC testing, will be trained in the proper chain-of-custody procedures and documentation and will follow the appropriate protocol for the transport of specimens.
6. ensure a Consent for Disclosure of Confidential Information is on file for the participant to allow for the exchange of information regarding testing and results.
7. retain a list of all DTC participants based upon the list of all active and inactive participants in the DTC as provided by the DTC Case Manager weekly.
8. fax to the DTC Case Manager the daily log indicating the results of the confirmation testing on that day. The fax will be sent within 24 hours after receipt of the specimen by the BCHD.

III. Policies and Procedures

Each week the DTC Case Manager will prepare and submit to KPEP a list of active and inactive participants in the DTC. This list will include the participant's names, dates of birth, program phase numbers, and any substances to be tested for, if other than those tested for the split specimen test cups and pre-determined substance test strip.

Each participant in DTC, upon entry into the program, will be informed and given documentation by the DTC Case Manager regarding the program requirements for drug testing. Based upon his/her program phase, each participant will be assigned a color code.

The participant must contact the DTC Testing Hotline daily between 6:00 A.M. and 8:00 AM to determine if his/her color has been selected for testing that day.

Upon hearing his/her color, the participant must report to the KPEP facility, located at 497 Waukonda Ave, Benton Harbor, MI 49022, between the hours of 6:00 AM – 12:00 PM if the participant is not working or 6:00 AM – 9:00 PM if the participant is working. It will be the responsibility of the participant to adhere to the correct testing timeframe, not the responsibility of KPEP testing facility staff.

IV. Participant Pre-Testing Protocol

Upon arrival at the testing facility, the DTC participant:

1. must show proper identification in the form of a valid and current picture state identification card or a valid and current picture driver's license.
2. must pay the testing facility staff a fee of $5.00 in the form of cash. The participant must have the exact amount of money as no change will be given.

OR

the participant must present to KPEP testing staff prior to submission of test sample a Free Test Coupon. KPEP testing staff will check for the DTC Judge's original signature on the front of the coupon. The staff will ask the participant to sign the back of the coupon and then the staff will sign and date the coupon. Coupons will be treated the same as a cash payment for testing. Change will not be given nor can the participant pay in advance for future drops.

3. will receive a receipt reflecting the payment for the drug testing.
4. must remove any and all bulky clothing (coats, jackets, bulky sweatshirts, etc.) and other clothing items as deemed necessary and directed by KPEP testing staff.
5. must submit to a pat down/search if requested by the testing facility staff.

V. <u>Testing Protocol</u>

KPEP staff will:

1. Verify the participant is active in DTC and his/her assigned program color to ensure proper testing procedures.
2. Make a positive picture identification of the participant.
3. Verify participant has either $5.00 or a Free Test Coupon and accept either form as payment for testing. For the Free Test Coupon, KPEP testing staff will check for the DTC Judge's original signature on the front of the coupon. The staff will ask the participant to sign the back of the coupon and then the staff will sign and date the coupon. Coupons will be treated the same as a cash payment for testing. Change will not be given nor can the participant pay in advance for future drops.
4. Request a urine sample from the participant. Keep the participant under direct supervision and vision following the request for a urine sample.
5. Search the participant to detect any device designed to provide urine substitute or possible contaminant.
6. Have the participant remove any and all bulky clothing (coats, jackets, bulky sweatshirts, etc.) and other clothing items as deemed necessary to ensure the authenticity of the specimen collection.
7. Conduct a pat down search of a participant when such search is deemed appropriate and necessary.
8. Instruct the participant to thoroughly wash his/her hands.
9. Accompany the participant to a designated secure and private testing location to observe the participant's specimen collection**.**

The observing staff member will always be the same sex as the participant, therefore, the testing facility will have available at all times during the determined testing hours, both a male and a female staff member to test participants.

VI. Specimen Collection

The testing facility staff member will accompany the DTC participant into the designated, secure and private testing location to observe the specimen collection. Whereby:

1. The testing facility staff will wear rubber gloves while performing the drug testing.
2. A new, sealed instant test cup will be opened in the presence of the participant. A clean new disposable cup and barbiturates test strip will be used in conjunction with the test cup.
3. The specimen will be labeled in the presence of the participant with the collection date, participant's name, and date of birth.
4. The collection of the specimen from the participant will be closely observed and monitored to ensure the participant is not using an adulterant or device.
5. Once collected, in the view of the participant, a small amount of urine will be poured from the split-specimen cup into a disposable cup for barbiturate test strip testing.
6. The barbiturate test strip will be dipped in the urine in the disposable cup and
7. The lid will be placed on the split-specimen test cup by the participant.
8. The test cup will remain visible and in the control of the testing facility staff at all times.
9. While awaiting results, the testing facility staff will complete the Urine Analysis (UA) collection log. The participant must sign and initial the log.
10. Give the participant a receipt reflecting the payment for the drug testing.
11. The testing facility staff will place the money or Free Test Coupon in the money box marked "DTC Drop Payments."

VII. Specimen Results

1. The test cup and test strip results will be read by the testing facility staff and logged on the daily UA collection log.
2. The test cup and test strip results will be verbally shared with the participant.

VIII. Specimen Results Processing

A. If the drug test shows negative for all substances, the results are recorded and the specimen may be disposed of per Section XIII.

B. If the drug test shows one or more positive results, the participant will be informed and asked to sign an Admission or Refusal of Drug Use form.

   1. If the participant admits usage, he/she completes the top portion (Admission of Use) of the Admission or Refusal of Drug Use form.

Testing facility staff will make the participant a copy of the form and return the original to the DTC Case Manager.

2. If the participant denies usage, he/she completes the bottom portion (Refusal of Admission) of the Admission or Refusal of Drug Use form. Per DTC program rules, the specimen will be transported by KPEP to the BCHD for quantitative confirmation of the positive result(s) only. Refer to Section XII.

   The specimen will be sent to the BCHD for confirmation of all positive results. The testing facility staff will follow the Chain of Custody, Specimen Storage and Specimen Transport procedures per Section IX, Section X and Section XI.

   Testing facility staff will make the participant a copy of the form and return the original to the DTC Case Manager. The testing facility staff may inform the participant that the specimen is being sent to the BCHD for confirmation testing and the participant is subject to the testing fee as outlined in the program contract. Should there be questions, the participant will be referred to contact the DTC Case Manager.

3. If the participant refuses to sign either the Admission or Refusal section of the Admission or Refusal of Drug Use form, the testing facility staff will sign and date the form and write **"PARTICIPANT REFUSES TO SIGN FORM.**" Per DTC program rules, the specimen will be transported by KPEP to the BCHD for quantitative confirmation of the positive result(s) only. Refer to Section XII.

   The specimen will be sent to the BCHD for confirmation of all positive results. The testing facility staff will follow the Chain of Custody Specimen Storage and Specimen Transport procedures per Section IX, Section X and Section XI.

   Testing facility staff will make the participant a copy of the form and return the original to the DTC Case Manager. The testing facility staff may inform the participant that the specimen is being sent to the BCHD for confirmation testing and are subject to the testing fee as outlined in the program contract. Should there be questions, they may be referred to contact the DTC Manager.

NOTE: A participant who abuses Marijuana will have 30 days from the first administered test to achieve a negative drug test result. During this time, the specimen will not be sent to the BCHD for quantitative testing. After the 30 days, if a sample is positive it will be submitted for quantitative testing once a week.

C. The UA log, which includes a list of those participants who appeared for testing and the test results from the previous day, is faxed to the attention of the DTC Case Manager daily by 8:30 AM.

D. All original Admission or Refusal of Drug Use forms will be returned to the DTC Case Manager weekly by KPEP.

IX. Chain of Custody Procedures

If the participant specimen must be sent for confirmation testing per Section VIII, B the specimen will be sent to the BCHD. KPEP testing facility staff must follow the established Chain of Custody Procedures and tamper resistant procedures as outlined below:

1. The participant must remain with the testing facility staff and in view of the specimen until the specimen is completely packaged and sealed.

2. The participant must fill out a ***48 Hour Usage Form***.

   The participant completes the upper portion of the form consisting of the participant's name, date and time of collection, a listing of all medications taken by the participant 48 hours prior to testing and his/her signature.

   The testing facility staff completes the middle and lower sections of the form identifying the **Drugs to Be Tested** and **Chain of Custody** date, time and staff name and signature.

   Drugs to Be Tested are those that require confirmation of a positive result on the split specimen cup or test strip.

   The original copy of the form is kept by KPEP (to be sent to the DTC Case Manager weekly with Admission or Refusal of Drug Use form) and a copy of the form is sent to the BCHD in the packet. If the participant asks for a copy, testing facility staff will make an additional photocopy.

3. The testing facility staff will fill out a Security Seal to be placed over the cap of the split specimen cup. The seal must include the participant's name, date of birth, the current date, and the testing facility staff name. The lid must be sealed tightly and then the sticker placed over the top and down two sides of the split specimen cup.

4. The Chain of Custody packet must be completed and sealed shut. The packet consists of:

   a. Chain of Custody plastic bag.

   b. 48 Hour Usage Form folded to fit inside of the plastic bag.

   c. Urine Specimen Cup with the Security Seal with Participant's Name, Date of Birth, the current date and the testing facility staff name.

X. Specimen Storage

Appropriate storage and handling are necessary to maintain the integrity of the specimen and, consequently, the test results. Storage of the specimen Chain of Custody packets will adhere to the following policies:

A. A secure refrigerated on-site location will be used for the storage of specimens for no more than 24 hours before transport or testing.

B. A secure freezer on-site location will be used for the storage of specimens should they need to be held over 24 hours before transport or testing.

XI. Specimen Transport and Delivery

A. Specimens that are to be sent for confirmation testing per Section VIII, B will be transported and delivered in a secure transport device by KPEP testing facility staff in the following manner:

1. KPEP testing facility staff, with proper photo identification, will safely transport via automobile in the most direct route the specimen Chain of Custody packets to the BCHD located at 756 Pipestone Road, Benton Harbor, MI 49022.
2. Upon arrival, KPEP testing facility staff will bring the specimen Chain of Custody packets into the building to the front desk whereby they will notify the receptionist that they are from KPEP delivering the DTC confirmation drug tests.
3. Delivery will be complete when the samples are received and accepted by BCHD lab staff.

B. Delivery of specimens to the BCHD may be made between the hours of 8:30 AM and 10:00 AM Monday through Thursday. On Fridays, Saturdays, Sundays and Berrien County government holidays the BCHD is closed and delivery is unavailable. Specimens will be retained and frozen by KPEP for delivery on the next available open date.

XII. Confirmation Testing at BCHD

All positive test results where the participant does not admit use and sign the Admission or Refusal of Drug Use form will be sent to the BCHD for confirmation testing of the positive substance(s).

Upon receipt, BCHD testing lab personnel will:

1. Log all specimen Chain of Custody packets in against the most current DTC participant list as provided weekly by the DTC Case Manager.
2. Ensure a Consent for Disclosure of Confidential Information is on file for the participant to allow the exchange of information regarding testing and results.
3. Based upon workload and time of day, prepare and test the specimen for the designated drug as indicated on the 48 Hour Usage Form middle section as completed by the testing facility staff.
4. If the specimen cannot be tested on the day of delivery, the specimen will be handled per Section X.
5. After testing, the BCHD lab staff will fax to the DTC Case Manager the quantitative results of those specimens sent for confirmation testing.
6. Once the specimen has been tested for confirmation of positive results, the substance will be retained by the BCHD for a period of 3 months, space permitting.
7. At the end of the retention period, the specimen will be disposed of per Section XIII.

XIII. Specimen Disposal and Clean-up

Based upon the test results and the participant admission or refusal of usage, the specimen is to be disposed or stored for transport to the BCHD as outlined in Section VIII. Specimens should be disposed of according to KPEP and BCHD internal policies and procedures which may include the following:

1. Specimens may be disposed of by flushing the urine down the toilet. The participant or testing facility staff may perform this task.
2. Collection cups/specimen containers, used test kits, droppers, rubber gloves, etc. may be disposed of in a regular trash container lined with a plastic trash bag.
3. Urine spills/leaks should be immediately cleaned up by using paper towel and germicidal cleaner, and deodorant.
4. All staff and the participant should dispose of their rubber gloves and wash their hands with germicidal soap after handling each specimen.
5. Appropriate storage and handling are necessary to maintain the integrity of the specimen and, consequently, the test results.

XIV. Testing Hotline

KPEP will:

1. manage the Testing Hotline recorded message for the DTC.
2. receive from the DTC instructions and training, if requested, on the management of the Testing Hotline phone message system. The instructions will cover the proper procedure to record the daily message on-site or off-site.
3. receive from the DTC a yearly calendar indicating the specific colors that are to be tested each day.

4. keep the calendar and instructions in a secure locked location in the administrative offices of KPEP.
5. designate and train a minimal number of staff to have access to record the daily Testing Hotline message indicating those colors to be tested that day.
6. record the message no earlier than 5:30 AM daily. Participant call in time is 6:00 AM until 8:00 AM. The daily-recorded message will automatically change daily at 8:01 AM to a standard greeting referring the participant to call back the next day between the hours of 6:00 AM and 8:00 AM.
7. contact the DTC Case Manger with any questions or concerns regarding the Testing Hotline.
8. refer any participant with questions regarding the Testing Hotline to the DTC Case Manager.
9. refer all participant questions regarding the testing colors for the current day, previous day or future days to the DTC Case Manager. Should participants call KPEP directly, KPEP staff is not allowed to give out any information on the daily testing colors; they must refer participants to either the Testing Hotline or to contact the Case Manager.

XV. Attachments

A. Consent for Disclosure of Confidential Information

B. Admission or Refusal of Drug Use Form

C. Urine Analysis (UA) Log

D. 48 Hour Usage Form

Berrien County Trial Court

August ___, 2010

By_____
Alfred M. Butzbaugh, Chief Judge

KPEP

August ___, 2010

By_____
Bill DeBoer, Executive Director

Berrien County Health Department

August ___, 2010

By_____
Michael A. Mortimore

Berrien County Trial Court

Drug Treatment Court
Policy and Procedure Manual

811 Port Street
St. Joseph, MI 49085
www.berriencounty.org

August 30, 2010

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A. Memorandum of Understanding
B. Local Administrative Order
C. Drug Treatment Court Drug Testing Memorandum of Understanding
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I. INTRODUCTION

The Berrien County Drug Treatment Court (hereinafter DTC) is a specialized court program that engages substance abusing individuals involved in the criminal justice system in a continuum of treatment services and provides them with appropriate intervention through treatment, rehabilitative programming, reinforcement and monitoring. Collaboration among the Trial Court**,** Berrien County Prosecutor, Berrien County Sheriff, Berrien County Health Department, Michigan Department of Corrections, Berrien County Trial Court Misdemeanor Probation, Drug Court Defense Counsel, and local police agencies will provide DTC participants with needed community based treatment programs and services. For the DTC program to be successful there must be cooperation with a network of system providers to facilitate and achieve the mission of the DTC. Those participants with substance abuse issues approved for this program are placed on probation/Deferred Judgment and ordered to complete appropriate counseling, reinforcement, and monitoring programs. Close court monitoring, interaction, and supervision of participants will be provided with the goal of improving the ability to rehabilitate substance abusing individuals, and for the greater community to enjoy increased safety through reduced recidivism.

II. PURPOSE

The purpose of this policy is to establish the criteria and procedures that define the goals of the DTC, including the following:

- An improvement of public safety by the use of more effective treatment and monitoring of participants with substance abuse history.
- Reduction in the number of participants with substance abuse dependency incarcerated in the Berrien County jail.
- Enhancement of the quality of life for participants with a substance abuse history by providing the participants with the tools and resources for them to lead a substance abuse-free lifestyle.
- Coordination of the delivery of substance abuse services with the Court.

III. MISSION STATEMENT

The Berrien County DTC will provide services and monitoring to participants with a substance abuse history. The goal of the DTC is to reduce recidivism, assist participants in establishing a substance abuse-free lifestyle and reduce the burden on the criminal justice system thereby creating a safer community environment.

IV. KEY TERMS

AA- Alcoholics Anonymous

Deferred Judgment of Sentence- The Deferred Judgment program, at the discretion of the Prosecuting Attorney, offers offenders whose crimes stem from drug abuse the opportunity to become sober and productive citizens by participating in a highly structured and supervised program of punishment, treatment and rehabilitation. Those who successfully complete the 15-month program receive a dismissal of charges.

Drug Treatment Court (DTC) - A specialized court that handles felony and high court misdemeanor cases whose defendants' underlying problem involves substance abuse, through a coordinated effort with treatment

and monitoring in conjunction the Berrien County Prosecutor, Berrien County Sheriff's Department and other law enforcement agencies, Berrien County Health Department and other treatment providers, Michigan Department of Corrections, and the Drug Court Defense Counsel.

Drug Treatment Court Judge- The Judge assigned to the Berrien County Drug Treatment Court or any Judge filling in for said Judge and handling DTC cases.

MDOC- Michigan Department of Corrections

NA- Narcotics Anonymous

Nolle Prosequi- Dismissal of charges upon a Motion of the Office of the Prosecuting Attorney.

Participant- A defendant who has been accepted into the Berrien County DTC.

Prosecuting Attorney/Prosecutor- The Berrien County Prosecuting Attorney or any Assistant Prosecuting Attorney thereof.

Relapse- A positive test result or the admission of use of an alcoholic beverage and/or illegal substance, including un-approved prescribed medications.

Restitution- Reimbursements ordered by courts as part of a criminal sentence whereby the offender is required to repay money, return property or donate services to the victim of the crime. An equitable remedy that restores a person to the position they would have been in if not for the improper action of another.

Tamper- The alternation in any manner of a specimen that includes but is not limited to the dilution of the substance, substitution of another's urine, blood, etc., or the use of an adulterant or device.

Violent Offender- MCL 600.1060(g): "Violent offender" means an individual who meets either of the following criteria:

(i) Is currently charged with or has pled guilty to, or, if a juvenile, is currently alleged to have committed or has admitted responsibility for, an offense involving the death of or a serious bodily injury to any individual, or the carrying, possessing, or use of a firearm or other dangerous weapon by that individual, whether or not any of these circumstances are an element of the offense, or is criminal sexual conduct of any degree.

(ii) Has one or more prior convictions for, or, if a juvenile, has one or more prior findings of responsibility for, a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm.

