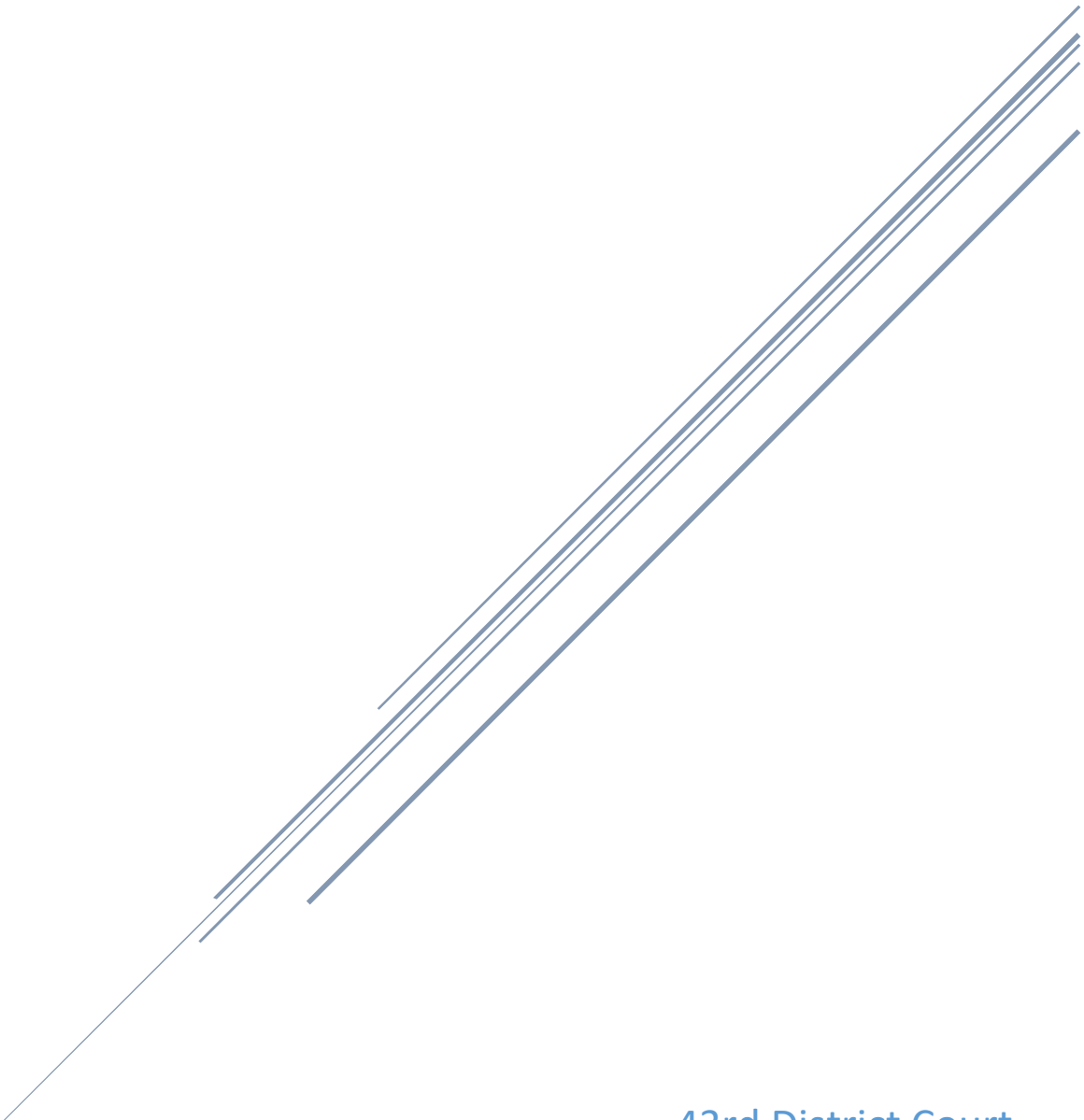


SOBRIETY COURT PARTICIPANT HANDBOOK



43rd District Court

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PROGRAM OVERVIEW

Welcome to Sobriety Court

Congratulations on your decision to enter the 43rd District Court - Ferndale Division Sobriety Court! Your commitment to sobriety begins now and your total participation is vital to your success. We want to assist you in your recovery and encourage you to improve your quality of life. In Sobriety Court, you will complete an effective program of substance use disorder treatment. We use graduated phases to encourage you to succeed. The Sobriety Court team and others in recovery will help you in developing a lifestyle that is free from the use of alcohol and drugs. To succeed in this program, you must hold yourself accountable for your actions.

Program Description

The Ferndale Sobriety Court is a supervised, comprehensive treatment program for substance users charged with drunk driving offenses. This voluntary program involves regular court appearances before Judge Longo, case manager supervision, substance use disorder counseling, alcohol educational programs, random alcohol and drug testing, and regular support group meeting attendance.

Objective

The goal of the Ferndale Sobriety Court is to assist each participant in becoming a recovering, law-abiding member of the community, thereby improving the lives of each participant, while promoting public safety and reducing recidivism.

Sobriety Court Rules & Regulations

1. Attend and participate in all treatment sessions, meetings, and court dates as scheduled and be on time.
2. Keep court and treatment providers informed of current address and phone number. Report any changes within two calendar days.
3. Do not leave the Tri-County area or state for the purpose of travel without permission from the court. To qualify for permission to travel, you must be in compliance with all program conditions (no pending sanctions), be up-to-date on your payment schedule (if applicable), and rent a portable breathalyzer device for twice daily PBT testing.
4. Make sure you have ALL of your required logs and/or documents submitted to probation *prior* to your probation appointment.
5. Do not use or possess any alcohol or illicit drugs. Obtain permission from the court before beginning any new prescription or over-the-counter medications. (The use of medical marijuana is not permitted in Sobriety Court.)
