

**LEWIS**

**COUNTY COURT**

**DRUG COURT**



**CLIENT**

**HANDBOOK**

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## INTRODUCTION

Welcome to the Lewis County Drug Court Program. You have been offered this program due to your conviction for a crime that is alcohol or drug- related which identifies you as a person with a chemical abuse problem. This **voluntary** program has been developed to help people get off drugs and alcohol and to stay off them. It is for those people who recognize that they have a problem with alcohol and/or drugs and want a better life for themselves and their loved ones. While the Judge, the Drug Court Coordinator, the counselors are here to assist you, *you must be motivated* to make a change and to commit to a drug/alcohol free life.

This handbook is designed to answer questions, address concerns and provide general information about Drug Court. This program requires a commitment for a **minimum** of 12 months. During this time you will be on probation and closely supervised. You are also required to abide by the Drug Court's rules. Complying with the program and successfully graduating from Drug Court will mean that you receive the lesser sentences negotiated by your attorney, the District Attorney and approved by the County Court Judge. Your attorney will explain specifically how this applies to your case.

It is important that you understand what is expected of you, as this is a long-term commitment. You will be expected to attend treatment as well as self-help groups. You will also make regular court appearances and will be required to submit to frequent, random, drug and alcohol tests.

Once you have decided to enter the program, you will be asked to sign a contract that outlines in detail what is expected of you and what you can expect from the court. Your attorney or the Drug Court Coordinator will review the contract with you. You will then begin the program which takes place in three phases. If you do well in the program, you will move on to the next phase. The next section will outline the three phases, what is

required in each phase, and how you can move on to the next phase.

Recovery  
is a process,  
not  
an event!!

## **DESCRIPTION OF PHASES**

The following are requirements for  
Phase I:

- 1) You will receive a substance abuse evaluation and agree to attend any and all recommended treatment.
- 2) You will become actively involved in group and individual counseling. This means attending all scheduled treatment sessions, and participating fully in these sessions.
- 3) You will appear in court at least once per week.
- 4) You will not use or possess alcohol or drugs.
- 5) You will comply with all scheduled and random breathalyzer and urine tests with a minimum of 2 tests per week.
- 6) You will attend at least 2 self-help/support group meetings per week (examples: AA, NA, SMART Recovery, S.O.S.)
- 7) You will obtain a sponsor/mentor who will likely be a recovering addict/alcoholic.
- 8) You will arrange payment of any fines, fees and restitution.
- 9) You will cooperate fully with the Drug Court Coordinator, your counselor and/or probation officer, including allowing any and all home visits.

If you successfully do all the above and stay clean for at least four (4) months and if you have the approval of the Drug Court Team you will be moved to Phase II.

The following are requirements of  
Phase II:

- 1) You will continue in group and individual treatment sessions and will follow through with your treatment plan.
- 2) You will have a minimum of 160 days of treatment compliance.
- 3) You will meet with the Drug Court Coordinator and/or your probation officer at least 1 time per week and continue to cooperate with any home visits.
- 4) You will continue to abstain from alcohol and drugs and will submit to random breathalyzer and urine tests which will take place at least 2 times per week.
- 5) You will attend at least 3 self-help/support groups per week and will continue with a sponsor/mentor.
- 6) You will become engaged in vocational and/or educational training, and will be employed or actively seeking gainful employment.

If you successfully do the above, have had no sanctions or punishment for at least ninety (90) consecutive days with no serious sanctions and have the approval of the Drug Court Team, you will be moved to Phase III.



The following are requirements of  
Phase III:

- 1) You will continue to abstain from alcohol and drugs and will submit to random breathalyzer and urine tests which will take place a minimum of once per week.
- 2) You will attend treatment sessions at least 1 time per week and will have stayed clean for at least 120 consecutive days.
- 3) You will appear in court at least 1 time per month.
- 4) You will attend at least 3 self-help/support groups per week.
- 5) You will make restitution and meet all court obligations.
- 6) You will be employed and/or continuing in an educational/training program.
- 7) You will continue to cooperate with all home visits by Drug Court personnel.

If you do all of the above and you have the approval of the Drug Court Team, you will successfully complete Phase III and will graduate from the Drug Court Program.