V. DRUG TREATMENT COURT TEAM

The DTC Judge makes all decisions regarding participation in the Drug Court Program with input from the DTC Team. The DTC Team consists of the following members:

- Drug Court Judge
- Drug Court Administrator
- Drug Court Coordinator

- Prosecuting Attorney/Assistant Prosecuting Attorney
- Drug Court Defense Attorney
- Case Manager
- Treatment Provider (s)
- Probation Officer(s)
- Drug Testing Provider (s)

VI. TARGET POPULATION

The target population for the DTC includes non-violent high-court misdemeanor and felony offenders whose substance abuse problems caused or contributed to his/her current involvement with the criminal justice system. The DTC is also available to high-court misdemeanor and felony probationers who have been placed in the DTC as a condition of their probation or due to a probation violation. MCL 600.1060

VII. DRUG TREATMENT COURT PROGRAMS

A. Drug Treatment Court Eligibility Guidelines

Drug Treatment Court Inclusion Criteria

Drug Treatment Court Participants Must:

1. Be a resident of Berrien County.
2. Be charged with a felony and/or high-court misdemeanor, the commission of which was triggered by drug abuse.
3. Be open and honest about his or her use of drugs and alcohol.
4. Have a sincere desire to become sober and drug and/or alcohol free.
5. Understand the consequences of entry into the program and agree to comply with all court orders and requirements of the court's program and treatment providers. MCL 600.1066 (b)
6. Be physically and mentally capable of meeting program requirements.
7. Not be well established in drug or gang sub-cultures.
8. Not live with someone who uses or sells drugs or abuses alcohol.
9. Admit to being dependant upon and/or abusing drugs and/or alcohol
10. Not have a criminal history containing any "violent" offenses as defined by MCL 600.1060 (g).
11. Not pose an unwarranted or substantiated risk to the safety of the public or any individual, based upon the screening and assessment or other information presented to the court. MCL 600.1066(c)
12. Agree to cooperate and complete a pre-admission screening and evaluation assessment. MCL 600.1064 (3)
13. Agree to cooperate with any future evaluations and assessments as directed.
14. Agree to follow and cooperate with all program rules.
15. Obtain or be actively working toward a high school diploma or GED with written verification of the same.
16. Obtain and keep a job with written verification of the same.
17. Remain drug and alcohol free.
18. Successfully complete substance abuse counseling with written verification of counseling completion.

19. Pay for and complete random drug/alcohol testing as directed.
20. Pay $5.00 for each drug test at the time and location that the test is administered.
21. Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
22. Pay court fines, costs, fees, and restitution as imposed.
23. Remain crime-free.
24. Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

Drug Court Exclusion Criteria

If any one of the following factors is present, the defendant is ineligible for DTC.

1. 'Violent Offender' as defined in 28 CFR 93.3(d) or MCL 600.1060(g);[1,2, 3]
2. Any history of, or a pending charge of, a delivery- or manufacturing-based controlled substance violation[4], unless the facts demonstrate the trafficking was committed primarily to support the participant's drug habit and there is sufficient information to negate trafficking for profit.
3. Pattern of violent behavior.
4. Current pending charge of Home Invasion where the proposed participant was armed with a dangerous weapon, there was a person present within the dwelling or the intent of the home invasion was to commit a violent crime.
5. Any prior conviction of, or currently charged with: Criminal Sexual Conduct, predatory conduct, pornographic conduct or conduct involving corruption of a minor, or attempts of any said offenses.
6. No identified substance abuse problem.
7. Under the age of 17.
8. Falls within prison guideline range on the pending offense.

B. Deferred Judgment Probation

The Deferred Judgment program, at the discretion of the Prosecuting Attorney, offers offenders whose crimes stem from drug abuse the opportunity to become sober and productive citizens by participating in a highly structured and supervised program of punishment, treatment and rehabilitation. Offenders must comply with a contract or face the imposition of sanctions.

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[1] 28 CFR 93.3(d): (d) *Violent offender* means a person who either—
(1) Is currently charged with or convicted of an offense during the course of which:
(i) The person carried, possessed, or used a firearm or other dangerous weapon; or
(ii) There occurred the use of force against the person of another; or
(iii) There occurred the death of, or serious bodily injury to, any person; without regard to whether proof of any of the elements described herein is required to convict; or
(2) Has previously been convicted of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

[2] MCL 600.1060(g): "Violent offender" means an individual who meets either of the following criteria:
(i) Is currently charged with or has pled guilty to, or, if a juvenile, is currently alleged to have committed or has admitted responsibility for, an offense involving the death of or a serious bodily injury to any individual, or the carrying, possessing, or use of a firearm or other dangerous weapon by that individual, whether or not any of these circumstances are an element of the offense, or is criminal sexual conduct of any degree.
(ii) Has 1 or more prior convictions for, or, if a juvenile, has 1 or more prior findings of responsibility for, a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm.

[3] Mandatory statutory exclusion

[4] Includes Possession with Intent to Deliver charges.

Those who successfully complete the 15-month DTC program receive a dismissal of charges.

Entry into the program requires the consent of the offender, prosecutor and judge, with the final approval by the DTC Judge.

Defendants being considered for Deferred Judgment must adhere to all Berrien County Drug Treatment Court Eligibility and Exclusion Criteria, in addition to the following:

1. Must plead guilty as charged to the instant offense.
2. Not have previously participated in the Berrien County Drug Court Diversion/Deferred Judgment Program or equivalent thereof in any jurisdiction.
3. An offender is ineligible if with respect to the original charge he/she is alleged to have:

    - possessed with intent to deliver, delivered or manufactured any controlled substance but marijuana,
    - possessed with intent to deliver, delivered or manufactured marijuana, except when done infrequently, in small amounts to support participant's own marijuana use,
    - used force in the course of the offense,
    - also committed the crime of fleeing and eluding or resisting and obstructing in the course of the offense,
    - possessed a firearm,
    - committed the offense while on felony probation or parole,
    - committed an offense involving a violation of Public Trust,
    - committed a traffic offense MCL 600.1068 (3).

4. An offender is ineligible if previously convicted of:

    - any offense of force or violence punishable by more than 93 days.
    - any two offenses of force or violence punishable by 93 days or less.
    - any controlled substance crime punishable by 2 years or more.
    - any two crimes each punishable by 2 years or more.
    - a felony probation violation resulting in revocation.
    - two probation violations resulting in revocation.

C. Drug Treatment Probation

The Drug Treatment Probation program offers offenders whose crimes stem from drug abuse the opportunity to become sober and productive citizens by participating in a highly structured and supervised program of monitoring treatment and rehabilitation. Offenders must comply with a contract or face the imposition of sanctions.

Participants being considered for Drug Treatment Probation must adhere to all Berrien County DTC Eligibility and Exclusion Criteria.

VIII. REFERRAL PROCESS

Referral to the DTC may come from any of the following sources, but not limited to:

- Judge
- Prosecutor
- Probation Officer
- Case Manager
- Jail
- Participant
- Defense Attorney

A participant may be referred at various points during the criminal justice process:

- Arraignment
- Pre-exam conference/ Preliminary Hearing
- Pre and Post Sentence
- Probation Violation

IX. ENTRY PROCESS

1. The referral process begins with contact to the Case Manager. A ***Participant Referral Form*** is to be filled out and forwarded to the Case Manager. Alternate means of referral may occur by personal contact, telephone message or e-mail.

   The referring party must include the following information in the referral:

   - Participant's full name
   - DOB
   - Contact Information including address and phone number
   - Criminal Charge for which being referred
   - Berrien County Case Number
   - Lodged/Not Lodged status
   - The Referring Party's name and contact information

2. After the referral of a participant, the Case Manager will:

   - notify the Prosecuting Attorney, Defense Attorney, and original case Judge of the referral
   - begin a DTC case file on the participant
   - obtain from the Prosecutor the ***Prosecutor Eligibility Form***
   - begin data entry of the referral of the participant into the Drug Court Case Management Information System (DCCMIS).

3. The Participant shall be provided a copy of the ***Program Outline*** and ***Participant Eligibility Application*** by either the Prosecutor, Defense Attorney, Judge or court staff.

4. The participant must:
   - contact the Case Manager to schedule an appointment for an in-person interview to determine if there is drug, and/or alcohol problems and/or mental health issues. It is the defendant's responsibility to make contact with the Case Manager to schedule a screening appointment or to appear during the Open Screening time held every **Tuesday from 1:00-4:00 PM.**

- appear for the eligibility screening prior to his/her next court date.
- bring the signed ***Program Outline*** document to his/her screening appointment to ensure that the participant has read and understands the program overview.

The Case Manger will conduct a pre-admission screening with the participant. (See Initial Interview and Screening section IX.)

5. The Case Manager will place all referred participants on the ***Weekly Eligibility List***. This list is distributed to all DTC Team members on Thursday morning of every week, highlighting who is eligible, not eligible and the reason(s), and who has not been screened. Team members must submit via e-mail any comments or information to the DTC Judge within three business days.

6. The DTC Judge will review the ***Weekly Eligibility List*** and approve or reject the eligible participants and convey his/her decision to the Case Manager.

7. After completion of the pre-admission screening, ***Participant Eligibility Application*** and the determination that the participant is **eligible**, the Case Manager will:

    - immediately make a referral to the approved service provider for a clinical assessment. The Case Manager will fax or e-mail a ***Referral Form*** containing all necessary information on the participant to the service provider.
    - notify the DTC Team via e-mail of the participant's preliminary acceptance into the program.
    - notify the original case Judge of the participant's preliminary acceptance into the program.
    - notify the Defense Attorney via e-mail (when available) or hard copy of the participant's preliminary acceptance into the program.
    - notify the participant of his/her preliminary acceptance into the program.
    - schedule the participant for the next review hearing session so that he/she may be formally placed on the program. **NOTE: Formal admission to the DTC is contingent upon the court's receipt of results of the clinical assessment indicating the participant is dependant upon or abusing drugs or alcohol and is an appropriate candidate for participation in the DTC. MCL 600.1064 (3) and MCL 600.1066 (a)**
    - complete data entry into DCCMIS for the participant acceptance into DTC
    - prepare the following:
        - ***Participation Contract***
        - ***Consent for Disclosure of Confidential Information***
          (contains the HIPAA Rights Acknowledgement/Code of Federal Regulations)
        - ***Exchange of Information Release***
        - ***Waiver of Rights and Acknowledgement of Conditions***
        - ***Approved Medication List***
        - ***Medication and Tamper Contract***
        - ***Participation Handbook***

8. After completion of the pre-admission screening, ***Participant Eligibility Application*** and the determination that the participant is **ineligible,** the Case Manager will:

    - notify the Defense Attorney via e-mail (when available) or hard copy of the participant's ineligibility and/or non-acceptance into the program.
    - notify the participant of his/her ineligibility and/or non-acceptance into the program.
    - Refer the case back to the regular felony/ probation violation case process.

- notify the original case Judge of the participant's ineligibility and/or non-acceptance into the program.

9. A participant may, at any time, decide to withdraw from the DTC. A participant who exits the program in this manner, all other provisions notwithstanding, will sign a ***Refusal/Withdrawal/No Show Form*** to be placed in the court file and DTC file and immediately be placed on the Court's regular docket for further proceedings.

X. INITIAL INTERVIEW AND SCREENING

A. Initial Interview

1. Confirm Eligibility:

The Case Manger will perform the following tasks:

a. Check the Drug Court Case Management Information System (DCCMIS) to see if the participant has already been referred/enrolled.

b. If the referral is probation violation (PV) from the Department of Corrections, request the Basic Information Report (BIR) and Pre-Sentence Investigation (PSI) from the most recent sentencing. A screening cannot be scheduled without the BIR and PSI (if available).

c. Review the participant's criminal history for any information which might make him/her ineligible for DTC participation (Section VI (A) (B) (C)).

d. Once eligibility and the participant's physical location have been confirmed, the participant is interviewed.

2. Pre-Exam/Misdemeanor Participants:
Once eligibility has been confirmed, the participant must schedule a screening appointment with the Case Manger within three business days. The Case Manager will explain to the participant how he/she was referred to the program, the structure of the DTC and emphasize its requirements. The participant will be asked if he/she has a substance abuse problem. If the participant chooses to participate, the participant completes the initial screening and assessment and enters a plea.

3. Rejection:
If the participant denies a substance abuse problem or refuses to participate in the program, the interview will end and the defendant will be asked to fill out a ***Refusal/Withdrawal/No Show Form.*** At that time, the Case Manager will note the reason for the rejection on the ***Case Manager Checklist***. The DTC Team is notified at the end of each week in the ***Weekly Eligibility List*** e-mail. The original ***Case Manager Checklist*** is to be placed in the DTC file and a copy is placed in the court file.

B. Screening

The Case Manager will meet with each participant after initial referral. A screening for eligibility will:

- consist of an in-person interview.
- require the participant to sign consent and information releases.
- include the use of The Correctional Offender Management Profiling for Alternate Sanctions (COMPAS) as a risk assessment tool to assist in determining criminology and substance use information.
- capture and enter all mandatory and other obtained data into the DCCMIS.
- if the participant is on probation, Case Manager will contact the probation agent to discuss the individual's appropriateness for the program.

Additionally, per MCL 600.1064, the Case Manager will complete:

- a review of the participant's history, including if the participant is currently participating in a DTC.
- an assessment of the risk of danger and harm to the individual, others and to the community.
- as much as practicable, a complete review of the individual's history regarding the use or abuse of any controlled substance or alcohol; an assessment thereof.
- a review of any special needs or circumstances of the participant that may potentially affect his/her ability to receive substance abuse treatment or follow court orders.
- ensure any statement or other information obtained through screening and assessment is confidential and exempt from Freedom of Information Act (FOIA), except as otherwise permitted in the act.

1. **Screening/Acceptance:**
   If the participant reports a substance abuse problem, the Case Manager will ask the participant if he/she wishes to participate in the program. If the participant expresses a willingness to engage in the program and is found eligible, the Case Manager will review the program requirements and ***Participation Contract***. The Case Manager will read the above-mentioned paperwork to the participant if he/she is unable to read/comprehend the text. After review of the program agreement, the Case Manager will confirm the next court hearing date. Copies of all the forms are kept in the participant's DTC file, and copies are given to the participant.

2. **Screening/Refusal:**
   If during the screening appointment, the participant expresses a desire to withdraw from the process, the Case Manager will place a ***Refusal/Withdrawal/No Show Form*** in the file and inform the DTC Team and any additional court or service providers.

3. **Screening/No Show:**
   If the participant fails to appear (no show) for the screening appointment, the Case Manager will fill out a ***Refusal/Withdrawal/No Show Form*** and the form will be placed in the DTC file. If it is a probation referral and the participant fails to appear for the screening appointment, the MDOC agent is notified in writing.

XI. PROGRAM STRUCTURE

The minimum length of stay in the DTC is 15 months, and the maximum length of stay is 5 years (60 months) for felonies.

Phase I – Introduction (1 month)

During this Phase, participants are required to:

- Submit to random, observed urine or other designated testing a minimum of three (3) times a week.
- Attain thirty (30) consecutive days drug and alcohol free.
- Attend and provide verification for thirty (30) support group meetings in thirty (30) days.
- Attend weekly case management meetings.
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend twice-monthly court review sessions (the first and third Wednesdays of every month).
- Remain in the courtroom until all graduations and Phase IV, III and II participant review hearings are completed.
- Obtain a healthy outside support person/sponsor/mentor.
- Obtain and provide a copy of Social Security Card and/or State ID card (or Driver's License).
- Attend treatment sessions as directed.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.
- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.
- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

Phase II – Stabilization (4 months)

During this Phase, participants are required to:

- Submit to random, observed urine or other designated testing a minimum of three (3) times a week.
- Attend three (3) support group meetings a week.
- Attain 120 consecutive days drug and alcohol free, in addition to those attained in Phase I.
- Attend all bi-weekly case management sessions (one every other week).
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend twice-monthly court review sessions (the first and third Wednesdays of every month).

- Remain in the courtroom until all graduations and Phase IV and III participant review hearings are completed.
- Maintain a healthy outside support person/sponsor/mentor.
- Engage in employment/educational/alternative programming.
- Establish a payment plan for program fees, court fines and costs and restitution (if necessary).
- Continue with treatment as directed.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.
- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.
- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

Phase III – Maintenance (4 months)

During this Phase, participants are required to:

- Submit to random, observed urine or other designated testing a minimum of two (2) times a week.
- Attend three (3) support group meetings a week.
- Attain 120 consecutive days drug and alcohol free, in addition to those attained in Phase I and II.
- Attend all monthly case management sessions.
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend court review sessions once a month (the first Wednesdays of every month).
- Remain in the courtroom until all graduations and Phase IV participant review hearings are completed.
- Maintain a healthy outside support person/sponsor/mentor.
- Obtain and/or complete high school or GED certification and provide documentation.
- Obtain employment/educational/alternative programming (minimum 30 hours week).
- Maintain payment plan for program fees, court fines and costs and restitution (if necessary).
- Continue with treatment as directed.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.

- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.
- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

Phase IV – Aftercare (6 months)

During this Phase, participants are required to:

- Submit to random, observed urine or other designated testing a minimum of one (1) time a week.
- Attend two (2) support group meetings a week, unless otherwise approved by the court or DTC Judge.
- Attain a minimum of 180 consecutive days drug and alcohol free, in addition to those attained in Phases I, II AND III.
- Attend monthly case management appointments.
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend court review sessions once every other month (the first Wednesdays of every other month).
- Secure an approved stable housing arrangement.
- Complete financial obligations.
- Complete treatment with a written relapse prevention plan.
- Have no pending charges or probation/parole violations in any jurisdiction.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.
- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.
- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

XII. TREATMENT

A participant's success in the DTC correlates to a variety of treatment approaches including client-centered and motivational enhancement, education based and Cognitive Behavior Therapy (CBT). The program will consist of group and individual counseling sessions, where counselors will use motivational interviewing/questioning strategies and techniques to help clients develop motivation for change and/or move from different stages of change leading to readiness for treatment. Weekly mutual/self-help support groups may also be recommended.

Alcoholics and Narcotics Anonymous programs may be utilized as a tool for continual and consistent participant therapy.

A. Assessment

A full clinical assessment will be completed upon referral from the Case Manager.

Referral to a treatment provider will be made by the Case Manager via fax or e-mail the ***Referral Form*** to the provider. The original ***Referral Form*** is placed in the participant's DTC file.

The Case Manager will refer the participant to the Department of Human Services if he/she appears to be Medicaid eligible.

B. Placement in Treatment

The level of treatment is determined by the treatment provider and is based upon the assessment and the clinical judgment of that staff.

C. Referral for Treatment

With consideration for a client's location, insurance availability, and other circumstances, referrals are made to the Berrien County Health Department and Catholic Charities West Michigan along with other approved private counseling agencies for substance abuse assessments and treatment and to the Berrien County Health Department and Riverwood Community Mental Health Authority for mental health/dual diagnosis assessment.

In appropriate cases, the Case Manager will assist the participant into long-term placement as recommended by appropriate health care professionals. The Case Manager and/or Coordinator will have the participant execute all necessary ***Consent for Disclosure of Confidential Information*** and ***Exchange of Information Release*** forms for information sharing purposes. The Case Manager will request that monthly written reports regarding the progress of the participant be sent to the DTC; arrangements will be made with each long-term treatment facility for receipt of these reports prior to the participant's enrollment in treatment.

XIII. PARTICIPANT RESPONSIBILITIES

All DTC Participants are required to do the following:

A. Participation Contract

Every participant in the DTC must sign prior to admission and abide by the ***Participation Contract*** during the program term. The participant must agree to follow all program rules and regulations as outlined in the contract and to acknowledge that if he/she is convicted of a felony for an offense that occurred after the defendant is admitted to the DTC, the Judge shall terminate the participant's participation in the program.

B. **Treatment Participation**

All DTC participants are required to be involved in treatment as identified by the treatment provider in conjunction with the Case Manager and/or Probation Officer. Treatment modalities may include but are not limited to short- and long-term residential, day treatment, enhanced outpatient, intensive outpatient, after care, self-help groups.

C. Case Management/Probation Appointments

Participants will be required to meet with the Case Manager and/or Probation Officer as directed to discuss their progress. Meetings may be held in DTC staff offices, a courtroom, conference room, at the treatment provider facility or other locations as directed.

