

# Plattsburgh City Court

## DRUG COURT HANDBOOK



*Hon. Penelope D. Clute*  
*Drug Court Judge*

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## Welcome to Plattsburgh City Court

### Drug Court

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**This Handbook is designed to:**

**Answer Questions**

**Address Concerns**

**Provide information about Drug Court**

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#### Drug Court Eligibility and Exclusionary Criteria

##### Eligibility Criteria

- Sentenced to 3 years on probation after misdemeanor conviction or Youthful Offender adjudication.
- Any violation of probation where the basis of the VOP is failure to refrain from use of alcohol/controlled substances or failure to comply with treatment recommendations.
- Lives in Clinton County and specifically agrees to remain in Clinton County for duration of Drug Court Program.
- Must have an alcohol/substance dependence diagnosis following initial assessment.

## **Exclusionary Criteria:**

- Current charge is for the sale or possession with intent to sell any controlled substance or marijuana.
- Primary diagnosis is a psychiatric disorder.
- Current charge or past conviction of a sexual offense involving a child under the age of 15.
- Actively working as a confidential drug informant with law enforcement.
- Used or displayed a gun in the course of the current or a past offense.

## **Mission Statement**

To reduce the abuse of alcohol and other drugs and related criminal activity in our community; and to facilitate the return of the Drug Court participants to their families, work environments and society as responsible, contributing individuals.

The Mission will be accomplished through the efforts of the participants and collaboration of our judges, prosecutors, defense counsel, non-judicial personnel, probation department, law enforcement agencies, treatment providers, educators, and community service agencies.

This Handbook will explain what is expected of you and provide general program information. As a participant in the program, you will be required to follow the instructions given in Court by the Judge, follow all of your Terms and Conditions of Probation, and comply with the treatment plan developed for you. Throughout the time you are in Drug Court, your probation officer and treatment provider will be working closely with you and with each other. They will also promptly report all of your progress and any problems to the Drug Court Judge.

## **What is a Drug Court?**

The Drug Court is a special part of the City Court. It is a court-supervised treatment program for Clinton County residents who face non-violent criminal charges and who also have a drug or alcohol addiction. Drug Court is a voluntary program that includes regular court appearances before the Drug Court Judge. If you are accepted into Drug Court, you will be expected to follow a Treatment Plan.

## **What is a Treatment Plan ?**

A Treatment Plan will begin with an evaluation.

This plan may require all or some of the following:

- Outpatient treatment
- Inpatient treatment/residential treatment
- Halfway house or transitional housing placement
- Regular and random drug testing
- Counseling (individual and group)
- Self help/sober support activities
- Educational/vocational programs.

**Your probation officer will also help you with other areas of your life according to your individual needs.**

This may include referrals for these and other needs:

- Skills testing and an educational assessment
- Job Training and job-readiness training
- School or other educational services
- Job placement services
- Family counseling
- Life skills classes
- Public assistance/Medicaid
- Recreational activities

## **How can I participate in the Drug Court Program ?**

Following your arrest or Violation of Probation (VOP), you were offered the opportunity to participate in the Drug Court Program or remain in the traditional criminal court for prosecution on your pending charges or VOP. Successful completion and graduation from the program may result in reducing or dismissal of the pending charges or the imposition of a more favorable sentence, depending on the terms of your individual contract.

Failure or dismissal from the program may result in your being sentenced to jail on the charge(s) to which you pled at the time you signed your contract. The maximum possible sentence is stated in your contract.

- **How long will I be in the program ?**

The amount of time you spend in the program will be determined by **your individual progress**, but will be no less than 12 months. Being in Drug Court is a condition of a three year term of Probation; Probation supervision will continue after successful completion of the Drug Court Program. If you graduate from Drug Court and follow all probation conditions, the Drug Court Judge may agree to discharge you from probation before the end of the three year period.

