

Notes

51st District Court

Sobriety Court Handbook



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<http://www.waterfordmi.gov/court>

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51st SOBRIETY COURT AGREEMENT

WHEREAS, the purpose of Sobriety Court is to provide assistance to me in an effort to address my substance abuse problem; and,
WHEREAS, a great deal of time, effort and money will be expended solely for my benefit; and,
WHEREAS, the Sobriety Court is a treatment-based non-adversarial process designed to enhance efforts at rehabilitation; and,
WHEREAS, I have been offered and have accepted the opportunity to participate in this innovative approach at treating substance abuse problems.

I HEREBY VOLUNTARILY AGREE TO THE FOLLOWING:

1. To attend and complete any treatment program, including support group meetings, that I am referred to by the court, and to be supervised by persons designated by the Court. I will obey all rules of the treatment program and pay all required fees.
2. To submit to random urine and breathalyzer testing at the request of the court.
3. To appear for any and all court dates, treatment meetings or other scheduled appointments as ordered by the court and I will be on time.
4. I will be rewarded for having done well in the program, given different levels of the program to achieve and strive for and other incentives.
5. To comply with my probation order, and pay all fees or fines in a timely manner.
6. I agree to keep the court & treatment providers informed of my current address and phone number(s), and to report any change within two (2) days.
7. I am not to use or possess alcohol or any mood-altering substance while participating in the program. Furthermore, I understand that I must have prior permission from court staff before consuming medication.
8. The Court may impose intermediate sanctions for non-compliance with requirements of the program.
9. That these intermediate sanctions may include placement in the Oakland County Jail or other detention.
10. That I hereby waive the requirement of the filing of an Order To Show Cause before the court can impose any intermediate sanctions.
11. As a condition of this waiver, the court agrees that it shall not impose any intermediate consequences in excess of that allowed by law for a contempt of court sentence.
12. I have discussed this with my attorney and fully understand this waiver and freely and voluntarily agree to the terms contained herein.
13. I agree to the terms set by the Sobriety Court, and understand that if I do not follow the Sobriety Court rules, I will be removed from the program. I have received a copy of this document and agree to its terms and conditions. I also understand that full compliance may result in the early termination of my probation.

51st District Court
 5100 Civic Center Drive
 Waterford, MI 48329
Court Telephone Number:
 248-674-4655
Probation Telephone Number:
 248-618-7647

control systems. The BAIID measures the driver's bodily alcohol content [BAC], and keeps the vehicle from starting if the operator's BAC is .025 or higher.

The State of Michigan does not regulate the cost of BAIIDs. However, the law does limit the amount that can be charged to low income persons to a maximum of \$2.00 per day. To qualify for this reduced fee, your gross income for the previous tax year must be less than 150% of the current poverty guidelines of the United States Secretary of Health and Human Services. A copy of the Michigan state income tax form you filed for the previous year will be required to verify your gross income. Contact your BAIID vendor for more details to determine if you qualify for the reduced fee.

Summary

Probation is a privilege, not a right. It is your responsibility to make sure that you are in full compliance with the terms and conditions of your probation. You will find it useful to visit the Court's website located at the bottom of this page to find immediate answers to many of your probation questions, 24 hours a day, including:

- What to do about missed PBTs, drug tests or ETGs
- What to do about a missed probation appointment
- Links to referrals and travel requests
- A "Court Docket" link to look up your next court or review date

<http://www.waterfordmi.gov/court>

Mission Statement of Sobriety Court

It is the mission of the 51st District Court's Sobriety Court to promote recovery and enhance the life skills of our program's participants. Through a coordinated response, offenders dependent on alcohol and other drugs are linked to services geared to help them overcome substance abuse and in turn reduce the incidence of subsequent offenses.

Entry into Sobriety Court

At the time of plea or conviction, the Judge will refer prospective participants to probation where they will complete a screening and assessment and presentence investigation. Potential Sobriety Court participants: 1) must have a current misdemeanor offense and present as high risk and high need on the screening and assessment and demonstrate need for the enhanced supervision of a drug court model, 2) must not have a criminal history that includes a felony conviction for a violent crime, and 3) must demonstrate a willingness to take the first step towards committing to recovery and the program; OR, alternatively, must be charged with a second offense of operating while intoxicated and/or impaired.

To be considered for Sobriety Court, each prospective candidate must sign a Sobriety Court Agreement (*a copy of which is on the back of this booklet*) and submit to screening and assessment by a member of our probation department. You will then complete the necessary assessments and participate in a psycho-social interview.