D. Bi-Monthly Review Hearings

Mandatory bi-monthly court review hearings are held on the first and third Wednesday of every month. All Phase1 and Phase 2 participants are required to attend. Phase 3 participants must attend the first Wednesday of the month court review hearing. Phase IV participants must attend the first Wednesday court review hearing every even numbered month i.e. February, April, June, August, October, December. Participants are required to be present for the entire session, dress appropriately and exhibit proper courtroom decorum. Inappropriate behavior will be sanctioned immediately.

E. Drug Testing

All participants are required to submit to random and/or otherwise directed drug/alcohol testing while in the program. The frequency and timing of the testing is determined by the participant's phase and employment status. Section XI.

Participants are given a color by the Case Manager based upon the phase of the program that he/she is currently in. The participant must contact the DTC Testing Hotline daily between 6:00 A.M. and 8:00 AM to determine if his/her color is selected for testing that day. Upon hearing his/her color, the participant must report to the testing facility, KPEP located at 497 Waukonda Ave, Benton Harbor, MI 49022, between the hours 6:00 AM – 12:00 PM if the participant is not working or 6:00 AM – 9:00 PM if a participant is working. The participant must bring current and valid photo identification: a driver's license or Michigan State ID Card.

Participants are required to pay $5.00 for their drug test at the time and location the test is administered. Participants must pay in full with the exact amount of cash only as no change will be given by the testing facility. Payment for future drug tests may not be made.

Participants must pay $30.00 to the DTC for each positive test. Payment is due at the next scheduled court review hearing.

Participants may receive ***Free Test Coupons*** as an accolade gift. Section XVIII. If the participant has a coupon he/she must present the coupon to the testing staff prior to submission of test sample. ***Free Test Coupons*** will be treated the same as a cash payment for testing. Change will not be given nor can the participant pay in advance for future drops.

Upon receiving a positive result from a chemical test, the participant will be asked to sign an ***Admission or Refusal of Drug Use Form*** at the testing site acknowledging the specific drug(s) used and date of use. Upon failure to complete said form, the original drug test sample will be forwarded to the Berrien County Health Department and/or the participant may be required to report to the Berrien County Health Department so an additional test may be performed. If the participant refuses to admit use and sign the Admission section of the ***Admission or Refusal of Drug Use Form***, he/she will be asked to sign the bottom of the form denoting his/her refusal.

NOTE: A participant who abuses Marijuana will have 30 days from the first administered test to achieve a negative drug test result. During this time, the specimen will not be sent to the BCHD for quantitative testing. After the 30 days, if a sample is positive it will be submitted for quantitative testing once a week.

Drug Testing policies and procedures are contained in the Berrien County Drug Treatment Court Drug Testing Memorandum of Understanding. Attachment C.

F. Restitution

All participants must pay any restitution owed to victims as ordered by the court.

G. Fees

All DTC participants are required to pay DTC program fees as a condition of their participation in the program.

The DTC program fees may consist of, but not limited to:

- Fines
- Costs
- State Costs
- Victim Rights Fee
- Attorney Fee
- Supervision Fees
- Client Treatment Reimbursement

Additionally, every DTC participant must pay for drug/alcohol testing during the duration of the program.

Payments may be made at the Trial Court Financial Office located on the first floor of the St. Joseph courthouse. All payments must be made via cash, cashier's check or money order payable to the "Berrien County Trial Court." Personal checks will not be accepted. Payment must be completed prior to successful discharge from the program. Consistent failure to make payments will result in unsuccessful discharge from the program. Participants are also required to pay all fees associated with their involvement in the DTC. These fees include co-pays and no shows for treatment, attorney fees, tether and incarceration fees, and fees associated with drug/alcohol testing.

H. Probationer Responsibilities

Participants who are on probation must continue reporting to their specified probation officer and comply with any and all conditions of their probation.

I. Other Referrals

Participants are responsible for following through with any referrals DTC staff deem appropriate.

J. Bond Conditions

Participants must comply with all bond conditions. The bond may list several conditions for release, including but not limited to assessment and acceptance into the program prior to release from jail, and no contact provisions.

K. Maternity Leave

Maternity Leave is judicially granted permission for a participant to have altered DTC requirements for a specified time due to the birth and care of a new baby. A participant who may require Maternity Leave must inform her Case Manager and/or Probation Officer as early in the program as possible.

All DTC participants who are on Maternity Leave must:

- Provide the Case Manager with written notification of admittance to and release from the hospital.
- Begin calling the DTC testing hotline the day after release from the hospital.
- Attend one support group meeting per week beginning the third week after delivery.

All DTC participants who are on Maternity Leave are:

- Exempt from productivity requirements (community service, employment, job applications) for six weeks.
- Exempt from court appearances for six weeks.
- Required to keep in contact at least once weekly with the DTC Case Manager.

XIV. CASE MANAGEMENT PROTOCOL

A. Initial Appointment (after enrollment)

During the initial appointment with the participant, Case Manager will do the following:

1. review Phase I requirements
2. complete the ***Phase I Requirements Form***
3. refer the participant to treatment;
4. make a referral to other pertinent agencies
5. place the participant on the random drug testing schedule
6. enter all new data and programs in DCCMIS
7. provide the participant with the ***Participant Handbook***

B. Phase I Case Management Appointments

1. Documentation:

The participant is responsible for providing the following documentation at every appointment with the Case Manager:

a. meeting verification slips including but not limited to: ***Meeting Log, Daily Reporting Log, Community Service Worksheet***
b. employment verification and/or school enrollment verification, if applicable
c. updated DTC ***Participant Handbook***, containing employment/school/alternative program, restitution/financial obligation, meeting verification, program compliance proof, ancillary referral services, and treatment verification.

2. Appointments:

During the case management appointments, the Case Manager will:

- discuss the participant's progress.
- obtain and review the above noted documentation
- discuss any issues regarding the participant's participation in the DTC
- inquire if any participant information has changed and enter the changes into the DCCMIS.
- schedule participant's next appointment in DCCMIS and provide him/her with a written notice thereof
- immediately document the appointment in the participant's journal in the DCCMIS. It is imperative that the Journal Notes reflect important issues discussed in the appointment as well as all documentation acquired by the Case Manager, including but not limited to the number of meetings attended, hours worked, and police contact.

3. Transitioning to Phase II:

After the participant has completed all Phase I requirements, he/she is eligible to transition to Phase II. If deemed appropriate for transition to Phase II, the participant's Case Manager will:

- review Phase II requirements with the participant
- complete the ***Phase II Requirements*** worksheet with the participant
- prepare a ***Certificate of Completion Phase I***. At the next scheduled court review session, the participant is presented with the certificate. A copy of the certificate will be placed in the participants DTC file.

C. Phase II Case Management Appointments

1. Documentation:

The participant is responsible for providing the following documentation at every appointment with the Case Manager:

- meeting verification slips including but not limited to: ***Meeting Log, Daily Reporting Log, Community Service Worksheet***
- employment verification and/or school enrollment verification, if applicable
- updated DTC ***Participant Handbook***, containing employment/school/alternative program, restitution/financial obligation, meeting verification, program compliance proof, ancillary referral services, and treatment verification.

2. Appointments:

During the case management appointments, the Case Manager will:

- discuss the participant's progress.
- obtain and review the above-mentioned documentation
- discuss any issues regarding the participant's participation in the DTC
- inquire if any participant information has changed and enter the changes into the DCCMIS.

- schedule participant's next appointment in DCCMIS and provide him/her with a written notice thereof
- immediately document the appointment in the participant's journal in the DCCMIS. It is imperative that the Journal Notes reflect important issues discussed in the appointment as well as all documentation acquired by the Case Manager, including but not limited to the number of meetings attended, hours worked, and police contact
- refer the participant to an employment or educational program if he/she is unemployed or does not have a GED or High School diploma

3. Transitioning to Phase III:

After the participant has completed all Phase II requirements, including obtaining his/her GED, he/she is eligible to transition to Phase III. If deemed appropriate for transition to Phase III, the participant's Case Manager will:

- review Phase III requirements with the participant
- complete the ***Phase III Requirements*** worksheet with the participant
- prepare a ***Certificate of Completion Phase II***. At the next scheduled court review session, the participant is presented with the certificate A copy of the certificate will be placed in the participants DTC file.

D. <u>Phase III Case Management Appointments</u>

1. Documentation:

The participant is responsible for providing the following documentation at <u>every</u> appointment with the Case Manager:

- meeting verification slips including but not limited to: ***Meeting Log, Daily Reporting Log, Community Service Worksheet***
- employment verification and/or school enrollment verification, if applicable
- updated DTC ***Participant Handbook***, containing employment/school/alternative program, restitution/financial obligation, meeting verification, program compliance proof, ancillary referral services, and treatment verification.

2. Appointments:

During the case management appointments, the Case Manager will:

- discuss the participant's progress.
- obtain and review the above-mentioned documentation
- discuss any issues regarding the participant's participation in the DTC
- inquire if any participant information has changed and enter the changes into the DCCMIS.
- schedule participant's next appointment in DCCMIS and provide him/her with a written notice thereof

- immediately document the appointment in the participant's journal in the DCCMIS. It is imperative that the Journal Notes reflect important issues discussed in the appointment as well as all documentation acquired by the Case Manager, including but not limited to the number of meetings attended, hours worked, and police contact
- refer the participant to an employment or educational program if he/she is unemployed or does not have a GED or High School diploma

3. Transitioning to Phase IV:

After the participant has completed all Phase III requirements, including maintaining full-time employment and/or school enrollment or as otherwise approved by the DTC Judge and is making consistent, timely payments on all financial obligations, he/she is eligible to transition to Phase IV, which is considered the After Care Phase. If deemed appropriate for transition to Phase IV, the participant's Case Manager will:

- review Phase IV requirements with the participant
- complete the ***Phase IV Requirements*** worksheet with the participant
- prepare a ***Certificate of Completion Phase III***. At the next scheduled court review session, the participant is presented with the certificate. A copy of the certificate will be placed in the participants DTC file.

E. <u>Phase IV Case Management Appointments</u>

1. Documentation:

The participant is responsible for providing the following documentation at <u>every</u> appointment with the Case Manager:

a. meeting verification slips including but not limited to: ***Meeting Log, Daily Reporting Log, Community Service Worksheet***
b. employment verification and/or school enrollment verification, if applicable
c. updated DTC ***Participant Handbook***, containing employment/school/alternative program, restitution/financial obligation, meeting verification, program compliance proof, ancillary referral services, and treatment verification.

2. Appointments:

During the case management appointments, the Case Manager will:

- discuss the participant's progress
- obtain and review the above-mentioned documentation
- discuss any issues regarding the participant's participation in the DTC
- inquire if any participant information has changed and enter the changes into the DCCMIS
- schedule participant's next appointment in DCCMIS and provide him/her with a written notice thereof

- immediately document the appointment in the participant's journal in the DCCMIS. It is imperative that the Journal Notes reflect important issues discussed in the appointment as well as all documentation acquired by the Case Manager, including but not limited to the number of meetings attended, hours worked, and police contact
- refer the participant to an employment or educational program if he/she is unemployed or does not have a GED or High School diploma

3. Graduation Eligibility:

After the participant has completed all Phase IV requirements**,** the participant is eligible for graduation. It should be noted that the *minimum time in Phase III and Phase IV should total 10 months.*

- After the DTC requirements have been met, the Case Manager will complete the Discharge Section of the ***Case Manager Checklist*** and prepare a ***Graduation Certificate***. A copy of the certificate will be placed in the participants DTC file.

One month before the participant is scheduled for graduation, the following must be done:

a. Case Manager will obtain written documentation of participant's payment through the Trial Court Financial Office.

And

b. Case Manager will obtain completed ***DTC Exit Survey*** from the participant.

At least two weeks before the participant's scheduled graduation, the Case Manager will:

- run a LEIN check to ensure the participant has no warrants or new convictions
- ensure a ***Nolle Prosequi*** form is completed for Deferred Judgment cases
- add the participant to the ***Twice-Monthly Report***.

F. <u>Graduation:</u>

The graduation ceremony is held during a DTC court review session. Participants are encouraged to bring family and friends. For Deferred Judgment cases, a representative from the Prosecuting Attorney's Office will present the participant with a copy of the ***Nolle Prosequi***. The Judge will present all participants with a ***Certificate of Graduation***.

G. <u>Unsuccessful Discharge</u>

When a participant has either failed to comply with program rules and regulations to such an extent that he/she needs to be discharged or is a Deferred Judgment participant and chooses to opt out of the program, the procedures identified in "Program Discharge (Section XVIII) must be followed".

For Deferred Judgment cases, a sentencing date will be set immediately upon unsuccessful discharge.

XV. DRUG TESTING PROTOCOL

Drug testing protocol is detailed in the Berrien County Drug Treatment Court Drug Testing Memorandum of Understanding. Attachment C.

Random drug testing is instrumental to evaluate the recovery process of the participant. Observed collections will be accomplished with approved chain-of-custody techniques at court approved drug testing facilities. Test frequency will occur as outlined in the treatment phases. The participant will be required to call a specified number daily to receive testing instructions.

When a participant tests positive, he/she will be requested to sign an ***Admission of Drug Use*** form immediately at the testing facility and will notify the Case Manager. If the participant fails to admit use, the specimen will be sent to the BCHD for further testing. All test results, positive or negative, will be forwarded to the Case Manager within 24 hours. The results of the testing will be entered into the DCCMIS system promptly by the Case Manager.

Upon enrollment, the Case Manger will give the participant the testing hotline telephone number and instruct him/her to contact the number daily between the hours of 6:00 A.M. and 8:00 AM.

A. <u>Specimen Collection</u>

The participant must appear at a court-approved drug testing facility. For chain-of-custody documentation, the appropriate protocol must be followed. All specimens shall be labeled in the presence of the patient. The specimen(s) will be processed and stored as required. Photo Identification shall be verified on all participants. All collections need to be observed by an examiner of the same sex.

Specimen Collection will be in compliance and follow the protocol as detailed in the Berrien County Drug Treatment Court Drug Testing Memorandum of Understanding (Attachment C)

B. <u>Chain of Custody Procedures</u>

Drug testing staff will follow established chain-of-custody and tamper resistant procedures for the collection and maintenance of urine specimens.

1. ***Urine Analysis (UA) Log***
2. ***Admission or Refusal of Use Form***
3. ***48 Hour Usage Form*** with Chain of Custody section
4. Urine Specimen Cup with the Security Seal with Participant's Name, Date of Birth, the testing date and the testing facility staff name.

For a positive test, a proper chain of custody must be established. The positive specimen will be placed in a refrigerated, secured receptacle that can only be accessed by limited and designated persons listed by the testing facility. Upon removal of the specimen for transport to the BCHD for confirmation testing, the approved transporter must sign the chain of custody section of the ***48 Hour Usage Form*** indicating the date, time and identity of the sample taken. The positive sample must be driven directly without stops to the BCHD and logged in as received by an employee of the BCHD including date, and time of receipt, identity of the person delivering the sample. The sample shall be placed in another refrigerated, secured storage facility pending testing.

C. Testing Times/Locations

Participants will be referred to test at the KPEP office, located at 497 Waukonda Ave, Benton Harbor, MI 49022 as the primary site for testing. This site is open 24 hours a day, 7 days a week. A secondary site is the Berrien County Health Department located at 769 Pipestone Road, Benton Harbor, MI 49022 (only if approved by the Case Manager). Non-working participants must test between 6:00 AM – 12:00 PM and working participants between 6:00 AM – 9:00 PM.

D. Laboratory Test Procedures.

The Case Manager will forward to the approved testing facility a list of drugs for which each participant is to be tested, if other than or in addition to those within the normal drug testing procedure which are:

1. Cocaine
2. Amphetamine
3. Methamphetamine
4. Marijuana (THC)
5. Opiates
6. Barbiturates

E. Urine Screen Results Processing

Upon completion of testing specimens, the Case Manager will log the results into the DCCMIS system. Participants must pay to the court a $30 fee for each positive and/or tampered test results. Status alerts in DCCMIS are addressed by the Case Manger and a recommendation is added reflecting the violation. During the twice-monthly court session the DTC Judge will notify those participants who are required to pay the $30 fee and instruct them that this fee is due prior to the next DTC review session.

F. Twice-Monthly Court Preparation

On the Tuesday morning before DTC review hearings, the Case Manger will compare the urine screen schedule supplied by the tester to the twice-monthly court report to verify that all urine screens have been performed and to establish which participants failed to provide a urine screen and/or tested positive on a given day.

G. Testing Hotline

All participants are required to call the ***Testing Hotline*** (269-982-8649), seven days a week, between the hours of 6:00 AM and 8:00 AM for drug testing information. The message will state the day of the week the calendar date, the color(s) that must test on that date. KPEP will be responsible to place the recording on the Testing Hotline daily. The phone message indicating what colors need to report for testing will not be available until 6:00 AM daily and will be removed by 8:01 AM daily.

XVI. TWICE-MONTHLY COURT REVIEW HEARINGS

A. Pre-Planning Session

During the week of the DTC review session, Case Manager, probation staff, treatment staff, and other interested parties, by invitation, meet to discuss the progress of the participants and develop a strategy for addressing the participants who are struggling. Meeting participants may attend in person or via telephone conference call or video.

The Case Manager prepares the DCCMIS Staffing Report outlining the progress of participants. Possible sanctions or treatment recommendations are developed at this time and entered into DCCMIS.

Pre-Planning Sessions are held on the Monday afternoon at 3:00 PM proceeding the DTC session.

B. Twice-Monthly Court Report Preparation

The Case Manager prepares a ***Twice-Monthly Court Report*** which contains information regarding the progress each participant has made during a given twice-monthly period; the report forms the basis for input at the planning session.

The ***Twice-Monthly Court Report*** outlines participant issues, attendance at support group meetings, DTC appointments and treatment appointments, treatment updates and recommendations, drug test results and a recommended court action for the Judge. Each report will address:

- meeting verification slips
- attendance at DTC appointment(s)
- drug test compliance and results
- employment/school verification
- treatment attendance and progress
- compliance with court orders

In addition, the Case Manager will prepare a ***Twice-Monthly List*** compiling and categorizing the recommended court action for all participants. This list provides the outline for the structure of the DTC review hearing.

By the Tuesday before court, the Case Manager should have entered all information into the ***Twice-Monthly Court Report*** except for recommendations regarding new drug screens and new information from treatment staff. On Tuesday afternoon, the Case Manager will review the ***Twice-Monthly Court Report.***

The ***Twice-Monthly Court Report*** is printed by 3:00 PM on the Tuesday before the court review session. Copies are made by the Case Manager for the DTC Team; this includes the Drug Court Prosecuting Attorney, Defense Attorney, treatment providers, MDOC probation agents, DTC Judge, DTC Administrator and the Coordinator.

The original copy is archived in chronological order by the Case Manager.

On the day before the DTC court review session, the Case Manager is responsible for notification of the Berrien County Sheriff's Department Deputy and Court Security Officer of the list of incarcerated participants who need to be transported to the DTC review session, and those who may potentially need to be transported from the court review session to the jail for incarceration. The memo should be delivered to the court officers by 3:00 PM that day.

C. Planning Session

One hour before DTC begins, the Team will meet with the DTC Judge and program personnel to provide a brief synopsis of progress and discuss action to be taken by the DTC Judge during the court session. These strategy sessions are held immediately preceding the DTC review hearing and are scheduled on Wednesday morning, beginning at 8:30 am.