6. Do not enter establishments whose primary function is the sale/distribution of alcohol, including bars, liquor stores, etc. (except for the purpose of employment). Likewise, do not attend a social event in which the primary activity is alcohol and/or drug use.
7. Pay all fees and fines as directed by the court. Abide by the payment arrangement, if one is granted.
8. Do not threaten staff members or your fellow participants. Violence and threatening behavior will not be tolerated.
9. *Always* make a truthful report to your Probation Officer and Judge. Honesty is the best policy.

Treatment

Counseling- Substance use treatment is a major component of the Sobriety Court treatment program. You will attend group and individual treatment sessions. These sessions are not to be missed, except in the event of a genuine emergency or unless you are properly excused in advance. Arrive/login on time, participate as appropriate, and remain in attendance until the session is over. Otherwise, you will be deemed as absent. Follow the treatment provider's rules and regulations.

The following actions will not be tolerated:

1. Violence or threats of any kind against staff or other participants;
2. Use or possession of drugs or alcohol;
3. Belligerent behavior or acts of vandalism to property;
4. Possession of any type of weapon;
5. Inappropriate sexual behavior or harassment; and
6. Gambling

Substance Use Evaluation- Upon enrollment into treatment, the provider will conduct an assessment to determine the extent of abuse of alcohol and/or drugs (if your case was transferred from another jurisdiction, you will have already had this evaluation done as a part of your application process). The evaluation is also used to develop your treatment plan based on your individual needs, as well as to set goals for your recovery. Participants may require re-evaluation at any time during their program and must cooperate in doing so, as deemed necessary by the Sobriety Court team.

Individual Counseling- You will be required to participate in individual counseling sessions with your treatment provider, affording you a valuable opportunity for growth. Additional sessions may be scheduled as necessary.

Group Counseling- You may be required to participate in group counseling sessions with your treatment provider and your peers. Group sessions will afford you the opportunity to give and receive feedback from individuals who are also in recovery.