## **What's in it for me ?**

- **Probation instead of Jail**

In most cases, a lighter sentence will be imposed than would be without successful completion of the Drug Court Program. Talk to your attorney about your specific case and look at your Contract.

- **A Second Chance**

This program offers you the chance to move forward in your life with a new outlook and new skills.

- **A Healthy Lifestyle**

The program will help you take control of your life in many ways. Even more important than what you will learn not to do (such as abusing drugs and alcohol and committing any more crimes) are the things you will learn how to do: eating right, reducing stress, becoming fully employed, rebuilding family relationships, and becoming a productive member of the community.

## **We are here to Help ! but...**

**no one said it would be easy**

On the following pages you will find the steps involved in the program and information about some of the resources that you will need to use in order to succeed. Remember that there are many people who make up the Drug Court Team, and they all want to see you succeed. If you take advantage of the assistance offered by the Drug Court Team, you will discover many ways to make a better life for yourself.

## **Rules:**

### **What are the Rules of the Program?**

To remain in the Drug Court Program you are required to follow rules. They are in detail in your Contract and are summarized here.

- 1. You must complete all required paperwork.**
- 2. You must participate in regular court supervision (In other words, you must show up at Drug Court and for meetings with your probation officer on time.)**
- 3. You must attend all scheduled treatment and support services appointments.**
- 4. You must successfully complete all phases of the program.**
- 5. You must stay clean and sober.**
- 6. You must comply with all Terms and Conditions of Probation and of your Drug Court Contract.**
- 7. You must perform assigned community service hours.**

#### **1. Required Paperwork**

- Contract**

All participants will be required to sign a Contract in Court. Your lawyer, the District Attorney, and the Judge will also sign the Contract. Your Contract may require more than is listed in this booklet. Before you sign your Contract you will have an opportunity to review it with your attorney and have your questions answered.

- Release of Information**

All members of the Team must be able to communicate about your eligibility and progress in the program. Upon entry into the program, you will be required to sign Releases so that the team may have access to information relevant to your treatment. You must also sign additional Releases as needed to arrange further treatment, counseling or support service referrals.

## 2. Regular Court Supervision

You will be required to appear in front of the Judge on a regular basis. The Judge will be given progress reports regarding your drug tests, attendance, and all aspects of your participation in your treatment program. These reports will come from your probation officer, treatment and/or mental health counselor, and the members of the team support program with whom you are working (such as employment specialist, family advocates, etc.).

The Judge will ask you about your progress, and discuss any problems you may be having. At times, the Judge will ask you if you have been using alcohol or controlled substances, and will order you to take an alco-sensor or urine screen while you are at Court. You must truthfully answer all of the Judge's questions.

During Phase 1, you must come to City Court every two weeks. As you make progress, your court appearance schedule will be reduced. If you are doing well, you will be encouraged to continue working towards the goal of graduating.

## 3. Attendance

As a participant you are required to attend all of your scheduled treatment sessions, probation appointments, all of your other appointments, and all of your scheduled court dates.

Treatment sessions include counseling, substance abuse sessions, education sessions and all other sessions as directed. You are required to be on time for all sessions. If you are late, you may not be allowed to attend and may be considered absent.

Your treatment schedule will vary according to your needs and progress. It is your responsibility to both *schedule* all needed appointments and to *arrive on time* for them.

## 4. Completion of Program Phases

The Program Phases are explained in the following pages.

They are your steps to success !!

# Phases

The Drug Court is a four-phase program that lasts a minimum of one year. Total program length is based upon individual progress. Each phase consists of specific treatment goals, activities and requirements that you must meet before moving to the next phase. The Phases are explained in detail on the following pages.

**Remember: While there are certain things you must complete, your ability to move along in the program and graduate will depend mostly on your own actions. If you miss appointments, ignore other requirements, or fail to stay away from drug and alcohol use, your time in the program could be longer, or you could be terminated from Drug Court. This could result in your probation being revoked and the Judge sentencing you to the County Jail.**

## **Orientation Phase**

Orientation is the beginning of the program; Orientation ends when you enter your recommended treatment program. During Orientation you will be assigned a treatment provider, and he or she will work with you to develop your individual treatment plan.