## **GENERAL GUIDELINES**

You are expected to comply with treatment and court requirements throughout your participation in this program. Failure to do so will result in **sanctions** and possible **termination** from the program. Here are some, but not all, examples of non-compliance:

- Using drugs and/or alcohol
- Missing or being late for court appearances
- Missing or being late for treatment sessions (both individual and group)
- Not cooperating/participating fully in treatment sessions
- Refusing to submit to urine or breath testing
- Attempting to alter urine tests (this includes taking “urine cleaning” substances, mixing substances with your urine, attempting to use another person’s urine, as well as other methods to try to “trick” the test)
- Missing appointments with your probation officer and/or the Drug Court Coordinator
- Not attending self-help/support group meetings
- Committing crimes/getting arrested
- Act of violence (this will result in immediate termination from the program)

To assist in monitoring compliance with treatment and court requirements your name will be provided to local police agencies informing them of your participation in Lewis County Drug Court.

Your violation of the rules of the program will result in **sanctions** which could include, but are not limited to:

- Being placed in jail for up to 30 days
- Electronic monitoring (home-detention)
- Increased court appearances
- Increased treatment intensity, including inpatient treatment and/or placement at a halfway house or residential treatment facility
- Increase urine/breath testing
- Community Service or work programs
- Being dropped back to a lower phase
- Writing essays for the court
- Increasing the length of your Drug Court Participation
- Being placed in a 'penalty box' in court

Serious non-compliance and/or repeated violations of program rules will result in termination from the program, and a return to court for sentencing on your felony charge.

## COMMONLY ASKED QUESTIONS

### 1) What happens when I go to court?

Drug Court is different from a traditional court. You should expect to be urine and breath tested each time you come to court. You should also be prepared to discuss with the judge how you are doing in treatment as well as other parts of your life. If you are doing well, you can expect praise and possible advancement in the program. If you are not doing well, and/or if you are drinking/using, you should be prepared to explain yourself to the judge and you should also expect sanctions.

### 2) Will being honest about using drugs result in a new charge?

No. Positive urine/breath tests and/or admitting to using can and will be used in court for sanctions, new treatment recommendations and to determine your future in Drug Court. However, there will not be any new charges brought against you.

You are highly encouraged to be honest about any use. Using drugs/alcohol while in the program is a serious violation. However it does not necessarily mean that you will be terminated from the program. Both the court and the treatment staff understand that relapses can and will happen while people are making attempts at recovery.

**Honesty and taking responsibility for your actions are large parts of recovery from addiction.**

### 3) What about taking prescribed or over the counter drugs?

Taking over the counter drugs that contain alcohol or any other mood altering substances is forbidden (examples include diet pills, Sudafed and Nyquil). You should read the label completely before taking any over the counter drug. If you are not sure of the contents, or if you have any questions about the drug, you should ask the store's pharmacist or your treatment counselor ***before you take the drug.***

You are allowed to take prescribed medication on condition that you:

- 1) Tell the doctor who prescribes the medication that you are in a drug/alcohol rehabilitation program,

2) Tell your counselor and the court what medications you are taking, and

3) Sign a release of information so that your counselor can speak to the doctor who prescribed the medication. (*Note: Consideration for emergency situations will be taken into account but you are expected to provide documentation of the event and what medications you took*)

4) Why are self-help/support groups required as part of the program?

Attending self-help/support groups is very important in your recovery from alcohol and drug addiction. The groups, as well as a sponsor/mentor, can help you to abstain from drugs and alcohol and are also a good way to help you when you are having cravings or are feeling like using. Self-help groups allow you to bond with others in recovery and to develop levels of trust.

5) What happens after I graduate from drug court?

We encourage you to stay involved after graduation! Participating in Alumni Activities will assist you in leading a drug-free, crime-free, productive life. We may have functions such as picnics, games and trips for those that have graduated from the program. We will also encourage you to become a speaker or a mentor for those who are in the early stages of Drug Court. Being a graduate will continue to give you opportunities for education or retraining and employment.

## CONCLUSION

The Drug Court Program has been developed to help you achieve total abstinence from alcohol and drugs and to eliminate criminal activity. It is the goal of this program that you will become a productive and responsible member of our community. You are the person choosing to commit to this program. While we are here to help you, only you can make the change in your life.

If you have any questions or concerns about the Drug Court Program, you can ask your attorney or the Drug Court Coordinator.