Confidentiality- Federal and state laws protect your privacy. You will be required to sign a consent for disclosure waiver authorizing the transfer of information among all participating team members and agencies, including treatment providers.

Educational Classes and Programs

Self-Assessment Class- First offenders are required to complete a one-day, 6-hour educational class focused on self-awareness, critical thinking, personal responsibility, relapse prevention and recovery skills. This class is intended to be completed within the first 6 months of your probation.

Weekend Impact/Intervention Program- Subsequent offenders are required to complete a weekend-long residential program. The program(s) focus on a variety of didactic lectures and activities, including but not limited to substance usage and addiction, decision making and accountability, trust, support, communication, and victim impact presentations. This program is intended to be completed within the first 6 months of your probation, and must be completed before you are considered for an ignition interlock.

Checkpointe Program- All Sobriety Court participants are required to complete this 2-hour educational class within the final 3 months of the probationary term. This class is a shortened overview of the Self-Assessment Class, with a greater focus on recidivism rates and reinforcement of learned relapse prevention skills.

Support Group Meetings

Involvement in support groups such as Alcoholics Anonymous (AA), Recovery Dharma (RD), or Smart Recovery is essential to your recovery. The Sobriety Court program requires you to attend 3-7 meetings per week (frequency determined on an individual basis) and provide documentation of your attendance. Two of the weekly meetings are required to be attended in-person, with signature verification from the chairman collected on an attendance log. Virtual support group meeting attendance is required to be logged via a journal (instructions will be provided). It is your responsibility to determine the times and locations of these meetings. Your Probation Officer and/or treatment provider(s) can assist you, if necessary.

You are *strongly advised* to become acquainted with the people at these meetings who are working effective, healthy recovery programs. Developing a system of support can be critical to achieving a long-term recovery. *Obtaining sponsorship may also be required*. Working the 12 steps while in Sobriety Court is highly recommended.

Please remember that not everyone who attends these meetings is living a lifestyle that is free of alcohol and drugs.

Testing for Alcohol and Drugs

In this program you will be tested frequently for the use of alcohol and drugs. Testing is a tool to encourage you to live a substance-free lifestyle. The purpose of testing for alcohol and drugs is not to “catch you” when you use, but rather to validate your abstinence from alcohol and drugs. Do not sabotage yourself by trying to figure out how to beat the test.

Failing to provide a breath test or urine sample upon request will be considered a positive test.

Tampering with a test, using adulterants or masking agents, or the use of someone else’s urine will be dealt with severely.

Preliminary Breath Testing (PBTs)- Alcohol breath testing frequencies are set based upon your beginning phase, and decrease gradually throughout the course of your probation. You may choose to breath test at the Ferndale Police Department for free using our self-service kiosk, or by renting a portable breathalyzer device to have in your home. Please note that daily testing means 7 days a week, including weekends and holidays. The morning breath testing window is between 5:00 am – 9:00 am; the evening breath testing window is between 8:00 pm – 11:00 pm.

Random Drug & ETG Testing-All participants will be randomly tested for drug and alcohol use via urinalysis at an outside agency. The frequency of your urine testing will depend upon your phase. The agency will assign you a color, group, or personal identification number. It will then be your responsibility to call or check the testing agency’s website *daily* to find out if you are called to test that day. If your color/group/PIN is called, you must report *the same day* to provide a urine sample. Urinalyses are monitored at the time of collection.

Understand that you may be requested (and therefore required) to provide a breath test urine sample by any Sobriety Court team member at any time (e.g., during court, before or after treatment sessions, etc.)

Alcohol- Do not consume alcohol from any source (e.g., liquor/beer/wine, kombucha tea, mouthwash, vanilla extract, cough medicine, etc.). **Read ingredient labels carefully.**

Drugs- Do not consume any drugs whatsoever (legal or illegal). Do not consume mind-altering substances, including but not limited to inhalants, bath salts, K-2, Kratom, etc.