The results of this process will determine whether or not program placement is appropriate and determine the initial treatment plan and probation terms which will be required of you.

Michigan Court Rule 1.110 Collection of Fines and Costs

Pursuant to Court Rule 1.110: Fines, costs and other financial obligations imposed by the court must be paid at the time of assessment, except when the court allows otherwise, for good cause shown. Payment plans may be authorized, as deemed necessary, with judicial approval. Failure to comply with a payment plan may lead to or result in a wage assignment or income withholding. Questions regarding payment plans should be directed to the program coordinator at 248-618-7643.

Sentencing

At sentencing, you will receive your orders for Sobriety Court both verbally from the Judge and in writing. You will receive referrals for drug and alcohol testing, treatment and support groups. **Probation begins the day you are sentenced.** Accordingly, make sure to read through all of your paperwork, **begin testing immediately and call the recommended treatment provider on your referral form within 24 hours of sentencing and schedule the first available intake appointment.**

Terms of Probation Appointment

You are required to appear at the 51st District Court a week after sentencing. At this “terms” appointment with the program coordinator, you will go over all terms and conditions of your probation and will be given more information about community service and other probation requirements. If you are having any problems or have any questions about your referrals, the program coordinator will be able to help you. The coordinator will be verifying that you have scheduled, and are appearing at, the counseling and drug testing agencies to which you were referred. You will be given your first appointment with your probation officer at this meeting, but you may contact your assigned probation officer at anytime.

The Sobriety Court Team

Our Sobriety Court team consists of our Judges, Probation Officers, Program Coordinator, Defense Counsel, Prosecutor and Treatment Providers. Each case is reviewed on a regular basis by the team members prior to Review Hearings.

Probation Appointments and Review Hearings

Probation Appointments: Participants are expected to report to their Probation Officer on the date and time scheduled. **Be sure to bring all of your log sheets and any other important paperwork to this meeting.**

Missing a probation appointment will lead to a sanction.

Review Hearings: At your review hearing, you will appear before the Judge to discuss your probation status. The Judge will review your progress and determine what rewards, sanctions or adjustments may be appropriate.

Phase 4

- Minimum 90 days in the phase
- Minimum 90 days sobriety/60 days without sanction to graduate
- Every other month review hearings
- Once/month probation appointments
- Treatment compliance/completion
- Attend support group meetings as ordered
- Finish any remaining community service
- Graduation application, final essay and exit survey
- Pay in full

Minimum of 15 months probation for 1st offense;

Minimum of 18 months probation for 2nd offense;

Minimum of 24 months probation for 3rd offense or subsequent offense;

Maximum term of probation for all cases is 24 months.

Final Essay

Summarize your Sobriety Court experience:

- What are three positive experiences or changes you have achieved during your time in the program?
- List challenges you have faced and handled differently because of what you learned while in the program.
- What changes have you made in yourself that will help allow you to maintain long term recovery?
- Tell us in what ways you are stronger now than you were upon entering our program.
- What does the future have in store for you?
- Is there anything you would add, delete or change to improve our Sobriety Court program?

Other Pertinent Information

Secretary of State Mandated Ignition Interlock

If you have been convicted of a second offense of operating while intoxicated/impaired or a High BAC charge, after the minimum period of revocation/denial, you may be eligible for a restricted driver's license provided you have an alcohol interlock or a breath alcohol analyzer (BALID) connected to your motor vehicle's ignition and other

Phase 1

- Minimum 30 days in the phase
- Minimum 14 days sobriety/14 days without sanction to move to Phase 2
- Twice/month review hearings
- Twice/month probation appointments
- Present entry essay
- Attend at least 1 support group orientation (Warming House meeting)
- Attend treatment intake
- Must be clean from alcohol, drugs, and Rx (or present specific short-term plan to get off Rx and/or attend evaluation with a psychiatrist)

Phase 2

- Minimum 90 days in the phase
- Minimum 30 days sobriety/30 days without sanction to move to Phase 3
- Twice/month review hearings
- Twice/month probation appointments
- Treatment compliance
- Attend support group meetings as ordered
- Complete at least 50 hours community service to move to Phase 3
- Payment compliance or plan

Phase 3

- Minimum 90 days in the phase
- Minimum 60 days sobriety/60 days without sanction to move to Phase 4
- Once/month review hearings
- Once/month probation appointments
- Treatment compliance
- Attend support group meetings as ordered
- Complete at least 50 more hours community service to move to Phase 4 (if applicable)
- Complete other terms (VIP, ARM, etc.)
- Payment compliance or plan

First Review: All participants will be required to read an essay at their first Review Hearing. A minimum of 150 words describing your personal history prior to entrance into Sobriety Court is required to be presented to the Judge. The essay should discuss:

- Your personal history before entering Sobriety Court: Alcohol and drug use, family, education, health (physical and mental).
- Your outlook on life today.
- 3 goals you would like to achieve during your probation term.
- 3 strengths that will help you achieve these goals.
- 3 people currently in your life who have a positive influence.
- 3 negative influences (things, people, behaviors) in your life currently.