*Good  
Luck!*

**IMPORTANT NUMBERS**

Jennifer Hudson, Drug Court Coordinator:  
785-3052

My attorney's name:

\_\_\_\_\_  
Phone: \_\_\_\_\_

My counselor's name:

\_\_\_\_\_  
Phone: \_\_\_\_\_

My probation officer's name:

\_\_\_\_\_  
Phone: \_\_\_\_\_

My sponsor's name:

\_\_\_\_\_  
Phone: \_\_\_\_\_



THE PEOPLE OF THE STATE OF NEW YORK

CONTRACT

-VS-

SCI #

Defendant.

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I, \_\_\_\_\_, am the defendant in the above captioned case, in order to resolve the charge(s) currently pending against me as set forth below, hereby agree to enter into the Lewis County Drug Court Program and agree to the following conditions:

1. I hereby knowingly, intelligently and voluntarily waive my constitutional and statutory rights to a speedy sentencing so long as I am enrolled in the Lewis County Drug Court Program. I make this waiver after consulting with my attorney. I understand that if I fail to complete the program, my case will be referred to the next regular criminal term of Lewis County Court for sentencing, to include any legal sentence up to the maximum allowable.

2. I hereby knowingly, intelligently and voluntarily waive the right to pursue any pending or possible motions, waive the right to appeal, and waive the right to bring any post-judgment motions. This waiver is intended to be as broad as the law will allow and encompass all issues arising from these criminal proceedings.

3. I agree to enter Lewis County Drug Court because I understand that I am addicted to drugs and/or alcohol, and because I understand that close supervision and treatment through Drug Court can help me in achieving and maintaining a drug-free life.

4. I agree to meet or report to the treatment provider(s) as required and to follow their directions and recommendations.

5. I agree to random testing for drug and/or alcohol use which could take place at my home or to make myself available, on 1 hour notice, at a court specified location for such a test.

a. I understand that any failure to provide a urine sample or failure or refusal to submit to an Alcosensor or Breathalyzer test may be considered by the Court to be the equivalent of a positive test result.

6. I agree to return to Lewis County Drug Court periodically as directed by the Court and understand that I will be required to periodically report to the Court for a **minimum** of twelve (12) months. I understand that the length of time over which I must report and the frequency of my reports will depend on my progress.

7. I understand that if I miss any court dates, a bench warrant may be issued for my arrest, and that I may be terminated from the Drug Court Program after a hearing, and if I am terminated from the Drug Court Program, my case would be reinstated for sentencing.

8. I understand that I must inform the Court and the treatment provider(s) immediately of any change in my address and phone number, including that of any approved halfway house or inpatient facility in which I am required by the Court to reside.

9. I understand that any new arrest while in this program must be reported to the Court and may be grounds for immediate termination from the program.

a. I understand that failure to report a new arrest within ten (10) days may also be grounds for immediate termination from the program.

10. I understand that if I am on probation or parole or subject to a conditional discharge and violate the terms of the probation, parole or conditional discharge, I will be in violation of this contract and subject to sanctions and/or possible termination from the program by the Court.

11. I agree to sign reasonable authorizations for the release of information required by the Court and the Drug Court team (including, but not limited to, the release attached to this agreement).

a. I understand that any information regarding my treatment and progress in treatment which tends to identify me will not be released to persons not working for the Court and/or treatment providers without my further authorization, except as that information is discussed in Drug Court sessions or termination hearings.

12. I understand that I will be required to discuss with treatment providers and the Court my drug and/or alcohol use, and that any statement I make regarding drug or alcohol use during the course of the treatment program and/or for the purpose of treatment will not be used as evidence against me in any current or future criminal prosecutions.

a. I further understand that any such statements made during the course of the treatment program or for the purposes of treatment may be used in the event of a Drug Court termination proceeding.

13. I understand that Drug Court is an open court and that my case will be discussed in front of other defendants and any members of the public that may be in attendance.

