

**Howard County
Adult Drug Court Program**

PARTICIPANT MANUAL

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INTRODUCTION

The Howard County Superior Court I Adult Drug Court Program is committed to providing non-violent drug offenders access to intense treatment services in order to break the cycle of drug addiction and crime in Howard County. This manual will provide you with information about the Drug Court Program and what is expected of you as a participant. We encourage you to share this information with your attorney, family, friends, employer, or anyone else that is impacted by your participation in Drug Court Program. We look forward to working together as you begin the process of long term recovery!

SUMMARY

The Howard County Superior Court I Drug Court Program was implemented in February 2007 as an alternative to traditional case processing of drug offenders. The Drug Court Program targets the non-violent felony drug offender. It is a voluntary program in which eligible offenders participate in an intense, multi-phase treatment program, submit to frequent drug testing and attend 12 step meetings while under the supervision of the Drug Court Program judge and team. Participants must attend services for a minimum of twelve (12) months. Successful participants will have their charges dismissed.

The Drug Court Program is a docket within Howard Superior Court I. Judge William C. Menges, Jr. presides over the Drug Court Program. The administrative office

of the Drug Court Program in Room 216 in the Courthouse with the Superior Court I administrative office. The Drug Court Program sessions will be held each Wednesday.

MISSION STATEMENT

It is the Mission of the Howard Superior Court I Drug Court Program to diminish the likelihood of repeated criminal activity associated with substance abuse for the safety of the community and the strengthening of family values by promptly selecting and treating by intervention, education and referral, person who have violated the criminal laws of the State of Indiana and are likely candidates for rehabilitation.

FREQUENTLY ASKED QUESTIONS

What is the Howard County Superior Court I Adult Drug Court Program?

The Howard County Adult Drug Court Program is a sentencing withheld program involving a Judge, Prosecutor, Public Defender, Drug Court Program Administrator/Coordinator, Probation Officer, and Treatment Providers. The Drug Court Program allows eligible participants to avoid criminal prosecution by agreeing to complete a substance abuse treatment program, remain alcohol and drug free, and complete other program requirements as determined by the Drug Court Program Team. Participants must complete the Drug Court Program in its entirety and may not have any additional arrests during the course of the program.

Who is eligible for the Drug Court Program?

To be considered for Drug Court Program participation you must meet the eligibility criteria described in this manual. You must also complete an orientation with the public defender and orientation with the Drug Court Program staff. After legal, substance abuse, and clinical assessments, the Drug Court Program team will determine your eligibility for the Drug Court Program, and, if appropriate, offer you an invitation to participate in the Drug Court Program. Under IC 12-23-14.5, a person does not have a right to participate in Drug Court Program.

How long do I have to be in the Drug Court Program?

The Drug Court Program is a minimum of twelve (12) months in length, and can extend up to three (3) years, depending on the needs and progress of each participant. The program is divided in to four (4) separate phases. The Drug Court Program Team determines when you have successfully completed all the requirements within in each phase.

How much will it cost?

The statutory fee for participation is fifty dollars(\$50.00) per month. The fee will be assessed upon your acceptance in the Drug Court Program. A payment schedule will be developed with you during the program. All fees must be paid in full to graduate from the Drug Court Program.

Why should I participate?

Your participation in Drug Court Program is voluntary and you may discuss it with your family or lawyer before making the decision to participate. The benefits for participation include: becoming drug and alcohol free, education, job training, and benefiting from other community resources. Once you successfully complete the program, and graduate, the criminal charges against you will be dismissed.

What if I fail to complete the Drug Court Program requirements?

In order to participate in the Drug Court Program you must sign a plea agreement admitting guilt to your current charges. If you fail to complete the requirements, you will be terminated from the Drug Court Program and then you will be sentenced on your charges. Your attorney will discuss this with you in further detail.

What are my alternatives?

If you choose not participate, your case will be prosecuted in the usual manner.

ELIGIBILITY CRITERIA

The Howard County Superior Court I Adult Drug Court Program developed the Drug Court Program eligibility criteria in compliance with IC 12-23-14.5. Offenders

eligible for Drug Court Program are non-violent adult men and women (age 18 and older) who have been arrested and charged with any of the following offenses:

- Possession of a Controlled Substance,
- Possession of a Cocaine or Narcotic Drug,
- Possession of Marijuana, as a Class D Felony
- Theft,
- Attempting to Obtain a Controlled Substance by Fraud or Deceit,
- Forgery,
- Burglary,
- Prostitution, as a Class D Felony
- Possession of Paraphernalia, as a Class D Felony

In compliance with IC 12-23-14.5, Drug Court Program participants may not be charged with forcible felony as defined under IC 35-41-1-11.

