

THUMB REGIONAL SOBRIETY COURT TUSCOLA, HURON, AND SANILAC



POLICY MANUAL

June 2014

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 (vessels) 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: The Thumb Regional Sobriety Court will eliminate substance abuse of those individuals who are participating in the program.

Objectives

- ✚ The TRSC participants will be frequently monitored for alcohol and other drug use by utilizing substance abuse standard urinalysis, PBT's, ignition interlock, and a variety of treatment services including but not limited to inpatient and outpatient substance abuse treatment.
- ✚ 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.
- ✚ Frequently monitored by TRSC Team; bi-weekly initially and modified based on performance

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 90 days participation in the program (form MC 393).

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

Objectives

- ✚ Identify target population in collaboration with the community.
- ✚ Eliminate 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.
- ✚ With experience adjustment to individual needs of the participants will guide Review Hearings/ awarded incentives/sanctions.

Target Population

Misdemeanor, Non Violent Offender, OWI, High Risk, Mental Illness, Intermediate Cell Offender, Presumptive Cell Offender, Felony, Resident of City/County, OWI 3rd, Substance Use Disorder, High Needs, Probation Violators, Straddle Cell Offender, Veteran.

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.

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. Diagnosed as dependent.
6. Either gender.
7. 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. OWU 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 has severe mental health issues which prohibit meaningful participation in the Sobriety Court program as determined by the Sobriety Court treatment provider.
4. 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 has been convicted of a violent crime within the past 10 years, including, **but not limited to:**
 - First Degree Murder
 - Second Degree Murder
 - Solicitation to Commit Murder
 - Manslaughter
 - Aggravated Domestic Violence
 - Aggravated Assault and Battery
 - Aggravated Assault
 - Criminal Sexual Conduct 1st, 2nd, 3rd, or 4th Degree
 - Kidnapping
 - Arson
 - Breaking and Entering
 - Burglary
 - Home Invasion 1st, 2nd, or 3rd)
 - Armed Robbery
 - Unarmed Robbery
 - Carjacking
 - Illegal Use of Weapon
2. Defendant was in possession of a firearm at the time of arrest.
3. Defendant has charges pending in other jurisdictions.
4. Defendant has current charges that have resulted in serious personal injuries to victim(s).
5. Defendant has been previously ejected from a Sobriety, Recovery, Drug or other specialty court program.

6. 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

Misdemeanor Offenses

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 defendant eligible. This will take place before or at the scheduled pre-trial date and no later than 14 days after arraignment. Upon referral, the TRSC Case Manager will review the case. Thereafter, a risk and clinical assessment of the candidate/defendant will be scheduled. When the 'Risk' and 'Needs Assessment' of the candidate/defendant is completed the TRSC Case Manager will provide the pertinent information at the next scheduled team meeting. After discussion the defendant will be accepted or declined as a potential candidate. However, failure on the part of the potential candidate/defendant to contact the TRSC Case Manager or the TRSC treatment provider and submit to required assessments within 10 days will result in disqualification from 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.