Prescription Drugs- If you are prescribed a controlled substance, you may be required to obtain a report from your prescribing doctor explaining your diagnosis and why it is medically necessary you continue to take the prescribed medication. We *insist* that you honestly disclose your substance use history to your doctor(s). Drugs that are not prescribed to you are considered to be illicit and illegal. The use of medical marijuana, regardless of whether you have a Michigan Medical Marijuana Card, is not permitted in Sobriety Court.

You must register with your Probation Officer any prescription drugs *before* you begin taking a medication. In the event you must take medication due to a life-threatening emergency, inform your Probation Officer as soon as possible.

You may not be eligible for this program if you are taking a controlled substance prescription medication(s) or one which will test positive for on a drug test. You may become eligible for the program if you cease taking the medication(s), or if your doctor switches you to a less mind-altering prescription medication(s).

Over-The-Counter (OTC) Medications and Supplements- **Do not take over-the-counter medications that contain ephedrine, pseudoephedrine, phenylpropanolamine, or alcohol.** These medications may cause you to test positive on a drug test. Examples of OTC medications containing these ingredients include, but are not limited to, Sudafed, Nyquil, Contac, Sine-Off, and Allerest. Read the label or ask the pharmacist for medications that do not contain these substances (such as aspirin, ibuprofen, and acetaminophen).

Any vitamins, minerals, herbal supplements, energy supplements, bodybuilding supplements, and similar products must be approved by the Sobriety Court team *before* you take them. Supplements containing creatine will not be approved. You are also strongly urged not to participate in any “detoxification” program while in Sobriety Court.

Urinalysis Testing Guidelines

Valid Urine Sample- Direct observation, dilution, quantity, and temperature are all factors used to determine if a urine sample is valid.

A Positive is a Positive- Initial positive results are presumed to be as such until proven otherwise. If you test positive for alcohol or drugs via urinalysis and contest the positive results, the sample may be sent to a lab for confirmation at your own expense. If the positive result is confirmed, you will be sanctioned. (See page 9 & Appendix A for possible sanctions).

Failed Attempts- If you are unable to provide a urine sample at the testing agency, you may *not* leave the premises until you are successful. If you leave after a failed attempt, it will be treated as a missed test and considered a positive.

Missed Testing

If you are late to test or miss a test on the day you were called, you should submit to a drug & EtG test *as soon as possible*. A missed test will be considered a positive test, and you are subject to the same sanctions ordered on a positive alcohol or drug test. If you submit to an EtG within 12 hours of a missed PBT, the violation will be considered a late rather than a miss, and may result in a lighter sanction. You should also contact your probation officer immediately to self-report your late or missed test.

CONSTRUCTIVE USE OF TIME, EMPLOYMENT, AND EDUCATION

Participants are expected to maintain legitimate full-time employment and/or school. A combination of the two is also acceptable. The only exception is if a participant is receiving Social Security Disability benefits or is retired.

While in Sobriety Court and in early recovery, it is important to use your time constructively. Idleness and boredom will not help you stay sober. When employed, you should inform your employer about your participation in Sobriety Court. You should inform probation right away if your employment or educational status changes. Although we will work with your schedule as much as possible, you cannot miss court, probation appointments, treatment sessions or any other Sobriety Court sessions due to conflicts in your work/school schedule. Participants that refuse to find a job or engage in other approved constructive uses of time may be subject to a sanction.