Offenders must also meet the following criteria as established by the Drug Court Program Advisory Board:

- No Open Warrants
- No prior convictions for felony battery offenses, rape, child molestation, murder or confinement
- No charges pending in a county other than Howard
- No other pending charges excluded by the eligibility criteria

Other factors taken into consideration are:

- Willingness to comply with court ordered treatment services
- Ability to physically participate in treatment activities (within guidelines of the American Disabilities Act)
- Meeting clinical criteria for substance abuse or dependence
- Ability to pay the required fees and costs within the time frame of the program

DRUG COURT PROGRAM REQUIREMENTS

As a participant in the Drug Court Program, you must agree to comply with the following program requirements:

1. Attend all court sessions. Drug Court Program participants must report to the Court on a regular basis to discuss their progress in the program. Participants who are in compliance with the Drug Court Program requirements will receive recognition in Court and appropriate rewards as the Court deems fit. Participants not in compliance with the Drug Court Program requirements will receive sanctions. Sanctions may include increased group attendance or twelve step meetings, community service work, fines, jail stays, return to an earlier phase, or other appropriate activities. Court sessions are held weekly, bi-weekly, or monthly depending on the phase of Drug Court Program. You are required to attend all Court sessions as scheduled. Failure to report to Court may result in the court issuing a warrant for your arrest.

2. Attend all sessions with treatment provider. Attendance at treatment sessions is a requirement in order to successfully complete the Drug Court Program. If you miss a group session due to illness or a death in the family, you must provide the Court with documentation. Work conflicts, lack of transportation, or lack of childcare is not an acceptable reason for absence. All of your sessions are scheduled in advance in order that you will be able to make arrangements with your employer and arrange for childcare. It is recommended that you exchange phone numbers with other group members in case you need transportation to or from group sessions.

3. Attend self-help meetings. Self help meetings include Alcoholics Anonymous, Narcotics Anonymous, or Cocaine Anonymous. You may also attend other self-help meetings with approval from your Probation Officer. You must show documentation of meeting attendance to your Probation Officer and to the Court. You may attend these meetings in the evenings, weekends, or whatever time works best with your schedule (as long as you are in compliance with the Court's Order). You may obtain information for your Probation Officer or treatment counselor regarding meeting times and location.

4. Submit to random drug testing. Drug Court Program participants must submit to drug testing as ordered by the Court. Positive results will result in sanctions from the court. Failure to report for drug testing or drug screens that show evidence of tampering or dilution will be treated as a positive screen.

The Drug Court Program utilizes Avertest to provide the random drug screens. Participants will call Avertest(765-416-8080), daily, to get notification of their testing days.

5. Report to the Probation Officer/Drug Court Program Coordinator as instructed. Your Probation Officer/Drug Court Program Coordinator may provide you with information on group meetings, self-help meetings, employment opportunities, education programs, and other community resources. You must keep your Probation Officer/Drug Court Program Coordinator informed of any changes in your home address or employment. The contact information you provide to your Probation Officer/Drug Court Program Coordinator will be used to contact you in the event of changes in the

Court or group schedule. You should contact your Probation Officer/Drug Court Program Coordinator whenever you have questions about the Drug Court Program Requirements. You should contact your attorney regarding legal matters related to your participation in Drug Court Program or if you have a question about your case. The Drug Court Program office is located with the offices of Superior Court I, Room 216, on the 2nd floor of the Howard County Courthouse. Office hours are Monday-Friday, 8:00 A.M. – noon and 1:00 P.M. – 4:00 P.M..

6. Pay all fees associated with treatment services. Drug Court Program participants are expected to pay the costs associated with all treatment services. If you have concerns about your ability to pay for services, please discuss your concerns with your Probation Officer/Drug Court Program Coordinator, and/or Treatment Provider.

7. Sign the Drug Court Program participation agreement. The participation agreement is a legal document that you must sign in order to enter Drug Court Program. Your signature indicates that you understand and agree to all of the terms of Drug Court Program participation. You should review this document with your attorney. If you agree to participate in Drug Court Program, you and your attorney will submit the participation agreement to the Court for the Prosecutor's and the Judge's signature. If you are terminated from or withdraw from the Drug Court Program, you will be sentenced by the Trial Judge with the jurisdiction over your case. If you have questions about this process, contact your attorney.

8. Pay all fees associated with Drug screening services. Drug Court Program participants are expected to pay the costs associated with drug screening services. The fee schedule is as follows:

Phase I(one)-Drug Screens are provided at no cost to the participant.

Phase II(two)-Participants will pay \$5.00 per drug screen.

Phase III(three)-Participants will pay \$10.00 per drug screen.

Phase IV(four)-Participants will pay \$15.00 per drug screen.

PHASES OF DRUG COURT PROGRAM

Advancement from phase to phase is determined is based upon recommendations from the Drug Court Program Team. Participants must successfully complete all of the phases in order to be considered for graduation.

Phase I

1. Daily Contact with Probation Officer, Drug Court Program Coordinator, and/or Treatment Provider;
2. Follow all educational/occupational recommendations and the related program requirements;
3. Follow all housing and associate recommendations;
4. Submit to urinalysis screening minimally twice per week, as directed;
5. Follow all treatment recommendations;
6. Attend Self-help meetings as ordered; and
7. Attend Weekly Court Sessions.