You will be screened by a treatment provider to see if you qualify for the program. Once you qualify for the program you will be asked to sign a Contract in Court that states you understand the expectations of the program and agree to follow all of the terms.

The Contract also says what will happen when you successfully complete the program or the consequences if you fail. Your probation officer or treatment counselor can answer any questions that you may have about the program.

### **During Orientation you must:**

- complete an intake interview with the probation officer
- complete a substance abuse evaluation
- develop an individual treatment program
- submit to random drug screenings and alcohol breath tests.

After you begin your recommended treatment program and sign your Contract you will advance to Phase 1.

## **Phase 1 - Introduction & Stabilization**

Phase 1 begins after you successfully start your initial treatment program, and lasts a minimum of eight (8) weeks. Your treatment program could include an inpatient or outpatient program.

### **During Phase 1 you must:**

- appear in Drug Court every other week
- participate in recommended alcohol/drug treatment comply with drug testing at least 2 times per week
- permit random unannounced home visits by probation officer/police officer.
- complete an educational/employment assessment and seek employment, vocational training or educational program
- complete mental health screening and attend all recommended follow-up services and/or treatment
- complete family evaluation
- attend self help/sober activities
- promptly comply with any court ordered sanction.
- attend all scheduled probation appointments
- begin community service work

### **To advance to Phase 2 you must have**

- at least 30 days of clean drug & alcohol screens,
- made payments towards treatment fees, as well as any fines or restitution,
- completed a written assignment acknowledging a chemical dependency problem and a commitment to a drug-free lifestyle,
- and have met all other Phase 1 requirements.

Your probation officer and treatment provider will recommend to the Treatment Team and the Judge when you are ready to move on to the next Phase.

**Remember that your moving to the next phase is based on your own progress and your ability to stay focused on what you must do to meet all of the program rules and expectations.**

## **Phase 2 - Acceptance**

The counseling in this Phase will focus on sober living. In addition, the participant will begin to actively address issues related to personal, family, medical, vocational and housing needs. Phase 2 will be at least 18 weeks long.

### **During Phase 2 you must:**

- continue abstinence
- continue involvement with self help/sober support activities
- comply with any necessary referrals
- report to probation officer as directed by court or probation officer
- attend Drug Court as directed
- comply with random urine/alcohol testing, minimum of 4 times per month
- attend treatment program as directed and follow all treatment recommendations.
- start educational classes or job skill training.
- attend life skills, health, employment and education programs as directed.
- promptly comply with any court ordered sanction.
- stay current with all treatment fees, fines and restitution payments.

- continue working your community service hours
- demonstrate your personal acceptance of your chemical dependency problem and the need for recovery
- document contacts with recovery mentor

**To advance to Phase 3**, you must not have used drugs or alcohol for at least 60 days, must be involved in your educational/employment plan, and must have met all Phase 2 requirements. Your probation officer and treatment provider will recommend to the Treatment Team and the Judge when you are ready to move on to the next phase.

**Remember that your moving to the next phase will be based on your own progress and your ability to stay focused on what you must do to meet all of the program rules and expectations.**

## **Phase 3 - Change Period**

Your Treatment Plan will be updated and will reflect your progress, new treatment goals, and objectives for this Phase. Phase 3 will focus on Relapse Prevention, allowing the participant an opportunity to develop the coping skills necessary to deal with stressful life situations. The participant will encourage family members to participate in the recovery process. Phase 3 will be a minimum of 18 weeks long.