PHASES

There is four phases of Sobriety Court. The team will review your progress and will determine when you are eligible to progress to the next phase based on the goals of each phase being met. To be eligible for a phase advancement, at least 30 days must have passed with no sanctions. *Your individual progress will determine how fast you are able to advance through the program.*

Phase 1

- Bi-weekly Sobriety Court review sessions (*minimum* of 6)
- Bi-weekly meetings with Probation Officer
- Substance use counseling sessions, both group and individual, once weekly at *minimum*
- Twice daily PBTs, followed by once daily PBTs
- Random urine screens twice weekly at *minimum*
- 12-step support meetings, 3 times per week at *minimum*
- Maintain full-time employment or school
- Random home visits as deemed appropriate by Sobriety Court Team

Phase 2

- Monthly Sobriety Court sessions (*minimum* of 3)
- Monthly meetings with Probation Officer
- Substance use counseling sessions, once weekly at *minimum*
- Daily/Random PBTs*
- Random urine screens once weekly at *minimum***
- 12-step support meetings, 3 times per week at *minimum*
- Have an established sponsor prior to entering Phase 3, if required
- Attend the weekend program or Self-Assessment Class
- Maintain full-time employment or school
- Random home visits as deemed appropriate by Sobriety Court Team

*If the participant is entering the program at Phase 2, daily PBT's for approximately 90 days will be required.

**If the participant is deemed high risk, high needs in the initial screening assessment, twice weekly random urine screens will be required until Phase 4.

Phase 3

- Monthly Sobriety Court sessions (*minimum* of 3)
- Monthly meetings with Probation Officer
- Substance use counseling sessions, as recommended by treatment provider
- Random PBTs
- Random urine screens twice monthly at *minimum*
- 12-step support meetings, 3 times per week at *minimum*
- Maintain full-time employment or school
- Random home visits as deemed appropriate by Sobriety Court Team

The weekend program or the Self-Assessment Class must be completed before promotion to Phase 4.

Phase 4

- Sobriety Court sessions, if directed
- Monthly meetings with Probation Officer
- Random PBTs, if directed
- Random urine screens once monthly at *minimum*
- Remaining substance-abstinent for a minimum of 90 days
- Completion of substance use counseling
- 12-step support meetings, as directed
- Attend the Checkpoint Program
- Maintain full-time employment or school
- Random home visits as deemed appropriate by Sobriety Court team

*****PLEASE NOTE:** Phase advancements are based on individual progress and left to the discretion of the Sobriety Court team. Moreover, the Judge is not bound by the guidelines of this handbook.

INCENTIVES AND SANCTIONS

The Sobriety Court program uses incentives and sanctions to help you achieve a law-abiding, drug and alcohol-free lifestyle. One of the primary functions of the Sobriety Court team is to encourage you. If you follow the conditions of the program and do all that is required of you, you will be rewarded. However, if you fail to meet your requirements, or if you exhibit behavior which needs to be changed, you will receive a sanction.

Examples of incentives include:

- Praise from Judge
- Applause from staff and peers
- Permission to travel
- Decreased court appearances
- Progress to the next phase
- Reduced alcohol and/or drug testing
- Granted ignition interlock/restricted driver's license, if applicable
- Graduation from the program

Examples of sanctions include:

- Community service hours
- Increased drug and alcohol testing frequency
- Increased reporting to your Probation Officer
- Increased court appearances
- Phase demotion
- Revocation of ignition interlock
- Written assignments
- Jail
- Termination from Sobriety Court

***See also Appendix A

TREATMENT FEES AND
COURT-RELATED FINANCIAL OBLIGATIONS

Cases originating within the 43rd District Court (Ferndale, Hazel Park or Madison Heights) will pay a one-time \$170.00 Sobriety Court fee and \$48.00 monthly supervision fees to participate in the Sobriety Court Program. Any additional fines and court costs will depend on the charge you are convicted of. Transfer cases from other jurisdictions will pay a one-time \$200 Sobriety Court fee and \$70 monthly supervision fees. Transfer cases are also required to complete a substance use assessment/evaluation for an additional out-of-pocket cost upon application. Other financial obligations include, but are not limited to, class/program registration fees, treatment costs, and alcohol & drug testing fees.

PROBATION SUPERVISION

Your probation will be supervised by the case manager (aka probation officer). Probation appointments are approximately 15 minutes long and will typically be held virtual via Zoom. Sobriety Court review sessions are held in-person at the 43rd District Court in Ferndale every other Wednesday at 5:30 pm. Your case manager or any other Sobriety Court team member may visit or call on you at home, work, the treatment facility, the courthouse, probation office, or anywhere he/she deems necessary.