D. DTC Review Hearing Preparation

It is the DTC Coordinator's responsibility to prepare the courtroom for DTC review session(s). The Coordinator should arrive approximately fifteen minutes before any DTC event is scheduled to start. The following outlines the various tasks which must be completed:

1. bring the accolade gift cart/baskets into the courtroom
2. locate and place all court files in the courtroom
3. ensure the DTC Judge has all appropriate materials regarding participants
4. if there is a graduation, place the ***Graduation Certificate*** on the judge's bench
5. if the graduation is a Deferred Judgment case, have the Judge sign the ***Nolle Prosequi*** form, place the participant's copy with the ***Graduation Certificate***, return the Prosecutor's copy, and place the original in the court file
6. if there are phase completions place the ***Phase Completion Certificates*** on the judge's bench.

E. DTC Review Session

Using the ***Twice-Monthly List*** as a guide, the DTC Judge calls each participant before the bench to informally discuss progress, recognize successes, make suggestions for improvement, and/or implement sanctions.

If the Court amends a bond condition, or finds a participant in violation of a bond condition, the Court shall prepare a Judgment of Sentence for contempt, and distribute it as is normally done in criminal cases. Participants on probation shall be processed for violations of probation as the Court normally processes such matters. Participants ordered to complete sanctions other than incarceration will be provided verification forms by the Case Manager.

- The Courtroom Recorder/Clerk will complete data entry in the court case management system. A Record of Action (ROA) will denote a brief statement of the review hearing taking place, and the next court review hearing date. Additionally, the ROA will denote an event or outcome of the review hearing.

During or immediately after, the court review hearing, the Case Manager and/or the Coordinator will complete data entry on each participant's review session in the DCCMIS Journal page. Data entry in the Journal will include, but is not limited to:

- The date of the review hearing (list in the DCCMIS as the "Court Report.")
- Information regarding the participant's court report. If the participant did not show for court, "Failed to appear in court" should be entered. If the participant was excused from court, "Excused from court due to…" and the reason for being excused should be entered. The Case Manager and/or Coordinator will also enter the next scheduled court review into DCCMIS.

F. Court Follow-up

On the first business day following the DTC session, the Case Manager will follow up on any further action. The Case Manager will enter sanctions/incentives into DCCMIS.

G. <u>DTC Visitor Confidentiality Policy</u>

Persons with a valid interest in the DTC may attend a planning session(s) for informational, educational and/or evaluative purposes. To protect participant confidentiality, visitors to a DTC planning session shall comply with the following expectations:

1. Sign the ***Visitor Confidentiality Agreement*** form;
2. Any discussion, report, or information that the visitor is privy to from the planning session, is completely confidential and may not be disclosed. At no time may participant information gleaned from the planning session be discussed or conveyed.
3. If the visitor is provided with a copy of case reports for the planning session, the report(s) will be returned to a DTC staff member in its entirety at the end of the planning session.

XVII. SANCTIONS

Sanctions are the imposition of a consequence as a direct result of a prohibited activity. Before the Judge imposes a sanction, the DTC Team should refer to the ***Sanction and Incentive Chart*** to identify and recommend the most appropriate sanction. The DTC Team staff will recommend increasing sanctions for non-compliant behavior beginning with the least restrictive sanction appropriately identified in the ***Sanction and Incentive Chart.***

Sanctions include, but are not limited to:

A. <u>Community service</u>

Participants may be required to complete community service hours as a sanction/consequence for their behavior. If the participant is court-ordered to complete community service hours, a ***Community Service Worksheet*** **(CSW)** is completed by the Case Manager and given to the participant during court. The participant must present the completed CSW by noon on the Monday before the next DTC session.

B. <u>Incarceration</u>

The sanction of incarceration will be used as a consequence for violations of a significant nature or a transition place for individuals who have previously absconded and/or continuously failed to comply, and are recommended for placement in long-term treatment. If a participant is to be incarcerated, the Judge will implement the following procedure:

1. Non-Probation Cases:
   The Judge will sign a judgment of sentence that will provide for a specified period of incarceration with instructions for release. The participant will be taken into custody by the Berrien County Sherriff's Department Court Officer, transported to the jail and will be released based on the conditions in the Judgment of Sentence.

2. Probation Referrals:
   The Judge will sign the amendment and the probation agent will be responsible for having the amendment docketed and providing a copy to the Sheriff's department. The participant will be taken into custody by the Berrien County Sherriff's Department Court Officer and transported to the jail.

C. <u>Electronic Monitoring</u>

Participants may be placed on tether, SCRAM, TAD or other electronic monitoring device as deemed appropriate by the court.

D. <u>Daily Reporting</u>

Participants may be required to report daily to either the Case Manager and/or Probation Officer if it is determined that more intensive monitoring is appropriate. A **Daily Reporting Worksheet** will be given to the participant at the review hearing and he/she must present this form at every appointment with his/her Case Manager and/or Probation Officer.

E. <u>Phase Regression</u>

If the participant is struggling or failing to maintain DTC requirements, he/she may be returned to a previous phase for more intensive case management. The Case Manager will review the requirements of the new Phase and complete the ***Phase I, Phase II*** or ***Phase III*** form checking the "Return to Phase" box.

F. <u>Termination</u>

Participants may be terminated from the DTC as a sanction for violation of the program rules. One form of violation resulting in termination is if the participant is convicted of a felony for an offense that occurred after the defendant is admitted to the DTC. The Judge shall terminate the participation in the program per MCL 600.1074 (2).

G. <u>Additional possible sanctions include, but are not limited to:</u>

1. increased drug testing
2. bench warrant
3. changes in curfew
4. essays and/or homework
5. increased frequency of court review hearing attendance
6. increased frequency of reporting to the Case Manager or Probation Officer.

XVIII. INCENTIVES

Incentives are acknowledgment of compliance with DTC requirements. Refer to the ***Sanction and Incentives Chart.***

Incentives include, but are not limited to:

- court review hearings decreased
- early discharge from probation (probation violators)
- free drug tests
- praise, applause
- Accolades Gifts

Accolades Gifts may include small items such as personal care items, books, gift cards and ***Free Drug Test Coupons*** that may be used by the participant in lieu of paying $5.00 for a single drug test.

XVIV. PROGRAM DISCHARGE

Upon completion or termination of the DTC program, the court shall find on the record and/or place a written statement in the court file as to whether the participant completed the program successfully or whether the individual's participation in the program was terminated, and if it was terminated, the reason for the termination. MCL 600.1076 The Judge shall use the ***Program Discharge Statement*** to place the statement in the court file.

A. Successful Program Completion

1. After a Deferred Judgment participant has graduated from the DTC, the Case Manager will return the original signed copy of the ***Nolle Prosequi*** to the Court Clerk's office. The participant will receive a copy of the ***Nolle Prosequi***. A copy of the ***Nolle Prosequi*** will be sent to the Prosecuting Attorney.

2. DTC participants will receive a ***Graduation Certificate*** upon successful completion of DTC probation.

Upon successful graduation, participants may be given a gift card based upon available funding. Gift cards must come from an organization/business that does not sell alcoholic beverages and or over the counter pharmaceuticals.

B. Unsuccessful Program Completion (Termination)

Deferred Judgment:

For Deferred Judgment cases, the participant is scheduled for sentencing and the Judgment of Sentence is filed with the County Clerk's office.

DTC Probation:

The Case Manager will notify the Prosecuting Attorney's office in writing of the participant's unsuccessful completion of the DTC. If the participant was on probation, the Case Manager will notify the MDOC Probation Officer in writing of the participant's unsuccessful completion of the DTC.

All DTC Cases:

The DTC file will be closed and removed from the active files. In addition, the Case Manager will complete the Discharge section of the ***Case Manager Checklist*** and place it in the DTC file. The Case Manager will update the DCCMIS system and appropriate DTC lists.

If the participant's case involved a victim, the Case Manager will inform the Prosecutor's Office (Victims Rights Office) that the individual was "Unsuccessfully discharged", so that the victim, if any, may be notified.

1. **Automatic Discharge.**
   Participants who exhibit certain behaviors will automatically be unsuccessfully discharged from the DTC. Circumstances that qualify for automatic unsuccessful discharge include, but are not limited to:

a. Felony conviction for an offense that occurred after the participant was admitted to the DTC.
b. New conviction of a violent offense
c. Threatening, harmful, violent, assaultive, abusive, intimidating behavior
d. Tampering with a drug screen. (The use of a device or body fluid substitution)
e. Any behavior that threatens the integrity of the DTC

2. **Optional Discharge.**
If a program participant has failed all treatment options, continues to be non-compliant or is consistently unable to meet program/treatment requirements, the DTC Team, the DTC Judge, the probation agent and the treatment provider representative will discuss the possibility of unsuccessful discharge.

3. **Zero Tolerance**
If a program participant has failed all treatment options, continues to be non-compliant or is consistently unable to meet program/treatment requirements, DTC Team, the DTC Judge, Probation Agent will discuss the possibility of placing the participant on a Zero Tolerance Contract. The participant will be placed on an individually drafted ***Zero Tolerance Contract***. This contract can last for any specified length of time and outlines specific criteria that the participant must adhere to or face discharge.

XX. DRUG TREATMENT COURT COORDINATING COUNCILS

A. Drug Treatment Court Stakeholder Council

The Drug Treatment Court Stakeholder Council was established as an oversight committee for the natural transitions that occur within the program as it continues to meet the needs of the participants and community. Council members represent the disciplines directly involved in the core operations of the DTC. The Council resolves emerging issues presented by the operational staff of the DTC, and meet on a quarterly basis.

The members represented on the DTC Stakeholder Council are:

1. Court
2. Prosecutor
3. Drug Court Defense Attorney
4. Law Enforcement
5. Sheriff Department
6. MDOC
7. DTC Team
8. Substance Abuse Treatment Providers
9. Substance Abuse Testing Providers
10. Department of Human Services

B. Executive Committee

The Executive Committee shall consist of the DTC Judge, the Prosecuting Attorney Representative, a Drug Court Defense representative, and the DTC Administrator. The Executive Committee shall be responsible for decisions regarding the day-to-day operational procedures of the DTC, and have the authority to implement procedures and amend the ***Policy and Procedure Manual***, with appropriate notice to other members of the DTC Stakeholder Council.

C. <u>Administrative Committee</u>

The Administrative Committee shall consist of the DTC Judge and the DTC Administrator. The Administrative Committee shall be responsible for decisions regarding staffing and budgeting.

XXI. EXCEPTIONS COMMITTEE (EC)

Within the structure of the DTC, there exists a five-member Exceptions Committee. This committee is comprised of the DTC Judge, the Prosecutor, Drug Court Defense Counsel Representative, Case Manager, and MDOC Probation Officer. The Exceptions Committee is responsible for reviewing referrals to the DTC who do not meet the eligibility criteria, or while meeting the eligibility criteria, present an issue for exclusion.

Upon recommendation of the majority of the EC, an individual not eligible for referral may enroll in the program. In all cases involving issues of public safety, the Prosecuting Attorney reserves an absolute veto right.

Potential participant information will be distributed via e-mail. During an in-person meeting of the five EC members, to review the participant information and upon majority vote, the final decision of the entry of the participant will be made.

XXII. SUPERVISION PROTOCOL

A. <u>Treatment Providers</u>

Treatment Providers' responsibilities include, but are not limited to:

1. Participate in the twice-monthly review sessions as directed.
2. Provide written progress reports for use at the twice-monthly review sessions.
3. Provide participant treatment attendance reports.
4. Make contact with the Case Manager by e-mail daily to report missed appointments and highlight any special circumstances requiring the DTC intervention. The Case Manager will record this information in the DCCMIS Journal Notes. The Case Manger will contact the participant regarding unexcused absences and follow-up with DTC Team regarding sanctions.
5. Enter treatment sessions attended, missed or excused, together with recommendations into DCCMIS, immediately following the treatment session with the participant, when access to the DCCMIS system is available.
6. Monitor and amend the participant's treatment plan in accordance with his/her treatment progress, and with input from the DTC staff and other DTC team members.
7. Immediately report planned and unplanned discharges of a participant if he/she is in a residential treatment setting.

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B. Case Manager

The Case Manager's responsibilities include, but are not limited to:

1. Conduct intake and follow-up interviews.
2. Complete and file all appropriate court and program paperwork.
3. Confirm and verify interview information for accuracy and refer potential participants for clinical assessments.
4. Administer substance abuse pre-admission screening to potential program participants.
5. Contact other agencies, courts, police, defense attorneys and prosecutors to gather and evaluate data to determine participant's needs.
6. Recommend release options to assigned judge and Assistant Prosecuting Attorney (APA).
7. Case manages participants in the program to ensure program compliance.
8. Insure collection/administration of drug tests.
9. Prepare twice-monthly progress notes.
10. Prepare, copy and distribute the Twice-Monthly Court Report.
11. Make community resource referrals for participants, including but not limited to medical concerns, housing, counseling, transportation.
12. Appear and testify in court as directed.
13. Attend all DTC sessions.
14. Audit records, including but not limited to the Circuit and District Court records, Twice-monthly records, outstanding and Berrien County warrants, and the Berrien County Case Management system.
15. Serve on the DTC Team, Stakeholder Council, and Exceptions Committee.

C. MDOC Probation Officer

The Michigan Department of Corrections' responsibilities include, but are not limited to:

1. Review the Bi-Monthly Court Reports.
2. Provide recommendations, and prepare bench warrants and the appropriate documents to facilitate the incarceration of participants as needed.
3. Provide information regarding participants with DTC staff having obtained permission, from the probationer, using an appropriate release of information.
4. Attend twice-monthly planning and court review sessions.
5. Make community resource referrals for participants, including but not limited to medical concerns, housing, counseling, transportation.
6. Transmit the proper documentation for those offenders being considered for DTC participation and/or ordered to participate in DTC. This documentation will include referral, Basic Information Report, the Probation Violation Waiver and the Amended Probation Order or Order of Probation.
7. Serve on the DTC Team, Stakeholder Council, and Exceptions Committee.

D. Drug Testing Providers(s)

Drug Testing Providers' responsibilities include, but are not limited to:

1. Serve on the DTC Team and Stakeholder Council.
2. Follow all policies and procedures as set forth in the Berrien County Drug Treatment Court Drug Testing Memorandum of Understanding. Attachment C.

XXIII. REPORTING REQUIREMENTS

DTC Administrator and/or Coordinator shall submit reports to various state and/or federal agencies, such as the State Court Administrative Office (SCAO), the Office of Drug Control Policy (ODCP), and the Department of Justice (DOJ) for expenditures and program activity. When requested, annual reports are also submitted to the U.S. Department of Justice, Office of Justice Programs, and Drug Court Programs Office.

XXIV. TRAINING AND EDUCATION

The DTC Team will strive to achieve continued interdisciplinary education and training opportunities as approved by the Michigan State Court Administrative Office and Bureau of Justice Assistance in order to promote effective drug court planning, implementation, and operation.

XXV. PROGRAM EVALUATION

Through the use of the DCCMIS system, utilization of ***Participant Exit Surveys***, statistical and analytical means, the DTC will monitor and evaluate the achievement of program goals and the program's effectiveness.

XXVI. ETHICS and CONFIDENTIALITY

Any program that specializes, in whole or in part, in providing treatment, counseling, or assessment and referral services for offenders with AOD (Alcohol or Drug) problems must comply with the Federal confidentiality regulations (42 C.F.S.s2.12(e)). The Federal regulations apply to programs that receive Federal funding.

Federal and State laws and regulations guarantee the strict confidentiality of information about persons, including offenders, who have applied for, received or are receiving any AOD-related services from a program that is covered under the law. Services applied for or received can include assessment, diagnosis, individual counseling, group counseling, treatment or referral for treatment. The restrictions on disclosure apply to any information that would identify the offender as an AOD abuser, either directly or by implication.

The rules generally apply from the time the person makes an appointment. It applies to persons who are mandated into treatment, as well as those who enter treatment voluntarily. It also applies to former patients. The rule applies whether or not the person making an inquiry already has the information, has other ways of getting it, or has some form of official status.

These laws and regulations are designed to protect privacy rights, in order to attract people into treatment. The regulations restrict communications more tightly in many instances than, for example, either the doctor-patient or the attorney-client privilege. Violation of the regulations is punishable by monetary fines.

Protected information may always be disclosed after the person has signed a proper consent form. Regulations also permit disclosure without the offender's consent in several situations, including

medical emergencies, program evaluations and communications among program staff. DTC participants who refuse to sign consent forms permitting essential communications can be excluded from treatment or provided treatment only temporarily, in the hope that resistance to signing the consent forms will evaporate as treatment proceeds.

Most disclosures are permissible if an offender has signed a valid consent form. A valid consent form must be in writing, must not have expired or been revoked, and must contain each of the following items:

A. The name or general description of the program(s) making the disclosure
B. The name or title of the individual or organization that will receive the disclosures
C. The name of the participant who is the subject of the disclosure
D. The purpose or need for the disclosure
E. How much and what kind of information will be disclosed
F. A statement that the client may revoke the consent at any time, except to the extent that the DTC has already acted upon it
G. The date, event, or condition upon which the consent expires if not previously revoked
H. The signature of the client
I. The date the consent is signed.

A general medical release form or any consent form that does not contain all of the elements listed above is not acceptable.

XXVII. ATTACHMENTS

A. Memorandum of Understanding
B. Local Administrative Order
C. Drug Treatment Court Drug Testing Memorandum of Understanding
D. Forms

BERRIEN COUNTY DRUG TREATMENT COURT

PROGRAM OUTLINE

The Drug Treatment Court was established with the goal of focusing on treatment and recovery rather than incarceration. As a participant in this program, you will be given an opportunity to become involved in substance abuse treatment. If you are a Deferred Judgment participant, upon successful completion of treatment and other program components, you may have an opportunity to have pending charges dismissed. As a participant in this 15 month, 4 phase program, you are required to:

- Engage in substance abuse counseling and support group meetings as recommended.
- Submit to urinalysis screening and/or other substance abuse testing as directed.
- Comply with all social service obligations (child support, protective services, etc).
- Attend case management and/or probation meetings and twice-monthly court session.
- Obtain a GED or High School diploma and secure full time employment or an approved alternative.
- Pay fines including restitution to victims and perform community service.
- Obtain appropriate identification documents.
- Comply with all Drug Treatment Court requirements.

Drug Treatment Court Participants Must:

1. Be a resident of Berrien County.
2. Be charged with a felony and/or high-court misdemeanor, the commission of which was triggered by drug abuse.
3. Be open and honest about his or her use of drugs and alcohol.
4. Have a sincere desire to become sober and drug and/or alcohol free.
5. Understand the consequences of entry into the program and agree to comply with all court orders and requirements of the court's program and treatment providers. MCL 600.1066 (b)
6. Be physically and mentally capable of meeting program requirements.
7. Not be well established in drug or gang sub-cultures.
8. Not live with someone who uses or sells drugs or abuses alcohol.
9. Admit to being dependant upon and/or abusing drugs and/or alcohol
10. Not have a criminal history containing any "violent" offenses as defined by MCL 600.1060 (g).
11. Not pose an unwarranted or substantiated risk to the safety of the public or any individual, based upon the screening and assessment or other information presented to the court. MCL 600.1066(c)
12. Agree to cooperate and complete a pre-admission screening and evaluation assessment. MCL 600.1064 (3)
13. Agree to cooperate with any future evaluations and assessments as directed.
14. Agree to follow and cooperate with all program rules.
15. Obtain or be actively working toward a high school diploma or GED with written verification of the same.
16. Obtain and keep a job with written verification of the same.
17. Remain drug and alcohol free.
18. Successfully complete substance abuse counseling with written verification of counseling completion.
19. Pay for and complete random drug testing as directed.
20. Pay $5.00 for each drug test at the time and location that the test is administered.
21. Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
22. Pay court fines, costs, fees, and restitution as imposed.