Graduated Sanctions

Please be advised that probation is a privilege and not a right, and that any violation of an order of the Court could result in incarceration.

Sobriety Court is an accountability-based program. If you fail to attend a counseling session, have a positive, missed, late, dilute, adulterated, tampered-with alcohol or drug test, fail to appear for a probation appointment, review hearing or any of your court ordered obligations, you will be sanctioned. The sanctions are graduated in that they tend to start out smaller and get increasingly harsh as non-compliance continues.

All sanctions must be completed by a deadline determined at your hearing. Failure to complete a sanction is considered a further violation and will also be sanctioned.

Mandatory Jail Sanctions

- Forgery of any document, e.g., PBT logs, support group logs, community service documentation
- Any new conviction for a felony and/or serious misdemeanor during the term of probation
- Failing to appear for court review resulting in a bench warrant

Program Requirements

Treatment: Based upon your screening and assessment, you will be referred to and be required to participate in substance abuse and/or mental health services. Each treatment plan is individually tailored to each participant and, at the beginning of the program, will require multiple sessions a week or even residential treatment.

Failure to report for treatment without prior approval from the Judge, or a documented emergency, will result in a sanction.

Community Service: Community service is generally a requirement of Sobriety Court. Each "day" of community service is equal to 5 hours. The Court expects that you will complete your community service within Waterford Township and the court's supervised program. In order to help you accomplish this requirement, there are several Court ordered community service shifts available to sign up for. Additional information about community service shifts can be found on the Court's website:

<http://www.waterfordmi.gov/court>

You must report for the community service shift that you have registered for. Please be advised that community service is not operational on Court holidays or during extreme weather. If you show up for community service, but bad weather conditions make it impossible to work, you will not get credit for showing up that day.

Community service issued as a sanction must be completed as directed by the Court.

Drug and Alcohol Testing: In Sobriety Court, you must maintain and document your sobriety. You will be required to submit to alcohol and drug testing by 9:00 a.m. A late, missed, dilute, adulterated, tampered-with or positive PBT, ETG or drug screen is considered a positive result, will result in a sanction, and may restart your days of sobriety.

Helpful hint: Do not smoke, eat, use mouthwash, chew gum, etc. fifteen minutes prior to taking a PBT as such actions could result in a false reading. All initial positive results will be verified after a 15 minute observation period. PBT readings that do not clear after this fifteen minute period will be sanctioned.

A condition of your probation is NO USE OF ALCOHOL. This includes any products that contain alcohol, such as Nyquil and other cough syrups. The bottom line is: you are responsible for what you put in your body. If you choose to consume these products, you are violating the Court's order and will be sanctioned.

Your Probation Officer will refer you to a local agency for drug and alcohol testing. All testing must be administered by 9:00 a.m. It is your responsibility to maintain records verifying all of your court ordered testing. You are responsible for complying with the terms and conditions of the testing device for which you are assigned.

Helpful Hint: If a urinalysis comes back as positive and you did not ingest any drugs, it is your obligation to send the test out, at your cost, for lab confirmation. If you have a late/missed PBT, you may choose to take an EtG at your cost which, if negative, may lessen your sanction. **THIS DOES NOT APPLY TO POSITIVE PBTs.**

Prescription Medications

Sobriety Court is an individually based treatment court program and narcotic-based and/or addictive medications are not permitted, including medical marijuana. A reduction plan shall be made with your doctor's assistance, and submitted to the Court in writing, with the goal of abstinence from narcotic-based and/or addictive medications. You must resubmit a new plan any time a change to the plan is made.

Sobriety Court Program Phases

At the beginning of Sobriety Court, all participants are expected to:

- Immediately engage in court ordered testing and adhere to schedule.
- Complete counseling intake assessment and bring treatment plan summary to Probation Officer.
- Report for probation terms appointment and set up payment agreement.
- Report for 1st Review Hearing and present entrance essay and acknowledge an understanding of the rules and expectations of the Sobriety Court Program.