A search may be requested of you at any time while you are a Sobriety Court participant. You may be asked to consent to the search of your person or any vehicle, residence, item or container over which you have the standing to give consent to search. The search itself may be requested by any member of the Sobriety Court team, or any other person or entity (including a law enforcement officer) directed by a member of the Sobriety Court team to conduct a search.

TERMINATION FROM SOBRIETY COURT

We sincerely do not want to terminate you from the Sobriety Court program, unless and until we have tried every effort to assist you in your recovery. However, if you refuse to complete the requirements of the program, the Sobriety Court Judge may decide to terminate your probation. Termination may result from, but is not limited to, new criminal charges, violation of Sobriety Court rules, multiple positive drug or alcohol tests, tampering with a drug or alcohol test, failure to participate in treatment, forgery of documents, or failure to complete program requirements. If you are terminated, the Judge may impose any lawfully allowed sentence for your charge, including jail time and/or restricted driver's license revocation, if applicable.

GRADUATION

Graduation occurs at the end of the probationary term. You may be eligible for early graduation, based upon approval of the Sobriety Court Judge, based on your progress in the program and the input from the Sobriety Court team. *To graduate, you will be required to have 90 continuous days of negative alcohol and drug testing, and complete all of the requirements of the program.* You may be eligible for early graduation, based upon approval of the Sobriety Court Judge and your overall progress in the program. Graduates will be honored at their final Sobriety Court review session. Your family and friends are encouraged to attend as we congratulate you on achieving your goals and successfully completing the Sobriety Court program!

THE SOBRIETY COURT TEAM

Judge

Honorable Joseph Longo
Chief Judge of the 43rd District

Program Coordinator

Marie Baker
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248-547-8700 ext. 402
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Director of Probation
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EMERGENCY After-Hours

248-397-4668 (call or text)

City Attorney/Prosecutor

P. Daniel Christ
Hafeli Staran & Christ PC
248-731-3080

Appendix A:

SOBRIETY COURT GRADUATED SANCTIONS

Behavioral Violations:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Missed Probation Appointment → | <p>Monetary penalty (\$25)
and/or 1-2 days*
community service</p> |
| <ul style="list-style-type: none"> • Failed To Appear for Sobriety Court → | <p>Bench warrant</p> |
| <ul style="list-style-type: none"> • Missed 12-Step Meeting(s) → | <p>Increased meeting
requirement and/or
writing assignment</p> |
| <ul style="list-style-type: none"> • Missed Treatment Session(s) → | <p>Writing assignment</p> |
| <ul style="list-style-type: none"> • Forged AA sheet or PBT sheet → | <p>Termination/93 days
OCJ</p> |
| <ul style="list-style-type: none"> • Criminal Behavior or New Arrest → | <p>Weekend jail (Ferndale
PD), vehicle boot (if
driving offense), and/or
termination/93 days OCJ</p> |

Use Violations:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Positive urine test or PBT → | <p>Increased testing, alcohol
tether, phase demotion,
weekend jail (Ferndale
PD), writing assignment,
probation extension,
and/or 3-5 days OCJ</p> |
| <ul style="list-style-type: none"> • Missed or late urine test or PBT → | <p>1-4 days community
service, weekend jail
(Ferndale PD), and /or
3-5 days OCJ</p> |
| <ul style="list-style-type: none"> • Dilute urine test → | <p>Increased testing and/or
weekend jail (Ferndale
PD)</p> |

*1 day of community service = 8 hours

*****PLEASE NOTE: ALL SANCTIONS ARE ASSESSED ON AN INDIVIDUAL AND SITUATIONAL BASIS AND ARE SUBJECT TO CHANGE, AS ORDERED BY THE JUDGE.**