23. Remain crime-free.
24. Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

Drug Court Exclusion Criteria

If any one of the following factors is present, the defendant is ineligible for DTC.

1. 'Violent Offender' as defined in 28 CFR 93.3(d) or MCL 600.1060(g);[1,2, 3]
2. Any history of, or a pending charge of, a delivery- or manufacturing-based controlled substance violation[4], unless the facts demonstrate the trafficking was committed primarily to support the participant's drug habit and there is sufficient information to negate trafficking for profit.
3. Pattern of violent behavior.
4. Current pending charge of Home Invasion where the proposed participant was armed with a dangerous weapon, there was a person present within the dwelling or the intent of the home invasion was to commit a violent crime.
5. Any prior conviction of, or currently charged with: Criminal Sexual Conduct, predatory conduct, pornographic conduct or conduct involving corruption of a minor, or attempts of any said offenses.
6. No identified substance abuse problem.
7. Under the age of 17.
8. Falls within prison guideline range on the pending offense.

Defendants being considered for Deferred Judgment must adhere to all Berrien County Drug Treatment Court Eligibility and Exclusion Criteria, in addition to the following:

1. Must plead guilty as charged to the instant offense
2. Not have previously participated in the Berrien County Drug Court Diversion/Deferred Judgment Program or equivalent thereof in any jurisdiction.
3. An offender is ineligible if with respect to the original charge he/she is alleged to have:

   - possessed with intent to deliver, delivered or manufactured any controlled substance but marijuana,
   - possessed with intent to deliver, delivered or manufactured marijuana, except when done infrequently, in small amounts to support participant's own marijuana use,

---

[1] 28 CFR 93.3(d): (d) *Violent offender* means a person who either—
(1) Is currently charged with or convicted of an offense during the course of which:
(i) The person carried, possessed, or used a firearm or other dangerous weapon; or
(ii) There occurred the use of force against the person of another; or
(iii) There occurred the death of, or serious bodily injury to, any person; without regard to whether proof of any of the elements described herein is required to convict; or
(2) Has previously been convicted of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

[2] MCL 600.1060(g): "Violent offender" means an individual who meets either of the following criteria:
(i) Is currently charged with or has pled guilty to, or, if a juvenile, is currently alleged to have committed or has admitted responsibility for, an offense involving the death of or a serious bodily injury to any individual, or the carrying, possessing, or use of a firearm or other dangerous weapon by that individual, whether or not any of these circumstances are an element of the offense, or is criminal sexual conduct of any degree.
(ii) Has 1 or more prior convictions for, or, if a juvenile, has 1 or more prior findings of responsibility for, a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm.

[3] Mandatory statutory exclusion

[4] Includes Possession with Intent to Deliver charges.

- used force in the course of the offense,
- also committed the crime of fleeing and eluding or resisting and obstructing in the course of the offense,
- possessed a firearm,
- committed the offense while on felony probation or parole,
- committed an offense involving a violation of Public Trust,
- committed a traffic offense MCL 600.1068 (3).

4. An offender is ineligible if previously convicted of:

- any offense of force or violence punishable by more than 93 days.
- any two offenses of force or violence punishable by 93 days or less.
- any controlled substance crime punishable by 2 years or more.
- any two crimes each punishable by 2 years or more.
- a felony probation violation resulting in revocation.
- two probation violations resulting in revocation.

<u>All Drug Treatment Court Participants must adhere to the following Phase Requirements:</u>

PHASE I (Introduction) REQUIREMENTS:

Upon admission, you will enter Phase I. This phase is a minimum of 4 weeks. The requirements are as follows:

- Submit to random, observed urine or other designated testing a minimum of three (3) times a week.
- Attain thirty (30) consecutive days drug and alcohol free.
- Attend and provide verification for thirty (30) support group meetings in thirty (30) days.
- Attend weekly case management meetings.
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend twice-monthly court review sessions (the first and third Wednesdays of every month).
- Remain in the courtroom until all graduations and Phase IV, III and II participant review hearings are completed.
- Obtain a healthy outside support person/sponsor/mentor.
- Obtain and provide a copy of Social Security Card and/or State ID card (or Driver's License).
- Attend treatment sessions as directed.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.
- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.
- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

PHASE II (Stabilization) REQUIREMENTS:

After successfully completing Phase I, you will move to Phase II. This phase is a minimum of 4 months in length. In order to move to Phase III the following needs to be completed:

- Submit to random, observed urine or other designated testing a minimum of three (3) times a week.
- Attend three (3) support group meetings a week.
- Attain 120 consecutive days drug and alcohol free, in addition to those obtained in Phase I.
- Attend all bi-weekly case management sessions (one every other week).
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend twice-monthly court review sessions (the first and third Wednesdays of every month).
- Remain in the courtroom until all graduations and Phase IV and III participant review hearings are completed.
- Maintain a healthy outside support person/sponsor/mentor.
- Engage in employment/educational/alternative programming.
- Establish a payment plan for program fees, court fines and costs and restitution (if necessary).
- Continue with treatment as directed.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.
- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.
- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

PHASE III (Maintenance) REQUIREMENTS:

This phase is a minimum of 4 months in length. In order to move to Phase IV the following needs to be completed:

- Submit to random, observed urine or other designated testing a minimum of two (2) times a week.
- Attend two (2) support group meetings a week.
- Attain 120 consecutive days drug and alcohol free, in addition to those obtained in Phase I and II.
- Attend all monthly case management sessions.
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend court review sessions once a month (the first Wednesdays of every month).
- Remain in the courtroom until all graduations and Phase IV participant review hearings are completed.
- Maintain a healthy outside support person/sponsor/mentor.

- Obtain and/or complete high school or GED certification and provide documentation.
- Obtain employment/educational/alternative programming (minimum 30 hours week).
- Maintain payment plan for program fees, court fines and costs and restitution (if necessary).
- Continue with treatment as directed.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.
- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.
- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

PHASE IV (Aftercare) REQUIREMENTS:

This final phase is a minimum of 6 months in length. In order to complete this phase, the following needs to be completed:

- Submit to random, observed urine or other designated testing a minimum of one (1) time a week.
- Attend one (1) support group meeting a week, unless otherwise approved by the court or DTC Judge.
- Attain a minimum of 180 consecutive days drug and alcohol free, in addition to those obtained in Phases I, II AND III.
- Attend monthly case management appointments.
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend court review sessions once every other month (the first Wednesdays of every other month).
- Secure an approved stable housing arrangement.
- Complete financial obligations.
- Complete treatment with a written relapse prevention plan.
- Have no pending charges or probation/parole violations in any jurisdiction.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.
- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.

- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

Once all the phases are complete and there are not any pending charges or probation/parole violations, you will be recommended for graduation from the Drug Treatment Court program. The **minimum** duration of program participation is 15 months. Violation of program rules may result in an extension in a particular phase or return to a previous phase.

It is the Defendant's Responsibility to:

1. **Contact the Case Manager at (269) 983-7111 Extension 8451 to schedule an appointment for an in-person screening appointment or to appear during the Open Screening time held every Tuesday from 1:00-4:00 at the St. Joseph Courthouse. Check-in at Misdemeanor Probation front desk.**

2. **Appear for the eligibility screening prior to his/her next court date.**

3. **Bring the signed Program Outline document to his/her screening appointment to ensure that he/she has read and understands the program overview.**

I HAVE READ THE PROGRAM OUTLINE PAGES 1-6 AND UNDERSTAND ALL OF THE INFORMATION:

Defendant: _____ Date: _____	Attorney: _____ Date: _____
Refer any questions to the Drug Treatment Court Case Manager: Phone: (269) 983-7111 Ext. 8451	

Drug Treatment Court Office Use Only: Date Received:

BERRIEN COUNTY DRUG TREATMENT COURT

PROSECUTING ATTORNEY PARTICIPANT ELIGIBILITY FORM

PEOPLE OF THE STATE OF MICHIGAN	v	Defendant
		Defense Counsel
Original Assigned Judge:		Case Number:

The Defendant is: ☐ Incarcerated ☐ On Bond

Charge(s) leading to DTC Referral: _____

_____

Describe any pending local charge(s): _____

_____

Offense History: (Attach the CCH if available.)

Is defendant a resident of Berrien County? ☐ Yes ☐ No

Is defendant currently charged with (or in the past convicted of) criminal sexual conduct? ☐ Yes ☐ No

Is defendant currently charged with (or in the past convicted of) a violent crime? ☐ Yes ☐ No

Is defendant currently charged with (or in the past convicted of) domestic violence? ☐ Yes ☐ No

Did defendant possess a weapon or have a weapon in their control at the time of the offense? ☐ Yes ☐ No

Has defendant participated in a DTC program, Diversion, or Deferred Judgment previously? ☐ Yes ☐ No

If you answered "YES" to any of the questions above, please provide a written explanation. _____

_____

_____

Cell Type: ☐ Not applicable ☐ Intermediate ☐ Straddle ☐ Presumptive/Prison

Sentence Guidelines: _____ PRV _____ OV _____

Defendant is: ☐ APPROVED ☐ NOT APPROVED for ☐ Deferred Judgment ☐ Treatment Probation.

Reason: _____

Prosecuting Attorney Signature _____ Date _____

BERRIEN COUNTY DRUG TREATMENT COURT

PARTICIPANT REFERRAL

Fill out each section of this form when referring a defendant to be screened for eligibility into the Berrien County Drug Treatment Court. The form must be submitted to Case Manager whose office is located in the Misdemeanor Probation Office on the first floor of the St. Joseph courthouse. Please call (269) 983-7111 Extension 8451 with any questions.

PEOPLE OF THE STATE OF MICHIGAN	v	Defendant's Full Name:
		Defense Counsel:
Original Assigned Judge:		Case Number:

Defendant's address:	DOB:	Age:	Sex: ☐ Male ☐ Female
	Home Phone:		Work Phone:
Charge(s) leading to DTC Referral:			
Is the Defendant: ☐ Lodged ☐ On Bond			

Referring Party's Name:
Referring Party's Phone Number:
Comments:

Berrien County Drug Treatment Court

Drug Treatment Probation Eligibility Guidelines

The Drug Treatment Probation program offers offenders whose crimes stem from drug abuse the opportunity to become sober and productive citizens by participating in a highly structured and supervised program of punishment, treatment and rehabilitation. Offenders must comply with a contract or face the imposition of sanctions. The Treatment Probation program contract requires an offender to:

- Engage in substance abuse counseling and support group meetings as recommended.
- Submit to urinalysis screening and/or other substance abuse testing as directed.
- Comply with all social service obligations (child support, protective services, etc).
- Attend case management and/or probation meetings and twice-monthly court session.
- Obtain a GED or High School diploma and secure full time employment or an approved alternative.
- Pay fines including restitution to victims and perform community service.
- Obtain appropriate identification documents.
- Comply with all Drug Treatment Court requirements.

Entry into the program requires the consent of the offender, prosecutor and judge, with the final approval by the DTC Judge.

Defendants being considered for Drug Treatment Probation must adhere to all Berrien County Drug Treatment Court Eligibility and Exclusion Criteria.

Drug Treatment Court Inclusion Criteria

Drug Treatment Court Participants Must:

1. Be a resident of Berrien County.
2. Be charged with a felony and/or high court misdemeanor, the commission of which was triggered by drug abuse.
3. Be open and honest about his or her use of drugs and alcohol.
4. Have a sincere desire to become sober and drug and/or alcohol free.
5. Understand the consequences of entry into the program and agree to comply with all court orders and requirements of the court's program and treatment providers. MCL 600.1066 (b)
6. Be physically and mentally capable of meeting program requirements.
7. Not be well established in drug or gang sub-cultures.
8. Not live with someone who uses or sells drugs or abuses alcohol.
9. Admit to being dependant upon and/or abusing drugs and/or alcohol
10. Not have a criminal history containing any "violent" offenses as defined by MCL 600.1060 (g).
11. Not pose an unwarranted or substantiated risk to the safety of the public or any individual, based upon the screening and assessment or other information presented to the court. MCL 600.1066(c)
12. Agree to cooperate and complete a pre-admission screening and evaluation assessment. MCL 600.1064 (3)
13. Agree to cooperate with any future evaluations and assessments as directed.
14. Agree to follow and cooperate with all program rules.
15. Obtain or be actively working toward a high school diploma or GED with written verification of the same.
16. Obtain and keep a job with written verification of the same.
17. Remain drug and alcohol free.

18. Successfully complete substance abuse counseling with written verification of counseling completion.
19. Pay for and complete random drug testing as directed.
20. Pay $5.00 for each drug test at the time and location that the test is administered.
21. Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
22. Pay court fines, costs, fees, and restitution as imposed.
23. Remain crime-free.
24. Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

Drug Court Exclusion Criteria

If any one of the following factors is present, the defendant is ineligible for DTC.

1. 'Violent Offender' as defined in 28 CFR 93.3(d) or MCL 600.1060(g);[1,2, 3]
2. Any history of, or a pending charge of, a delivery- or manufacturing-based controlled substance violation[4], unless the facts demonstrate the trafficking was committed primarily to support the participant's drug habit and there is sufficient information to negate trafficking for profit.
3. Pattern of violent behavior.
4. Current pending charge of Home Invasion where the proposed participant was armed with a dangerous weapon, there was a person present within the dwelling or the intent of the home invasion was to commit a violent crime.
5. Any prior conviction of, or currently charged with: Criminal Sexual Conduct, predatory conduct, pornographic conduct or conduct involving corruption of a minor, or attempts of any said offenses.
6. No identified substance abuse problem.
7. Under the age of 17.
8. Falls within prison guideline range on the pending offense.

---

[1] 28 CFR 93.3(d): (d) *Violent offender* means a person who either—
(1) Is currently charged with or convicted of an offense during the course of which:
(i) The person carried, possessed, or used a firearm or other dangerous weapon; or
(ii) There occurred the use of force against the person of another; or
(iii) There occurred the death of, or serious bodily injury to, any person; without regard to whether proof of any of the elements described herein is required to convict; or
(2) Has previously been convicted of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

[2] MCL 600.1060(g): "Violent offender" means an individual who meets either of the following criteria:
(i) Is currently charged with or has pled guilty to, or, if a juvenile, is currently alleged to have committed or has admitted responsibility for, an offense involving the death of or a serious bodily injury to any individual, or the carrying, possessing, or use of a firearm or other dangerous weapon by that individual, whether or not any of these circumstances are an element of the offense, or is criminal sexual conduct of any degree.
(ii) Has 1 or more prior convictions for, or, if a juvenile, has 1 or more prior findings of responsibility for, a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm.

[3] Mandatory statutory exclusion

[4] Includes Possession with Intent to Deliver charges.

Berrien County Drug Treatment Court

Deferred Judgment Eligibility Guidelines

The Deferred Judgment program, at the discretion of the Prosecuting Attorney, offers offenders whose crimes stem from drug abuse the opportunity to become sober and productive citizens by participating in a highly structured and supervised program of punishment, treatment and rehabilitation. Offenders must comply with a contract or face the imposition of sanctions. The Deferred Judgment participation contract requires an offender to:

- Engage in substance abuse counseling and support group meetings as recommended.
- Submit to urinalysis screening and/or other substance abuse testing as directed.
- Comply with all social service obligations (child support, protective services, etc).
- Attend case management and/or probation meetings and twice-monthly court session.
- Obtain a GED or High School diploma and secure full time employment or an approved alternative.
- Pay fines including restitution to victims and perform community service.
- Obtain appropriate identification documents.
- Comply with all Drug Treatment Court requirements.

Those who successfully complete the 15 month program receive a dismissal of charges.

Entry into the program requires the consent of the offender, prosecutor and judge, with the final approval by the DTC Judge.

Drug Treatment Court Inclusion Criteria

Drug Treatment Court Participants Must:

1. Be a resident of Berrien County.
2. Be charged with a felony and/or high court misdemeanor, the commission of which was triggered by drug abuse.
3. Be open and honest about his or her use of drugs and alcohol.
4. Have a sincere desire to become sober and drug and/or alcohol free.
5. Understand the consequences of entry into the program and agree to comply with all court orders and requirements of the court's program and treatment providers. MCL 600.1066 (b)
6. Be physically and mentally capable of meeting program requirements.
7. Not be well established in drug or gang sub-cultures.
8. Not live with someone who uses or sells drugs or abuses alcohol.
9. Admit to being dependant upon and/or abusing drugs and/or alcohol.
10. Not have a criminal history containing any "violent" offenses as defined by MCL 600.1060 (g).
11. Not pose an unwarranted or substantiated risk to the safety of the public or any individual, based upon the screening and assessment or other information presented to the court. MCL 600.1066(c)
12. Agree to cooperate and complete a pre-admission screening and evaluation assessment. MCL 600.1064 (3)
13. Agree to cooperate with any future evaluations and assessments as directed.
14. Agree to follow and cooperate with all program rules.
15. Obtain or be actively working toward a high school diploma or GED with written verification of the same.
16. Obtain and keep a job with written verification of the same.
17. Remain drug and alcohol free.
18. Successfully complete substance abuse counseling with written verification of counseling completion.

19. Pay for and complete random drug testing as directed.
20. Pay $5.00 for each drug test at the time and location that the test is administered.
21. Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
22. Pay court fines, costs, fees, and restitution as imposed.
23. Remain crime-free.
24. Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

Drug Court Exclusion Criteria

If any one of the following factors is present, the defendant is ineligible for DTC.

1. 'Violent Offender' as defined in 28 CFR 93.3(d) or MCL 600.1060(g);[1,2, 3]
2. Any history of, or a pending charge of, a delivery- or manufacturing-based controlled substance violation[4], unless the facts demonstrate the trafficking was committed primarily to support the participant's drug habit and there is sufficient information to negate trafficking for profit.
3. Pattern of violent behavior.
4. Current pending charge of Home Invasion where the proposed participant was armed with a dangerous weapon, there was a person present within the dwelling or the intent of the home invasion was to commit a violent crime.
5. Any prior conviction of, or currently charged with: Criminal Sexual Conduct, predatory conduct, pornographic conduct or conduct involving corruption of a minor, or attempts of any said offenses.
6. No identified substance abuse problem.
7. Under the age of 17.
8. Falls within prison guideline range on the pending offense.