14. I agree to keep all required appointments and to participate in programs including but not limited to:

- a. Treatment programs, including in-patient programs when appropriate
- b. Counseling programs
- c. Education programs
- d. Vocational programs
- e. Day reporting programs
- f. Service oriented programs
- g. Any other reasonable rehabilitation requirements

15. I understand and agree that in the event I:

- a. Fail to keep any program or court appointments ( in the absence of an explanation that is satisfactory to the court),
- b. Fail to comply with any reasonable request or requirement,
- c. Fail to comply with the rules of the treatment provider(s),
- d. Test positive for any non-prescribed drugs,
- e. Test positive for use of alcoholic beverages,
- f. Test positive for any prescribed drug that I do not have the express permission of the court to take (except in a verified emergency situation, in which case use of said prescribed drug will be disclosed on the next business day to my case manager),
- g. Fail to comply with any other provision of this contract,

the Court may immediately make necessary adjustments in my program requirements and may also impose sanctions for my noncompliance, including jail time and/or termination from the Drug Court Program.

16. I understand that a sanction from the Drug Court Program is solely at the discretion of the Drug Court Judge seated at the time of the proceeding, after consideration of the recommendation of the Drug Court Team.

17. I understand that the following are **some** examples of **noncompliance** that may result in court ordered sanctions or termination from the Lewis County Drug Court Program:

- a. Failure to keep mandated treatment appointment dates with a service provider;
- b. Failure to keep all scheduled court appearance dates;
- c. Failure to consistently remain drug and alcohol free;
- d. Failure to lead a law-abiding life;
- e. Failure to follow the instructions of the Court and/or a treatment provider.

18. I understand that the following is a list of **some** of the court-ordered **sanctions** that may be imposed as a result of my noncompliance with Drug Court requirements:

- a. Verbal admonishments by the Court;
- b. Essays;
- c. Increased testing for drug and/or alcohol use;
- d. Increased court appearances;
- e. Increased treatment sessions;
- f. Extension of Drug Court Treatment/Reporting Program term;
- g. Community Service
- h. Periods of incarceration

19. I understand that the following are **some** circumstances that may be **grounds for my termination** from the Drug Court Program. I also understand that this list provides examples only and does not include all of the possible grounds for termination:

- a. Acts of violence committed by me;
- b. New felony or misdemeanor arrests;
- c. My substantial noncompliance with treatment program requirements or court appearance schedule;
- d. Any other act, subject to the discretion of the Drug Court Judge, that demonstrates my inability or unwillingness to comply with Drug Court Program requirements.

20. I understand that I have the right to request a **termination hearing** to determine if I am in violation of the terms of Drug Court Program requirements to the extent that I may be terminated from the program. I understand and agree that in the event a termination hearing is held

- a. Hearsay evidence is admissible for the purpose of establishing a violation of the contract,
- b. The standard of proof at the termination proceeding is a preponderance of the evidence, and
- c. The rules applicable to violation of probation hearings (CPL §410.70(3)) and/or suppression hearings (CPL §710.60) are applicable.

21. I understand that my name will be provided to local police agencies informing them of my participation in Lewis County Drug Court.

**I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THE PROVISIONS OF THIS CONTRACT AS SET FORTH ABOVE, AND FREELY, INTELLIGENTLY AND VOLUNTARILY AGREE TO ABIDE BY SAID PROVISIONS.**

\_\_\_\_\_  
**Defendant**

**I, \_\_\_\_\_, hereby certify that I am attorney of record (or am authorized to appear on behalf of the attorney of record) for the above-named defendant and that I have explained to him/her his/her rights and that he/she has freely and knowingly entered into this agreement.**

\_\_\_\_\_  
**Attorney**

## DISPOSITION AGREEMENT

The Drug Court Term of the Lewis County Court, by the sitting Drug Court Term Judge, the Lewis County District Attorney and the above-named Defendant, upon the consent and advice of his/her Defense Attorney, agree that the defendant shall plead guilty during a Term of the Lewis County Court, after waiver of the indictment process and arraignment upon a Superior Court Information (SCI), or where appropriate, to the charges listed below:

### CHARGES UNDER SCI#

- 1.
- 2.

PLEA OF GUILTY TO:

AGREED SENTENCE RANGE:

- 1.
- 2.

The parties to this contract agree that if the defendant complies with the provisions of this contract and with the treatment plan, including any modifications approved by the Court, the charges listed in the above SCI will be further disposed of as follows:

CHARGE

MODIFICATION

SENTENCE

- 1.
- 2.

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Defendant

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Date

---

Defendant's Attorney

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Date

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Lewis County District Attorney

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Date

---

Lewis County Drug Court Judge

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Date