Felony Offenses

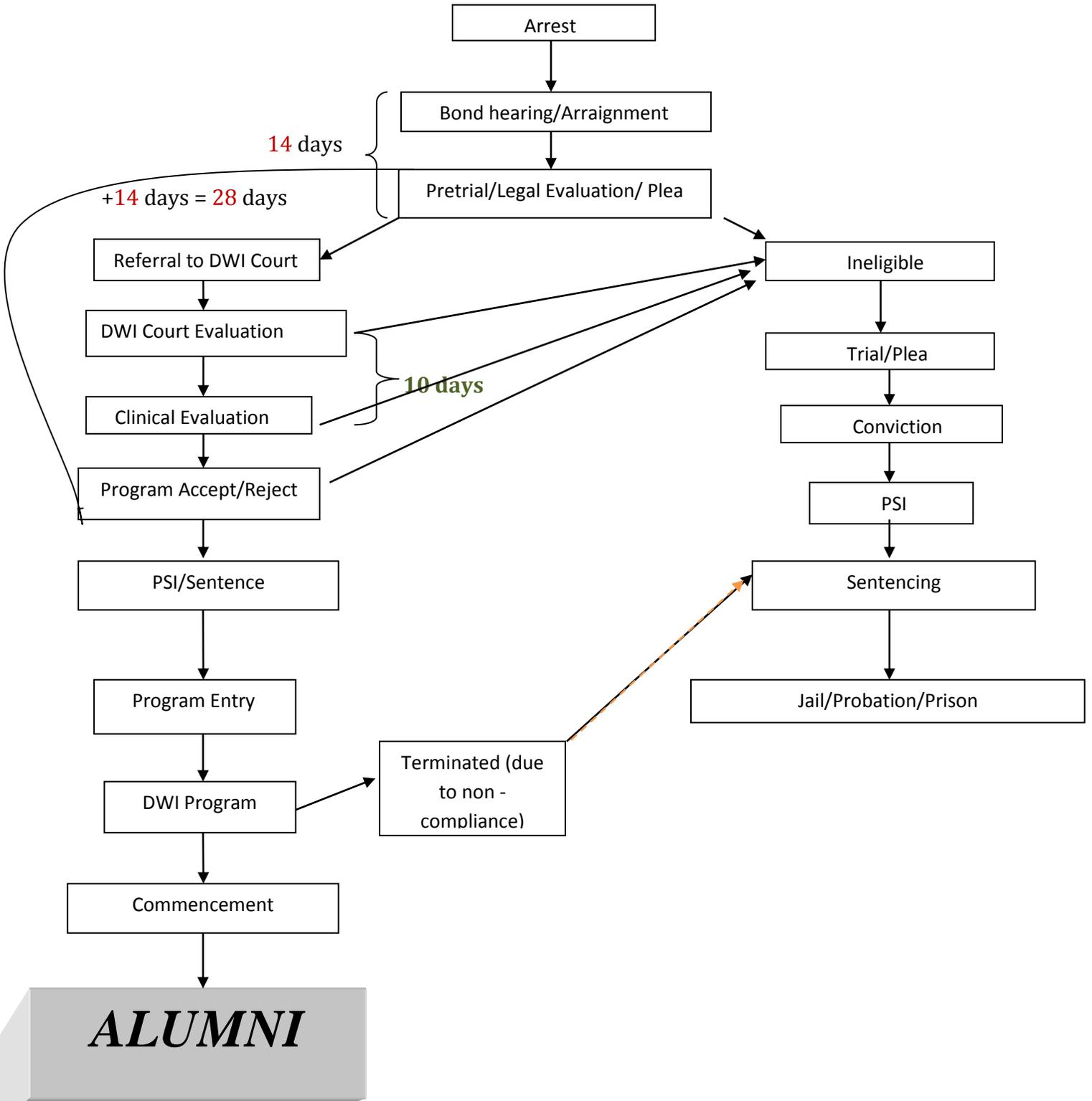
After an individual is charged with OWI III, the prosecuting attorney may review the case and initially deem the possible candidate/defendant as legally eligible or legally ineligible for the TRSC Program. If the defendant accepts to take part in the program, a plea of guilty will be taken. If deemed eligible for the TRSC Program by the appropriate parties, the

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

Michigan Ignition Interlock

Individuals may be eligible for a restricted license after 90 days in the TRSC program. 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 Judges and TRSC team. Factors may include program compliance and progress in the program when being considered for a restricted license.

Flow Chart



Program Phases

The Thumb Regional Sobriety Court is a 9 – 24 month program, consisting of three 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.