### **During Phase 3 you must:**

- update your Treatment Plan
- continue abstinence
- attend individual and group counseling sessions as directed
- attend conjoint/family counseling sessions
- comply with random alco-sensor and urinalysis
- follow all treatment recommendations
- attend Drug Court as directed
- report to probation officer as directed
- continue involvement with self help/sober support activities and recovery mentor
- continue employment and/or education
- continue performing community service

**To advance to Phase 4**, you must not have used drugs or alcohol for at least 90 days, must be involved in your educational/employment plan, and must have met all Phase 3 requirements. Your probation officer, case manager and treatment provider will recommend to the Treatment Team and the Judge that you are ready to move on to the next phase, if your progress merits it.

## **Phase 4 - Relapse Triggers and Relapse Prevention**

The main focus of this phase will be relapse prevention, maintaining abstinence from alcohol and substances, mentoring and daily living skills. During Phase 4, the participant receives supportive services that aid in continued success in the community as a sober, productive and responsible citizen. Phase 4 is a minimum of 8 weeks long.

Relapse and triggers can happen at any time in many different ways. Your probation officer and treatment counselors will help you identify them and discuss ways to either prevent bad situations or to work through them when they cannot be avoided.

### **Relapse triggers can include:**

hanging around with people who are drinking and drugging

going to places where you used drugs or alcohol in the past

spending time thinking about the parties and forgetting about the problems your drug and/or alcohol use created

arguments with loved ones

disappointments, bad luck

idle time

anniversaries of sad events

celebration events, holidays, good luck

illness, even prescription drugs, that can affect how you feel

During this phase you will have an updated Treatment Plan, you will continue with individual counseling, self help/sober support network and recovery mentor, random alco-sensor and urinalysis, employment or education, will appear in court as directed and will pay all required fees, fines and restitution.

### **You must also:**

Incorporate abstinence as a life choice.

Report to your probation officer as directed.

Attend life skills, health, employment and education programs as directed.

Complete your community service hours.

Complete and submit your pre-graduation questionnaire.

**This is the last phase of your program before graduation. In order to graduate you must complete this Phase. The final decision about your readiness to graduate will be made by the Judge and Team.**

Your probation officer will let you know when the Judge and Team have decided that you are eligible for Graduation. You must then complete your Graduation Interview Form, submit it as directed, and attend a graduation panel review.

# Graduation

is a time to celebrate your transition to a healthy lifestyle.  
You will be able to invite your family and friends to join you at your Commencement Ceremony.

**This special event is a celebration of your accomplishments and marks the beginning of your new way of life.**

*The Commencement Ceremony*

*marks your formal graduation*

*from the program and the start of*

*your lifelong work to remain*

*sober and productive !*

Following your graduation, you will be invited to participate in the **Alumni Group**. This group is provided to help you continue to succeed. An open invitation is extended to you and your family to continue to have support from the program.

## Drug Court Expectations

What else is expected of me ?

As you can see, you are expected to follow a set of basic rules. Some other expectations have to do with how you act in Court and the things you must do to follow your own treatment plan.

**The Rules require that everyone in Drug Court will:**

- treat others with respect;
- follow a dress code;
- comply with urine testing and alcohol breath testing;
- NOT possess, sell or use drugs or alcohol; and
- NOT break the law.

**The expectations you set up with your probation officer will probably also cover areas of:**

- housing;
- healthcare;
- employment and education; and
- life skills education.

**Treatment of others:**

You must respect the opinions and feelings of other people in Drug Court. Verbal or physical threats to anyone in the program or any member of the team will not be tolerated. Any such behavior will immediately be reported to the Court and may result in a severe sanction or your termination from the program.

You will not be asked to be an informant in this program. You will not be expected or be encouraged to discuss any information concerning anyone's behavior or progress except your own.

**Dress Code:**

You are required to dress appropriately for all Court sessions, probation and treatment appointments. Inappropriate clothing includes shorts, tank tops, crop tops, muscle shirts, clothes bearing drug or alcohol related themes, clothes advertising alcohol or drug use, or those with sexual words or pictures, and attire that is sexually provocative. Sunglasses are not to be worn in Court unless approved by a doctor.

