

THUMB REGIONAL SOBRIETY COURT TUSCOLA, HURON, AND SANILAC



POLICY MANUAL

January 2019

Mission Statement

The mission of the Thumb Regional Sobriety Court is to serve the communities within Huron, Sanilac, and Tuscola Counties through improving public safety by focusing on drivers operating vehicles while under the influence of legal and illegal substances. The offenders will be repeat in nature and/or high BAC who will be involved in intensive court supervision combined with treatment to provide a proactive response to the problem of driving while under the influence. This will aid in reducing recidivism while minimizing incarceration time therefore reducing jail expenses to the communities. As a result this will provide an opportunity to positively impact lives of offenders and families encouraging personal responsibility towards being a law abiding productive and substance free citizen.

Goals and Objectives

Goal No. 1: Reduce substance use during program participation by 75%, by the completion of the program.

Objectives

- ✚ We will utilize urinalysis results (minimum of 2x/week, randomly) and an alcohol tether (minimum of 90 days at onset of the program).
- ✚ The TRSC participants will be frequently monitored by Case Manager staff by way of phone, in person office and home visits, and mandated to attend court, find employment/attend school, complete community service hours and follow imposed curfew, in addition to maintaining 90 (ninety) consecutive days of sobriety prior to graduation.
- ✚ Frequently monitored by TRSC Team via court review hearings.

Goal No. 2: Retain participants in program

Objectives

- ✚ Monitoring program development will be established by initial participant's individual progress. Program adjustments will be made to assist and ensure future participation.
- ✚ Graduated incentives and sanctions will be utilized as case appropriate.
- ✚ Licensing will be considered by the Court after a **minimum** of 45 days participation in the program (form MC 393).
(to be considered: must have been convicted of either of the following)
 - a) Two or more convictions for violating section 625(1) or (3) of the Michigan vehicle code, 1949 P 300, MCL 257.625, or a local ordinance of this state substantially corresponding to section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.
 - b) One conviction for violating section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local ordinance of this state substantially corresponding to

section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, preceded by 1 or more convictions for violating a local ordinance or law of another state substantially corresponding to section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a law of the United States substantially corresponding to section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

Goal No. 3: Reduce alcohol/drug driving related crimes in the jurisdiction.

Objectives

- ✚ Identify target population in collaboration with the community.
- ✚ Reduce recidivism from target population after successful completion of program.

Goal No. 4: Alleviate congestion of court dockets

Objectives

- ✚ Expedited guilty pleas, provides an incentive for pleas soon after arraignment and acceptance/participation in the program.

Goal No. 5: Alleviate jail usage

Objectives

- ✚ Provide an alternative to incarceration
- ✚ Reduce jail for probation violations/DWLS charges
- ✚ Reduce traditional DWI sentencing practices
- ✚ Continued analysis of jail population for program impact

Goal No. 6: Retain participants in substance abuse treatment

Objectives

- ✚ Initial program phases will require frequent communication between treatment providers and participant.
- ✚ Participant progress will determine the frequency of communication
- ✚ Review Hearings/awarded incentives/sanctions will provide support from the TRSC team to program participants.
- ✚ Individualized treatment/ Group therapy/Review Hearings/ awarded incentives/sanctions.

Target Population

Adults, male or females ages 17 and older, are residents of Tuscola, Sanilac, and Huron Counties, and have moderate to severe alcohol or drug dependency. Moderate to High Risk to re-offend/Moderate to High Needs. Non-Violent Offender.

Must have entered a guilty plea to one of the following enumerated crimes:

1. OWI, OWI II, OWI III, high BAC, Impaired Driving 2nd or subsequent offense.

Any probation violator who has violated probation for one of the above enumerated offenses together with a probation violation based on a positive drug or alcohol screen.

Any defendant whose criminal activity is driven by alcohol addiction.