Phase II

1. Successfully complete Phase I;
2. Contact with Probation Officer or Drug Court Program Coordinator at random intervals, with at least three contacts per week;
3. Follow all educational/occupational recommendations and the related program requirements;
4. Follow all housing and associate recommendations;
5. Submit to urinalysis screening minimally twice per week, as directed;
6. Follow all treatment recommendations;
7. Attend Self-help meetings as ordered; and
8. Attend Bi-Weekly Court Sessions.

Phase III

1. Successfully complete Phase II;
2. Contact with Probation Officer or Drug Court Program Coordinator at random intervals, with one contact per week;
3. Follow all educational/occupational recommendations and the related program requirements;
4. Follow all housing and associate recommendations;
5. Submit to urinalysis screening minimally twice per week, as directed;

6. Follow all treatment recommendations;
7. Attend Self-help meetings as ordered; and
8. Attend Monthly Court Sessions.

Phase IV

1. Successfully complete Phase III;
2. *Appearance at three month review and graduation, after a minimum participation period of twelve (12) months:*
3. Random contact with Probation Officer, to occur not less than two (2) times per month;
4. Weekly collateral contact with educational program or employer;
and
5. Perform urinalysis screening as needed.

Graduation

1. Successfully complete Phase IV;
2. Weekly contact with Probation Officer or Drug Court Program Coordinator;
3. Submit to urinalysis screening as requested;
4. Attend three month Court Review and Graduation.

Participants who complete all Drug Court Program requirements will graduate and have their charges dismissed.

SANCTIONS AND INCENTIVES

Sanctions are the imposition of a consequence, perceived as negative by the receiver, as a direct result of a prohibited activity. Incentives are responses to compliance, perceived as

positive, by the receiver. At each court review hearing, participants may be subject to sanctions or incentives based on their performance and program compliance for the reporting period. Both compliant and noncompliant behaviors may be addressed with incentives and sanctions ordered to reinforce the participants' choices and behaviors. The noncompliant behaviors, that are proximal behaviors, receive more severe sanctions. When ordering Sanctions, the judge considers the number of previous sanctions, the participant's current phase level, and the participant's attitude and admittance of the behavior. Sanctions are intended for immediate imposition and should be graduated per episode of non-compliance. Incentives are awarded to recognize participants for their efforts in recovery and to reinforce their positive behaviors. Incentives are granted on an as-earned basis.

The table below outlines the schedule of responses to a variety of behaviors. The judge may choose any of the below listed incentives or sanctions after considering an individual's behavior and case history.

RESPONSES TO BEHAVIOR	
ACHIEVEMENTS	INCENTIVES
<ul style="list-style-type: none"> ▪ Attending all court appearances ▪ Negative drug test results for period of time ▪ Attendance and participation in treatment ▪ Attendance and participation in support meetings ▪ Completion of GED ▪ College enrollment and attendance ▪ Job promotion ▪ Compliance with treatment/supervision plan ▪ Voluntary Speaking Engagements ▪ Artwork, Essays, Journals ▪ Phase Advancement 	<ul style="list-style-type: none"> ▪ Recognition and Praise by the Judge ▪ Courtroom recognition ▪ Certificates of achievement ▪ Movie/Event tickets or gift cards ▪ Reduction in Fines and Costs ▪ Phase advancement ▪ Voucher Assistance ▪ #1 on Docket of Choice ▪ Haircut/manicure/pedicure ▪ Food /Grab Box
CHOICES	SANCTIONS
<ul style="list-style-type: none"> ▪ Missed court appearances ▪ Missed appointment with probation officer ▪ Missed support meetings ▪ Violation of court order ▪ Positive drug test ▪ Missed drug test (considered a positive drug test) ▪ Tampered drug test ▪ Missed treatment ▪ Inappropriate behavior at treatment facility ▪ New DUI or felony conviction ▪ Driving while license suspended/revoked ▪ Failure to perform sanctions 	<ul style="list-style-type: none"> ▪ Reprimand from the Judge ▪ Increased court appearances ▪ Increased drug testing ▪ 30 support meetings in 30 days ▪ Day Reporting ▪ Curfew Imposed ▪ Increase Probation Office Visits ▪ Additional community service hours ▪ Essay presented to Judge or gallery ▪ Area/Association Restriction ▪ Placement on GPS ▪ Sentence to Jail

<ul style="list-style-type: none"> ▪ Noncompliance with treatment plan ▪ Dishonesty 	<ul style="list-style-type: none"> ▪ Delay in Phase change or regress to a prior Phase ▪ Termination from Program
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DRUG COURT PROGRAM CONTACT LIST:

William C. Menges, Jr., Judge

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765-868-2746

Treatment services are currently provided by:

- **Howard Regional Health System, Behavioral Health**
- **St. Joseph Hospital, Trinity**

Drug Screening Services provided by:

- **Avertest-(765)416-8080**