**No Possession or Use of Drugs:**

If you possess, sell, or use alcohol or illegal drugs, you are violating your Drug Court Contract and your Probation. You are required to truthfully report all drug or alcohol use to the Judge at each Court appearance. The Judge may require a urine screen or breath test when you come to Court.

- substance abuse will result in sanctions and may require increased treatment attendance. The possible sanctions are listed at page 26 of this Handbook.
- failure to report or falsely reporting drug or alcohol use will result in a jail sanction.
- any drugs that a doctor prescribes for you must be reported to your case manager before you fill the prescription.

**Drug and Alcohol Screening:**

One of the primary goals of the program is to **HELP YOU** remain abstinent from alcohol and all non-prescribed drugs. You will be tested throughout the entire program. The Judge will have access to all drug results including failures or refusals to test and may order a drug test at any time. A positive test or admission of alcohol or other drug use will not disqualify you but will result in a sanction or change in treatment. Lying about use will result in a sanction. Drug screens may be conducted at your drug treatment facility, at the probation department, during Court appearances, during your home visits, or at any other time.

**You are required to report all drug and alcohol use to the Judge at each Court appearance.**

- Substance use will result in sanctions and increased treatment attendance.
- Failure to report drug or alcohol use will result in a jail sanction.
- Any drugs that a doctor prescribes for you must be reported to your probation officer before you fill it.

## **No Violations of the Law**

You are required to obey all laws. Additional offenses may result in being terminated from Drug Court, revocation of probation and sentence to jail.

## **What if I don't follow the Drug Court Rules?**

If you break the rules of the Drug Court you may be subjected to a sanction. Doing any of the following will result in a sanction:

**New Arrest**

**Leaving a Treatment Program**

**Breaking the rules at a Treatment Program (not resulting in termination)**

**Positive urine or alco-sensor test, or admission of use.**

**Failure to take a drug test (urine screen and/or alcohol tests)**

**Attempts to falsify drug tests, or lying about use**

**Missing or arriving late for group or individual treatment appointments or any other appointments**

**Missing or arriving late for Drug Court appearances**

**Failure to follow the direction of the Drug Court Judge or probation officer**

**Demonstrating a lack of program progress**

## **Sanctions include:**

- Verbal warning or admonishment in court;
- Essay assignment
- Increased urine testing
- Increased attendance at sessions or City Court
- Increased probation appointments
- Increased Community Service hours
- Placement in an earlier Phase or repeating a Phase
- A higher level of treatment
- Electronic monitoring house arrest\*

- Electronic alcohol breath testing device through the probation department\*
- Incarceration
- Dismissal from the Drug Court

\*The daily cost of these devices must be paid by the Drug Court participant.

## Incentives for progress include:

- Awards;
- Recreational activities;
- Decrease in urine testing;
  - Decrease in attendance at Court;
  - Certificates of Completion;
  - Graduation;
  - Dismissal or reduction of charges;
  - Possible early discharge from Probation;
  - SOBRIETY and a DRUG FREE LIFE.

## Support Services

As a Participant you will be required to participate in Support Services. It is essential that you develop the skills that will allow you to build a lasting recovery that will help you for the rest of your life. The Drug Court Team recognizes that recovery is not an easy process, and we praise your effort and courage to change. Together, we can make it work.

**Housing:** Stable housing is necessary for recovery. Before you make a change in your living situation you must discuss it with your probation officer and the Drug Court Judge. Your probation officer can help you identify better housing if needed.

**Healthcare:** You will complete a substance abuse evaluation after enrolling in the program. Our interest in helping you build a healthy lifestyle does not stop there. Developing positive health habits and knowing how to handle physical and emotional setbacks is vital for your success in recovery. As a participant in this program, you will be supported in dealing effectively with current medical conditions and in learning how to maintain a healthy lifestyle.