Eligibility Requirements

Offender Qualifiers

1. High Risk and in High Need of treatment.
2. Defendant must be a resident of one of the three counties.
3. Defendant must be 17 years of age or older and charged in the adult system.
4. Must plead prior to trial.
5. Either gender.
6. Defendant must voluntarily enter the program while acknowledging chemical dependency and/or history of substance abuse, and must be willing to actively abide by the TRSC guidelines.

Offense Qualifiers

1. 1st Offense OWI/Impaired with prior OWI/Impaired convictions outside of 7 years.
2. 1st Offense OWI/Impaired if the following exist:
 - a. There is a high BAC (>.18) at time of offense or
 - b. Defendant has prior alcohol related offenses (MIP, Open Intox., etc.) or
 - c. Assessment indicates a serious substance abuse problem
 - d. Defendant admits to chronic use of alcohol or other drugs.
3. 2nd OWI/High BAC.
4. OWI 3rd.
5. Any probation violation for one of the above enumerated offenses together with an assessment of high risk and high need.

Offender Disqualifiers

1. Defendant has not reached the age of 17 years as of the date of the commission of the offense.
2. Defendant is a non-resident of Tuscola, Sanilac, and Huron Counties at the time of program admission and does not maintain residency in said counties.
3. Defendant refuses to cooperate with screening and assessment procedures, or an unwillingness to participate in required programming, or abide by program rules.

Offense Disqualifiers

1. Defendant is a “violent offender”:
 - An individual who is currently charged with or has pled guilty to, or, if the individual is a juvenile, is currently alleged to have committed or has admitted responsibility for, an offense involving the death of or serious bodily injury to any individual, whether or not any of the circumstances are an element of the offense, or an offense that is criminal sexual conduct of any degree. (MCL600.1060(g))
2. Defendant has charges pending in other jurisdictions.
3. Defendant has current charges that have resulted in serious personal injuries to victim(s).
4. Defendant has a consistent pattern of absconding from probation or community supervision and/or failures to appear for court appearances and/or a poor record of previous compliance when previously under supervision.

Each offender will be considered on a case by case basis. Entry into the Thumb Regional Sobriety Court Program will be determined after discretionary review of each case by the TRSC Team. After review, certain offense disqualifiers and stipulations may be waived and individuals may be admitted into the TRSC Program, but only after a recommendation is made by the TRSC Team and presented for the Judge’s final review and acceptance.

Entry Process

After arrest, the Prosecuting Attorney's Office and Defense Counsel, if any, will determine the defendant's legal eligibility based on existing TRSC eligibility criteria and will contact the TRSC Case Manager if the Prosecutor deems the potential candidate eligible. Upon referral, the TRSC Case Manager will review the case. Thereafter, biopsychosocial assessment, a risk assessment, and clinical assessment of the candidate/defendant will be scheduled. After the assessments are completed, the team will review the information at the next scheduled team meeting. After team discussion, the Judge will determine whether the defendant is eligible or ineligible to participate in the program.