Phase I

(Minimum 12 weeks)

- ✓ Attend court twice a month
- ✓ Drug screens up to 4 times a week at random
- ✓ Soberlink daily as determined by the Case Manager, and if an ignition interlock is installed, at least 3 times per day at random
- ✓ Minimum of 1 group and 1 individual treatment session per week
- ✓ Employment/job search/community service/education for minimum of 30 total hours weekly
- ✓ Daily curfew as determined by the Case Manager
- ✓ Meet with Case Manager every week
- ✓ Support group meeting attendance requirement will be *to attend 90, 12-step meetings within 90 days of admission*).
- ✓ Periodic home visits
- ✓ At least 90 consecutive days of Sobriety
- ✓ Shall pay a minimum of \$50 per month program fee and a one-time \$110 assessment fee.

Phase Advancement Requirements

- Participant **MUST** have 90 days of continued drug and alcohol free sobriety before advancement to Phase II.
- Participants must be current with their program fees and have paid the assessment fee and \$50 a month fee in full.
- *Attend the required number of 12-step meetings and have submitted verification of attendance to Case Manager.*
- Must be in good standing with the substance abuse treatment provider regarding progress and attendance at counseling.
- Must be sanction free for at least 30 days.

Phase II

(Minimum 12 weeks)

- ✓ Attend court twice a month
- ✓ Drug screens up to 4 times a week at random
- ✓ Soberlink testing will be required daily as determined by the Case Manager and/or if an ignition interlock is installed, testing will be at least 3 times per day at random
- ✓ Minimum of 1 group treatment session per week
- ✓ Employment/job search/community service/education for a minimum of 30 total hours weekly
- ✓ Daily curfew as determined by the Case Manager
- ✓ Meet with Case Manager every week
- ✓ Support group meeting attendance 3x per week (12-step Meetings)
- ✓ *Complete 20 hours of Community Service (40 hours if Felony)*
- ✓ At least 90 consecutive days of Sobriety
- ✓ Maintain stable housing
- ✓ Shall pay a minimum of \$50 per month program fee.

Phase Advancement Requirements

- Participants must have 90 days of continued drug and alcohol sobriety before phase advancement.
- Participant must be current with their program fees and have paid the \$50 a month fee in full.
- Attended the required number of 12-step meetings and have submitted verification of attendance to the Case Manager.

Phase III:

(Minimum 12 weeks)

- ✓ Attend court once per month
- ✓ Drug screens 2 times a week at random
- ✓ Soberlink testing will be required daily as determined by the Case Manager and/or if an ignition interlock is installed, testing will be at least 3 times per day at random
- ✓ Comply with treatment recommendations
- ✓ Employment/job search/community service/education for a minimum of 40 total hours weekly
- ✓ Daily curfew as determined by Case Manager
- ✓ Meet with Case Manager every other week
- ✓ Support group meeting attendance 3x per week (12-step Meeting)
- ✓ 90 consecutive days of Sobriety
- ✓ Maintain stable housing
- ✓ Write a relapse prevention plan
- ✓ Shall pay a minimum of \$50 per month program fee.

Sanctions and Incentives

Sanctions:

TRSC participants will be held accountable to TRSC requirements. If a client does not meet the program requirements or relapses, he/she will be held accountable via sanctions. Progressive sanctions demonstrate immediate and swift consequences to negative or inappropriate behavior. Sanctions should work in concert with ongoing treatment activities to directly address a client's conduct, and encourage compliance.

Examples Include:

- + Increase support group meetings
- + Verbal reprimand
- + Applause denial
- + Increased community service
- + Increased testing
- + Restart of sober days
- + Writing assignment
- + Alcohol tether
- + Verbal or written apology to the judge
- + Incarceration
- + Return back to previous phase
- + Termination from the program

Incentives:

Just as sanctions result from inappropriate behavior, 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
- + Candy or other non-alcoholic treats

Expulsion Criteria:

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

- Crime of Violence
- Driving while under the influence of alcohol/drugs while in the program
- Sabotaging another individuals sobriety
- Public safety issue
- Multiple program non-compliance which has led to multiple sanctions as determined by a team case review.