You are expected to seek medical attention when needed and to follow through on medical advice. You may also be asked to provide evidence to the Judge of your medical conditions or appointments. Any prescribed drugs must be reported to your treatment provider and probation officer before the prescription is filled. You must tell your doctor about your addiction and that you are in Drug Court. For more specifics on this requirement, read your Contract.

The program may require that you schedule and complete a comprehensive physical and dental exam and begin following through on any recommendations before you move from Phase I to Phase II. During Phase II you may be required to schedule and complete a mental health evaluation and follow through on any treatment recommendations.

Throughout your participation in the program you will be required to attend health information sessions either in small groups or

individually. The sessions may include conflict resolution, nutrition, HIV prevention, and any other health related topics. Team members will help you schedule participation these.

**Education:** An important step in building your recovery is to begin doing things differently in all areas of your life, including education and employment.

During Phase I of the program, you will meet with appropriate agencies to create your Employment and Education Plan. Participants in Drug Court have different needs and interests. Your plan will be developed to meet your own needs and interests; the purpose is to build a plan that will develop your education, employment and life skills. Your Plan may include any of these areas:

**Life Skills:** perhaps you need help creating a budget to be able to manage living expenses or pay back loans, or maybe you would like to learn how to be a better parent. We can provide help, or make referrals to other agencies, in these and other areas where you feel you could use more information.

**GED:** work toward your high school equivalency diploma.

**Vocational:** to help you find job training in many fields.

Depending on your needs and interests, referrals may be made to other local educational resources.

**Employment:** Finding and keeping a meaningful full-time job that you like is an important part of building lasting success in recovery. Your probation officer will help you in meeting your employment goals. This work will include:

- Discovering what your interests and skills are;
- Locating and enrolling in the right training;
- Getting ready for work (including transportation, child care, proper clothing);
- Learning how to keep a job or advance in the one that you have.

The development and implementation of your education and employment plans will be done with the Drug Court Team, through referrals to appropriate community agencies.

**Mediation:** The Northern New York Center for Conflict Resolution offers many services. It can assist you with family and communication issues, and resolving conflicts that may prevent you from succeeding in your recovery program. Mediators can help you deal with a number of issues, such as:

- Landlord-Tenant: negotiating housing, leases, rent.
- Employer-Employee: negotiating with your employer a leave of absence, maintaining your job, personal issues.
- Neighbors/Roommates/Housemates: dealing with disputes, problems communications, finances, house rules, etc.

You may call the Center for Conflict Resolution directly at **563-1227**, or speak to your probation officer, to help you identify any conflicts that might undermine your Recovery and could possibly be resolved through Mediation.

## Miscellaneous

- During Orientation, you will be able to ask questions for clarification about any issue related to the Drug Court Program. Legal questions about your case should be directed to your attorney.
- The Team will contact you after you leave the program. The purpose of this follow-up is to get an idea of how people in Drug Court do after they leave and to measure how well the Drug Court program is doing. You will not be identified individually or sanctioned in any way for your answers.
- The Drug Court Coordinator is responsible for collecting this data, and he or she will contact you after you leave Drug Court to get this information. You will learn more about this process from the Coordinator.

**Remember! For people in Recovery, triggers and cravings are not excuses to use - they are reasons to go to a meeting and to call a recovering friend for more support.**

### Important Names and Numbers:

**Plattsburgh City Court  
Judge Penelope Clute  
24 US Oval  
Plattsburgh, NY 12903  
Phone: 563-7870  
Fax: 563-3124**

**Clinton County Probation Department: 565-4640**

**Clinton County Department of Social Services: 565-3300**

**One Work Source Employment & Business Center: 561-0430**

**Crisis Center 24 Hour Help Line: 561-2330 or 1-800-342-5767 (DIALSOS)**

**Champlain Valley Family Center: 561-8480**

**Clinton County Alcoholism Services: 562-2780**

**Conifer Park Outpatient Services: 561-1447**

**Self help schedules can be obtained from  
the Drug Court,  
your probation officer and/or treatment  
provider.**