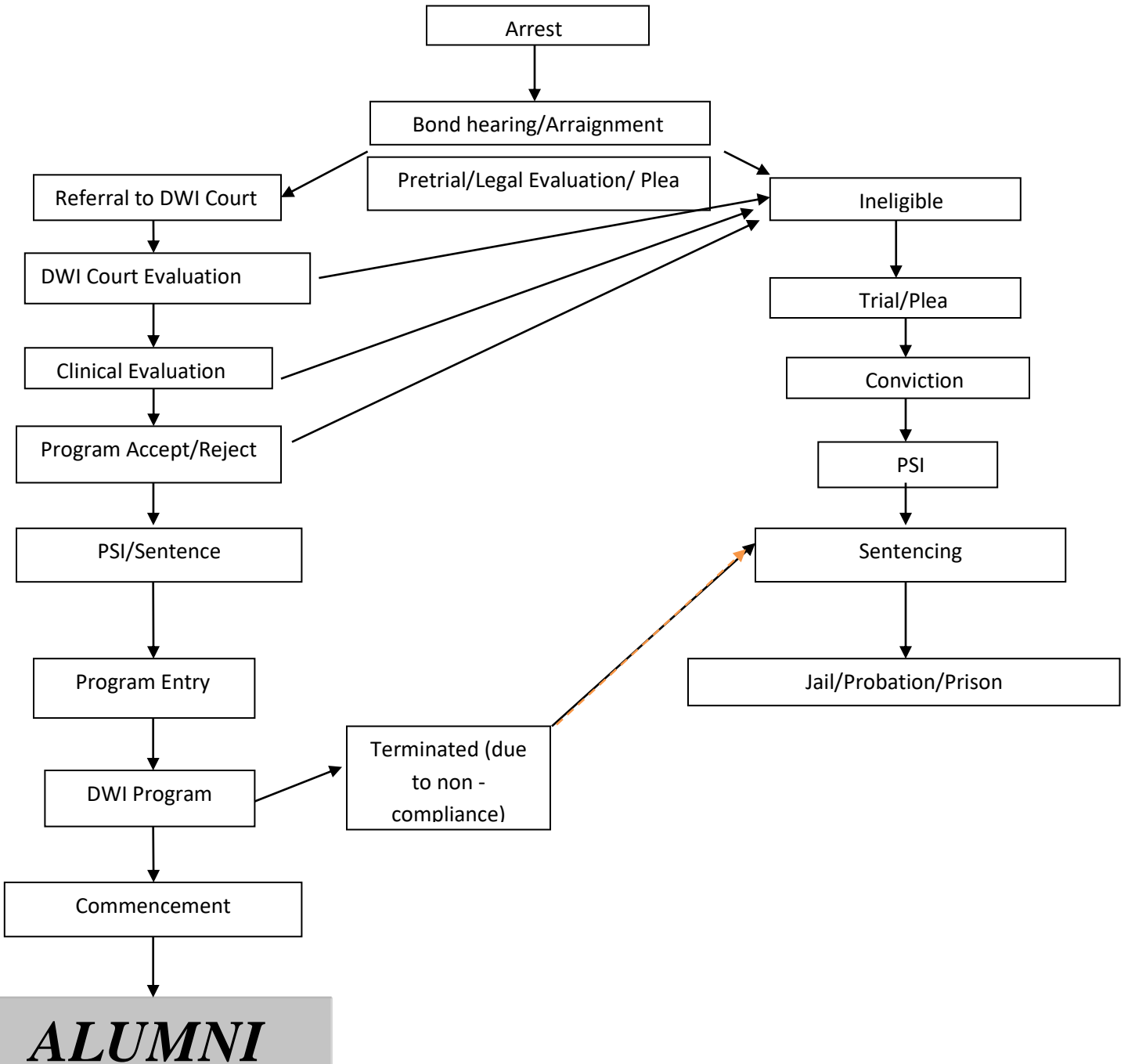
The candidate's/defendant acceptance to the TRSC program will then require the entry of a guilty plea. The defendant may receive a deferred jail sentence and will be placed on probation subject to appropriate terms and conditions.

If deemed eligible the candidate/defendant will be sentenced with a recommendation by the probation department to successfully complete the TRSC Program.

Ignition Interlock

Individuals may be eligible for a restricted license after 45 days in the TRSC program, per eligibility requirements through Michigan Department of State (MDOS). Installation of an ignition interlock system on the participant's vehicle is required for this license. Retaining a restricted license by involvement in the TRSC Program will be a privilege, not a guarantee. Participants in the program will be looked at on a case by case basis by the TRSC Judge and TRSC team. Factors may include program compliance and progress in the program when being considered for a restricted license. Prior convictions may also prevent individuals from obtaining a restricted license through MDOS.

Flow Chart



Program Phases

The Thumb Regional Sobriety Court is designed to last 15-24 months, consisting of four phases with various requirements (e.g. treatment, testing, 12-step meetings, community service work, random home visits, etc.). Included in these phases will be intense meetings with case manager and review meetings with the TRSC Court Judge. Orientation starts after you've been accepted and sentenced into the program. It is designed as a transition period to get you started into treatment and enrolled into TRSC programming. You will need to complete the following in orientation:

- Substance Use Disorder/Mental Health Treatment Referral
- Attend Medical Physical – Medical Disclosure Agreement
- SCRAM Enrollment/Urine Drug Testing
- Case Management Appointments – Random Home Visits
- Attend Court and Peer Support Groups twice per month

Phase I

(4 Month Minimum)

Phase 1 starts after you have completed the orientation stage.