Defendants being considered for Deferred Judgment must adhere to all Berrien County Drug Treatment Court Eligibility and Exclusion Criteria, in addition to the following:

1. Must plead guilty as charged to the instant offense
2. Not have previously participated in the Berrien County Drug Court Diversion/Deferred Judgment Program or equivalent thereof in any jurisdiction.
3. An offender is ineligible if with respect to the original charge he/she is alleged to have:

   - possessed with intent to deliver, delivered or manufactured any controlled substance but marijuana,
   - possessed with intent to deliver, delivered or manufactured marijuana, except when done infrequently, in small amounts to support participant's own marijuana use,
   - used force in the course of the offense,

---

[1] 28 CFR 93.3(d): (d) *Violent offender* means a person who either—
(1) Is currently charged with or convicted of an offense during the course of which:
(i) The person carried, possessed, or used a firearm or other dangerous weapon; or
(ii) There occurred the use of force against the person of another; or
(iii) There occurred the death of, or serious bodily injury to, any person; without regard to whether proof of any of the elements described herein is required to convict; or
(2) Has previously been convicted of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

[2] MCL 600.1060(g): "Violent offender" means an individual who meets either of the following criteria:
(i) Is currently charged with or has pled guilty to, or, if a juvenile, is currently alleged to have committed or has admitted responsibility for, an offense involving the death of or a serious bodily injury to any individual, or the carrying, possessing, or use of a firearm or other dangerous weapon by that individual, whether or not any of these circumstances are an element of the offense, or is criminal sexual conduct of any degree.
(ii) Has 1 or more prior convictions for, or, if a juvenile, has 1 or more prior findings of responsibility for, a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm.

[3] Mandatory statutory exclusion

[4] Includes Possession with Intent to Deliver charges.

- also committed the crime of fleeing and eluding or resisting and obstructing in the course of the offense,
- possessed a firearm,
- committed the offense while on felony probation or parole,
- committed an offense involving a violation of Public Trust,
- committed a traffic offense MCL 600.1068 (3).

4. An offender is ineligible if previously convicted of:

- any offense of force or violence punishable by more than 93 days.
- any two offenses of force or violence punishable by 93 days or less.
- any controlled substance crime punishable by 2 years or more.
- any two crimes each punishable by 2 years or more.
- a felony probation violation resulting in revocation.
- two probation violations resulting in revocation.

BERRIEN COUNTY DRUG TREATMENT COURT

CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION

I, _____ DOB _____ SSN _____
represent that I am currently, ☐ in jail or other confinement ☐ on bond; ☐ on probation; ☐ formally charged and awaiting trial; ☐ a criminal trial against me has commenced; or formally charged and a criminal procedure against me has commenced.

I also represent that my participation in the Drug Treatment Court (DTC) is a condition of my probation, bond, or the disposition of any criminal proceedings against me. I hereby request and authorize the exchange of information about my treatment, drug screen results, and participation in the program amongst the DTC Team and the individuals and/or organizations listed below. I authorize this exchange of information only under the conditions listed below.

Name of person(s), organizations amongst whom information may be exchanged:

Berrien County Trial Court, Drug Treatment Court Team (identified as any Judge handling the case, Administrator, Coordinator, Prosecuting Attorney and designated Assistant Prosecuting Attorney, Case Manager), Drug Court Defense and Felony Defense Counsel as assigned to the case, MDOC, Law Enforcement Agencies involved with my case(s), Law Enforcement Agencies involved in any new case(s) while participating in the DTC, KPEP, Catholic Charities of West Michigan, Berrien County Health Department

Specific information to be disclosed includes: my identity, assessment finding, any and all treatment information, diagnosis, drug screen results, criminal history, progress in the program, and any resulting recommendations. Disclosure may be made in writing or orally, including testimony before any court having jurisdiction over me.

The purpose or need for such disclosure: to provide information so that any court, probation officer, case manager can determine if I have met the conditions which have been imposed for: compliance with DTC conditions, my release from confinement, the disposition or status of any criminal proceedings against me, or my probation. To coordinate and provide treatment services.

I understand that my records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2, the Healthy Insurance Portability and Accountability Act of 1996 ("HIPAA"), and 45 CFR Pts. 160 and 164 and cannot be disclosed without my written consent unless otherwise provided for in the regulations.

Duration of consent: This consent shall expire upon completion/discontinuation of participation in the DTC.

Revocation of consent: I agree that I may not revoke this consent given herein until there has been a final disposition of the matter requiring my participation in treatment.

Participant's Signature _____ Date _____

Witnessed By _____ Date _____

BERRIEN COUNTY DRUG TREATMENT COURT

EXCHANGE OF INFORMATION RELEASE

I, _____ DOB _____ SSN _____
represent that I am currently, ☐ in jail or other confinement ☐ on bond; ☐ on probation; ☐ formally charged and awaiting trial; ☐ a criminal trial against me has commenced; or formally charged and a criminal procedure against me has commenced.

I also represent that my participation in the Drug Treatment Court (DTC) is a condition of my probation, bond, or the disposition of any criminal proceedings against me. I hereby request and authorize the exchange of information about my treatment, drug screen results, and participation in the program amongst the DTC Team and the individuals and/or organizations listed below. I authorize this exchange of information only under the conditions listed below.

Name of person(s), organizations amongst whom information may be exchanged:

Name:	Relationship:
Address:	Phone:
Additional Information to be Exchanged:	Fax Number:

Name:	Relationship:
Address:	Phone:
Additional Information to be Exchanged:	Fax Number:

Name:	Relationship:
Address:	Phone:
Additional Information to be Exchanged:	Fax Number:

Specific information to be disclosed includes: my identity, assessment finding, any and all treatment information, diagnosis, drug screen results, criminal history, progress in the program, and any resulting recommendations. Disclosure may be made in writing or orally, including testimony before any court having jurisdiction over me.

The purpose or need for such disclosure: to provide information so that any court, probation officer, case manager can determine if I have met the conditions which have been imposed for: compliance with DTC conditions, my release from confinement, the disposition or status of any criminal proceedings against me, or my probation. To coordinate and provide treatment services.

I understand that my records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2, the Healthy Insurance Portability and Accountability Act of 1996 ("HIPAA"), and 45 CFR Pts. 160 and 164 and cannot be disclosed without my written consent unless otherwise provided for in the regulations.

Duration of consent: This consent shall expire upon completion/discontinuation of participation in the DTC.

Revocation of consent: I agree that I may not revoke this consent given herein until there has been a final disposition of the matter requiring my participation in treatment.

Participant's Signature _____ Date _____

Witnessed By _____ Date _____

BERRIEN COUNTY DRUG TREATMENT COURT

PARTICIPANT ELIGIBILITY APPLICATION

Date: _____ **Trial Court Case Number**: _____

Defendant name: _____

Address: _____
Last First M.

_____
City State Zip Code

Home Phone: _____ **Work:** _____ **Cell:** _____

Date of Birth: _____ **Age:** _____ **Social Security Number:** _____

Employment History

Are you currently employed? ☐ Yes ☐ No

If yes, how many hours do you work a week? _____

State the name and address of the employer along with job title and duration of employment:

Employer Name	Address	Job Title	Dates of Employment (Beginning-Ending)

Drug Treatment Court Information

Referring Party:

☐ Court/Judicial
☐ Defense Attorney
☐ Prosecutor
☐ Pre-Trial Services
☐ Law Enforcement
☐ Self
☐ DHS
☐ DYS
☐ Law Enforcement
☐ Other _____

Charge(s) Leading to Drug Treatment Court Referral: _____

_____

Charge Type:

☐ Civil/Petition
☐ Felony
☐ Misdemeanor
☐ Other _____

Incident Offense:

☐ New Criminal Offense
☐ New Petition
☐ Parole violation New Criminal Offense
☐ Parole Violation Technical
☐ Probation Violation New Criminal Offense
☐ Probation Violation Technical

Defendant is: ☐ Incarcerated ☐ On Bond

Offense Date: _____

Did you have or possess a weapon or have a weapon in your control at the time of your arrest for the pending charge? ☐ Yes ☐ No

If yes, please explain: _____

_____
(required information, not used for disqualification)

Offender/Criminal History

Do you have Prior Convictions: ☐ Yes _____# Misdemeanors _____ # Felony ☐ No

Do you have Pending Local Case(s): ☐ Yes ☐ No

If yes, please describe: _____

_____

Do you have Pending Case(s) outside of Berrien County: ☐ Yes ☐ No

If yes, please describe charge and location: _____

_____

Have you been on probation before? ☐ Yes ☐ No

If yes, was probation successfully completed: ☐ Yes ☐ No

Where were or currently are you on probation: _____

Please list all previous Convictions:

Charge	Date of Conviction	Court

Do you have a previous conviction of domestic violence: ☐ Yes ☐ No

Are you currently charged with or have a previous conviction of a violent felony or sex offense, other than domestic violence?

☐ Yes ☐ No

Do you have a history of previous court failures to appear: ☐ Yes ☐ No
☐ One
☐ Two
☐ Three or more

Substance Use/Abuse History- Drug Use

Current Substance Abuse: ☐ Yes ☐ No **Date Last Used:** _____

How much a week do you think you spend on illegal drugs? _____

Are you currently in a substance abuse treatment program: ☐ Yes ☐ No

If yes, please describe the program(s)/treatment rendered and the duration of the treatment: _____

_____

If no, do you think you would benefit from counseling? _____

Do you have prior substance abuse: ☐ Yes ☐ No

Did you previously attend substance abuse treatment? ☐ Yes ☐ No

If yes, please describe the program(s)/treatment rendered and the duration of the treatment: _____

_____

What are your drug(s) of choice?

☐ Alcohol
☐ Amphetamines
☐ Barbiturates
☐ Benzodiazepine
☐ Club Drugs
☐ Cocaine
☐ Hallucinogens
☐ Inhalants
☐ Marijuana
☐ Methamphetamines
☐ Opiates (other)
☐ Poly Drug
☐ Sedative/hypnotic
☐ Heroin
☐ Other _____

IV Drug User: ☐ Currently IV drug user ☐ Not currently IV drug user

Do you have a history of IV drug use: ☐ History of IV drug use ☐ No History of IV drug use

Age began using drugs: _____ **Years using drugs**: _____

Substance Use/Abuse History- Alcohol Use

Current Alcohol Abuse: ☐ Yes ☐ No

If yes, what is your drink of choice? _____

Are you currently in alcohol abuse treatment program: ☐ Yes ☐ No

If yes, please describe the program(s)/treatment rendered and the duration of the treatment: _____

_____

Amount consumed weekly: _____ **Daily:** _____

Prior Alcohol Abuse: ☐ Yes ☐ No

Prior alcohol abuse treatment? ☐ Yes ☐ No

If yes, please describe the program(s)/treatment rendered and the duration of the treatment: _____

_____

Age began using alcohol: _____ **Years using alcohol**: _____

Medical History

Do you have a history of Medical conditions? ☐ Yes ☐ No

If yes, describe: _____

_____

_____

_____

Are you currently on any medications? ☐ Yes ☐ No

If yes, are the medications: ☐ Physical and Psychological ☐ Physical and Psychological ☐ Psychological

For each medication you are currently taking, please identify the prescribing physician, the medication name and the dosage instructions:

Doctor	Prescription	Dosage

Do you have a history of Mental Health conditions? ☐ Yes ☐ No

If yes, describe: _____

_____

_____

_____

Please list the names and addresses of all mental health care providers that you have seen in the last five years: _____

_____

_____

Have you ever had any inpatient mental health hospitalization? ☐ Yes ☐ No

If yes, please provide the following:

Hospital	Address	Date of Hospitalization/Release

What type of insurance do you currently have?

☐ Medicaid
☐ Medicare
☐ Private Insurance
☐ Other _____

Additional Information:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

_____ _____
Defendant Signature Date

_____ _____
DTC Staff Date

Berrien County Drug Treatment Court

Weekly Eligibility List

Distribution Date: Thursday _____

	Defendants Referred							Approved by DTC Judge
	Name	Case Number	Screened	Ineligible	Reason Ineligible	Eligible	Case Manager Recommendation	
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

BERRIEN COUNTY DRUG TREATMENT COURT

TREATMENT REFERRAL FORM

Date

Client Name:	Case Number:	
Address:	Phone Number:	DOB:
Case Manager/Probation Officer:	Employed: ☐ Yes ☐ No	

REFERRAL TO:

☐ Berrien County Health Department PHONE: _____

FOR _____

☐ _____ PHONE: _____

FOR _____

Within 48 hours of your referral by the court, you must contact the service provider indicated below to schedule an appointment.

Be prepared to provide your name, address, telephone number, birth date, social security number, along with other information about yourself. Please identify yourself as referred by the Berrien County Drug Treatment Court.

At your appointment, be prepared to have valid and current photo identification in the form of a Michigan State Identification card or Michigan Driver's License.

NOTES: _____

_____

_____

PARTICIPANT SIGNATURE _____ DATE _____

DTC STAFF SIGNATURE _____ DATE _____

BERRIEN COUNTY DRUG TREATMENT COURT

PARTICIPATION REFUSAL

I, _____, have had explained to me the Berrien County Drug Treatment Court ☐Deferred Judgment ☐ Drug Treatment program and do not wish to participate in the program. I have discussed my options with my attorney and understand that I may not have this opportunity again.
I wish to decline participation because: _____
_____

Participant's Signature _____ Date _____

Witnessed By _____ Date _____

PARTICIPANT WITHDRAWL

I, _____, do hereby withdraw from the Berrien County Drug Treatment Court ☐Deferred Judgment ☐ Drug Treatment program. I acknowledge that I am fully aware of the effects of my choosing not to participate in the program may have on my case. I understand that I may not have this opportunity again. I wish to withdraw because: _____
_____

Participant's Signature _____ Date _____

Witnessed By _____ Date _____

PARTICIPANT NO SHOW

Participant's Name _____ was to appear at _____

facility for _____(type of appointment) at _____(time)

_____, but did not: ☐ appear on time, and showed up at _____ (time).

☐ appear for the appointment and did not call.

☐appear for the appointment and called at _____ (time).

Comments: _____

_____

Participant's Signature _____ Date _____

Witnessed By _____ Date _____

BERRIEN COUNTY DRUG TREATMENT COURT

PARTICIPATION CONTRACT

Defendant Name _____ Case Number _____

Charge (s) _____

_____

The above named defendant will be accepted into the Drug Treatment Court (DTC) if he/she agrees to the rules and conditions of the program set forth below, the above Probationer has been ordered into the DTC and must adhere to the conditions and rules of the program set forth below. If the defendant commits a violation of any of the conditions listed below, he/she may be terminated from the program and confined to the Berrien County Jail. If the defendant successfully completes all terms and conditions of the DTC to the Judge's satisfaction, he/she will be granted a successful discharge from the program.

APPLICANTS STATEMENT:

The above named defendant agrees to abide by the terms and conditions of the Drug Treatment Court program set for forth below. I understand that:

1. If I am a Deferred Judgment client, the Prosecuting Attorney, DTC Judge, or I may terminate this agreement at any time and I will be sentenced to the charges of which I plead guilty.

2. If I am on Circuit Court probation, the Prosecuting Attorney, DTC Judge, and/or my Probation Agent may terminate this agreement.

3. If it is discovered at any time during my involvement in the program that I have falsified information, I may be unsuccessfully terminated from the program.

4. My participation in the DTC will be terminated if I am convicted of a felony for an offense that occurs after my admission to the DTC.

5. I am not a "violent offender" as described by PA 224: "Currently charged with or has pled guilty to an offense involving the death of or a serious bodily injury to any individual, or the carrying, possessing, or use of a firearm or other dangerous weapon, whether or not any of these circumstances are an element of the offense, or criminal sexual conduct of any degree. Nor have I had one or more prior convictions for a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm."

I agree:

1. To remain a resident of Berrien County.
2. To be open and honest about my use of drugs and alcohol.
3. To have a sincere desire to become sober and drug-free.
4. That I understand the consequences of entry into the program and agree to comply with all court orders and requirements of the court's program and treatment providers. MCL 600.1066 (b)
5. That I am physically and mentally capable of meeting program requirements.
6. Not be well established in drug or gang sub-cultures.
7. That I will not live with someone who uses or sells drugs or abuses alcohol.
8. That I am dependant upon drugs/alcohol or to abusing drugs/alcohol.

9. That I do not have a criminal history containing any “violent” offenses.
10. To not pose an unwarranted or substantiated risk to the safety of the public or any individual
11. To cooperate with any future evaluations and assessments as directed.
12. To follow and cooperate with all program rules.
13. To obtain or be actively working toward a high school diploma or GED.
14. To obtain and keep a job.
15. To remain drug and alcohol free.
16. To successfully complete substance abuse counseling.
17. To pay for and complete random drug testing as directed.
18. Pay $5.00 for each drug test at the time and location that the test is administered.
19. Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
20. To pay court fines, costs, fees, and restitution as imposed.
21. To remain crime-free.
22. To successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.
23. To notify DTC staff of any police contact, arrest or criminal charge within 24 hours. If “probable cause” is established linking me to a new crime, I may be prosecuted on any new offenses and terminated from the program.
24. To immediately notify DTC staff of any address, telephone and/or cell phone number changes.
25. To make full and truthful reports to DTC staff.
26. To not to engage in any assaultive, threatening, or intimidating behavior.
27. To comply with all conditions set forth by the treatment provider, DTC staff and/or probation officer.
28. To attend all required appointments/meetings on time as stipulated by DTC staff, probation officer and the treatment provider. If I fail to attend a scheduled appointment, I understand that I will be responsible for paying a “no-show” fee and may be sanctioned by the court for an unexcused absence. If I am unable to attend a scheduled appointment, I will reschedule the appointment at least 24 hours in advance.
29. That I will not leave the state without consent of DTC or MDOC staff.
30. To follow-up with all referrals, which DTC staff determines, will assist me in maintaining sobriety and a law-abiding lifestyle in the community.
31. To pay for any outstanding fees resulting from my participation in the DTC such as, but not limited to: Drug test fees, DTC fees, tether fees, and other fees. Failure to pay fees as required will result in the following:
    a. A report to the Judge that I am in violation of my DTC agreement for court-ordered services.
    b. Termination from the DTC for non-compliance and/or
    c. Other sanctions as determined by the Judge with input from DTC.
32. To successfully complete all Phases as set forth in the DTC Program Outline.
33. To authorize DTC staff to contact any or all parties in the order of restitution involved in my DTC case. . I also understand that I will not be able to successfully complete the DTC program until restitution is paid in full.
34. That I am not to use alcohol or any mood-altering substance while participating in the program. Furthermore, I understand that I must have prior permission from staff before consuming medication. I will immediately report to my Case Manager and/or Probation Officer, all drug or alcohol use.
35. That I shall not enter an establishment that sells or dispenses alcohol or illegal drugs for consumption on the premises.
36. That court proceedings are open to the public and may be videotaped, photographed, and/or recorded and that these media may be used as promotional materials.
37. That the data in my file may be used for research, data analysis and program evaluation by Berrien County Trial Court staff. I also agree to be contacted by and cooperate with DTC staff or research personnel at some point in time after I have been discharged from the program.

38. That I must complete any sentence or ordered time in jail, K-PEP, tether, or inpatient treatment, prior to accruing time that will meet the one month Phase I participation requirement before transitioning to Phase II.