Phase 1 focuses on obtaining and maintaining stability and structure and establishing initial sober time. It is also designed to be intensive, supportive, and get you off on the right foot for sobriety.

At minimum in this phase you will be required to:

- Meet with your case manager on a weekly basis
- Participate in random home visits
- Attend court and peer support group twice per month
- Attend group and/or individual treatment sessions, as determined by treatment provider
- Submit to random urine drug/alcohol testing (2x/week minimum) and SCRAM (or SOBERLINK)
- Complete 90/90 support groups/12-step meetings. After 90/90 completion, three (3) support groups/meetings are required per week.
- Adhere to Curfew, as applicable (refer to Order of Probation)
- Review education/employment programming and goals with Case Manager (obtain G.E.D./Diploma, employment, and/or participate in community service)
- Develop payment plan for program fees.
- Develop personal budget

Phase Advancement

The TRSC team will discuss your individual progress and needs throughout Phase 1 and to ensure you have met certain milestones that include but are not limited to:

- Maintain sobriety for 30 consecutive days
- Sanction free for 30 consecutive days
- Complete 90/90.
- Submission of budget and payment plan
- Compliant attendance and engagement in all treatment, case management, and probation appointments.

Phase 2 (4 month minimum)

Phase 2 focuses on relapse prevention planning and behavior modification. During this phase, you will be required to adhere to program requirements and expectations as well as develop and complete a relapse prevention plan or reflective assignment with your treatment provider. We understand that relapses may occur, however, it is your goal to work on how to identify and discuss preventative methods with your treatment provider and case management team.

At minimum in this phase you will be required to:

- Meet with your Case Manager on a bi-weekly basis
- Participate in random home visits
- Attend court twice per month
- Maintain compliance with all recommendations of treatment provider
- Submit to random urine drug/alcohol testing (2x/week minimum)
- Attend a minimum of 3 support groups/meetings per week
- Adhere to Curfew, as applicable (refer to Order of Probation)
- Maintain consistency with payment plan
- Write and present relapse prevention plan/reflective assignment

Phase Advancement

- Maintain sobriety for 30 consecutive days
- Sanction free for 30 consecutive days
- Consistent payment plan adherence
- Completion and presentation of relapse prevention plan
- Compliant attendance and engagement in all treatment, case management, and probation appointments
- Discuss timeline of completion of treatment services.

Phase 3 (4 month minimum)

Phase 3 supports a healthy re-entry into the community with a focus on healthy living, expanding sober support systems, participating in sober activities, and achieving work/life balance. You will be required to complete a graduation application and a healthy living plan before advancing to phase 4.

At minimum in this phase you will be required to:

- Monthly case management meetings
- Participate in random home visits
- Attend court once per month
- Submit to random urine drug/alcohol testing (2x/week minimum)
- Attend a minimum of 1 support group/meeting per week
- Maintain consistency with payment plan
- Complete community service (20 hours for Misdemeanor/40 hours for Felony)
- Adhere to Curfew, as applicable (refer to Order of Probation)
- Complete graduation application.

Phase Advancement

- Maintain sobriety for 60 consecutive days
- Sanction free for 45 consecutive days
- Consistent payment plan adherence
- Completion and approval of graduation application
- Completion of community service requirement

- Compliant attendance in all case management and probation appointments
- Compliant attendance and engagement in all treatment leading to successful completion of Substance Abuse treatment

Phase 4 (3 month minimum)

Once you reach phase 4, you will have already been approved for graduation, contingent on continued compliance. Phase 4 is a transition phase which will help prepare you for life after the program. At the start of this phase, reassessment for risk level and substance abuse is required.

At minimum in this phase you will be required to:

- Case management meetings, frequency determined by case manager.
- Participate in random home visits
- Attend court once every 4-6 weeks
- Submit to random urine drug/alcohol testing (2x/week minimum)
- Adhere to Curfew, as applicable (refer to Order of Probation)
- Attend therapeutic after-care sessions prior to and after graduation as required.
- Complete discharge plan with case manager
- Maintain sobriety for 90 consecutive days
- Sanction free for 60 consecutive days
- Payment of all fines/costs/fees associated with conviction, including TRSC fees.
(Individual financial circumstances will be taken into consideration in order to determine if a participant is making a responsible effort toward satisfying all monetary obligations.)

Phase 4 is your last phase before graduation which allows for more independence and less supervision by the TRSC team and Case Manager. Although the program requirements may lessen, you will be encouraged to determine what structure and services best support your sobriety and participate in them appropriately.

Graduation and successful completion is contingent on the confirmation of all urine drug screen results. Formal discharge will occur after results are finalized and reviewed by case management team

Incentives & Sanctions

Incentives:

Positive reinforcement must accompany achievement of program goals and exhibited alcohol/drug free behavior. Incentives are immediate acknowledgements that goals are being accomplished. Incentives are offered as tangible ways to acknowledge a client reaching a sobriety milestone, progression to a new phase, or other times when their progress should be recognized.

Examples include:

- Verbal praise
- Applause

- Gift Cards
- Fishbowl drawing

✚ Certificate upon phase completion

✚ Standing Ovation
✚ Graduation Coin

Sanctions:

TRSC participants will be held accountable to TRSC requirements. If a client does not meet the program requirements, he/she will be held accountable via sanctions. Progressive and graduated sanctions demonstrate immediate and swift consequences to negative or inappropriate behavior.

Examples Include:

✚ Increase support group meetings
✚ Verbal reprimand
✚ Increased testing

✚ Restart of sober days
✚ Writing assignment
✚ Incarceration
✚ Termination from the program

Expulsion Criteria:

The following will constitute expulsion from the TRSC Program and a probation violation petition. A formal violation hearing will be held, which could result in significant incarceration.

- Crime of Violence
- New Felony Conviction
- Driving while under the influence of alcohol/drugs while in the program
- Sabotaging another individuals sobriety
- Public safety issue (No longer safely managed in the community)
- Multiple program non-compliance which has led to multiple sanctions as determined by a team case review.

Confidentiality

The Thumb Regional Sobriety Court abides by all standards of the Health Insurance Portability and Accountability Act (HIPAA), 42 CFR Regulations, in regards to managing records, re-disclosure of information, and staff training.

All TRSC files are confidential. Confidential records are kept in a secure room. Access to confidential records is limited to authorized individuals, such as the treatment court staff. A release of information/consent to disclose confidential information must be signed by the client, prior to any confidential information being released to any outside parties.

Confidential written and electronic records are protected after consent is revoked or expired.

TRSC Confidentiality Compliance Officer:

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Thumb Regional Sobriety Court Team

The Thumb Regional Sobriety Court Team is a dedicated, multi-disciplinary team of professionals that consists of (but not limited to), a judge, program coordinator, case manager(s), probation officer(s), prosecutor(s), defense counsel representative, treatment representative(s), law enforcement representative(s), and drug testing representative.

Team members consistently attend staff meetings and judicial review hearings to review new referral eligibility, participant progress, and help determine appropriate actions to improve outcomes. In addition to monitoring current participants, the TRSC staff also monitors graduates by checking recidivism at 3, 6, 9, 12, and 24 months post-program.

Team members are expected to pursue trainings and educational opportunities in order to advance their knowledge of treatment court best practices. It is highly encouraged that all team members, especially new team members, attend conferences such as the Michigan Association of Treatment Court Professionals conference, as well as trainings through the State Court Administrative Office. New team members will complete an orientation checklist as well as meet with the judge and program coordinator, in order to review TRSC policies and treatment court standards/best practices.