39. That if a report citing violation of this contract is sent to the court or probation officer, the following **MINIMUM** recommendations or any combination will be included in that report:

First positive drug test:
3 days in jail / 8 hrs of Community Service (CS)

Second positive urine screen:
5 days in jail / 16 hrs of CS/ Daily Support Group Meetings

Third Positive urine screen:
10 days in jail/ Daily Support Group Meetings

All subsequent positive screens:
A minimum of 30 days in jail / Daily Support Group Meetings

First missed meeting/drug test:
Judge, PO, notified/ 3 days in jail / 8 hrs of CS/ Additional Daily drug screens/ Daily Support Group Meetings

Second missed meeting/drug test:
Notification and possible conference with Judge, PO, 5 days in jail / 16 hrs of CS/ Daily reporting/ Daily Support Group Meetings

Third and all subsequent missed meeting/drug test:
Show-cause/ 3-30 days in jail / 24 hrs of CS/ Electronic monitoring/ Daily Support Group Meetings

I understand that the DTC staff may later amend those conditions and/or add new conditions. I understand that if changed, I must obey such amended conditions, or be removed from the program, and if removed, I may be confined in the Berrien County jail.

Payment Agreement

I will pay all monetary fees as determined by the DTC.

All participants are required to pay for their own drug tests and PBT's.

I understand that failing to comply with any DTC orders and/or above contract conditions may cause me to be unsuccessfully discharged from this program.

_____ _____
Participant's Signature Date

_____ _____
Drug Treatment Court Judge Date

BERRIEN COUNTY DRUG TREATMENT COURT

JUDICIAL FINDINGS OF ELIGIBILITY MCL 600.1066

Defendant Name _____ Case Number _____

This court finds as conditions precedent to Drug Treatment Court admission, pursuant to MCL 600.1066, that:

☐ The individual is dependent upon or abusing drugs and is an appropriate candidate for participation in the Berrien County Drug Treatment Court (DTC).

☐ The individual understands the consequences of entering the drug treatment court and agrees to comply with all court offenders and requirements of the court's program and treatment providers.

☐ The individual is not an unwarranted or substantial risk to the safety of the public or any individual, based upon the screening and assessment or other information presented to the court.

☐ The individual is not a violent offender as defined by MCL 600.1060 (g).

☐ The individual has completed a preadmission screening and evaluation assessment under MCL 600.1064(3) and has agreed to cooperate with any future evaluation assessment as directed the drug treatment court.

☐ The individual meets the requirements; if applicable, under section 7411 of the public health code, 1978 PA 368, **MCL 333.7411**, section 11 of chapter II of the code of criminal procedure, 1927 PA 175, **MCL 762.11**, section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, **MCL 769.4a**, section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, **MCL 771.1**, section 350a, or section 430 of the Michigan penal code, 1931 PA 328, **MCL 750.430**.

☐ The terms, conditions, and the duration of the agreement between the parties and the anticipated outcome for the participant are contained in the program contract as signed by the above named participant.

_____ _____

Drug Treatment Court Judge Date

BERRIEN COUNTY DRUG TREATMENT COURT

PHASE I REQUIREMENTS

Introduction (1 month)

During this Phase, participants are required to: ☐ Returned to Phase I on _____

- Submit to random, observed urine or other designated testing a minimum of three (3) times a week.
- Attain thirty (30) consecutive days drug and alcohol free.
- Attend and provide verification for thirty (30) support group meetings in thirty (30) days.
- Attend weekly case management meetings.
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend twice-monthly court review sessions (the first and third Wednesdays of every month).
- Remain in the courtroom until all graduations and Phase IV, III and II participant review hearings are completed.
- Obtain a healthy outside support person/sponsor/mentor.
- Obtain and provide a copy of Social Security Card and/or State ID card (or Driver's License).
- Attend treatment sessions as directed.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.
- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.
- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

During this Phase, you must:

- **Call the Testing Hotline (269-982-8649), seven days a week, between the hours of 6:00 AM and 8:00 AM for drug testing information.**
- **Your color is _____.**
- **If your color is designated to test, you must take Valid and Current Photo Identification and $5.00 CASH to pay for your drug screen, exact amount only as no change will be given.**
- **Non-working participants must test between 6:00 AM – 12:00 PM and working participants between 6:00 AM – 9:00 PM**.
- **You must report to the following location for your drug test:** **KPEP**
  497 Wakunda Ave.
  Benton Harbor, MI 49022
- Call for an assessment with Berrien County Health Department within 5 days.

- Within 5 business days, call and schedule a treatment appointment with _____ at _____.
- Attend 30 support group meetings in 30 days and provide verification on a Meeting Log sheet.
- Attend Drug Treatment Court the **first and third Wednesday of every month at 9:30 AM** beginning _____.
- Attend appointments with your Case Manger Drug Treatment Court staff every two weeks beginning on:

  _____ at _____ AM / PM.
  Date Time

NOTE: It is your responsibility to schedule or cancel appointments. Rescheduling and/or cancelling an appointment must be done 24 hours in advance. Failure to attend scheduled appointments, without cancelling and rescheduling, will be subject to sanctions as agreed upon in your participant agreement.

If you have any questions, please call your Drug Court Case Manager at 269-983-7111 Extension 8451. If you are unable to speak to your Case Manager directly, please leave a message and he will return your call as soon as possible.

_____ _____

Participant's Signature Date

BERRIEN COUNTY DRUG TREATMENT COURT

PHASE II REQUIREMENTS

Stabilization (4 months)

During this Phase, participants are required to: ☐ Returned to Phase II on _____

- Submit to random, observed urine or other designated testing a minimum of three (3) times a week.
- Attend three (3) support group meetings a week.
- Attain 120 consecutive days drug and alcohol free, in addition to those obtained in Phase I.
- Attend all bi-weekly case management sessions (one every other week).
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend twice-monthly court review sessions (the first and third Wednesdays of every month).
- Remain in the courtroom until all graduations and Phase IV and III participant review hearings are completed.
- Maintain a healthy outside support person/sponsor/mentor.
- Engage in employment/educational/alternative programming.
- Establish a payment plan for program fees, court fines and costs and restitution (if necessary).
- Continue with treatment as directed.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.
- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.
- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

During this Phase, you must:

- **Call the Testing Hotline (269-982-8649), seven days a week, between the hours of 6:00 AM and 8:00 AM for drug testing information.**
- **Your color is _____.**
- **If your color is designated to test, you must take Valid and Current Photo Identification and $5.00 CASH to pay for your drug screen, exact amount only as no change will be given.**
- **Non-working participants must test between 6:00 AM – 12:00 PM and working participants between 6:00 AM – 9:00 PM**.
- **You must report to the following location for your drug test:** **KPEP**
  497 Wakunda Ave.
  Benton Harbor, MI 49022

- Attend 3 support group meetings a week and provide verification on a Meeting Log sheet.
- Continue to attend Drug Treatment Court the **first and third Wednesday of every month at 9:30 AM.**
- Attend appointments with the Drug Treatment Court staff every two weeks beginning on :

_____ at _____ AM / PM.
Date Time

NOTE: It is your responsibility to schedule or cancel appointments. Rescheduling and/or cancelling an appointment must be done 24 hours in advance or a no-show fee may be charged to you. Failure to attend scheduled appointments, without cancelling and rescheduling, will be subject to sanctions as agreed upon in your participant agreement and you may be charged a no-show fee.

If you have any questions, please call your Drug Court Case Manager. If you are unable to speak to your Case Manager directly, please leave a message and he/she will return you call as soon as possible.

_____ _____

Participant's Signature Date

BERRIEN COUNTY DRUG TREATMENT COURT

PHASE III REQUIREMENTS

Maintenance (4 months)

During this Phase, participants are required to: Returned to Phase III on _____

- Submit to random, observed urine or other designated testing a minimum of two (2) times a week.
- Attend two (2) support group meetings a week.
- Attain 120 consecutive days drug and alcohol free, in addition to those obtained in Phase I and II.
- Attend all monthly case management sessions.
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend court review sessions once a month (the first Wednesdays of every month).
- Remain in the courtroom until all graduations and Phase IV participant review hearings are completed.
- Maintain a healthy outside support person/sponsor/mentor.
- Obtain and/or complete high school or GED certification and provide documentation.
- Obtain employment/educational/alternative programming (minimum 30 hours week).
- Maintain payment plan for program fees, court fines and costs and restitution (if necessary).
- Continue with treatment as directed.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.
- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.
- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

During this Phase, you must:

- **Call the Testing Hotline (269-982-8649), seven days a week, between the hours of 6:00 AM and 8:00 AM for drug testing information.**
- **Your color is _____.**
- **If your color is designated to test, you must take Valid and Current Photo Identification and $5.00 CASH to pay for your drug screen, exact amount only as no change will be given.**
- **Non-working participants must test between 6:00 AM – 12:00 PM and working participants between 6:00 AM – 9:00 PM.**

- You must report to the following location for your drug test: **KPEP**
  497 Wakunda Ave.
  Benton Harbor, MI 49022

- Attend 3 support group meetings a week and provide verification on a Meeting Log sheet.

- Continue to attend Drug Treatment Court the **first Wednesday of every month at 9:30 AM**.

- Attend appointments with the Drug Treatment Court staff once a month beginning on :

  _____ at _____ AM / PM.
  Date Time

NOTE: It is your responsibility to schedule or cancel appointments. Rescheduling and/or cancelling an appointment must be done 24 hours in advance or a no-show fee may be charged to you. Failure to attend scheduled appointments, without cancelling and rescheduling, will be subject to sanctions as agreed upon in your participant agreement and you may be charged a no-show fee.

If you have any questions, please call your Drug Court Case Manager. If you are unable to speak to your Case Manager directly, please leave a message and he/she will return you call as soon as possible.

_____ _____

Participant's Signature Date

BERRIEN COUNTY DRUG TREATMENT COURT

PHASE IV REQUIREMENTS

Aftercare (6 months)

During this Phase, participants are required to:

- Submit to random, observed urine or other designated testing a minimum of one (1) time a week.
- Attend one (1) support group meetings a week, unless otherwise approved by the court or DTC Judge.
- Attain a minimum of 180 consecutive days drug and alcohol free, in addition to those obtained in Phases I, II AND III.
- Attend monthly case management appointments.
- If on probation, attend all in-person contact sessions with Probation Officer, as directed.
- Attend court review sessions once every other month (the first Wednesdays of every other month).
- Secure an approved stable housing arrangement.
- Complete financial obligations.
- Complete treatment with a written relapse prevention plan.
- Have no pending charges or probation/parole violations in any jurisdiction.
- Not live with someone who uses or sells drugs or abuses alcohol.
- Agree to follow and cooperate with all program rules.
- Obtain or be actively working toward a high school diploma or GED with written verification of the same.
- Obtain and keep a job with written verification of the same.
- Remain drug and alcohol free.
- Successfully complete substance abuse counseling with written verification of counseling attendance/completion.
- Pay for and complete random drug/alcohol testing as directed.
- Pay $5.00 for each drug test at the time and location that the test is administered.
- Pay $30.00 to the Drug Treatment Court for each positive test. Payment is due at the next scheduled court review hearing.
- Pay court fines, costs, fees, and restitution as imposed.
- Remain crime-free.
- Successfully complete all terms and conditions of probation and/or Deferred Judgment of Sentence.

During this Phase, you must:

- **Call the Testing Hotline (269-982-8649), seven days a week, between the hours of 6:00 AM and 8:00 AM for drug testing information.**
- **Your color is _____.**
- **If your color is designated to test, you must take Valid and Current Photo Identification and $5.00 CASH to pay for your drug screen, exact amount only as no change will be given.**
- **Non-working participants must test between 6:00 AM – 12:00 PM and working participants between 6:00 AM – 9:00 PM**.
- **You must report to the following location for your drug test:** **KPEP**
  497 Wakunda Ave.
  Benton Harbor, MI 49022
- Attend 2 support group meetings a week and provide verification on a Meeting Log sheet.

- Continue to attend Drug Treatment Court once every other month on the **first Wednesday of the month at 9:30 AM**.

- Attend appointments with the Drug Treatment Court staff once a month beginning on :

  _____ at _____ AM / PM.
  Date Time

NOTE: It is your responsibility to schedule or cancel appointments. Rescheduling and/or cancelling an appointment must be done 24 hours in advance or a no-show fee may be charged to you. Failure to attend scheduled appointments, without cancelling and rescheduling, will be subject to sanctions as agreed upon in your participant agreement and you may be charged a no-show fee.

If you have any questions, please call your Drug Court Case Manager. If you are unable to speak to your Case Manager directly, please leave a message and he/she will return you call as soon as possible.

_____ _____

Participant's Signature Date

BERRIEN COUNTY DRUG TREATMENT COURT

APPROVED MEDICATION LIST

The list below has examples of medications you are allowed to consume while participating in the Drug Treatment Court. **BEFORE consuming any type of medication that is not included on the Approved Medication List, you must get permission from your Case Manager.** If you have any questions, please contact your Case Manager at (269) 983-7111 Extension 8451.

Advil
Aleve
Alavert
Allegra
Amoxicillin
Anaprox
Antabuse
Aspirin
Bactrim
Bextra
Breonesin
Bufferin
Celexa
Cinobac
Claritin
Clozaril
Cogentin
Compazine
Covera
Cytoxan
Delsym
Depakote
Deprovera
Desyrel
Diflucan
Dolobid
Effexor
Eskalith
Flagyl
Flonase
Fluconazole
Haldol
Ibuprofen
Kaopectate
Lexapro
Lithonate
Lithotabs
Loratadine
Loxitane
Ludiomil
Maalox
Meclomen
Medrol
Mellaril
Metamucil
Metrogel
Metronidazole
Miacalcin
Milk of Magnesia
Monistat
Motrin
Mylanta
Naprosyn
Nardil
Navane
Neurontin
Norpramin
Norvasc
Novonidazol
Nuprin
Orthonovum
Orthotricyclen
Orthoxicol
Pamelor
Pamprin
Parnate
Paxil
Penicillin
Pepsid
Pepto-Bismol
Peridex
Previcid
Prilosec
Prolixin
Prozac
Risperdal
Serentil
Serzone
Stelazine
Stratera
Sudafed PE
Surmontil
Tavist- 1
Tegretol
Thorazine
Tofranil
Toradol
Triavil
Trilafon
Tylenol
Vick's Vapor Rub
Vioxx
Vivactil
Xalatan
Zoloft
Zyrtec

All antibiotics

BERRIEN COUNTY DRUG TREATMENT COURT

MEDICATION AND TAMPER CONTRACT

I, _____, have received and read the **Approved Medications List** detailing those medications that I may consume during my participation in the Drug Treatment Court.

MEDICATION POLICY

- I understand that I cannot consume medications that are not on the **Approved Medication List**.
- I understand that I must have permission from my Drug Treatment Court Case Manger or Probation Officer before consuming any medications.
- I agree to not consume any herbal products, vitamins, over-the-counter substances, poppy seeds or diet products.
- When seeking medication, I agree to advise medical personnel of my situation and the need to take non-narcotic, non-addictive, and non-mood-altering medication.
- I understand that if I fail to get permission from my Drug Treatment Court Case Manger or Probation Officer before consuming any unapproved medication, I may be sanctioned by the court.
- Listed below are the medications that I am currently taking that have been approved by the Drug Treatment Court Case Manger and/or Probation Officer:

Medication	Dosage	Prescribing Physician

TAMPER POLICY

- I understand that it is my responsibility to submit valid urine and/or other specimens on the date and time required by the Drug Treatment Court.
- I understand that the Drug Treatment Court has a **Zero Tolerance** policy for urine and/or other specimens that are reported as being possible tampers and may sanction me. I understand sanctions include incarceration.
- I understand that if I submit several specimens that are reported as tampers over a given period of time, I may be unsuccessfully discharged from the Drug Treatment Court.
- I understand that I will be assessed a $30.00 fee for each tamper.

I, _____ have read, understand and agree to abide by these policies or face possible sanctions up to and including discharge from the Berrien County Drug Treatment Court.

Participant's Signature _____ Date _____

Witnessed By _____ Date _____

is set to be active from 6am to 8am seven days a week. 982-8649

BERRIEN COUNTY DRUG TREATMENT COURT

The statement below is made as a direct result of the urine test given to me on _____ at:

☐ Kalamazoo Probation Enhancement Program (K-PEP)
497 Waukonda Ave
Benton Harbor, MI 49022

☐ Berrien County Courthouse
811 Port Street
St. Joseph, MI 49085

☐ Berrien County Health Department
769 Pipestone Road
Benton Harbor, MI 49022

☐ Berrien County Courthouse
1205 N. Front Street
Niles, MI 49120

ADMISSION OF DRUG USE

I, _____, do hereby admit that I used _____

_____

on or about the following date(s) _____, knowing that the substance was illegal or without proper medical authorization in the form of a valid prescription or physician's instructions.

This admission of drug use is made voluntarily and without threat or promise, and I understand that it can be used against me within the Berrien County Drug Treatment Court and any other court of law.

Participant's Signature _____ Date _____

Witnessed By _____ Date _____

REFUSAL OF ADMISSION OF DRUG USE

I, _____, acknowledge that I have tested positive for

_____ and do hereby refuse to sign an admission of use statement. I realize that my urine specimen may be sent to the Berrien County Health Department for further analysis and that I may be assessed $30.00 for this screening. A positive drug screening may result in sanctions, up to dismissal, from the Drug Treatment Court.

Participant's Signature _____ Date _____

Witnessed By _____ Date _____

BERRIEN COUNTY DRUG TREATMENT COURT

48 HOUR USAGE

Participant Name _____ Date of Collection_____
Time of Collection _____

The Drug Testing Program has been explained to me. My urine will be tested for one or more of the following substances: cocaine, amphetamine, methamphetamine, marijuana (THC), opiates, barbiturates, and alcohol. The results of the test will be shared with me and with those persons who I have signed a Consent to Disclose Confidential Information and Exchange of Information Release for.

Listed below are all of the medications, prescriptions or non-prescription, that I have taken in the last 48 hours and the date I took them.

Date	Medication	Date	Medication

The above listed medications were taken in the last 48 hours.

_____ _____ _____
Participant Signature Date Witness

THIS SECTION TO BE COMPLETED BY TESTING FACILTY STAFF

Substances to be tested for confirmation:

- ☐ Cocaine
- ☐ Amphetamine
- ☐ Methamphetamine
- ☐ Marijuana (THC)
- ☐ Opiates
- ☐ Barbiturates
- ☐ Alcohol
- ☐ Other _____

Chain of Custody

Date of Transportation _____

Time of Transportation _____

Name of Person Transporting _____ Signature _____

Berrien County Drug Treatment Court

SANCTIONS AND INCENTIVES
Phase I Sanctions

Revised 09152010

REQUIREMENT	CONSIDERATIONS	SANCTION
Positive Drug Test:	Admission of Use? Denial of Use? Marijuana?	**FIRST**= 3 days jail, 8 hours CS SECOND=5 days jail, 16 hours CS, Daily Support Group Meetings **THIRD**= 10 days jail, Daily Support Group Meetings **SUBSEQUENT**= A minimum of 30 days jail, Daily Support Group Meetings
Late Appointment	Was the defendant less than 15 minutes late?	8 hours of CS for each unexcused missed appointment
Chronic missed appointments or Chronic rescheduling (Chronic=4th unexcused missed appointment in any phase	None	8 hours of CS, add 4 hrs for each following, continued add jail Daily Reporting Electronic Monitoring Incarceration
Missed Support Group Meeting (example: AA/NA)	None	Graduated: 8 hours of CS, 30/30, 60/60, Phase demotion
Missed GED class	None	8 hours CS per class
Absconded from the DTC	Did the client turn him/herself into authorities? Are there new charges pending? What treatment options are left?	FIRST TIME: To be determined by DTC Team: 3-5 days in jail, Electronic Monitoring, Daily Reporting SECOND TIME: Discharge
New felony conviction for an offense that occurred after the defendant was admitted to the DTC	None	Per MCL 600.1074 (2) The Judge shall terminate the participant's participation in the DTC program.
Absconded from or unsuccessfully discharged from long-term treatment, inpatient treatment.	None	Jail, tether
Violation of court-ordered no contact	None	3 days jail
Violation of the Medication Contract	Is this the first violation? **Drug of Choice = Relapse**	Graduated CS: 8 hours, add 4 for each following, review by DTC Team for 2nd violation.
First tampered drug test		8 hours of CS 3 days jail
History of tampered drug test (4 or more)	Time frame Was there a positive or missed drug test between tampers	Progressive jail time Discharge from the DTC (eventually)
Tampering with drug test (i.e. using another person's urine)	None	Discharge from the DTC
Failure to submit drug test by designated cut off time if unemployed or not currently employed	Includes those who are laid off and on break from school. Out of labor force at discretion of case manager.	Missed drug test; 3 days jail
Missed Meeting or Missed Drug Test	Verifiable Emergency?	**FIRST** = Judge, PO notified, 3 days in jail, 8 hours CS, Additional Daily Drug Screens, Daily Support

		Group meetings **SECOND** = Notification and possible conference with Judge and PO, 5 days in jail, 16 hours CS, Daily reporting, Daily Support Group Meetings **THIRD AND SUBSEQUENT**= Show-cause, 3-20 days in jail, 24 hours CS, electronic monitoring, Daily Support Group Meetings
Late drug test	Was the defendant less than 15 minutes late?	Counseling, CS, day reporting, jail
Reported relapse (Reported relapse=notifying case manager within 24 hours and before drop line message has changed)	How many times? How close together? Increase Treatment/Support Group Meetings	Graduated sanctions: 1st=16 hours of CS 2nd= Jail 3rd=add jail at discretion
Unreported relapse - positive drug test	Admits after being confronted by DTC staff? Denies completely when confronted by DTC Team? Admits after being confronted by Judge? Denies completely when confronted by Judge?	3 days in jail if participant admits 6 days in jail if participant denies **Return to Phase 1 Guidelines**
Being in an establishment where the primary purpose is to dispense alcohol	None	16 hours of CS.
Lying behavior	Continues to deny when confronted with evidence that the client has been lying.	8 hours of CS, additional hours at discretion of Case Manager/Probation Officer
Lying in court	None	Minimum of 3 days in Jail
Late for Drug Court review hearing	None	8 hours CS
Missed court session	None	3 days in jail
Forged meeting or CS	None	3 days in jail
Failure to complete CS timely	None	Double CS with **no credit** for hours completed
Failure to report police contact	Severity of offense/police contact If the client is the victim there will be discretion to sanction or not sanction.	8 hours CS, up to in 3 days jail depending on the severity.
Misdemeanor conviction while in the program.	Circumstances (read police report)? Was there violence? Injury to victim? Repeated offense (is defendant on probation for the same charge or previous conviction for the same charge)?	Depending on severity may lead to: 8 hours CS, jail, tether, or unsuccessful discharge.
New felony while in the program (Must be bound over to Circuit Court)	None	Sanction to be determined by the DTC Team, may lead to Unsuccessful discharge.
Wearing Inappropriate attire to DTC events: Drug Screens, Court, Case Management and/or Probation appointments, etc.	None	Graduated sanctions: FIRST = verbal counseling SECOND = 8 hrs CS THIRD =add 8 hrs CS

Berrien County Drug Treatment Court

Phase II and III Sanctions

REQUIREMENT	CONSIDERATIONS	SANCTON
Working while in Phase II/III (allow 1 month to find employment)	Pregnant? (allow 6-8 weeks following delivery) Single parent?	16 hours CS biweekly Increase 4 hours CS each bi-monthly until either employed or CS is up to 30 hours per week Prorate CS if employed part-time
Missed appointment	None	8 hours of CS If in last month of participation, Phase II/III extended one month
Chronic missed appointments or Chronic rescheduling (Chronic=4th unexcused missed appointment in any phase	None	8 hours of CS, add 4 hrs for each following, continued add jail Return to Phase I Daily Reporting Electronic Monitoring Incarceration
Late to Drug Court session	None	8 hours CS
Tampered drug test		8 hours of CS, Phase I drug test for 4 weeks 3 days jail
1st Missed drug test	None	3 days jail, Phase I drug test for 4 weeks, and remain in program minimum 90 days following missed drug test
2 or more Missed drug test	None Follow "Admitted after Screen" for Phase II credit time	3 days in jail for each missed screen and returned to Phase I for 1-3 months
Failure to attend Support Group Meetings (missed 1-2 meetings during a reporting period)	None	Graduated: 8 hours of CS, 30/30, 60/60, Phase demotion
Failure to attend Support Group Meetings (missed 3 or more meetings during a reporting period)	None	90/90
Failure to pay restitution or DTC fees	Is the client working? Has the client experienced unusual financial problems? Other issues?	Court appearance and 8 hours of CS
Lying behavior	Continues to deny when confronted with evidence that the client has been lying.	3 days in jail, returned to Phase I
Forged meeting or CSW	None	7 days in jail, returned to Phase I

Berrien County Drug Treatment Court

Phase II and III Relapse Sanction Chart

Also applies to any violation causing a return to Phase I

Relapse is defined as: a positive test result or the admission of use of an alcoholic beverage and/or illegal substance, including un-approved prescribed medications.

CLEAN TIME IN PHASE II	ADMITTED PRIOR TO SCREEN (reported relapse)	ADMITTED AFTER SCREEN (unreported relapse)	DENIED USE
Less than 3 months	Start over	Start over	Start over
3-5 Months	Return to Phase I Credit for all Phase II time earned	Return to Phase I Credit for Phase II time earned beyond 3 months (ex: 5 mo = 2 mo credit)	Start over
6-8 Months	Return to Phase I Credit for all Phase II time earned	Return to Phase I Credit for Phase II time earned beyond 3 months (ex: 8 mo = 5 mo credit)	Start over
9 Months or more	Return to Phase I Phase II for 3 months	Return to Phase I 6 months credit towards Phase II	Start over

This chart was developed on treatment principles. The sanctions are directly related to the phase of treatment that the client is in. For instance, a client who has internalized the skills, knowledge, and behavior of recovery and wants to recover is more likely to admit the relapse. This client demonstrates that he is likely to recover more quickly than the client who denies the relapse even when presented with the evidence. The second client demonstrates a lack of internalized skills, knowledge, and behavior, as well as a lack of wanting to recover and is more likely to need further treatment and time in supervised recovery.

Other forms of Sanction include, but are not limited to:

- ¾ Housing
- Substance Abuse Testing Increased
- Community Service
- Court Appearances Increased
- Curfew Imposed
- Detention
- Home Detention
- Letter of Apology
- Victim Impact Panel
- Phase Demotion
- Phase Time Extended
- Probation Reporting Increased
- Residential Facility
- Sit in on Other Court Sessions
- Tether
- Verbal Warning
- Weekend Program
- Writing Assignment

BERRIEN COUNTY DRUG TREATMENT COURT

INCENTIVES

The Berrien County Drug Treatment Court may use the following as an incentive to congratulate and promote the continued success of participants:

- **Accolade Items.**
- **Free drug test(s).**
- **Change or alternation of probation term(s).**
- **Praise and congratulations in open court.**
- **Applause**
- **Books**
- **Bus Tokens**
- **Court Appearances Decreased**
- **Court Appearances Ended**
- **Curfew Extension**
- **Drug Testing Decreased**
- **Entry into Gift Drawing**
- **Early Graduation**
- **Early Dismissal from Court Review Hearing**
- **Gift Certificate**
- **Individualized Reward (favorite restaurant card, art supplies, ice cream coupon, etc.)**
- **Permission to Travel**
- **Phase Promotion**
- **Photo Taken with Judge**
- **Reporting Requirements Decreased**

BERRIEN COUNTY DRUG TREATMENT COURT

ZERO TOLERANCE CONTRACT

To avoid termination from the Berrien County Drug Treatment Court (DTC), I understand that I **must** comply with each and every program requirement imposed upon me by the Judge, my Case Manager, and Probation Officer and/or treatment provider for the remainder of my participation in the DTC.

These requirements include, but are not limited to the following:

1. Comply with **All Phase** requirements.
2. Attend all appointments with Case Manager and/or Probation Officer.
3. All drug tests must be negative for the presence of drugs/alcohol and tampers.
4. Obtain/maintain employment and/or an alternative program.
5. Attend all treatment sessions as required and provide appropriate documentation.
6. Attend all required support meetings.
7. Attend all required court review hearings.
8. Pay all program fees, court fines and costs and restitution (if necessary) accordingly.
9. Other: _____

_____

I understand this is the last opportunity I have to avoid a discharge from the Drug Treatment Court. I further understand that should I not fully comply with all program requirements imposed upon me for the remainder of my participation in the DTC, including but not limited to the above-mentioned requirements, I will be discharged from the program.

_____ _____
Signature of Participant Date

_____ _____
Signature of Case Manager Date

_____ _____
Signature of Probation Officer Date

Berrien County Drug Treatment Court

Maternity Leave

Maternity Leave is judicially granted permission for a participant to have altered DTC requirements for a specified time period due to the birth and care of a new baby. A participant who may require Maternity Leave must inform her Case Manager and/or Probation Officer as early in the program as possible.

All DTC participants who are on Maternity Leave must:

- Provide the Case Manager with written notification of admittance to and release from the hospital.
- Begin calling the DTC testing hotline the day after release from the hospital.
- Attend one support group meeting per week beginning the third week after delivery.

All DTC participants who are on Maternity Leave are:

- Exempt from productivity requirements (community service, employment, job applications) for six weeks.
- Exempt from court appearances for six weeks.
- Required to keep in contact at least once weekly with the DTC Case Manager.

Berrien County Drug Treatment Court

Daily Reporting Log

Name: _____

Date	Time IN	Time OUT	DTC Staff Signature	Notes

Berrien County Drug Treatment Court

Meeting Log

Name: _____

Date	AA or NA	Where	Topic	TIME IN	TIME OUT	Meeting Chairperson Signature

Phone Number

Berrien County Drug Treatment Court

Twice-Monthly Court Report

Date: _____

GRADUATING	TO BE DISCHARGED	ACCOLADES

EMPLOYED

TO BE JAILED

COMPLETED PHASE III

COMPLETED PHASE II

NEW PARTICIPANTS

OTHER

COMPLETED PHASE I

Certificate of Completion

Phase I

Presented to

Martin Price

Congratulations on the completion of Phase I of the Berrien County Drug Treatment Court.

August 10, 2010

Drug Treatment Court Case Manager	***Honorable Angela Pasula*** ***Drug Treatment Court Judge***

Certificate of Completion

Phase II

Presented to

Martin Price

Congratulations on the completion of Phase II of the Berrien County Drug Treatment Court.

August 10, 2010

Drug Treatment Court Case Manager	***Honorable Angela Pasula*** ***Drug Treatment Court Judge***

Certificate of Completion

Phase III

Presented to

Martin Price

Congratulations on the completion of Phase III of the Berrien County Drug Treatment Court.

August 10, 2010

Drug Treatment Court Case Manager	***Honorable Angela Pasula*** ***Drug Treatment Court Judge***

BERRIEN COUNTY DRUG TREATMENT COURT

PROGRAM DISCHARGE STATEMENT MCL 600.1076

Participant Name _____ Case Number _____

This court finds that the above named participant who is a

☐ **Deferred Judgment** ☐ **Drug Treatment Probation** participant *has:*

☐ **SUCCESSFULLY** *completed the Berrien County Drug Treatment Court.*

☐ **UNSUCCESSFULLY** *completed the Berrien County Drug Treatment Court and whose participation in the program has been terminated due to* _____

_____

_____.

_____ _____

Drug Treatment Court Judge Date

Certificate Of Graduation

Presented to:

Martin Schuster

In acknowledgment of overcoming adversity and
achieving life-changing goals and the successful completion
of the Berrien County Drug Treatment Court.

July 9th, 2010

Drug Treatment Court Case Manager

Honorable Angela Pasula
Drug Treatment Court Judge

BERRIEN COUNTY DRUG TREATMENT COURT

DRAFT
08102010

PARTICIPANT EXIT SURVEY

NAME:(optional)	
Age:	**Gender:** ☐ **Male** ☐ **Female**

1. What was your treatment history before entering into the DTC?

Please check the box that applies to you:

☐ I had never been in a treatment program before the DTC.
If you have <u>not</u> participated in a prior drug treatment program, please go to question #3.

☐ I had been in _____ treatment program(s) before entering the DTC. (N

Date of Program	Location	Did you complete the program?
_____	_____	☐ Yes ☐ No
_____	_____	☐ Yes ☐ No
_____	_____	☐ Yes ☐ No
_____	_____	☐ Yes ☐ No
_____	_____	☐ Yes ☐ No

2. What are the most important differences between your prior treatment program(s) and the DTC?

<u>Use the following rating scale:</u>

1 = very important
2 = somewhat important
3 = not important

_____ a Judge monitors my progress
_____ frequent court hearings to monitor my progress
_____ frequency of counseling sessions
_____ frequency of drug testing
_____ possibility of sanctions being imposed if I didn't comply with program requirements (i.e. jail time, community service, daily reporting)
_____ other (please explain)_____

3. What was the time between your arrest or probation violation and entry in to the DTC?

Please check one:

☐ 1 - 7 days
☐ 8 - 15 days
☐ 16 - 30 days
☐ 31 - 60 days
☐ more than 60 days

4. Please indicate, *by importance*, the reason(s) you entered in to the DTC.

Use the following rating scale:

1 = very important
2 = somewhat important
3 = not important

_____ chance to have my charge(s) dropped
_____ chance not to have to go to jail
_____ chance to get treatment for my drug problems
_____ chance to get a job
_____ chance to get back with my family
_____ other (please explain):_____

5. If I had not participated in the DTC, I believe I would have received the following:

☐ Circuit Court Probation
☐ Jail (approximate days/months) _____ Days _____ Months
☐ Prison (approximate days/months) _____ Days _____ Months
☐ Other _____

6. During Phase I, please indicate how often you were tested for drugs?

☐ daily
☐ Monday through Friday
☐ three times per week
☐ two times per week
☐ weekly
☐ other (please explain):_____

7. How frequently do you feel you needed to be drug tested?

☐ daily
☐ Monday through Friday
☐ three times per week
☐ two times per week
☐ weekly
☐ other (please explain):_____

8. Please rate the aspects of the DTC that you feel most importantly assisted you in completing the program.

Use the following rating scale:

1 = very important
2 = somewhat important
3 = not important

_____ The fact that I entered the program immediately after my arrest.
_____ The opportunity to talk over progress and problems with the Judge.
_____ The frequency and content of treatment sessions.
_____ The frequency of drug testing.
_____ The possibility of sanctions (jail time, community service, daily reporting)
_____ The assistance with education and/or job opportunities.
_____ other (please explain):_____

9. Do you think you would have succeeded with the DTC if:

	YES	NO	NO OPINION
The program provided drug testing and court status hearings but *no treatment.*	☐	☐	☐
You appeared before a Judge *less* frequently.	☐	☐	☐
You appeared before a Judge *more* frequently.	☐	☐	☐
You appeared before *different* Judges rather than the *same* Judge.	☐	☐	☐
You didn't appear before *a* Judge at all.	☐	☐	☐

10. How many months did it take you to complete the DTC? _____ months

11. I believe this time period is:

☐ just right
☐ should be shortened to _____ months
☐ should be lengthened to _____ months

12. Please indicate any suggestions you have which could make the DTC program more effective.

_____

_____

_____

_____

Thank you for completing this survey. Your contributions will help the DTC Team to analyze the program for enhancement and improvements.

Please use the next page to write a letter either to the victim of your crime or in the case of drug possession or other substance abuse cases, an open letter to the community or DTC Team. Some people wish to thank family, friends, AA/NA, treatment providers, etc. If you just want to write down some thoughts about your recovery instead of a letter, please do so. Please turn the completed survey into the DTC Case Manager.

Thank you,

The Berrien County Drug Treatment Court Team

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ADDENDUM

DTC Case Manager Section

1. Compared to the intake COMPAS score, this participant's exit score was:

   ☐ HIGHER ☐ SAME ☐ LOWER

2. According to the participant, their communication with their family was:

   ☐ BETTER ☐ SAME ☐ WORSE

3. At the time of graduation, this participant was:

   ☐ EMPLOYED F/T ☐ SCHOOL F/T ☐ EMPLOYED/SCHOOL/F/T

   If this requirement was waived, please explain:

   _____

4. Participant information

   Name: _____

   Street: _____

   City/State/Zip: _____

   Phone: _____

5. This participant's graduation date:_____

   The six-month follow up date is:_____

   The one-year follow up date is: _____

DRAFT
07262010

BERRIEN COUNTY DRUG TREATMENT COURT

VISITOR CONFIDENTIALITY AGREEMENT

I understand that I have been invited to observe the Berrien County Drug Treatment Court.

During my visit, I may view confidential meetings, pre-planning and/or planning sessions. As a condition of attendance, I understand and agree to the following:

- All discussions, reports, or information I become privy to is completely confidential and may not be disclosed.

- At no time will I discuss or convey, by any means, any participant information I may have heard, read, or observed from the Berrien County Drug Treatment Court.

Should I be provided a copy of any documentation, including but not limited to the Twice-Monthly Reports, it will be returned to a Drug Treatment Court Team member in its entirety at the end of my visit.

Signature _____ Date _____

Printed Name _____

Organization Name _____

Address _____

_____

Phone _____

E-Mail _____

8/30/2010

DTC PARTICIPANT FEES

	DTC WITH DRUG COURT DEFENSE	DTC WITHOUT DRUG COURT DEFENSE	DEFERRED JUDGMENT WITH DRUG COURT DEFENSE	DEFERRED JUDGMENT WITHOUT DRUG COURT DEFENSE	TYPICAL CASE WITH DRUG COURT DEFENSE	TYPICAL CASE WITHOUT DRUG COURT DEFENSE
FEES PAID TO COURT						
FINES	$50	$50	$50	$50	$400	$400
COSTS	$500	$500	$400	$400	$1,000	$1,000
	$100 Screen/$400 Trtmt.Reimb.	$100 Screen/$400 Trtmt.Reimb.	$400 Trtmt.Reimb.	$400 Trtmt.Reimb.		
STATE COSTS	$68	$68			$68	$68
VICTIM RIGHTS	$60	$60			$60	$60
ATTORNEY	$300		$300		$300	
SUPERVISION	$150	$150	$150	$150	$150	$150
	($10 X 15 months)	($10 X 15 months)	($10 X 15 months)	($10 X 15 months)	($10 X 15 months)	($10 X 15 months)
SUB-TOTAL	$1,128	$828	$900	$600	$1,978	$1,678
FEES PAID DIRECT TO TESTING FACILITY						
DRUG TESTING (approximate)	$580	$580	$580	$580		
TOTAL PROGRAM COST TO DEFENDANT	**$1,708**	**$1,408**	**$1,480**	**$1,180**	**$1,978**	**$1,678**

(Approximate based upon defendant being ordered to complete 116 drug tests at a cost of $5.00 each)